

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman 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 was led by James Caine of the Board of Elders, Community Bible Church in Stockbridge, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by holding item #12 (Resolution 2011-58 – A Resolution authorizing Clayton County to adopt the Northwest Clayton Livable Centers Initiative, dated December 2004; to adopt the Northwest Clayton Livable Centers Initiative Five Year Update and Implementation Plan dated March 2011, as required by the Atlanta Regional Commission); enumerating that Chief Staff Attorney Michael Smith would present section a. Service Delivery Agreement; Sheriff Kimbrough would present section b. Working with Sheriff Kimbrough to address Overtime in the Sheriff’s Office; Chairman Bell would present section c. Status of the Chairman’s driver arrangement plans; and the Board would hold section d. Meeting with the Clayton County Schools Superintendent under Discussion Items on page 2; and announcing that the Executive Session would be conducted concerning a personnel matter following the business meeting. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the April 5, 2011 Regular Business Meeting minutes. Vote unanimous.
5. PRESENTATION: “Briefing on I-75 Managed Lanes in Clayton County” (presented by Gerald Ross, Georgia Department of Transportation Deputy Commissioner and Chief Engineer).

Mr. Ross briefly addressed the Board about a Georgia Department of Transportation project that is actually scheduled for Henry County; however, Clayton County citizens will be affected by it. He wanted the Board to be aware of this impact in case constituents ask questions about the project. Mr. Ross referenced a map in a hand-out he had distributed earlier to the Board. It outlined that the project adds two (2) lanes to I-75; starting at I-675 and going all the way to S.R. 155. Two (2) reversible lanes will be on the right side (going southbound toward McDonough, Georgia). Per Mr. Ross, the lanes will be routed toward Atlanta in the morning and going south toward McDonough in the afternoon. When drivers get in those lanes, they will not be able to get out until they reach Mt. Carmel Road at S.R. 155. Since these are managed lanes, they will

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

also be toll lanes. A fee will be charged to manage the lanes better by pricing. The higher the congestion is, the higher the pricing will be. When there is no congestion, the pricing will be relatively low. The project is approximately twelve miles long – six (6) miles to Mt. Carmel Road and three (3) more miles to S.R. 155. GDOT anticipates a construction start date of 2012 with completion by 2015. Mr. Ross explained that this project is part of Governor Nathan Deal's \$200 million bond package, and some monies generated from the tolls will facilitate road maintenance/repair. The tolls are totally electronic; therefore, drivers will never have to stop for toll booths or throw coins into a toll machine. Van pools and transit buses will be exempt from the tolling process. The toll fee will only apply to cars, and that is a decision that the entire metropolitan area agreed upon regarding all managed lanes.

6. PROCLAMATION: "Clayton County Recognizes National Donate Life Month" (presented to LifeLink of Georgia). [NOTE: This proclamation was not presented due to the absence of a LifeLink representative.]

7. PROCLAMATION: "Clayton County Celebrates National Government Month – Honoring Our Veterans, Armed Forces, and Families" (presented to American Legion representatives; Commander John Harper; Assistant Chairman Jim Montgomery; Senior Vice Al Moss; Honor Guard Tom Harris; and Chaplain Cochran and Other Military Personnel; Julius Smalls, Command Sergeant Major {Retired}; Mike Sauls, First Sergeant {Retired}; Jeremiah Legget, Sergeant First Class {Retired}; Kevin McKie, Sergeant First Class {Retired}; Ray Jones, Jr., Sergeant Major {Retired}; Honorable Mike Glanton {Retired Army}; and General Robert Stephens, Jr. {Retired}).

8. PROCLAMATION: "Clayton County Recognizes the County's Homeless Prevention and Rapid Re-Housing Program" (presented to Housing and Community Development representatives; Phil Van den Akker and Lance Crawford, Director; Community Services Authority representatives; Rev. Charles Grant, Jamineese Miller, and Beechie Yates; and Salvation Army representative, Sergeant Major Melissa Cardova).

9. 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 Purchase Request for an upgrade to the CAD/OSSI False Alarm Tracking and Billing Program system, as requested by the Clayton County Police Department.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

The recommendation is to purchase the software upgrade as a Sole Source from CryWolf Alarm Management Solutions Software located in Waldorf, MD, which is the only patented system for alarm management (U.S. Patent No. 6,856,246), for a total cost of \$41,500.00 with an annual software license and maintenance renewal fee of \$4,660.00. Funds for this project are available in the E-911 Fund, (215-3301). Vote unanimous.

