

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 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 Pastor Karl Miller of the Christian Life Center in Rex, Georgia. Pledge of allegiance to the flag led by Chairman Bell.
3. Amended the agenda by suspending the proclamation to Radio One, Inc. and Praise 102.5 until the recipient arrived (the recipient was involved in a traffic jam due to an accident); adding an Executive Session on a real estate purchase and litigation; suspending Resolution 2010-200 until the Board discussed it in Executive Session and reconvened the Business Meeting to determine consent to add it back to the agenda and vote on it; and holding item #13 (Appointment to the ZAG Board. The term of Dr. Cephus Jackson expired on August 19, 2010. New term is for three [3] years; expiring on August 19, 2013) until the next Business Meeting on October 12, 2010. The agenda was adopted, as amended, as all four (4) present commissioners had copies before them. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)
4. Approved the September 21, 2010 Regular Business Meeting minutes. The motion carried 4-1. (NOTE: Vice-Chairman Ralph was absent.)
5. Rod Gray, Director of Central Services, presented the following items for consideration that resulted in these actions. (NOTE: The Board voted on all of these items at once.)
 - 1) Approved a request by Mary Byrd, Senior Services Director, for an extension to the original ARAMARK Agreement dated January 4, 2010, to extend the temporary Food Service contract to December 31, 2010. The extension has been requested to allow ample time for the evaluation and consequently the contract process of the RFP Pkg. #10-26, which is the re-bid solicitation for Food Services Operation for Senior Services. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)
 - 2) Approved a request for SPLOST 2004 Consultant Design Services, Right-of-Way Services & Optional CEI Services for the widening and reconstruction of Godby Road – Change Order (RFP Pkg. #04-97/Purchase Order #05003528). The motion carried 4-0. (NOTE: Vice-Chairman was absent.)

These supplemental costs have been reviewed by Jeff Metarko, Transportation and Development Director, and his staff. The recommendation is to approve this Change Order Request of the awarded vendor, B&E Jackson located in Atlanta, Georgia, to increase the

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

original contract amount of \$494,429.00 to \$715,685.00 (increase of \$221,256.00). Funding for this cost increase is available in the 2004 SPLOST Program.

After the award to the above vendor, GDOT changed the design policy and guidelines and the Federal Highway Administration changed standards for Traffic Control Devices. Therefore, developing new right-of-way plans and project design changes have evolved to the extent that the right-of-way acquisitions have changed from 31 parcels (which was the scope of services originally presented in 2004) and have increased to 56 parcels. The current fee is now insufficient to successfully complete the project and to comply with GDOT and FHA requirements.

3) Approved a Work Authorization Request #001 from Silverman Construction Program Management for SPLOST Project Management & Consultant Services for the Forest Park Library. This Work Authorization Request is submitted by Silverman Construction Program Management in order to receive approval to begin program management services for the design and construction of the library in Forest Park. Silverman Construction Program Management was approved as the project manager by the Board of Commissioners on August 3, 2010 to provide services on designated SPLOST Projects (Police Precincts & Renovations; Library; Animal Control Facility; and Fire Multi-Purpose Building Construction Projects; RFP Pkg. #10-05). The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

The Work Authorization Request summarizes the scope of work phases, the schedule and the relevant fees. This fee proposal is in line with the terms of the contract and is not to exceed \$168,585.00. Funds are available in the 2009 SPLOST Fund.

6. Angela Jackson, Director of Finance, submitted these clean-up budget items for review which resulted in the following actions. (NOTE: The Board voted on all of these items at once.)

1) Approved Budget Amendment Request #2-77 (FYE 6-30-10), for Other General Government, in the amount of \$3,002,159.00, to cover additional claims expenses. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

2) Approved Budget Amendment Request #2-78 (FYE 6-30-10), for Other General Government, in the amount of \$104,404.00, to transfer funds to repay the HUD Home Program. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

3) Approved Budget Amendment Request #2-79 (FYE 6-30-10), for the Emergency Telephone System Fund, in the amount of \$11,191.00, to cover additional wireless telephone fees for E-911. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

4) Approved Budget Amendment Request #2-81 (FYE 6-30-10), for the Debt Service Fund (400 Fund), in the amount of \$726,817.00, to provide for reallocation of agent fees, interest, and principal charges. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

5) Approved Budget Amendment Request #2-7 (FYE 6-30-11), for the Emergency Telephone System Fund, in the amount of \$1,156,499.00, to cover the cost for the new Computer-Assisted Dispatch System (CAD) for the E-911 Center. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

6) Approved Budget Amendment Request #2-9 (FYE 6-30-11), for Other General Government, in the amount of \$22,504.00, to provide for litigation settlement for the Sheriff's Office (relative to former Sheriff Victor Hill). The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

