

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 2, 2011

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 was led by Chaplain Sandy Mitchell of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding Resolution 2011-124 (A Resolution to provide for the adoption of an official policy to establish criteria for setting fees and charges for the use of facilities, equipment, and the participation in programs sponsored by the Clayton County Parks and Recreation Department); adding Resolution 2011-125 (A Resolution authorizing Clayton County to enter into an intergovernmental agreement with Henry County for the purchase and sale of certain real property known as Tara Field); adding Resolution 2011-126 (A Resolution authorizing Clayton County to enter into an addendum to that certain intergovernmental agreement with Henry County for the purchase and sale of the certain real property known as Tara Field, as particularly described in the contract addendum); holding item #7 (Resolution 2011-118 – To provide for the Service Delivery Strategy Plan for Clayton County); and noting that the Executive Session would pertain to personnel and litigation matters. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the 6:00 P.M. July 19, 2011 Public Hearing minutes on the FY-2012 Proposed Millage Rate Increase and the July 19, 2011 Regular Business Meeting minutes. Vote unanimous.
5. Rod Gray, Director of Central Services, presented these items which resulted in the following actions. (NOTE: The Board voted on all of these items at once.)
 - 1) Approved a Request for the Design of Five (5) Prototype Recreational Centers for Lovejoy Recreation Center and Swimming Pool; Design Work for adding the South Police Precinct Building Design, Contract Amendment (RFP Pkg. #04-01). Vote unanimous.

This request is for supplemental costs for the aforementioned additional services. These costs have been reviewed by Carter Goble Lee and Detrick Stanford, Director of Parks and Recreation. The vendor is The Facility Design Group located in Smyrna, Georgia, who was originally awarded the contract by the Board of Commissioners on April 6, 2004 in the amount of \$450,000.00. This request

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will increase the revised contract in the amount of \$68,000.00. The additional fee is for design changes concerning the Lovejoy Recreation Center and Swimming Pool. This fee also covers additional design work for adding the South Police Precinct building design to the overall project. Funding for this cost increase is available in the 2004 and 2009 SPLOST programs.

2) Approved a Request for Tennis Management for Clayton County International Park Tennis Center, Annual Contract (RFP Pkg. #11-12; 5/18/2011). Vote unanimous.

This proposal is for the provision of tennis management services at Clayton County International Park, which will include supervision of the tennis courts; private and group instruction; and personal merchandise sales, equipment repair and other tennis related services, as requested by the Parks and Recreation Department.

The evaluation committee, consisting of County representatives from the Finance Department and the Parks and Recreation Department, has reviewed the proposal. The recommendation is to award a contract to Premier Sports Facility, located in Atlanta, Georgia, with a score of 314.

Commissioner Edmondson expressed at this time that he had a question concerning the Tennis Management Annual Contract at the Clayton County International Park Tennis Center. Chairman Bell asked Mr. Gray if he had finished presenting all of his requests. Mr. Gray answered no. Chairman Bell requested that Mr. Gray present all of his requests first before entertaining any questions, and he would call for Board questions at the appropriate time. Commissioner Edmondson agreed to comply with Chairman Bell's request.

3) Approved a Request for EMS Equipment, LIFEPAK Series of Cardiac Defibrillators, Monitors and Accessories/Sole Source Purchase. Vote unanimous.

This purchase is for EMS equipment from LIFEPAK series of cardiac defibrillators, monitors and accessories from Physio Control, located in Redmond, WA. Physio Control, Inc. is the manufacturer and authorized sole source agent for all LIFEPAK products.

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<u>Qty.</u>	<u>Description</u>	<u>Unit Price</u>	<u>Amount</u>
5	LP Monitor/Defibrillators, CPR, Pace, etc.	\$19,205.75	\$ 96,028.75
30	LI-ION battery 5.7 amp hour capacity	\$ 331.50	\$ 9,945.00
6	Station battery chargers	\$ 1,309.00	\$ 6,545.00
5	Kit – Carry Bag, Main Bag	\$ 221.00	\$ 1,105.00
5	Top Pouch	39.95	\$ 199.75
5	Kit – Carry Bag, Rear Pouch	56.95	\$ 284.75
	Shipping & Handling		\$ 185.00

The total amount of this purchase is \$114,293.25. Funds are available through the EMS General Fund.

