

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 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. Isaiah Waddy of the Greater St. Peter A.M.E. Church at Rivers Edge in Jonesboro, Georgia. Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by holding item #5 (PROCLAMATION: "Clayton County Recognizes Chuck Ware as a Recipient of the Martha Eaves Advocating for Positive Change Award in 2010"); holding item #7 (Resolution 2010-148 – Authorizing Clayton County to enter into an amended project agreement, No. CCSFT-0008-00(768), PI No. 0008768, with the Department of Transportation, State of Georgia for the Woolsey Road shoulder improvements project); holding item #10 (Resolution 2010-151 – Authorizing Clayton County to enter into Articles of Agreements with certain community charitable organizations, governmental agencies, and professional service providers located and conducting business in Clayton County); adding Resolution 2010-160 (Authorizing the county to enter into a contract with The Collaborative Firm, LLC providing terms and conditions under which stand-by planning services will be rendered to the county); and adding an Executive Session to discuss two (2) personnel issues. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the July 13, 2010 Regular Business Meeting minutes and the July 28, 2010 Special Called Meeting to Adopt the County's FY-2011 millage rate minutes. The Board voted unanimously to approve the July 13, 2010 Regular Business Meeting minutes, and the motion carried 4-0-1 to approve the July 28, 2010 Special Called Meeting to Adopt the County's FY-2011 millage rate minutes. Commissioner Edmondson abstained due to his absence from this meeting.

By general consensus, the Board accepted the July 20, 2010 Regular Business Meeting minutes (in which a quorum was not present).

5. Rod Gray, Director of Central Services, presented the following items which resulted in these actions. (NOTE: The Board voted on all of these items at once.)

1) Approved a bid for 2010 SPLOST Milling and Resurfacing of Various Streets in Commission Districts 1 & 2 (RFB Pkg. #10-15; 6/1/10). The bids for this project were evaluated by Jeff Metarko, Director of Transportation and Development, and his staff. They have recommended to award this project to C. W. Matthews, Inc., located in Marietta, Georgia, whose

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

firm submitted the lowest bid of \$2,377,349.51. SPLOST funds are available for this project. Vote unanimous.

2) Approved a bid for 2010 SPLOST Milling and Resurfacing of Various Streets in Commission Districts 3 & 4 (RFB Pkg. #10-18; 6/1/10). The bids for this project were evaluated by Jeff Metarko, Director of Transportation and Development, and his staff. They have recommended to award this project to C. W. Matthews, Inc., located in Marietta, Georgia, whose firm submitted the lowest bid of \$2,487,079.86. SPLOST funds are available for this project. Vote unanimous.

3) Approved a bid for SPLOST Project Management and Consultant Services for Police Precincts & Renovations, Library, Animal Control Facility, and Fire Multi-Purpose Building Construction Projects (RFP Pkg. #10-05; 4/22/10). The evaluation committee, consisting of County employees from the Fire Department, Library System, and the Police Department, has reviewed all the proposals. This committee has recommended to award the contract to Silverman Construction, located in Atlanta, Georgia, with the highest score of 464.80 and a negotiated fee percentage of 3.55% of total construction cost. (NOTE: The original fee percentage was 3.85%). Vote unanimous.

4) Approved a bid for Clayton County Prison Laundry Equipment Maintenance Annual Contract (RFB Pkg. #10-14; 5/17/10). The recommendation is to award a contract to Southeastern Laundry Equipment Company, located in Marietta, Georgia, whose firm is the sole bidder. Vote unanimous.

5) Approved a bid for Kitchen Equipment for the Clayton County Jail (RFB Pkg. #10-17; 6/2/10), located at 9157 Tara Boulevard, Jonesboro, Georgia. Building and Maintenance recommended to establish multi-award contracts with the following firms: Direct South located in Buford, Georgia and Dietary Equipment Company located in Columbia, South Carolina. The total cost of purchases is \$149,868.46. Funds are available through the Energy Efficiency and Conservation Block Grant. Vote unanimous.

