

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

March 15, 2011

POST SUMMARY MINUTES

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

1. Chairman Bell called the meeting to order.
2. Invocation was led by Chaplain Debra Powell of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by moving item #5 (PRESENTATION: "Update on the Community Choices Grant Awarded to Clayton County for the Highway 42 Overlay District Analysis"/presented by Stephen Causby, Principal Program Specialist at the Atlanta Regional Commission) to the end of the agenda [prior to Public Comment]; holding item #14 (Resolution 2011-42--Authorizing Clayton County to enter into a new FY-2009 Subrecipient Agreement with the Jonesboro Housing Authority allowing for the continuation of its Down Payment Assistance Program); canceling the Executive Session; and adding three (3) resolutions:
 - 1) Resolution 2011-43--Authorizing Clayton County to enter into a ground lease agreement with the National Museum of Commercial Aviation providing for a lease of property located at Fulford Drive to operate a Museum of Commercial Aviation); 2) Resolution 2011-44 -- Establishing the position of the governing body on the issue of testimony of Chief Staff Attorney Michael Smith and Staff Attorney Christie Cross Barnes pursuant to a subpoena by the District Attorney of Clayton County, Georgia); and 3) Resolution 2011-45--Establishing the position of the governing body on the issue of retention of call logs from cell phone bills; to provide an effective date of this resolution; and for other purposes. The agenda was adopted, as amended, as all commissioners had copies before them. The motion carried 4-0.
4. Approved the March 8, 2011 Regular Business Meeting minutes. The motion carried 4-0.
5. Rod Gray, Director of Central Services, presented the following two (2) requests which resulted in these actions. (NOTE: The Board voted on both of these items at once.)
 - 1) Approved a proposal (RFP Pkg. #10-42; 12/14/10) to establish an annual contract for the Inmate Pay Phone System, as requested by the Sheriff's Office and the Correctional Institute/Prison. The recommendation is to issue a multi-award of contracts to the following firms with the highest score.

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<u>Section 1:</u>	<u>Vendor</u>	<u>Score</u>
Sheriff's Office	Securus Technologies Dallas, Texas	427.5
<u>Section 2:</u>		
CI/Prison	Beall's Communication Columbus, Georgia	308.3

The motion carried 4-0.

2) Approved a bid (RFB Pkg. #10-49; 12/20/10) for Inmate Uniforms and Bedding Supplies/Annual Contract, as requested by the Sheriff's Office. The recommendation is to issue a multi-award of contracts to the following firms, based on the lowest responsive bids. Funds are available through the General Fund.

<u>Vendor</u>	<u>Awarded Items</u>
Bob Barker Fuquay Varina, NC	Item #7 (Washcloth – .1375 ea.; \$1.65/doz.)
ICS Jail Supply Waco, TX	Item #4 (Pillow – \$4.50 ea.)
Robinson Textiles Gardena, CA	Item #1, #2, and #3 (Inmate Coverall – 3 Colors; S = \$10.42; M = \$10.60; L = \$10.90; XL = \$11.30; 2X = \$11.50; 3X = \$11.85; 4X = \$12.15; 5X = \$12.65; 6X = \$12.87; 7X = \$13.40; 8X = \$13.75; 9X = \$14.15; 10X = \$14.35 Inmate V-Neck Shirt – 4 Colors; S-M = \$3.90; L-6X = \$4.30 Inmate Mock Fly Pant – 4 Colors; S-M = \$4.50; L-6X = \$4.90)

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Tabb Textile Company
Opelika, AL

Item #8 (Sheet; \$1.90 ea.)

Textile Sales, Inc.
Baltimore, MD

**Item #5, #6, #9 (Blanket – .53 ea.; 40 case
Towel – .67 ea.; 25 doz.
Pillow Case – .54 ea.; Packer 25 doz.)**

The motion carried 4-0.

6. Angela Jackson, Director of Finance, submitted one (1) budget amendment for consideration which resulted in this action.

1) Approved Budget Amendment #4-49 (HOME GRANT 2004, 2006) for FYE 6-30-11, in the amount of 50,000.00, to reallocate funds for Service Delivery Costs for FYE 6-30-12. The motion carried 4-0.

7. Approved Ordinance 2011-31, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 62 ‘Offenses and Miscellaneous Provisions,’ Article II ‘Quality of Life Code,’ by deleting the existing Section 62-201 ‘Purpose and Definitions,’ and substituting in lieu thereof a new Section 62-201 ‘Purpose and Definitions,’ and by deleting Section 62-204 ‘Parking or Storage of Commercial Vehicles, Trucks or Equipment,’ and substituting in lieu thereof a new Section 62-204 ‘Parking or Storage of Commercial Vehicles, Trucks or Equipment.’ The motion carried 4-0.