4) Approved a Request to amend the County’s current internet service provider contract, by adding additional services for the Library systems, as requested by the Clayton County Library System. Vote unanimous.

The vendor is Deltacom, located in Huntsville, Alabama, who was originally awarded the contract by the Board of Commissioners on November 2, 2010.

These additional services will provide an adequate bandwidth to allow for the expansion of the unified communications VoIP phone system into each library. The amendment will also allow more computer access with an option to provide virtual PC’s at each county library, and it allows for more patrons to utilize each library’s public access Wi-Fi connectivity. The Universal Services Administrative Company will pay 90% of the cost for a total of \$76,007.16 and the remaining 10% of the cost, in the amount of \$8,445.60 (annually), will be funded through the Library system budget.

Commissioner Edmondson questioned why the county was requesting an annual contract for tennis management at the Clayton County International Park Tennis Center. He thought the county already had staff to manage and supervise the tennis center. Parks & Recreation Director Detrick Stanford responded that the county has traditionally had staff to handle the recreational programs. The purpose of the annual contract, however, is to handle the contractual side for special tennis program events so that the vendor can take care of the profit-sharing for the tennis center. Commissioner Edmondson asked if the county had such special tennis events on the agenda for this year. Mr. Stanford replied yes, it does.

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6. Renee Bright, Director of Human Resources, presented one (1) item which resulted in this action:

1) Approved a request to add language in the Medical and Dental documents regarding benefits for Surviving Spouses. The proposed change will provide for medical and dental coverage for surviving spouses if the employee is eligible for a pension as of the plan year effective June 1, 2011. Vote unanimous.

The county's current plan does not include coverage for surviving spouses of employees who are killed in the performance of duty. There will be no cost to the county as a result of this change.

7. Approved Ordinance 2011-119 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 94 "Traffic and Vehicles," Article III "Parking, Stopping, and Standing" by deleting the existing Section 94-59 "Sale of Vehicles on Rights-of-Way, Impounding Authorized" and substituting in lieu thereof a new Section 94-59 "Sale of Vehicles on Rights-of-Way, Impounding Authorized." The motion carried 4-1. Commissioner Edmondson opposed.

Commissioner Edmondson inquired if the purpose of this ordinance is to exempt businesses that are licensed to sell new and used cars from the law of not allowing cars to be parked in the right-of-way. Major Ken Green, Legal Advisor/Police Department, agreed that Commissioner Edmondson was correct. Commissioner Edmondson disagreed with this ordinance because if there are rules stating that the right-of-way should not be littered with cars for sale, then the ordinance should pertain to everybody – not just to those who do not have business licenses.

8. Approved Resolution 2011-120 to provide for a change in the name of the public road right-of-way of Fulford Drive to Airline Museum Way; to provide for the assignment of the street number address of 727 for the National Museum of Commercial Aviation Site. Vote unanimous.

9. Approved Resolution 2011-121 authorizing Clayton County to accept grant funds, on behalf of the Clayton County DUI Court, from the Judicial Council of Georgia Standing Committee on Drug Courts to be used for implementation purposes. The grant funds are being awarded in the amount \$20,923.00, and no local match from the county is required. Vote unanimous.

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10. Approved Resolution 2011-122 authorizing Clayton County to accept grant funds, on behalf of the Clayton County Adult Felony Drug Court, from the Judicial Council of Georgia Standing Committee on Drug Courts to be used for implementation purposes. The grant funds are being awarded in the amount of \$18,074.00. No match is required from the county. Vote unanimous.

