

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

August 10, 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. Robert Hodo of New Morning Light Baptist Church in Conley, Georgia. Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by adding Resolution 2010-151 (A Resolution 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). The Clerk announced that the Executive Session listed on the agenda would address personnel and real estate issues. (NOTE: An additional litigation issue was discussed in the actual Executive Session). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the August 3, 2010 Regular Business Meeting minutes. Vote unanimous.
5. PROCLAMATION: "Clayton County Recognizes U10 Lady Braves Softball Team for Winning the GRPA District 4 Title." (NOTE: Clerk Haywood read the proclamation for the benefit of the audience, and group photos were taken.)
6. Rod Gray, Director of Central Services, presented the following requests which resulted in these actions:
  - 1) Approved a bid proposal for Turf Management for Athletic Fields – Annual Contract (RFP Pkg. #10-12; 5/19/10), as requested by the Parks and Recreation Department. The evaluation committee, consisting of County representatives from the County Extension Department, Transportation and Development Department, and the Parks and Recreation Department, has reviewed the proposal. It has recommended to award a contract to TruGreen located in Ellenwood, Georgia, whose firm is the sole bidder. Vote unanimous.
  - 2) Approved a bid proposal for Sports Photography Services for Clayton County Parks and Recreation – Annual Contract (RFP Pkg. #10-13; 6/29/10), as requested by the Parks and Recreation Department. The evaluation committee has recommended to award a contract to Future Stars Photography located in Atlanta, Georgia, with the highest score of 430 points and the lowest cost per package. Vote unanimous.

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Commissioner Edmondson questioned Detrick Stanford, Director of Parks and Recreation, about the scope of this contract. He had received some calls from parents during the past year concerning the pricing of various programs. Commissioner Edmondson wondered if this were a mandatory cost for the participants and their children.

Mr. Stanford responded that the cost was included in the actual pricing for the sports program; to include uniforms, pictures, and other necessary items.

Commissioner Edmondson asked if the package were itemized so that the families who do not want to pay or are financially challenged can opt out.

Mr. Stanford stated that everything is included in the whole package so that persons can pay to participate in the entire program.

Commissioner Edmondson next inquired about the feedback that Parks and Recreation has gotten about this sports program. He knew that he had received several specific calls about that particular policy.

Mr. Stanford commented that most of the parents requested to pay one flat fee upfront for the sports program. He surmised that at least 80% of them preferred a "one stop shop."

Chairman Bell asked if the photo fee were for a total package, not just one photo.

Mr. Stanford replied yes.

3) Approved a bid request for Clayton County Prison Bread Products – Annual Contract (RFB Pkg. #10-22; 6/11/10), as requested by Warden Frank Taylor Smith. The recommendation is to award a contract to Sara Lee, located in Decatur, Georgia, whose firm is the sole bidder. Vote unanimous.

4) Approved a Purchase Order (#07005719; RFP Pkg. #07-01) for SPLOST 2004 Consultant Right-of-Way Acquisition Services for Aviation Boulevard Grade Separation & Conley Road/Aviation Boulevard Extension Projects. This is a supplemental cost for additional services for the aforementioned projects. Jeff Metarko, Director of Transportation and Development, and his staff reviewed these supplemental costs and recommended to approve this request of the awarded vendor, Smith Real Estate Services, Inc., located in Atlanta, Georgia. There will be an increase in the original contract amount of \$355,000.00 to \$542,725.00 (increase of \$187,725.00). Funding for this cost increase is available in the 2004 SPLOST Program. Vote unanimous.

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Mr. Gray explained that following the initial award to the above-mentioned vendor, the project was delayed a few years due to the Georgia Department of Transportation (GDOT) changing direction and developing new right-of-way plans. The project design changes have evolved to the extent that the right-of-way acquisitions have increased from 86 parcels (which was the scope of services originally present in 2007) to 119 parcels. The current fee is now insufficient to successfully complete the project and to comply with GDOT requirements.

