

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 4, 2011

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Chaplain Fred Shillow of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the October 4, 2011 agenda by adding Resolution 2011-165 (A Resolution to retire police canine Lakota from active service and to grant a conditional gift for his remaining years); holding item #18 (Resolution 2011-163 – Authorizing the county to enter into a License Order between The Nielson Company, LLC and Clayton County Economic Development for use of software to generate business data and site reports); adding an item in which Jack Hancock, Interim County Attorney, will present for consideration a revised employment agreement for County Manager Wade Starr [following presentation of the resolutions by Staff Attorney Christie Barnes]; and making an allowance for consideration of two litigation items, pending decisions made in the Executive Session. Clerk Haywood also noted that the Executive Session would pertain to personnel and litigation matters. The agenda was adopted with these amendments, as all commissioners had copies before them. The motion carried 4-0.
4. Approved the minutes of the September 20, 2011 Regular Business Meeting. The motion carried 4-0.
5. PRESENTATION: Expression of Appreciation by the Teachers of the ArtVan Program (presented on their behalf by Linda Summerlin, Executive Director of Arts Clayton).

Ms. Summerlin stated she was present tonight for several reasons. First, she wanted to thank the Board for its support over the years. Ms. Summerlin further stated that since Arts Clayton missed seeing Chairman Bell at its 25th anniversary celebration, she wanted to give him a gift of an Arts Clayton lifetime membership. Chairman Bell thanked her for this gift. Ms. Summerlin also noted that Commissioner Hambrick had to leave the anniversary event before awards were presented, so she presented Commissioner Hambrick her award tonight. She mainly attributed the success of Arts Clayton to the support it has received from county commissions since 1986. By having that support, Arts Clayton has been able to expand and enjoy its success. According to Ms. Summerlin, the majority of support goes into the ArtVan Program (an educational component of Arts Clayton). Four (4) of the ArtVan Program teachers were supposed to be here tonight, but three (3) of them are still working in county afterschool classes and one of them suddenly became ill and had to leave. In a staff meeting

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several months ago, the ArtVan teachers came up with the idea of giving the Board various types of photo art depicting various camps and festivals. On behalf of these teachers, Ms. Summerlin and her Administrative Assistant {Elizabeth Gower} then distributed the photo art to the Board. Ms. Summerlin expressed that this creative art project was from the hearts of the ArtVan Program staff to the hearts of the Board members. She also appreciated the Board granting a space in the county's administration building lobby area to display/showcase artwork by the Young Teen Camp (an Arts Clayton summer art program), and she thanked the Board for hosting a "get together" with the Young Teen Camp participants this afternoon. Ms. Summerlin promised to let the ArtVan Program teachers know that the Board appreciated their artwork and was proud of their accomplishments.

Chairman Bell asked if there were any comments from members of the Board.

Commissioner Singleton thanked Ms. Summerlin for the beautiful and unique artwork she had given the Board. She had enjoyed meeting the young people from the teen camp this afternoon and that interaction meant so much to her.

6. PROCLAMATION: "Child Health Day" (presented by Chairman Eldrin Bell).
7. PROCLAMATION: "Clayton County Recognizes Community Activist Nolan Michael Wallace, III" (presented by Vice-Chairman Wole Ralph).
8. PROCLAMATION: "Domestic Violence Awareness Month" (presented by Commissioner Gail Hambrick).

NOTE: Group photos were taken of the honorees receiving the above-listed proclamations. Clerk Haywood read the proclamations for the benefit of the audience.

9. Rod Gray, Director of Central Services, presented one (1) item which resulted in the following action:

- 1) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Clayton County Generators and Inspection Services Annual Contract/Request for Contract Termination and Placement on Ineligible Source List (RFB Pkg. #10-39; 10/26/10). The motion carried 4-0.

The current vendor for this annual contract is Power and Energy Services. Power and Energy Services has consistently failed to comply with the terms of the agreement, specifically as they relate to

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acceptable performance of the scope of services, and it has been notified on several separate occasions of its non-compliance. The issues of non-compliance have not been corrected to the satisfaction of the County and the user department (Building and Maintenance). Les Markland, Interim Director of Building and Maintenance, is therefore requesting that the current contract for services with Power and Energy Services be terminated and that this company be placed on the Ineligible Source List, per Section 2-145.4 Penalties for Non-Compliance of the Clayton County Ordinance, and not be eligible to be considered for any further award of County Contracts for a period of three (3) years (10/3/2014).