2) Approved a bid (RFB Pkg. #09-05) to amend the current Solid Waste Pick-Up Services Annual Contract by adding a 36 yard self-contained Compactor at the Harold R. Banke Justice Complex. The Compactor will be used by all departments located at the Justice Complex. Vote unanimous.

The existing Compactor that is owned by the County has had several costly repairs. It is currently out-of-service and cannot be repaired. The recommendation is to lease the equipment from the County's current vendor (Waste Pro of Georgia, Inc.) at a price of \$335.00 monthly, which will include maintenance, for the remaining terms of the contract with the current vendor. Waste Pro of Georgia, Inc., located in Doraville, Georgia, is the vendor that was originally awarded the contract by the Board of Commissioners on November 17, 2009. This company has agreed to accept the amendment which will include this additional Compactor service lease.

10. Approved Resolution 2011-56 further amending Resolution 2010-177 establishing Clayton County's Employee Furlough Policy, so as to clarify the Policy to conform to the County's Defined Benefits Plan. Vote unanimous.

11. Approved Resolution 2011-57 authorizing Clayton County to accept a donation (two 32" televisions) from the Frank Bailey Senior Center Advisory Council on behalf of the Clayton County Senior Services Department for the Frank Bailey Senior Center. Vote unanimous.

12. Approved Resolution 2011-59, A Resolution authorizing the County to amend the 2004 SPLOST Program Management Agreement with Carter Goble Lee to add Program Management Services for a Police Precinct to be constructed on the same site for construction of a Recreation Center; to authorize the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required. Vote unanimous.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

DISCUSSION ITEMS (Chairman Bell's Follow-up from the 2-18-11 Commission Retreat):

*a. Service Delivery Agreement*

Chief Staff Attorney Michael Smith stated that the county's current service delivery agreement, a document mandated by House Bill 489, expires on April 29, 2011. The Board charged Chairman Bell to meet with the city mayors to begin the process. Today, Chairman Bell and county staff met with the mayors and various city managers to discuss the agreement. The cities recommended/agreed at that time to get a six-month extension and also requested a discussion on the reallocation of Local Option Sales Tax (LOST) distribution certificate. Mr. Smith pointed out that the LOST distribution is intertwined with the service delivery agreement, but it does not expire until December 31, 2012. He added that there were follow-up items from today's meeting. The mayors and the Chairman established a standard meeting going forward on the second Tuesday of each month. They discussed contacting the State Department of Community Affairs (DCA) to grant the six-month extension and to investigate the selection of a facilitator from the Carl Vinson Institute concerning discussion on HB 489. The county representatives and city managers will be meeting within the next thirty days to come back to the full body to identify those issues they feel should be on the table and those items that do not present a problem to the Chairman and mayors.

Commissioner Hambrick asked if the County has to go through Community Development (?) to find out about an extension or if an extension would automatically be given.

Mr. Smith answered that it would have to be verified; however, any document would have to be filed with the Department of Community Affairs.

Commissioner Hambrick further asked when the Board would know if an extension would be granted.

Chairman Bell and Mr. Smith replied that the Board would know before the end of this week.

Vice-Chairman Ralph noted that the Service Delivery Agreement and the LOST distribution certificate are two (2) separate items. It was strange to him that this discussion brought the two (2) together because the Service Delivery Agreement expires at the end of this month and the LOST distribution certificate does not expire until the end of 2012. To ask for a six (6)-month

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

extension is disconcerting because it ties them together in a way that does not appear to be beneficial. Currently, Vice-Chairman Ralph acknowledged that there is a division of services between the county and the cities. He guessed that the Board was now having a discussion on whether or not that division of services would remain the same or if there would be some changes or tweaks to that division of services. Vice-Chairman Ralph felt that asking for a six (6)-month extension was not fruitful. A month extension might be more acceptable for the Chairman and the mayors to bring something concrete back to the Board; however, he would not support a six (6)-month extension at all.

Commissioner Edmondson expressed that he was in agreement with Vice-Chairman Ralph. LOST is a completely separate issue, and a decision should not take six (6) months. The Board has known this was coming since the last service agreement, so there is no urgency here.

Chairman Bell asked if a 30-day extension would be a consensus of the Board. The Board agreed that such an extension was acceptable. Chairman Bell assured the Board that he would take that message back to the municipalities.