Commissioner Edmondson understood that the cost increase was due to a change in the scope of the right-of-way. His concern was about the \$187,725.00 cost increase (since the original award in 2007), which amounts to a 53% increase as a result of acquiring additional parcels. He asked why the county is not in the process of re-bidding this item out. The price of real estate, raw materials, and asphalt has fluctuated drastically in the last few years, so he questioned why the county would not consider re-bidding this item out for such a large dollar and percentage increase.

Jeff Metarko, Director of Transportation and Development, answered that the main reason is GDOT's time schedule on this project. GDOT has already delayed the project several times, and now the county has to use construction monies budgeted in a tight time frame. Mr. Metarko admitted that to procure all of the right-of-way within a less than two (2)-year time frame is very difficult. If the county were to re-bid and award a contract, this project would really be behind the "eight ball" in timing to meet GDOT's schedule.

Commissioner Edmondson rebutted that it has already been three (3) to four (4) years so far.

Mr. Metarko stated that this is unfortunately how GDOT operates. For some reason a couple of years ago, GDOT thought it was ready to proceed with the right-of-way project and gave the county direction to hire a firm. The county then put out a bid package and signed an agreement with GDOT. For financial reasons, this project was delayed. Now it has been resumed and there is a "hurry-up issue."

If the county were to re-bid this project (to make sure it is competitive and use taxpayer dollars efficiently), Commissioner Edmondson asked what the consequences would be (in terms of delaying GDOT's schedule).

Mr. Metarko replied that the funding is allocated to the ARC TIP Program, and the county would be subject to it reallocating the monies to another project. He reminded everyone that this is the C. W. Grant Grade Separation Project for Mountain View Redevelopment.

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7. Renee Bright, Director of Human Resources, brought forward the following item which resulted in this action:

- 1) Approved the following requests from State Court:
  - a. Request to process the personnel action form for the new State Court Judge (Judge Aaron Mason).
  - b. Request to fill a Judicial Secretary position and a Judicial Law Clerk position for the new State Court Judge (Judge Aaron Mason).

8. Approved Resolution 2010-148 authorizing Clayton County to enter into an amended project agreement, No. CCSFT-0008-00(768), P.I. No. 0008768, with the Department of Transportation, State of Georgia for the Woolsey Road shoulder improvements project. Vote unanimous.

9. Approved Resolution 2010-161 authorizing Clayton County to enter into a third amendment agreement with the Secretary of State of the State of Georgia, on behalf of the 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.

10. Approved Resolution 2010-162 authorizing Clayton County to allow Help Foundation Inc., d/b/a Talknnn Turkey Restaurant, to sponsor and host the "So You Think You Can Cook" event at the Clayton County International Park. Vote unanimous.

11. Approved Resolution 2010-163 authorizing Clayton County to allow Project Haiti Heart, Inc. to sponsor and host a 5K Walk/Run Event which will commence from and finish at the Clayton County International Park. Vote unanimous.

12. Approved Resolution 2010-164 authorizing Clayton County to allow Southern Intercollegiate Athletic Conference to sponsor and host a cross country race at the Clayton County International Park. Vote unanimous.

13. Approved Resolution 2010-165 authorizing the acceptance of one 15-passenger van from the State of Georgia Department of Administrative Services Surplus Property to be assigned to the Clayton County Prison fleet (2002 Chevy Express 3500 L/S Van, VIN no. 1GAHG39R721240170). Funds will be utilized from the Vehicle Replacement Fund. Vote unanimous.

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14. Approved Resolution 2010-166 recognizing the contributions of Donald Ray “Donnie” Hood to the citizens of Clayton County; to again request the Attorney General of the State of Georgia to institute a formal investigation of the former District Attorney’s Office in Clayton County. Vote unanimous.

Commissioner Singleton noted that the Board had approved this resolution before in 2008, and the Attorney General never responded to it. She requested that Mr. Michael Smith, Chief Staff Attorney, send this resolution certified to the Attorney General because the county needs some follow-up on the matter. Mr. Smith agreed to do so.