Vice-Chairman Ralph commented on the importance of this ordinance. He stated that it will allow the county to deal with foreclosed properties that are in various stages of decay; i.e., lack of maintenance by builders. This has been an issue many citizens have complained about in residential areas. Vice-Chairman Ralph noted that he and Clayton County Prison Warden Frank Taylor Smith toured a subdivision recently where it was half completed and half subdivided with no structures on the property. This neglect actually lowered the property value in that area and alarmed the citizens who lived there. That is the reason why this ordinance is so important, and he thanked the Board for supporting it.

8. Approved Resolution 2011-37 authorizing Clayton County to enter into a grant agreement with the Organized Fraud Task Force (OFTF), in the amount of \$10,000.00, to purchase equipment and training classes with no matching County funds. The motion carried 4-0.

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9. Approved Resolution 2011-38 authorizing Clayton County to allow leadership and development of our Youth in Sports, Inc. to sponsor and host its Ninth Annual Girls Basketball Tournament at the Carl Rhodenizer Recreation Center and the Virginia Burton Gray Recreation Center. The motion carried 4-0.

10. Approved Resolution 2011-39 to approve the reallocation of the budget in the Gateway Village 18-Month Development Plan. The motion carried 4-0.

11. Approved Resolution 2011-40 authorizing Clayton County to accept a donation (\$8,599.00) from the Clayton County Aging Program Advisory Board on behalf of the Clayton County Senior Services Aging Department's Meals on Wheels Program. The motion carried 4-0.

12. Approved Resolution 2011-41 authorizing Clayton County to accept a grant from the FY-2009 Hazard Mitigation Grant Program, in the amount of \$39,679.00, with a 75% federal cost share basis and a 25% County match of in-kind services on behalf of Clayton County Fire and EMS. The motion carried 4-0.

13. Approved Resolution 2011-43 authorizing Clayton County to enter into a ground lease agreement with the National Museum of Commercial Aviation providing for the lease of property located on Fulford Drive for the purpose of operating a Museum of Commercial Aviation; authorizing the Chairman to execute the ground lease agreement; to provide an effective date of this resolution; and for other purposes. The motion carried 4-0.

*14. Approved Resolution 2011-44 establishing the position of the governing body on the issue of the testimony of Chief Staff Attorney Michael Smith and Staff Attorney Christie Cross Barnes pursuant to a subpoena by the District Attorney of Clayton County, Georgia; and for other purposes. The motion carried 3-1. Chairman Bell opposed.

*15. Approved Resolution 2011-45 establishing the position of the governing body on the issue of retention of call logs from cell phone bills; to provide an effective date of this resolution; and for other purposes. The motion carried 3-1. Chairman Bell opposed.

*NOTE: Per Chief Staff Attorney Michael Smith, these two (2) resolutions were prepared by outside counsel.

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16. PRESENTATION: "Update on the Community Choices Grant Awarded to Clayton County for the Highway 42 Overlay District Analysis" (presented by Stephen Causby, Principal Program Specialist at the Atlanta Regional Commission).

Mr. Causby thanked the Board for the opportunity to speak about the findings of the ARC's Community Choices program tonight. He reminded everyone that he had appeared before the Board last spring when Clayton County was selected as one of seven (7) regional projects to receive a technical assistance grant, and this grant was used to review the Highway 42 corridor. ARC conducted a land use analysis of the area (outlined in a report that Mr. Causby had distributed to the Board earlier). This analysis incorporates ARC's final findings and some next step recommendations if the county decides to pursue redevelopment or economic development in that area. According to Mr. Causby, the main findings were that industrial properties on the north side were not maintained as well as they could be. ARC recommended working with county code enforcement to clean up and secure those areas and possibly list the unmarked corridor properties under a central service for availability. The analysis also notes that Clayton County has great recreational, cultural, and historical attractions. Better signage along the Highway 42 corridor would benefit citizens/visitors living/traveling in the area who want to explore and enjoy those attractions. Finally, the analysis indicates there is limited commercial retail activity in different parts of the study area. In the future, ARC wants to conduct a small corridor study in communities to determine potential notes of development; i.e., mixed use categories. This might be a good designation for some of the high visibility/busy intersections for future retail development and pedestrian friendly retail offerings (within walking distance). Mr. Causby mentioned that the analysis does include some data from CoStar Commercial Real Estate. CoStar provides information on properties for sale, leasable space, and certain geography along the Highway 42 corridor as well as samples of mixed use ordinances and best practices where other communities have benefited. All of this information is accessible through ARC, and Mr. Causby stated he would be happy to answer any questions and/or receive comments.

