

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 18, 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 Rev. Dr. Wimbley Hale, Jr. of Andrews Chapel United Methodist Church in Jonesboro, GA. Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by adding one request under item #6/Consider requests of Angela Jackson, Director of Finance (Budget Amendment #2-51/Prison/to amend the budget to reflect revenue collection in excess of the budget [\$26,230.00] and allow for the purchase of firearm supplies, tools, a laptop computer, a printer, minor equipment, and building repairs); adding a Board reconsideration/decision vote regarding the CN Crag Charles, LLC 2008 Tax Refund request; and adding the selection of a NACO voting member to serve as a Clayton County delegate. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the minutes of the May 11, 2010 Regular Business Meeting minutes. Vote unanimous.
5. PRESENTATION: Cost Containment Proposal – Moving from Private Contractors to In-House Personnel for Force Clean-up Projects (as presented by Interim Chief of Staff Alex Cohilas).

Chief Cohilas noted that all of the commissioners had received a memo concerning the cost analysis of a proposed in-house force clean project. He thanked the persons who had assisted him in preparing the figures, such as Central Services Director Rod Gray and Interim Chief of Police Tim Robinson. Per Chief Cohilas, the county has been spending approximately one quarter of a million dollars annually on force clean property projects; i.e., foreclosures, evictions, abandonments, etc. in which grass cutting has not been maintained and pools have been neglected. In 2008, the county had allotted a quarter of a million dollars for these force cleans and over 345 projects were addressed that fiscal year. That number grew in 2009 to 526 projects and, since that quarter of a million dollars was inadequate to cover all of the associated costs, the county had to carry forward almost 200 force clean property projects into the 2010 fiscal year. Year-to-date, over 609 force clean projects have been completed; however, in this fiscal year, the budget has been cut from a quarter of a million dollars to \$200,000.00. The statistics clearly indicate that the number of properties needing attention has increased by almost

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76% and the costs keep rising. Generally, the average cost is roughly \$328.00 per force clean. He and Wade Starr, Interim Director of Planning and Policy, had discussed this matter and decided that a better way to handle it was to investigate using in-house personnel as opposed to bringing in outside contractors to save the county monies. Staff researched the idea of using in-house personnel and the results indicated that it will be cheaper for the county. Chief Cohilas pointed out that two (2) proposals were in the commissioners' binders; one was a four (4)-man crew and the other was a three (3)-man crew. Although some adjustments need to be made, these basically show costs associated with salaries and equipment. The bulk of the work done in force clean projects is grass cutting. Some projects may be more expensive because they involve tree removal and/or windows being boarded up on abandoned properties. Another cost expense is covering pools on foreclosed properties to provide for safety so that children will not fall in and injure themselves. On average, the county is spending \$300.00+ per project using outside contractors and it would be easier, cheaper, and more effective to use an in-house crew to conduct force clean projects. Chief Cohilas acknowledged that there would be an additional start-up cost to buy a truck, trailer, trimmer, and some motors. There was an error in the spreadsheet proposal for the three (3)-man crew, and the total salary cost would actually be closer to the \$115,000.00 range. After the initial start-up cost, Chief Cohilas stated that there would just be recurring salaries which would clearly be cheaper than the \$200,00.00 plus what the county has been spending.

Chief Cohilas advised that the county needs to move away from doing property liens and move forward with a property tax lien instead to recoup costs from such properties. By doing so, the tax lien could be placed on the property tax bill and the county could get the cost reimbursed much quicker instead of waiting for the property to sell. As everyone is aware, property will not sell any time soon in this current market and the banks are holding the properties. At least the county could get the cost reimbursed for cleaning up properties. Chief Cohilas admitted that he had seen the stack of property liens on Chief Staff Attorney Michael Smith's desk, and the amount of work that he has to do in executing these liens is stunning. It would be much more cost effective to move between the Board and the Tax Commissioner and have the Legal Department work towards effectuating a policy to replace what the county has been practicing to at least get a cost reimbursement. According to Chief Cohilas, this was just a brief overview of the proposal. He would be happy to hear any questions from the Board now.