7. Approved Resolution 2010-195 authorizing Clayton County to exercise its powers of eminent domain in accordance with provisions of GA Laws for the purpose of acquiring certain properties for use by the Clayton County Transportation and Development for the Panola Road Widening Project (Penny L. Lewis [49/12184B A060], David & Dawn Dixon [31/12184A A023]; Charles C. & Kathryn H. Cartwright [28/12184A A022]; Andre Paul Slack & Angela L. Slack [83/12185C B050]; Nicole A. Laing [70/12185B A004]; Sosina A. Arnold [64/12185A C013]; and Anthony L. Washington [52/12184B A005]). The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

8. Approved Resolution 2010-196 authorizing Clayton County to enter into a contract and contract amendment with Moreland Altobelli Associates, Inc. providing for design, right-of-way acquisition, and construction engineering and inspection services at Flint River Road and Anvil Block Road. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

9. Commissioner Hambrick requested that the Board hold Resolution 2010-197 authorizing Clayton County to enter into an agreement with Trane U.S., Inc. providing for the terms and conditions under which an engineering analysis, associated with the Energy Services Agreement,

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

will be administered for additional work at the H.R. Banke Justice Complex. The Board consented to hold this item.

Commissioner Edmondson questioned why there was a need to hold this item. He understood that the resolution did not detail any cost to the county for the engineering analysis.

Commissioner Hambrick noted that there were some questions about this resolution that needed to be resolved. Mr. Michael Smith, Chief Staff Attorney, stated he also understood there were some questions about the work being done for the H. R. Banke Justice Complex with the peak shaving piece. The original discussion with Trane pertained to the Landfill and an analysis of power generation from methane gas. Per Mr. Smith, staff had some questions about imminent energy projects at the Justice Complex that needed to be answered before this resolution is presented to the Board for approval. Based on those questions, Mr. Smith recommended that the Board hold this resolution.

10. Approved Resolution 2010-198 authorizing Clayton County to accept construction of a fence from Lovejoy Office Park on behalf of the Clayton County Parks and Recreation Department. A fence donation match of \$2,237.50 will be awarded to Rick Previtt of Lovejoy Office Park. The motion carried 4-0. (NOTE: Vice-Chairman Ralph was absent.)

11. Approved Resolution 2010-199 approving and authorizing the execution, delivery, and performance of a contract with the Clayton County Hospital Authority regarding issuance of bonds for cash flow savings. The motion carried 4-1. Chairman Bell opposed. For the record, he stated his reason was he did not believe the County should stand behind the Hospital Authority for additional funds. He noted in particular that the 2009 Hospital Authority audit had indicated a loss of \$30 million. Also, the results of a 2010 Hospital Authority audit are yet to be determined. The County, therefore, should not support an uncertainty. (NOTE: Vice-Chairman Ralph arrived at the meeting when this Resolution had already been presented to the Board for a vote.)

Mr. Smith requested an Executive Session following the meeting on litigation and real estate. The Board consented to have an Executive Session to discuss the aforementioned topics.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

Clerk Haywood alerted everyone that CieCie Wilson of Radio One, Inc. had arrived for the proclamation presentation.

12. PROCLAMATION: "Expression of Appreciation to Radio One, Inc. and Praise 102.5" (presented to CieCie Wilson of Radio One, Inc.). Clerk Haywood read the proclamation for the benefit of the audience. Group photos were taken afterwards.

PUBLIC COMMENT:

1. Rick Previtt thanked the Chairman for his help. He was present to speak about Item #11 regarding the donation match for a fence at Lovejoy Office Park. Since that matter had already been discussed, he had no further comments.

2. Camilla Moore was not present when her name was called.

3. Mayor Evelyn Winn-Dixon waived her right to speak when her name was called.

4. Lenard David Evans greeted the Board and introduced himself as a Department of Public Transportation employee. He was also a registered voter and taxpayer in Clayton County. Mr. Evans informed the Board that his co-workers were present tonight, and he asked them to stand for the Board to acknowledge their presence. He knew that some of the commissioners had a letter before them concerning the problems that his department is experiencing today with going to a five-day work week. The commissioners also had a proposal from his department about how it is saving the County some money by staying on a four-day work week. Mr. Evans stressed that he had gone through the proper procedure and was now present for the Board's moral support. He and his co-workers were asking for the Board's mercy so that they would continue to work a four-day work week. Due to the present economy, utility/fuel/expense bills would be reduced by working a four-day work week. He urged the Board to consider the possibility of them staying on a four-day work week.