Dietary Equipment awarded the following items:

Item #1: Randell Mobile Hot Food Holding Cabinets Model #2335E, cost of \$10,522.34.

Items #6 & 7: Blodgett Natural Gas Convection Ovens Model #DFG100XDEL, cost of \$66,477.12.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

Direct South, Inc. awarded the following items:

Items #3, 4, & 5: Vulcan Tilt Skillet Cooker (40 gal); Model VG40 including the Correctional Facility Packages and Accessory Packages for the 40 gallon/skillet cookers (including the gas hose and food pans), cost of \$64,080.00.

Item #9: Manitowoc Icemakers Model #SD0502A, cost of \$5,640.00.

Item #10: Manitowoc Icemaker Binds Model #F1325, cost of \$2,570.00.

Item #11: Manitowoc Bin Top Kit Model #K613030, cost of \$579.00.

6) Approved a bid for Clayton County Jail Tray Washers and Dryer Equipment (RFB Pkg. #10-20; 6/2/10), located at 9157 Tara Boulevard, Jonesboro, Georgia. Building and Maintenance recommended to award a contract to Sam Tell & Son, Inc., located in Farmington, New York, whose firm is the sole bidder, at a total cost of \$127,998.78. Funds are available through the Energy Efficiency and Conservation Block Grant. Vote unanimous.

6. Approved Ordinance 2010-149 to amend Article IV, Civil Service Section 4-11 of the Clayton County Code of Ordinances (Appeal by Certiorari). Vote unanimous.

Christy Barnes, Staff Attorney, noted that this ordinance provides for a change in the manner in which persons who appear before the Civil Service Board will appeal by Writ of Certiorari to Superior Court.

7. Approved Resolution 2010-150 authorizing Clayton County to amend the Memorandum of Understanding with the Georgia Public Defender Standards Council for FY-2011 providing for the delivery of indigent defense services under the Georgia Indigent Defense Act. Vote unanimous.

8. Approved Resolution 2010-154 to acknowledge receipt of the permanent and final net mill rate after credit (Rollback) for values added by reassessment for 2010-2011 adopted by the Clayton County School District; to provide for the proposed levy and collection of property taxes at such certified rate for the support and maintenance of public schools, public education, and activities necessary and incidental thereto. The FYE 6-30-11 School District millage rate for incorporated and unincorporated Clayton County has been set at 20.00. Vote unanimous.

9. Approved Resolution 2010-155 authorizing Clayton County to enter into a Reimbursable Agreement with the Department of Transportation Federal Aviation Administration, providing for the terms and conditions under which temporary tower services will be rendered to Clayton County. Vote unanimous.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

10. Approved Resolution 2010-156 authorizing Clayton County to enter into a lease agreement with Ascent Aviation Group to provide for the terms and conditions under which a lease for refueling equipment will be rendered in connection with the September 2010 Nascar event at Clayton County Airport Tara Field. Vote unanimous.

11. Approved Ordinance 2010-157 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 94 "Traffic and Vehicles," Article I "In General," by adding a new Section 94-7 "Vehicle Immobilization Devices; Definitions." The motion carried 4-1. Commissioner Edmondson opposed.

Commissioner Edmondson stated that the information attached to this ordinance denotes that some municipalities do not have any rules concerning vehicle booting; the State has no rules; and some other governmental entities do. He was not aware of any problems in this county regarding vehicle booting. Someone needed to explain to him why the county desires to make rules when a problem does not exist.

Chairman Bell responded that he could give him an explanation (because he sponsored this ordinance). He explained that a Clayton County employee (Mr. John Johnson, Director of Juvenile Court) and others were parked at a bowling facility in the county. Someone put up a sign in the area and then booted the vehicles. Chairman Bell expressed that there have been no regulations regarding this issue. All of the other counties, including the City of Atlanta (which has had vehicle booting), have had difficulty with vehicle booting because of the methodology being used that is not controlled by the State or the local government. He knew many people were going out of the business of booting and suggested that this county not get in the business of booting.

Commissioner Edmondson inquired if persons were illegally booting cars that were legally parked.