Commissioner Edmondson understood that there has been some legal work or perhaps an opinion regarding whether the county can or cannot use the tax lien method to recoup some of these costs. He questioned if this were just missing from the proposal or if the county has a right

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to go forward with a tax lien.

Chief Staff Attorney Michael Smith responded that he had talked with Tax Commissioner Terry Baskin about this subject, and it was determined that the county would have a basis to proceed with property tax liens.

Commissioner Edmondson stated that regardless of whether the county adopted the three (3) or four (4)-man crew ideas, using the tax lien as a method of recouping force clean costs is a separate issue. He wondered if the county could pursue that regardless of how the force clean is conducted. Commissioner Edmondson then asked if there were a time line or some type of effort required from this Board; i.e., a simple resolution, ordinance, or policy change.

Mr. Smith replied that it would take some legislation from this Board and the Tax Commissioner to enforce the property tax lien.

From the notes Chief Cohilas had submitted, Commissioner Edmondson surmised that the three (3)-man crew could do larger quantities of work because there would not be any carpentry concerning the covering of pools. He believed that the more work being done would be more visible around the county. Commissioner Edmondson inquired if the cost of that crew budgeted out of the \$200,000.00+ currently reserved for force cleans on a contractual basis would leave enough money to pay contractors for other services, such as tree removal that the three (3)-man crew could not do. Basically, he wondered if there would be an equal displacement allowing the county to do a higher volume of force cleanings.

Chief Cohilas answered yes, it will allow the county to do more force cleanings but there are some other possibilities as well. One consideration would be to adopt a scheduled fee for the force cleans if the county imposes a tax lien in order to get proper reimbursement. Presently, the county has been placing liens on the property to seek reimbursement for paying the contractor, and the monies recouped do not at all match what the total county expenditures are in terms of code enforcement and legal administration. If the county moved to this new model, as he encouraged it to do, then the county will have a fee schedule associated with force cleans. Additionally, this new model will prompt people to be more responsible and banks will put these properties in the hands of property management companies to clean them so that the county will not have to force clean them. In the first year, Chief Cohilas envisioned that the county will be able to force clean more properties for less and get reimbursed quicker. Hopefully, the message will be sent that property owners will need to clean up their own properties and not depend on

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the county to do it.

Commissioner Edmondson opined that commercial property owners; i.e., banks, often pay their tax bills quicker than individual property owners. If the county is going to put tax liens on bank-owned properties that have uncut grass, he felt that the monies would be paid back in a more reasonable time to the county. Mr. Smith agreed that the monies will be paid faster to the county; however, there are transfers where persons want to satisfy the lien and refinancing is taking place more often now.

Presuming that this proposal is a good idea that would allow the county within its current budget to increase the number of force cleans by doing them in-house, Commissioner Edmondson wondered if this proposal might be considered before the new fiscal budget year begins. If the county needs to create these positions and fund and displace out of the budget line items, then it might be better to do that before the proposed budget is presented versus adopting a budget at the last minute. It would definitely be an important consideration.

Chief Cohilas agreed that it would, but another option on the table (*since* this proposal was submitted to the Board) arose out of a subsequent meeting he had with Clayton County Prison Warden Frank Taylor Smith and Interim Chief of Police Tim Robinson. When this first analysis was completed, it was envisioned that employees would be assigned to the Police Department. Since Refuge Control was streamlined under Corrections last year and has effectively proven to drive down costs, the county can actually do force cleans with a two (2)-man crew rather than a three (3)-man or four (4)-man crew. This two (2)-man crew could be augmented with prison help under the command of Warden Smith to allow him to coordinate with the Refuge Control presently working under him. Checks and balances would be in place, and the Police Department is now ready to aid Code Enforcement in administering and sending the work order out. If the Police Department sees a property that needs force clean, it would send a work order to Corrections. Corrections would in turn fill the work order and submit the invoice back to Code Enforcement. Code Enforcement would then forward it up to the Legal Department, and the Legal Department would finally place a tax lien on the property. That procedure would enable the county to handle at least as many properties as it is handling now, if not more, for far less money.