15. Approved Ordinance 2010-167 to amend the Code of Clayton County, Georgia, as amended, specifically Part II, Chapter 2, Article 2, Section 2-56 Subparagraph 4 by deleting it in its entirety and substituting a new Section 2-56 Subparagraph 4 entitled “Board and Authority Members Appointment, Removal, Length of Service, Number of Terms.” The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

Commissioner Edmondson questioned the insertion of Subparagraph 4 (b) which notes, “Persons appointed to serve on any Board or Authority shall be prohibited from doing business with any County Board or Authority or with the County, except where permitted by law and where the contract for goods or services does not exceed \$250,000.00 (two hundred and fifty thousand dollars)...” He wondered if that would be capping the amount for new appointments as well.

Mr. Smith answered that this section applies to existing boards/authorities and is effective upon Board approval. He also pointed out that persons currently serving on a Board or Authority who do business with a Board, Authority, or the County will have thirty days to either dissolve the business relationship or resign from the Board or Authority.

Commissioner Edmondson acknowledged that he had received a copy of documents from the Clerk regarding business transactions of board/authority members about an hour ago. From his review of them, he wondered if this ordinance only applied to one person.

Vice-Chairman Ralph did not understand if Commissioner Edmondson were asking a question or making a statement, since he did review the documents.

Chairman Bell interjected that he did not know if the ordinance addressed a conflict of interest statement. He also wondered if the dollar amount were arbitrary or listed for a specific reason.

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Mr. Smith assured Chairman Bell that this ordinance does speak to a conflict of interest, and it would be the Board's decision to settle on a dollar figure.

Commissioner Edmondson stated that the Board is authorized to appoint other board and authority members, so that does not change what the Board could have done going forward. This ordinance only applies to existing boards and authorities.

Mr. Smith admitted that the ordinance could reflect any additions that the Board wished.

Chairman Bell questioned if this ordinance were penalizing persons for making a profit with the County or other Authorities/Boards. He also felt that the dollar amount was an arbitrary figure.

Mr. Smith reiterated that the dollar amount is for the Board to approve. It could set a cap amount or just set a \$1.00 amount.

Chairman Bell again asked if the conflict of interest statement had been covered.

Mr. Smith noted that it was not specific. He referenced Section 2-56 subparagraph 4 (a) which read, "All members of a board or authority shall be subject to the applicable provisions of the Georgia Code, Chapter 10 of Title 45, including without limitation Code sections 45-10-3 through 45-10-5 (Code of Ethics for members of boards, commissions, and authorities). Provided, however, the "Board of Commissioners" shall be substituted for the "Governor" in these sections, where applicable."

The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed based on the concerns they had expressed.

16. Approved Resolution 2010-151, a Resolution 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. The motion carried 3-2. Chairman Bell and Commissioner Edmondson opposed.

Chairman Bell explained that his vote was "nay" as a matter of "procedure." Adding Resolution 2010-151 to the agenda was a "non-emergency" and did not adhere to the Board rules.

Chief Staff Attorney Michael Smith requested an Executive Session following the Regular Business Meeting to discuss litigation, real estate, and personnel issues.

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PUBLIC COMMENT:

1. Lisa Tinch expressed that the county has still not resolved her housing dilemma. Her home was demolished, and she has been evicted from her apartment. HUD needs to investigate the matter. The Chief Staff Attorney refuses to talk to her, so she wanted to pass out some pictures of her demolished home to the Board tonight. (At this point, Ms. Tinch distributed pictures to the Board.)

Chairman Bell informed Ms. Tinch that he would have to discuss her issues with the county attorneys before he could properly respond to her.

2. David Barton publicly commended the swift actions of Lieutenants Griffin and Vazquez in the Fire Department at a recent Fireman's Display Bash that he and his 8-year-old daughter attended. He then read into the record the following commendation letter which outlined their heroic efforts:

Chairman Bell, Commissioners, and Audience Members:

My name is David Barton and I want to take a moment and publicly thank two of Clayton County's outstanding Fire Department personnel; Lt. Griffin and Lt. Vazquez.