Chairman Bell thanked Mr. Causby for this information and questioned the extent of the project on Highway 42.

Mr. Causby answered that the project extends up to the county line.

Chairman Bell asked Jeff Metarko, Transportation and Development Director, if the ARC project matched what the county had added to the HB 277 list.

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Mr. Metarko stated that the road project Chairman Bell referred to stops at Anvil Block Road.

Commissioner Hambrick inquired if the county would receive grants along with this report.

Mr. Causby said future grants may be tied to this via LCI studies with ARC.

Commissioner Singleton requested that Kc Krzic, Zoning Administrator, apprise the Board of the current status of Highway 42.

Ms. Krzic informed the Board that when the county adopted a new zoning ordinance in 2008, it addressed six (6) district overlays (Highway 42 corridor is one of them). This ARC study is one of the first steps taken since last year, and there will be a community review on Tuesday, March 22, 2011, at the Carl Rhodenizer Recreation Center in Rex, Georgia to move forward with the design guidelines for the Highway 42 corridor (similar to what was done with Highway 138).

Concerning a related issue, Vice-Chairman Ralph questioned the status of the county's Transportation/SPLOST project list. He also wanted to know when the Board will be able to see the list that will be submitted to ARC.

Chairman Bell replied that he had met with the mayors today and had a very fruitful discussion with the engineers. Mr. Metarko is going 'back to the drawing board' with the engineering input and incorporating it into those projects that already qualify for the list. Per Chairman Bell, that 'drop list of projects' should be ready by next Wednesday (March 23, 2011) and it will be submitted to the Board for review at that time. Mr. Metarko added that all project submittals are due to ARC by March 30th; therefore, T&D will have to coordinate proper review among the Board members between now and then.

Chairman Bell directed Mr. Metarko to submit the projects to the commissioners in the form of a presentation, either individually or collectively.

Vice-Chairman Ralph felt this submittal to the Board was really late. The project list is due by the end of this month, and this is the last Board meeting for the month. It was alarming to him that the commissioners had not had an opportunity to review the projects before now.

Chairman Bell said it was alarming to him also, but the county had a very shallow window in which to work on this endeavor. He admitted there was a great deal of consternation during the round table discussions regarding these plans, and now everything is on the fast track. He apologized for the delayed process.

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Vice-Chairman Ralph acknowledged there were other counties that had already voted on their project lists for submittal. Chairman Bell agreed that they had, but Clayton County had to work within the framework of staff that it has. He knew that some counties had full-time dedicated staffs working on the project lists, but Clayton County only has one person (Jeff Metarko).

Vice-Chairman Ralph stated that he personally believed the Board should be better informed about something as important as the Transportation SPLOST, a new money-making venture for ARC and the region. When the Board is made aware of such projects in a timely manner, it can actively vote as a body to raise public support and determine priorities. If it is a time or staffing issue, then the Board needs to know early on so that it can make some staffing decisions.

Chairman Bell rebutted that Vice-Chairman Ralph knew the current status of the county's staffing level and what it has been. At the executive level, there are very few staff members. He has to depend on department heads to put all projects together. Chairman Bell affirmed that he meets with department heads on a regular basis—weekly and sometimes more often within that time frame. He and Mr. Metarko have met two (2) to three (3) times already this week, and they do what they can with what they have. Chairman Bell stated that the Board is already aware of the county's staffing needs.

Commissioner Singleton asked Chairman Bell if he had talked to the mayors about the county's Service Delivery agreement.

Chairman Bell answered that a meeting about Service Delivery has been scheduled, and Chief Staff Attorney Michael Smith has been the coordinator. Efforts have been made via the phone and in writing and planned according to the Board's agenda. Vice-Chairman Ralph questioned if Chairman Bell had engaged in a conversation with Sheriff Kimbrough regarding the budget.

Chairman Bell affirmed that he had a discussion with Sheriff Kimbrough recently. He also wrote him a document indicating what needs to be discussed based on the Board's requests. Sheriff Kimbrough has now been scheduled to meet with him concerning that discussion.

Vice-Chairman Ralph next inquired if Chairman Bell had a county financial plan.

Chairman Bell responded that he had written to Angela Jackson, Director of Finance, about a financial plan. She should have it ready either today or tomorrow. He has requested the same

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concerns to be addressed that were in the Board's agenda. Prior to that, Ms. Jackson has been working diligently on the budget with its many shortfalls and the process is ongoing.