Commissioner Edmondson commented that this is a worthy idea and, barring any commitment from the Board tonight, the Board may want to consent to having a recommendation prepared before the proposed fiscal year budget is presented.

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Commissioner Hambrick noted that Chief Cohilas was now mentioning two (2)-crew members. She questioned if it would be a two (2), three (3), or four (4)-man crew because the paperwork before the Board denotes a three (3)-man crew.

Chief Cohilas admitted that the commissioners had a packet that outlined a three (3) and four (4)-member crew scenario which involved salaried employees. He was now suggesting a third option in which there would be a Corrections officer and one equipment operator to drive the truck. Prisoners would provide the supplemental manual labor, and these are the prisoners who are already working on some of these road crews; i.e., grass cutting. In this case, only two (2) salaries would be involved. After talking to the warden, he determined that the county would only need some of the equipment previously mentioned; i.e., full-size truck and a trailer. Instead of having \$31,300.00 in start-up equipment costs, the county would only be down to approximately \$15,700.00 for the first year of equipment.

Commissioner Hambrick asked if these two (2) crew members would report to the warden. Chief Cohilas replied yes, they would.

Vice-Chairman Ralph wondered if the properties that the county has already placed a lien on would be turned into tax liens. Mr. Smith responded that the Legal Department would have to look into that possibility.

Chairman Bell surmised that the Board wanted Chief Cohilas to proceed with bringing this matter back in its proper format (as a recommendation).

6. Angela Jackson, Director of Finance, presented the following items which resulted in these actions:

1) Approved Budget Amendment #2-43 (Library), in the amount of \$1,100.00 for FYE 6-30-10, to amend the budget to reflect receipt of donations received from Wal-Mart Foundation and Clayton County Master Gardeners. Vote unanimous.

2) Approved Budget Amendment #2-44 (Parks & Recreation), in the amount of \$500.00 for FYE 6-30-10, to amend the budget to reflect receipt of a donation from the National Recreation and Park Association to be used for an after school archery program. Vote unanimous.

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3) Approved Budget Amendment #2-49 (Fire Fund), in the amount of \$22,832.00 for FYE 6-30-10, to amend the budget to provide funds to cover the cost associated with replacement items utilized on previous HAZMAT/Special Ops incidents and equipment needed for the Training Academy. Vote unanimous.

4) Approved Budget Amendment #2-51 (Prison), in the amount of \$26,230.00 for FYE 6-30-10, to amend the budget to reflect revenue collection in excess of the budget and allow for the purchase of firearm supplies, tools, a laptop computer, a printer, minor equipment, and building repairs. Vote unanimous.

5) Approved a Request for Refund – Lot Clean-Up Bond from Property Preservation and Rehab of Atlanta, GA, in the amount of \$500.00. Vote unanimous.

At this time in the meeting, Chairman Bell advised Mr. Smith to take up the reconsideration vote for the CN Crag Charles, LLC 2008 Tax Refund request prior to the selection of a NACO voting member to serve as a delegate from Clayton County. Mr. Smith agreed to do so immediately following the presentation of resolutions/ordinances.

7. Approved Resolution 2010-104 authorizing the execution and performance of an agreement with Trinity Carbon Management, LLC to develop a carbon credit project at the Clayton County Landfill as part of the Trane Comfort Solutions, Inc. energy savings and conservation agreement. Vote unanimous.

Mr. Smith stated that this resolution had been presented to the Board previously. He has been working to finalize the agreement and just received an agreement with Trinity Carbon Management, LLC (TCM) for certain changes last night. Those changes include Sections 4, 10, and 15 as follows: 1) Section 4 protects the county and gives an exclusive license to TCM, but it still ensures that the county can utilize the data for any necessary governmental reporting; 2) Section 10 allows TCM to have the right, but not the obligation, to cover costs that might exceed revenues in the administration of project monitoring; and 3) Section 15 adds a termination at will provision for the county.