Legal Advisor Ken Green noted that due to there being no regulation right now, these persons can boot as they wish.

Chairman Bell added that there are wrecker services controlled by the county, and those persons with private parking lots can employ those services. Wrecker services accept checks and credit cards, whereas booting companies frequently demand cash. Victims of these booting companies are seriously disadvantaged, and Chairman Bell stated that the Board has a duty to protect the citizens in this instance.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

Commissioner Edmondson stated that he fundamentally disagreed with Chairman Bell when he said that the county should not support unregulated industries.

12. Approved Resolution 2010-158 authorizing Clayton County to enter into an Aging Subgrant Agreement with the Atlanta Regional Commission providing for services to be rendered in connection with older adult programs; to authorize the Chairman to execute the Aging Subgrant Agreement, and otherwise perform all other acts necessary to accomplish the intent of the resolution. It will also authorize the Finance Director to amend the budget to reflect appropriations and expenditures, and to transfer any required match of local funds (totaling \$356,099.00), all as may be required under the terms of the Aging Subgrant Agreement; to provide an effective date of this resolution; and for other purposes. Funds have been budgeted for the required match. Vote unanimous.

13. Approved Resolution 2010-159 authorizing Clayton County to enter into an equipment rental contract and a separate addendum with Visible Display Corporation providing for the terms and conditions under which a 9' x 12' LED screen and related equipment shall be rented for use at the 2010 "Praise in the Park" concert event at the Clayton County International Park. The motion carried 4-1. Commissioner Edmondson opposed.

Commissioner Edmondson apologized for being "rusty" on this subject; however, he wondered if the \$4,950.00 cost involved in this event would only come from the county. He wanted to know if the promoter were paying for anything.

Troy Hodges, of the Recreation Department, stated that the monies would be coming out of the Parks and Recreation budget.

Commissioner Edmondson stressed that the county usually does not pay monies for other events, so he wanted an explanation of why there would be an exception in this event.

Mr. Hodges clarified that the promoter would be paying a portion of the monies, but the collaboration was between Praise 102.5 (Radio) and the Parks and Recreation Department.

Commissioner Edmondson then questioned how much the Parks and Recreation Department would be paying.

Mr. Hodges answered that he did not have the exact figure information at this time, and he would have to research it.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

Commissioner Edmondson noticed that most of the applications to host concerts at the park revealed that these stations were non-profit entities (and a lot of them are faith-based). He concluded that he had received adequate information to make a decision tonight.

14. Approved Resolution 2010-160 authorizing Clayton County to enter into a contract with The Collaborative Firm, LLC providing for the terms and conditions under which stand-by planning services will be rendered to the county; to authorize the Chairman to execute the agreement together with any documents necessary to accomplish the intent of this resolution; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the agreement; to provide an effective date of this resolution; and for other purposes, with an amendment “not to exceed the budget.” The motion carried 4-1. Chairman Bell opposed.

Compared to some of the other open-ended contracts the county has had in the past, Commissioner Edmondson stated that the scope of this contract is much broader. He noted that these services would not have to come before the Board or anyone else the way the contract is written now. The scope of services appears to be too much beyond the original intent outlined in the past. Technically, Commissioner Edmondson said that he was not against this resolution. If the Community Development Director, however, authorizes a million dollars arbitrarily for some line item to be serviced, the county is contractually obligated to pay that amount – even if it exceeds the budget.

Chairman Bell voiced that he would oppose this resolution for two reasons. This resolution came to the Board at the last minute and it was not an emergency (as the rule specifies). As a result, it spawned a lot of discussion as evidenced tonight. He would have loved to have had the same discussion with the Chief of Staff and Director of Community Development prior to voting; therefore, he would vote no.

Attorney Barnes requested to hold an Executive Session following the meeting to discuss two (2) personnel matters. The Board agreed to do so.

Before going into Executive Session, Vice-Chairman Ralph indicated that he wanted Ms. Jackson to give the Board a status report on the monies collected from the Tax Commissioner’s Office.