Chairman Bell stated that Chief of Staff Alex Cohilas had been given this letter/proposal, and Mr. Evans would be hearing from him very soon.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

5. Matthew Talmadge approached the podium to speak. Before he spoke, Chairman Bell told Mr. Talmadge that he could save him some time because he was aware of Mr. Talmadge's repeated requests to have prayer services in the County's senior centers. Chairman Bell noted that he had just received a recommendation from Chief Staff Attorney Michael Smith regarding his request. The lawyers have an opportunity to look into the matter, and he planned to have a discussion soon in his office with Mr. Talmadge (along with Senior Services Director Mary Byrd and Staff Attorney Yusef Poole). They would all discuss the request in detail and give Mr. Talmadge a final answer. Mr. Talmadge asked if he needed to make a formal written request because he was going forward with the matter, even if he had to go all the way to the Supreme Court. Chairman Bell stated that it would be Mr. Talmadge's choice; however, he planned to discuss the matter soon. In fact, his assistant, Ms. Rose Johnson, was in the audience. He asked her to set up an appointment for him and Mr. Talmadge tomorrow.

6. Chris Gallagher had a complaint about the lack of maintenance at the golf course. According to county regulations, the golf course does not have to maintain the fairways; however, the parking lot, building, and grass must be maintained. Code Enforcement is not doing anything about it. Chairman Bell replied that he would give his complaint to Chief Cohilas, and he promised that the matter would be addressed tomorrow.

7. Wayne Madden said he just wanted to add to what Mr. Gallagher had stated. There is also a rodent problem in the County. He recently saw a rat cross his yard that was as big as a rabbit. Also, he was somewhat upset about what he had heard tonight about the Hospital Authority bonds. Chairman Bell is the only one who stood up for the County. There is no way that the commissioners should approve something for the Hospital Authority and "it does not have all of its ducks in a row." Mr. Madden emphasized that he was a former Blue Cross auditor, so he understood what goes on in hospitals and he could see the "big picture." He was disappointed in Vice-Chairman Ralph. Vice-Chairman Ralph probably should not be on the Southern Regional Health System Board. It is probably a conflict of interest. The numbers of the Hospital Authority should be investigated because he "smelled a rat." Mr. Madden asked if Southern Regional were a county hospital. There was no response from anyone. Mr. Madden responded, "I didn't think so. Believe me, we understand...don't we?"

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

The Board made a motion to go into Executive Session in the Commissioners' Conference Room at 7:48 p.m. to discuss litigation and real estate. Vote unanimous.

Following a motion to go out of Executive Session at 8:15 p.m., the Board reconvened in the Commissioners' Boardroom at 8:16 p.m. Vote unanimous.

Upon reconvening, the Board approved the Legal Office's recommendation to notify Tax Commissioner Terry Baskin by letter regarding insurance coverage of his automobiles as well as the fact that the maintenance and gas will no longer be the county's responsibility. Vote unanimous.

Next, the Board approved the Purchase/Sales Agreement for the Lake City Crossing property at the purchase price of \$2.5 million. Vote unanimous.

The Board then consented to add Resolution 2010-200 back to the agenda, which resulted in this action:

13. Approved Resolution 2010-200, a Resolution of the Board of Commissioners of Clayton County, Georgia ("The County") approving a bond resolution prepared for adoption by the Development Authority of Clayton County ("The Authority") authorizing the issuance of one or more series of the Authority's Revenue Bonds in an aggregate principal amount not to exceed \$3 million ("The Bonds"); to authorize the execution of an intergovernmental contract between the County and the Authority to secure payment of the bonds; and for other purposes. Vote unanimous.

14. Mr. Smith noted that Vice-Chairman Ralph had inquired about the status of Dr. Carlo Musso on the Housing Authority Board, and the letter he sent to the Board regarding Dr. Musso's position. This letter stated that Dr. Musso was in conflict with the adoption of an amendment to Ordinance 2-56 relative to county board members conducting business transactions with the County and/or other Authorities. After this ordinance amendment was adopted, Clerk Haywood was asked to poll county boards to determine who fell in that category. Dr. Musso fell into that category and the Housing Authority Director notified him about this

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

October 5, 2010

POST SUMMARY MINUTES

ordinance amendment. Per Mr. Smith, Dr. Musso has yet to respond concerning whether he will cease doing business with the County in order to remain on the Housing Authority Board. Mr. Smith added that the Board asked him to reiterate to Dr. Musso that it now intends to look at his position as being vacant and will offer a replacement. Commissioner Hambrick stated that she wanted to nominate Dorothy Morris as a replacement for Dr. Musso on the Housing Authority Board. Her motion was seconded by Vice-Chairman Ralph. The motion carried 3-1. Chairman Bell opposed; Commissioner Edmondson was absent.