According to Mr. Smith, the Carbon Credits project is very similar to the Wetlands Mitigation Credits project. In this particular case, the county is going to create a methane collection system at the landfill. TCM will be responsible for selling and marketing carbon credits generated from this process.

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8. The Board held Ordinance 2010-116 to amend the Code of Clayton County, Georgia, as amended, specifically Chapter 98, Utilities, so as to add a new Article IV, Liens and Charges, for the Clayton County Water Authority to impose on properties with unpaid water bills. **(NOTE: The Board generally agreed that this ordinance needed further research to properly address and assist apartment complex renters who are often subjected to paying bills generated by the master meters of the apartment owners. There were also questions about scheduled fees and time lines that needed to be answered. Chairman Bell advised the Legal Department to revamp this ordinance to cover the aforementioned concerns.)** The vote to hold this ordinance was unanimous.

9. Approved Ordinance 2010-117, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically Chapter 98, Utilities, so as to add a new definition and revise an existing definition in Section 98-1(d) "Definitions"; to amend Section 98-7 "Food Service Facility Grease Management Program," in part, and Section 98-2(c) "Private Wastewater Disposal," replacing it in its entirety with a new Section 98-2(c) to bring the county up-to-date with wastewater/grease disposal. Vote unanimous.

10. Approved Resolution 2010-118 authorizing Clayton County to grant a Special Facility Use Request for the Twirl Girls Camp at the Virginia Burton Gray Recreation Center on behalf of the Clayton County Parks and Recreation Department. Vote unanimous.

11. Approved Resolution 2010-119 authorizing Clayton County to enter into a Memorandum of Understanding with Clayton County Board of Health on behalf of the Clayton County Parks and Recreation Department providing for the terms and conditions under which the "Reduction in Tobacco Use Initiative" will be conducted on the County's Park Facilities. Vote unanimous.

12. Approved Resolution 2010-120 authorizing Clayton County to participate in the Clayton County Urban County HUD Programs for Community Development Block Grants and the Home Program; to authorize the Chairman to execute a Cooperation Agreement with the City of Morrow to choose to participate in the Clayton County Urban County HUD Program for the Community Development Block Grant Program and Home Program for the remaining third year of the County's qualification period for the period commencing with the Federal Fiscal Year 2011. Vote unanimous.

13. The Board made a motion to reconsider hearing a Request from CN Charles Crag, LLC for a 2008 Tax Refund. Vote unanimous. Following the motion to reconsider, the Board made a motion to deny a 2008 Tax Refund to CN Charles Crag, LLC (based on a statement presented by

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Attorney Greg Hecht to the Board in a pre-meeting on Tuesday, May 18, 2010, and documents submitted to the Board by Attorney Hecht in the April 20, 2010 Regular Business Meeting).
Vote unanimous.

14. Approved the nomination of Vice-Chairman Wole Ralph to become the 2010 NACO Conference voting delegate from Clayton County and for Chairman Eldrin Bell to serve as an alternate voting delegate. The motion carried 4-1. Chairman Bell opposed because he believed the Board was violating established rules which called for discussion prior to adding such an item to the agenda at the last minute.

PUBLIC COMMENT:

1) Dr. Henry Anderson reminded the commissioners that he had appeared before them two (2) weeks ago regarding code enforcement and urged them to consider hiring more code enforcement officers. He was pleased to hear that the budget submitted by the Police Department had an increase of two (2) officers, and he hoped that this request would be granted. Per Dr. Anderson, Tara Boulevard particularly need more code enforcement officers to concentrate on the businesses that violate county ordinances. He knew that the Board would be faced with a hard choice concerning the budget next month due to county foreclosures and short sells (which contribute to budget problems). For the record, Dr. Anderson personally supported a millage rate increase to maintain the personnel that the county has. This past year, he noted that he has been very kind, lenient, and generous with his praise for county departments, and he has expressed his hope for matters to be addressed. Some improvements that he wanted have not been visible so far, but he has seen some better grass cutting with the aid of Warden Smith's crews. His major concern was the sight of dumpsters in the front of businesses, and he has not received any response from the Board to pass an ordinance that would make businesses move dumpsters to the back. Trash is too visible with dumpsters overflowing in the front of businesses. Dr. Anderson acknowledged that this pattern was allowed to continue under the previous commission, so he was not blaming this Board for inherited problems. It was up to this Board, however, to make a change for the better because it is the county's ultimate and supreme authority. Secondly, many businesses are falling down on Tara Boulevard and operating illegally. Chief Cohilas is acting as Interim Director of Community Development, and he was asking for the current laws to be enforced and for these types of businesses to be shut down. Dr. Anderson said he would not be so accepting if these trends continue to occur and there is no