The request is to terminate the contract, re-bid the annual contract for Generator and Inspection Services, and place Power and Energy Services on the Ineligible Source List until October 3, 2014.

10. Angela Jackson, Director of Finance, submitted the following requests which resulted in these actions. (NOTE: The Board voted on all of these items at once.)

1) Approved Budget Amendment #2-44 (FYE 6-30-11)/Various Departments, in the amount of \$2,033,963.00, to realign expenses in various departments. The motion carried 4-0.

2) Approved Budget Amendment #2-7 (FYE 6-30-12)/Sheriff, in the amount of \$47,500.00, to recognize federal forfeited drug money revenue and allow for the purchase of vehicles. The motion carried 4-0.

3) Approved a Request for Refund (Electrical Permit), for Linda McGee of Jonesboro, GA, in the amount of \$50.00. The motion carried 4-0.

11. Approved Resolution 2011-156 authorizing Clayton County to enter into a grant agreement with the Council of Juvenile Court Judges of Georgia and, in accordance therewith, accept grant funds on behalf of the Clayton County Juvenile Court associated with the Purchase of Services Program (\$7,500.00 with no local match). The motion carried 4-0.

12. Approved Resolution 2011-157 authorizing Clayton County to enter into a grant award with the State of Georgia Department of Human Resources and, in accordance therewith, accept grant funds to be used in connection with child support recovery efforts associated with the District Attorney's Office (\$671,228.04 with a local fund match of \$13,243.24). The motion carried 4-0.

13. Approved Resolution 2011-158 authorizing Clayton County, through its Parks and Recreation Department, to enter into a license agreement proving for the terms and conditions under which Doyle

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Baseball, Inc. will sponsor and host two coaching clinics and a player's clinic at Flat Shoals Park and Charley Griswell Rum Creek Park. The motion carried 4-0.

14. Approved Resolution 2011-159 authorizing Clayton County to accept grant funds from the Georgia Emergency Management Agency (GEMA) in association with the FY-2011 Performance Partnership award in the amount of \$70,955.00, with a local fund match of \$70,955.00. The motion carried 4-0.

15. Approved Resolution 2011-160 authorizing Clayton County to enter into a Memorandum of Understanding with the Federal Bureau of Investigation to participate in an organized crimes drug enforcement task force to be known as the David G. Wilhelm Strike Force. The motion carried 4-0.

16. Approved Resolution 2011-161 authorizing Clayton County to enter into the agreement, on behalf of the Clayton County Fire and Emergency Services and Tenet HealthSystem GB, Inc., d/b/a Atlanta Medical Center, providing for the terms and conditions under which trauma specialist education observation will be administered. The motion carried 4-0.

17. Approved Resolution 2011-162, a Resolution establishing the rate of compensation for hearing officers considering tax appeals as set forth in O.C.G.A. § 48-5-311; to authorize the Finance Director to amend the budget where necessary to reflect the appropriate revenue source and expense, all as may be required under the terms of the agreement. The motion carried 4-0.

18. Approved Resolution 2011-164 authorizing Clayton County, on behalf of the Clayton County Parks and Recreation Department, to grant a special facility use request for Clayton County Association Against Family Violence, Inc., to sponsor and host a Domestic Violence conference at the Virginia Burton Gray Recreation Center. The motion carried 4-0.

19. Approved Resolution 2011-165, a Resolution to retire police canine Lakota from active service and to grant a conditional gift for his remaining years. The motion carried 4-0.

Chairman Bell informed everyone that the Board had voted in favor of an employment agreement with the new County Manager, Mr. Wade Starr, at the last business meeting. After he and the Interim County Attorney (Jack Hancock) examined the agreement further, they met with Mr. Starr and made several recommendations for the Board to consider tonight. Chairman Bell asked Mr. Hancock to present those recommendations to the Board at this time.

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Mr. Hancock stated the modifications proposed for Mr. Starr's employment agreement are generally noted, with exceptions, as clean-up items listed below. (NOTE: Mr. Hancock had already provided copies of the revised agreement to members of the Board.)