11. Approved Resolution 2011-123 authorizing Clayton County to amend the current Consultant Agreement for HUD Planning and Program Management Services for Clayton County with W. Frank Newton, Inc., to include management of the Neighborhood Stabilization Program 3 (NSP3) Grant. Vote unanimous.

12. Approved Resolution 2011-124 providing for the adoption of an official policy to establish criteria for setting fees and charges for the use of facilities, equipment, and participation in programs sponsored by the Clayton County Parks and Recreation Department. Vote unanimous.

13. Approved Resolution 2011-125 authorizing Clayton County to enter into an intergovernmental agreement with Henry County for the purchase and sale of the certain real property described in the agreement as Tara Field. Vote unanimous.

14. Approved Resolution 2011-126 authorizing Clayton County to enter into an addendum to that certain intergovernmental agreement with Henry County for the purchase and sale of the certain real property more particularly described in the contract addendum as Tara Field. Vote unanimous.

15. Approved an Order for Remission – State of Georgia v. Cedric Carr and Anytime Bail Bonding, Inc. (Surety) (Case No. 2009CR09167E) (\$4,037.50). Vote unanimous.

Staff Attorney Christie Barnes requested an Executive Session on personnel and litigation matters following the Regular Business Meeting. The Board generally consented to do so.

16. Accepted a Street Light Petition (Wesley Park Subdivision) for Wesley Park Drive, Churchill Place, Parliament Place, and Ashley Way [District 3/Vice-Chairman Wole Ralph]. Vote unanimous.

Clerk Haywood apprised the Board that three (3) of the six (6) persons who had signed up for public

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comment had concerns about basketball goals in residential areas. Chairman Bell replied that he wanted either Police Chief Greg Porter or Major Ken Green, Legal Advisor, to address this topic before hearing from the public [with a two (2)-minute time limit for each person to speak before the Board].

Major Green deferred the floor to Chief Porter. Chief Porter acknowledged that the Police Department has had some complaints about basketball goals in the past, but the ordinance was designed to prevent eyesores in the county. He stated that he was prepared to review the ordinance again; however, it was designed around “quality of life.”

Chairman Bell asked Community Development Director Eric Lacefield if this ordinance were in the zoning code as well. Mr. Lacefield responded that Planning & Zoning does not regulate basketball goals. This is simply called a “quality of life” ordinance.

Commissioner Singleton questioned Chief Porter about the number of complaints his office had received concerning basketball goals in the past year. Chief Porter answered that he had received twenty or less. Commissioner Singleton then asked Police Lieutenant Kenneth Waits if he had an estimate of the number of complaints Code Enforcement had received regarding basketball goals. Lieutenant Waits answered that Code Enforcement has initiated over 300 cases and complaints would be double that amount. Commissioner Singleton said she did not know what the correct numbers would be because she had received a much higher number about basketball goal complaints from another officer.

PUBLIC COMMENT:

1. Karen Smith informed the Board that she was unable to hear the responses from Chief Porter and Lieutenant Waits since she had sat in the back of the audience. Chairman Bell replied that Ms. Smith could perhaps speak to those persons after tonight’s meeting, and they would be happy to repeat the information to her. Ms. Smith next stated that she was present tonight to request that the Board amend the basketball goal ordinance to allow sand-filled basketball goals to be called “permanent fixtures.” The sand-filled basketball goals have two (2) bags of sand weighing eighty pounds and totaling 160 pounds, not counting the weight of the structure. Her 24-year old son is 6’4” and weighs over 220 pounds, and he struggles to move it to the side of the yard. Ms. Smith expressed her uncertainty about the arguments of the basketball goals and whether or not they concerned placement of the goals in the street or the yard. She wanted to amend the ordinance to state that the basketball goal had to be so many feet off the street, and then she could monitor her children in the front yard. Ms.

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Smith stressed that she did not want to send her children to basketball courts where there are older men, profane remarks, and drugs. She again requested that the Board amend the basketball goal ordinance to allow sand-filled basketball goals in the front yard to be permanent fixtures.