Ms. Jackson informed the Board that Chairman Bell picked up the tax collection monies from the Tax Commissioner’s Office on Friday, July 30th. These monies were brought over from the

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

month of June and were due July 11th. Fiscal year 2010 is completed, except for one problem. The Finance Department is awaiting an interest check from the Tax Commissioner's Office that must be approved back into last year. Since the Finance Department is trying to close that year, that check is needed also. Per Ms. Jackson, checks are due every Friday now. The Finance Department has not received any checks since the June allotment; therefore, no checks have come in for the month of July to date.

Vice-Chairman Ralph expressed that this matter continues to be an issue. The State Law indicates that the tax money received should be turned over weekly. He acknowledged that Ms. Jackson said the last collection turned in was from June 30th so the county is a month behind in receiving tax collections as well as the interest check to close out last year. Vice-Chairman Ralph said he desired the Board to direct the legal staff to determine the status of the letter sent to the Governor's Office in order to ensure that the Tax Commissioner's Office complies with State Law relative to how tax receipts and revenue are to be turned over. He requested that Chief Staff Attorney Michael Smith report this status back to the Board on Thursday, August 5, 2010, by 5:00 p.m. The Board gave general consensus for Vice-Chairman Ralph's request to be executed.

Chief Cohilas stated that the Board made a ruling asking that Mr. Baskin return to the county the take-home vehicles assigned to his office. Mr. Baskin initially returned two (2) vehicles used by his staff to transport supplies to various satellite offices instead of returning these take-home vehicles. Subsequently, the Board made it clear in a resolution that its intent was not to hamstring the Tax Commissioner's Office from not having vehicles to do day-to-day work for staff.

Commissioner Edmondson wondered where the Board received this clarity.

Chief Cohilas reminded Commissioner Edmondson that the Board passed a resolution the following week which outlined the VIN numbers of these take-home vehicles. That resolution also requested that Mr. Baskin return the vehicles by 4:30 p.m. the following day. After Mr. Baskin refused to return the cars and the issue was covered by the media, Mr. Grant notified him (by e-mail) that the Tax Commissioner's Office was experiencing problems because it needed vehicles to carry out the day-to-day operations. Chief Cohilas said he explained to Mr. Grant that it was clear from the very beginning that this was not the intent of the Board. In fact, Mr. Baskin ended up returning to the county two (2) vehicles that the Board never intended to be returned. He gave up the Crown Victorias, not the Ford 500's. Chief Cohilas stated that Mr. Baskin, by his own actions, had hamstrung his entire office and left the staff without a

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

vehicle (which was not the intent of the Board). The intent of the Board was to stop the use of the take-home vehicles, and it was clear that the Ford 500's were assigned to Mr. Baskin personally and to his deputy – not the two (2) Crown Victorias that Mr. Baskin preemptively returned to Fleet Maintenance. After exchanging various e-mails with Mr. Grant, Chief Cohilas stated that he spoke to various members of the Board and the Chairman about the Tax Commissioner's vehicle dilemma. He then sent Mr. Grant an e-mail stating that the Board of Commissioners never intended to keep that office from having any vehicles to conduct day-to-day business. If Mr. Baskin would simply communicate to the Board his willingness to live within the confines of this request (not to take vehicles home), then he could have two (2) of the vehicles back. As a matter of fact, he could even get the two (2) Ford 500's back as long as he promised not to take them home. Mr. Baskin just needed to restrict them to office use only. To his knowledge, Chief Cohilas said Mr. Baskin never responded to him by e-mail.

Chief Cohilas subsequently understood that someone (he was not sure if it were Mr. Baskin or Mr. Grant) showed up at Fleet Maintenance in an attempt to get the two (2) vehicles (based on the e-mail he had sent to Mr. Grant). However, that was a two-fold process. Chief Cohilas said he clearly stated in his e-mail that if Mr. Baskin would relay to the Board his willingness to live in the confines that it had set for vehicle use, the Board would work to see that Mr. Baskin's office needs would be met. There was no response forthcoming from Mr. Baskin's office, and Chief Cohilas believed that is the reason why Mr. Starr decided not to release the two (2) vehicles. He then stated that he did not know if any of the commissioners had heard from Mr. Baskin; he just knew that he had not.