1. In Section 10, a sentence at the very end of that section did not apply to this transaction and will simply be deleted in its entirety.
2. In Section 5, paragraph 4, the verbiage regarding reimbursement of certain non-personal business expenses is also being deleted (as agreed upon by Chairman Bell and Mr. Starr).
3. Additionally, the severance provision contained on page 4 in Section 7 is being modified to provide that **if the employee is terminated because of a crime involving moral turpitude or as a result of a breach of this agreement and a failure to cure that breach within thirty (30) days of receiving notice of the breach and the steps necessary to cure the breach, then severance would not be paid.** A definition is provided in the agreement of what is *cure* or what steps are necessary for *cure*, depending upon the breach.
4. The remainder of the changes (and all of the changes) are denoted on the redline copies provided to the Board members. They are essentially clean-up words.

Chairman Bell asked if the Board had any questions concerning these amendments to Mr. Starr's employment agreement. The Board had no questions regarding the revised employment agreement for Mr. Starr. Chairman Bell then called for a motion to approve this revised agreement. Vice-Chairman Ralph asked Chairman Bell if he had brought this revised agreement forward. Chairman Bell replied he had brought this agreement forward after they made corrections to it, and he was now calling for a motion. Vice-Chairman Ralph offered to second Chairman Bell's motion since he negotiated these revisions. Chairman Bell retorted that he was not making a motion. Mr. Starr attempted to get Chairman Bell's attention to speak, at the pleasure of the Board. Chairman Bell reminded Mr. Starr that this matter was now in the hands of the Board because "a motion was on the floor." There was no response from the Board. Chairman Bell informed Clerk Haywood that no action was to be taken. She could proceed with the next agenda item scheduled tonight. Clerk Haywood asked Chairman Bell if no response from the Board constituted "no action." Chairman Bell responded yes, it (the employment agreement) remains as is.

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As a point of privilege, Chairman Bell recognized Mr. John Izzard and Mr. Gordon Kenna in the audience tonight. He stated these two (2) individuals have worked so diligently with the county on the passenger rail project. They continue to represent this county in getting the rail service to and through Clayton County. He applauded them for their ongoing efforts.

PUBLIC COMMENT:

1. Carl Swenson thanked the Board for its last vote and stated “cronyism is alive and well here in Clayton County.” He also expressed dissatisfaction with the use of discretionary funds from SPLOST money. Per Mr. Swenson, SPLOST money is to be specifically set aside for certain tasks; i.e., road work and building recreation centers. The Board, however, appears inclined to use those monies for discretionary spending and he strongly opposed it. Additionally, Mr. Swenson believed the current property tax hike will adversely affect businesses in Clayton County; therefore, the Board should reconsider this property tax increase issue.

2. Wayne Madden publicly praised Clayton County Police Officer John Flaherty for calming down a group of fifty angry people at his subdivision (Rivers Edge) on September 17, 2011. In a cool, calm, and collected manner, this officer told the crowd that he was there to serve their interests and proceeded to do so. According to Mr. Madden, Officer Flaherty is a good person and a family man. Police Chief Greg Porter and the Board should be proud of him.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to go into Executive Session in the Commissioners’ Conference Room to discuss personnel and litigation matters at 7:34 p.m. The motion carried 4-0.

Motion by Commissioner Singleton, second by Chairman Bell, to go out of Executive Session at 8:25 p.m. The motion carried 4-0.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to reconvene in the Commissioners’ Boardroom at 8:26 p.m. The motion carried 4-0.

Interim County Attorney Jack Hancock presented the following recommendation to the Board for approval by vote:

1. Request to accept/approve the Civil Service Board recommendation to eliminate the positions of Airport Manager, Airport Supervisor, and Airport Technician due to their being no longer

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necessary – relative to the sale of the airport to Henry County – effective Friday, October 7, 2011. For the record, Clayton County no longer owns this airport. The persons holding these positions were properly notified that their positions would be eliminated (due to the sale of the airport) approximately one (1) month ago.

Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to accept/approve that the aforementioned positions be eliminated effective Friday, October 7, 2011. The motion carried 4-0.

There being no further business to discuss, motion by Vice-Chairman Ralph, second by Commissioner Singleton, to adjourn the Regular Business Meeting of October 4, 2011 at 8:27 p.m. The motion carried 4-0.