Vice-Chairman Ralph asked if the Board could expect a follow-up at the next business meeting on these myriad requests. He knew that Chairman Bell had written several letters, but he wanted to know if the information would be ready for the Board to review.

Chairman Bell replied no, the information may not be ready. The Board, however, would receive a follow-up. He is highly dependent on the mayors' and Sheriff's schedules, and Ms. Jackson is working non-stop on the budget with a limited staff. The Board just approved tonight to give Ms. Jackson two (2) additional staff members, and that process would be facilitated through Renee Bright, Director of Human Resources, post-haste.

PUBLIC COMMENT:

1. Barbara Sweany, a Henry County resident, stated she moved to Georgia upon retirement to be with her son and grandson (who have since moved to Nevada). When she moved here, she joined the senior center and that has been a godsend since she now has no family here. Ms. Sweany admitted that despite having no relatives in the area, she has made many friends at the senior center. Last Friday, she attended a Mardi Gras at the J. Charley Griswell Senior Center and everybody had fun at this event. Ms. Sweany added that it was well-attended and covered by the Clayton County newspaper. Due to the increased membership fees approved by the Board, many seniors will not be able to attend the senior center. She wondered how the Board members would feel if they had to give up something that brought them great pleasure. When she was raised, she was taught to respect her elders. On behalf of the seniors, Ms. Sweany requested that the Board bring forth new resolutions to decrease these fees significantly.

2. Tracy Graham Lawson, elected Clayton County District Attorney and county resident, reiterated what she had relayed to the Board tonight at its pre-meeting. She stressed that Vice-Chairman Ralph and Commissioners Hambrick and Singleton just violated the Open Meetings Act by adding two (2) items [Resolutions 2011-44 and 2011-45] that were not scheduled prior to the business meeting agenda tonight. No declaration was made as to why the items constituted an emergency, and these commissioners also involved a request by the criminal attorney representing Angela Jackson (Finance Director) who is being paid for by county citizens in a criminal matter. Ms. Lawson explained that citizens made an Open Records Act request and Ms. Jackson had the records destroyed, which is *Avoiding a Public Record* and a *2-10 Felony*. She also emphasized that *O.C.G.A. § 50-18-102. Record Retention* is a separate issue from that. A

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motion to squash has been filed on Ms. Jackson's behalf by this attorney and is supposed to be heard by a Superior Court judge. By having these additionally approved resolutions, the three (3) commissioners are trying to interfere with witnesses Michael Smith and Christie Cross Barnes and that is a felony too. For the record, Ms. Lawson stated that she vehemently opposed what these commissioners just did, and she wanted the public to understand what those three (3) people have done.

3. Lisa Tinch expressed that she had an official letter from Wells Fargo stating that it did not give the Clayton County Board of Commissioners permission to demolish her house (which is a problem). She also received a letter from the Wells Fargo President/CEO indicating that Chief Staff Attorney Michael Smith had told Wells Fargo that she had this house built, did not like the specifications, and had the house torn down. Ms. Tinch adamantly stated that this problem needs to be taken care of immediately. She opined that Mr. Smith had done a lot of damage, not only to county citizens, but to her and her family. Ms. Tinch told Chairman Bell that it is time for this problem to end; it has been three (3) years too long. She noticed that Captain Landry Merkison was present tonight and that he was the coordinator over her house. Captain Merkison gave permission for her house to be demolished in December 2007, and he was the person who presented her a letter of agreement to sign. Ms. Tinch insisted that she did not sign this letter until after the fact in 2008 (when her house was gone). She then asked Chairman Bell if she had signed the letter in front of him. According to Ms. Tinch, she and her family did not have an opportunity to ask Chairman Bell or this Board any questions about the matter. Ms. Tinch felt that she had been wronged, and she was present tonight to ask the Board to correct this problem. She knew that one of the commissioners had been charged with a DUI and one got paid working for the public school system as well as for being a commissioner. There are some problems going on in this county and they must be addressed. She would be most appreciative if these matters were resolved.

4. Marsha Nour (?) did not respond when her name was called.

5. Pamela Noah, a county resident, alerted the Board that she had been in the pre-meeting and wanted to reiterate District Attorney Tracy Lawson's concerns. She is the original petitioner as well as a taxpayer, homeowner, and voter. As a matter of record, Ms. Noah objected to the commissioners adding Resolutions 2011-44 and 2011-45 to the agenda tonight. No reason was given for adding these resolutions on an "emergency" basis. According to the State of Georgia Open Meetings Act, the Board is supposed to give notice and it has not done that. She, therefore, was lodging her complaint.