Vice-Chairman Ralph stated that he had not received a response either. He had indicated that the Board would be willing to entertain the return of two (2) vehicles if Mr. Baskin agreed not to use them for take-home purposes. On that note, Vice-Chairman Ralph asked Chief Cohilas to talk about the no take-home vehicle policy relative to other elected officials; i.e., Solicitor General and District Attorney, in the county and the status of their responses to the Board's request.

Chief Cohilas responded that the District Attorney (Tracy Graham Lawson) sent him a letter stating that she does not have a take-home vehicle. District Attorney Lawson relayed to him that she is voluntarily removing thirteen vehicles from take-home status that had been previously used by her predecessor. The Solicitor General indicated that she did not have a take-home vehicle either. To his knowledge, judges do not have take-home vehicles. The Sheriff is a public safety officer and, when the Board passed the vehicle policy, after hour employees (particularly public safety employees) who were called back to work were allowed take-home vehicles. Any take-home vehicle expansion requests that were not in the original vehicle policy

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

would have to come back to the Board for approval.

Vice-Chairman Ralph asked Chief Cohilas to also talk about the Police Department, even though it is a public safety entity.

According to Chief Cohilas, Interim Police Chief Tim Robinson conducted an independent objective survey of his department and concluded that, contrary to the Board's previous wishes to authorize the prior administration not to exceed fifty vehicles, former Chief of Police Jeff Turner's request to add thirty more vehicles (a total of 80) had increased to 148 vehicles going home. A total of eighty-nine of them were going out-of-the-county. He also did an analysis which showed that if police officers just drove vehicles straight from home to work and back to home (without making any detours), they were putting over 1.2 million miles a year on those vehicles. Interim Police Chief Robinson made a determination to restrict the use of those vehicles and has now removed 97 of the 148 take-home vehicles in his department. The remaining number of take-home vehicles is almost identical to the number that were in this department originally requested by the Board. Chief Cohilas believed that the county would realize a tremendous savings in fuel costs, vehicle wear and tear, maintenance, and capital replacement. This is the type of analysis that he has been trying to do on county vehicles.

Given that status report, Vice-Chairman Ralph asked Chief Cohilas if the Tax Commissioner's Office has been singled out with respect to take-home vehicles.

Chief Cohilas said it certainly has not. First and foremost, the Board passed a vehicle policy that affected all departments and directors. The Board has asked him to conduct in the past two to three weeks a survey to ensure that every department is complying with the wishes of the Board concerning the take-home vehicle policy. What has been asked of the Tax Commissioner's Office is consistent with what has been asked of other departments.

PUBLIC COMMENT:

1. Shirley Davis expressed that she was very upset about the Tax Commissioner's vehicle dilemma. She could understand the Tax Commissioner's point of view from looking at television and from being a county citizen. Ms. Davis was really disappointed when the Board asked the Tax Commissioner to return and surrender his cars, and she was upset that the Tax Commissioner did not obey. Regardless of the fact, she has been fighting for years for the police officers of this county. She was more concerned about a police officer taking a car home than a Tax Commissioner. The Tax Commissioner knows the difference between right and wrong.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 3, 2010

POST SUMMARY MINUTES

Chairman Bell should not have had to go to the Tax Commissioner's Office to ask for receipts/tax collections. Common sense would tell anyone that.

2. Tanya Dibble thanked the Board for giving her an opportunity to speak. Her concern was for the county. She knew the Board was aware of the incident that happened at Tara Center this past Friday. It is currently under investigation and probably cannot be discussed. Ms. Dibble proposed that the Board allow her at its October 2010 business meeting to provide a resolution that would empower and enlighten the county's youth and show the Board her organization's goals and events. Presently, this county does not have the best reputation and her goal is to change that perception. Chairman Bell requested that Ms. Dibble present the resolution to Chief Cohilas prior to the October 2010 business meeting.

The Board introduced and welcomed the new Community Development Director, Eric Lacefield, to the county.