2. Mr. John Marxen, a resident at 6849 Wendy Jean Drive in Morrow, Georgia, apprised the Board that he had checked out the county website for salary range information. He noted that salaries were labeled only by numeric numbers; none were labeled for those with letters. Mr. Marxen wondered where he could obtain more information on county classifications for such salary ranges. Chairman Bell referred Mr. Marxen to Human Resources Director Renee Bright who would provide that information for him.

3. Mr. Carl Swenson, a resident at 6553 Pleasant Valley Drive in Morrow, Georgia, announced that he had an Open Records Request for the following information:

1. All Financial Records of SPLOST Funds from 2004 to the present
2. Records of the Funding Source and the Cost Benefits Analysis Report of all Light Switch Replacements in Clayton County Buildings
3. All Financial Records and the Cost Benefits Analysis Report of the new Telephones in Clayton County Buildings
4. Financial Records pertaining to County Attorney Fees and Retainers paid (and proposed) from 2004 to the present

Additionally, Mr. Swenson requested that the Board honor the people who were sitting behind him tonight by allowing him to personally pay for the replacement of the American flag in the Boardroom. He wanted to give the county a “constitutional as per code flag” under which everyone can work.

4. Mr. Wayne Madden voiced that he was not present to make a complaint but to express a concern. Last Saturday night, he had to call the police because people were speeding through Rivers Edge Subdivision (where he lives). Mr. Madden informed the Board that he was basically disrespected by a patrol officer. Over the last ten years, this has happened frequently and he was unsure if it were a training issue. He asked Chairman Bell to please consider going back to his Police Chief role to confer with the new police chief and his people to teach the young officers to respect everybody. Everyone is equal and should be treated with respect. Mr. Madden stated he was a taxpayer and his pants do not sag. He was not bothering anybody and he was on his own property when this patrol officer disrespected him. The citizens pay for the police officers’ salaries, and police officers are supposed to

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serve the citizens. Mr. Madden asked “what is the problem?” These officers need to have some manners. They are all working in this economy and things could be a lot worse if they were unemployed.

5. Lisa Qualls was present to address the basketball goals and brought photos of the basketball goals which are not to be erected in the front yard. She stated that she and her family have been county residents since 1997. Since that time, Ms. Qualls noted her family has had two (2) basketball goals and there has never been a problem in her community regarding them until June of this year. She and Ms. Smith (who spoke earlier) were both cited for violation of the basketball goal ordinance at that time. Ms. Qualls said her point was that movement of these goals is a hardship for anyone due to their weight. She recalled that Chief Porter had referenced complaints about some of these goals being eyesores in the front yards. Ms. Qualls disagreed and stated that the basketball goals were actually more of an eyesore on the sides of property (depending on the yard design). Some yards do not have much of a side yard and basketball goals positioned on them can cause injury or be a nuisance in the community. She requested that the Board either strike or amend the basketball goal ordinance as it is presently written. Her basketball goal is positioned so that it does not obstruct any traffic in the street. Ms. Qualls further stated that she has two young sons (a 6-year old and a 13-year old) who play basketball recreationally as well as on school teams. They are always working on their game and it is a shame that the positioning of basketball goals has become such a problem in this county. Other neighborhood children who used to play at her home now go to a Henry County basketball court which borderlines her property. As a taxpayer, Ms. Qualls wondered if she had any rights concerning this issue.

6. LaTonya Andrews also spoke about basketball goals. She believed it was unfair for her and her neighbors to pay property taxes and to be unable to have the basketball goals. The goals are not in the street because she and her husband do not allow their children to play in the street. Ms. Andrews understood there have been some complaints from others about these basketball goals, but she was not sure “why.” Personally, she had never complained because it is important for children to have an area in which to play without causing issues. Ms. Andrews stated she meant no disrespect to the Board, and children do need to be taught to be respectful. It is unfair that she and other citizens pay property taxes and are unable to have extracurricular activities at home for their children.