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visible action to correct them. **(NOTE: At this point, Clerk Haywood alerted Dr. Anderson that his speaking time had expired.)**

2) Mickell Epps complained about the status of his property located at 6472 Albright Trail. The county gave the gentleman who stays behind him a permit to install a fence and landscape his yard. Since that time, Mr. Epps said his yard continues to flood and his property (including his storage shed) has been damaged. He has been dealing with this problem for the past eight (8) months now and has contacted every county department possible to correct this situation. Each department blames another one; i.e., water, code, zoning, and planning. A lady came out from Planning & Zoning, but she did not have a clue as to what was going on. Mr. Epps said he is back to zone one and it is ridiculous that he is getting the run-around from the county. He desperately needs a buffer to prevent the water from coming onto his property.

Chairman Bell advised Mr. Epps to speak to Chief Cohilas (who was seated next to Mr. Epps) so that the problem could be resolved.

3) Carolyn L. Davenport, a Clayton County resident for over 55 years, was present to ask the Board to reconsider having some type of county public transportation. As one of the major players in the metro area, Clayton County needs to re-establish public transportation. After talking with the citizens, she discovered that their hardships were unbelievable due to the lack of public transportation. Parents are especially suffering with issues of having to go to work and seek child care. The salaries that they earn are not commensurate with their expenses to secure transportation. Ms. Davenport asked the Board to please reconsider finding a way to reinstate county public transportation in order to remain a major player in the metro area.

4) Benita F. West requested a copy of the May 11, 2010 Regular Business Meeting minutes under the open records act. She also requested that the Board establish a fixed route for Para-Transit service in Clayton County. Members of the community have invited her to become a resident of this county and, although she has been looking for property here, she wanted the commissioners to recommend a district in which she can reside. The Amalgamated Transit Union (of which she serves as president) and The People's Agenda would like to do a registration drive to maximize voter participation in the election process this year, so she asked the Board to assist her in this process for the citizens. Ms. West passed out her business card and requested that each commissioner contact her with a district recommendation for her move here.

5) Wayne Madden stated that he would echo Ms. West's request regarding public

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transportation. His personal request was for each commissioner to decide the level of commitment to transportation in the county and to follow-up by making it public in the newspaper, an e-mail, letter, etc. Mr. Madden further stated that he knew the Chairman's stand on public transportation, but he (along with the citizens) wanted to hear from the other commissioners.

6) Senator Gail Davenport appeared before the Board as President of the Concerned Black Citizens Coalition of Clayton County and the Rainbow Push Coalition (Clayton County and Spalding Chapter). Of major concern to these organizations is the hiring/promotion of African-Americans in Clayton County government. There has been no open records request in years, but these two organizations are concerned about the number of African-American women who are department heads. For the record, there still are not enough of these women in such capacities and she wanted this issue to be addressed. Regarding public transportation, she wanted to ensure that the citizens have some way to get back and forth to work since 65% of them do not have any means of transportation other than C-Tran. Another issue is the status of dialysis patients, whether it is thirty plus or forty people. It must be understood that some of those patients cannot get back and forth to treatment centers since C-Tran service stopped. Senator Davenport stated that she called the Chief of Staff about this matter, and she wanted to go on record tonight to request that the Board of Commissioners address that. If these dialysis patients cannot be transported to these treatments centers, they will die. She concluded that she knew the Board wanted the best for the citizens of Clayton County.