While attending the "Back to School Bash" in Jonesboro this past Saturday, my 8-year-old daughter had succumbed to the heat. The Bash had begun at 11:00 a.m. and by 11:30 a.m. she was feeling ill. I felt as you would expect, comfortable with taking her over to the Clayton County Fire Dept.'s display area at the "Bash."

When we arrived it was apparent that there were other children overcome by the heat as well. One small boy was rushed to the hospital. Noticing the issues at hand, the firemen immediately called "Battalion" and made a request for proper equipment and personnel to be on hand.

I know the primary reason Lt. Griffin and Lt. Vazquez were on hand was to display the equipment and to discuss fire safety to the citizens and kids of the event, but I can attest that not only were they able to adapt and overcome the situation, they responded above and beyond. Their actions were professional and they were very courteous during the time I spent with them.

I believe that employees such as Lt. Griffin and Lt. Vazquez are a prime reason we have the best Fire Department in the Nation, if not the World.

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Again, I want you to know who is representing us and give them the accolades they deserve.

(NOTE: The Board and the Clerk were all given copies of this letter for the record.)

3. Richard Braun stated that he owned two (2) small lots in Mountain View. He wanted to call the Board's attention to unauthorized trash dumping in the area. Per Mr. Braun, this dumping has been happening for several years and the conditions are getting worse day-by-day. There are hundreds of old tires and debris scattered everywhere, and it appears that the county has abandoned the area in terms of code enforcement. Mr. Braun next passed out pictures of the area to the Board for review. He noted that the first three (3) pictures were taken on Blalock Street, which is behind the lots that he owns. They depicted that the right-of-ways were covered in trash. Other pictures were taken of South Hampton Road. Mr. Braun added that someone has cut down wooden utility poles with a chainsaw in the vicinity. He urged the Board to take corrective action on this matter.

Chairman Bell stated that Commissioner Hambrick wanted to conduct an investigation of this situation, since it was in her district. He assured Mr. Braun that Code Enforcement and Chief Staff Attorney Michael Smith will be investigating the matter, and corrective action will be taken.

4. Wayne Madden said he had participated in a radio show and discovered that someone wanted to harm the Clayton County commission. He knew there was some ill-will among the citizens, and he warned the commission to guard itself.

Following an Executive Session in the Commissioners' Conference Room, the Board reconvened in the Commissioners' Boardroom. Upon reconvening, the Board made a motion to resume the Regular Business Meeting and to amend the agenda to add/act upon further business discussed during the Executive Session.

Ms. Bright presented the following personnel requests that resulted in these actions:

1) Approved a request to hire a Judicial Secretary for the newly appointed State Court Judge (Aaron Mason) at the lowest step, NTE Grade 17/Step 13 (\$37,354.00). Vote unanimous.

2) Approved a request for supplemental pay to a state employee in the District Attorney's Office, in the amount of \$8,000.00. Vote unanimous.

\*\*\* Chairman Bell noted that the District Attorney had asked for supplemental pay to be

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provided to other state employees in her office. The Board advised her to confer with Finance Director Angela Jackson about the availability of funds in the budget to accommodate her request, and to report those findings to the Board.

3) Approved a request for a change in position status from full-time to part-time for a Senior Services employee. Vote unanimous.

Lastly, the Board considered a request to add Resolution 2010-168 to the agenda which resulted in this action:

1) Approved Resolution 2010-168, approving the amendment of the 18-month Development Plan for Gateway Village; approving a requisition to draw down monies from the project fund established as part of the issuance of the Development Authority of Clayton County, Georgia, Revenue Refunding Bonds, Series 2005B [Gateway Village Project]; to allow for the acquisition of additional property in the vicinity of Gateway Village, etc. Vote unanimous.