***b. Working with Sheriff Kimbrough to address Overtime in the Sheriff's Office***

Sheriff Kem Kimbrough admitted that he did not have any prepared remarks because he just got the message to be present tonight at 5:45 p.m. He and the Chairman met in advance of his budget hearing this year (back in March 2011). They discussed a number of items and ideas concerning overtime expenditures in the Sheriff's Office. In the review process, Sheriff Kimbrough stated he had prepared a memo for the Board but he wanted to vet it thoroughly before he sent it over to the Board for review. The Board should receive this memo in a few days. Sheriff Kimbrough explained that the memo comprehensively outlines the way the issues break down per the discussion he had with Chairman Bell. Essentially, the Sheriff's Office has a problem with manpower and utilization. If the workload is X and it needs to be addressed with a certain level of manpower, then a lack of manpower on the ground would have to be met by utilizing overtime. Jail staffing especially has utilized overtime for many years (even before he became Sheriff). Sheriff Kimbrough stated that the Board is aware of the Sheriff's Office staffing plan, which is an integral part of the facility design. Unfortunately, that staffing plan called for a number of officers who were never allocated for in the budget and could never be

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

realized. It is a known fact that the Jail staffs on overtime routinely. At the other end of the spectrum in field services, there is the same issue. Sheriff Kimbrough said he has the same number of Deputy Sheriffs allocated to the Sheriff's Office that he had when he came to the County in 1999. It also stands to reason that the population and court workloads have changed since that time. With no new staff, all he could do was reallocate personnel to certain functions. Once the staff was reallocated to certain functions, he had to increase the staff's level of productivity – resulting in more hours out on the street and in the community. According to Sheriff Kimbrough, he basically has three (3) choices – 1) continue as is with current overtime being in line with the past 3 years of overtime expenditures, with some minor variations; 2) add staff; or 3) reduce overtime expenditures and reduce presence on the streets and in the Jail. Although he did not view them as viable alternatives, he would take them under advisement if the Board so desired.

Vice-Chairman Ralph wondered if the memo that the Sheriff proposed to send to the Board resulted solely from the Sheriff or from a collaboration between the Sheriff and Chairman Bell.

Chairman Bell answered this is a proposal solely from the Sheriff to the Board.

Vice-Chairman Ralph recommended that the Sheriff's proposal be forwarded directly to Chairman Bell since the Board had delegated him to devise a plan with the Sheriff to then present to the Board. By general consensus, the Board agreed with Vice-Chairman Ralph's recommendation.

*c. Status of the Chairman's driver arrangement plans*

In consideration of what the Board has asked him to do, Chairman Bell stated he is still using the persons assigned to him as drivers from the Sheriff's Office. He informed the Board that his doctor recently ordered him to have an MRI, which he had this morning. As quickly as a prognosis can be made of his condition, Chairman Bell said he will continue to follow through on the Board's request.

Commissioner Hambrick was concerned about the vehicles being used to drive Chairman Bell to various places. She thought that two (2) county vehicles were being used, and she asked Sheriff Kimbrough if that were correct.

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

Sheriff Kimbrough acknowledged that only one county vehicle is being used and it is assigned to the Chairman. Drivers assigned from the Sheriff's Office on detail do not utilize assigned vehicles in the first place. They may be transported over to the Commissioners' Office in a vehicle, but that does not mean that the Sheriff's Office is using two (2) vehicles for that purpose.

Commissioner Hambrick wondered if two (2) county vehicles had been assigned to the Commissioners' Office. If not, the County could use the second vehicle for another purpose.

Sheriff Kimbrough replied that he had no knowledge or control over the Commissioners' Office vehicles.

Vice-Chairman Ralph suggested that the Board consent to take the \$4,500.00 budgeted and put it back into the fleet.

Chairman Bell stated that the Board can do whatever it wants with the monies. The Board agreed by general consensus.

Vice-Chairman Ralph noted the Chairman had said he would use the deputies assigned as drivers by the Sheriff. He then questioned the hourly rate of these drivers.

Sheriff Kimbrough responded that they were being paid approximately \$18.00 an hour.

Vice-Chairman Ralph asked Chairman Bell if he would rather use the deputy assigned by the Sheriff instead of the driver that this Board made provisions to assign to him (from Senior Services).

Chairman Bell retorted that the driver the Board had assigned to him is not a trained person. The Board does not know the extent of his impairment, and he intends to use the Sheriff's deputies until the doctor releases him. He further stated that his doctor has limited his driving severely and may even limit it more when a decision is made regarding his condition. Per Chairman Bell, this is not an issue of whether he decides to use a Sheriff Deputy or a Senior Services driver. If he does not have full use of his right arm and he still contends that he is an officer of the court, he has to be able to use that arm to defend himself. Chairman Bell contended he would still

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

rather have trained personnel until such time a decision has been made by the doctors (selected by this County) who are treating him. He also stated that he was certainly concerned about his welfare just as anyone else would be. His county work schedule is full-time, sometimes seven (7) days a week, and he uses those drivers only as prescribed by the doctor. Chairman Bell expressed he would continue to use them until such time that the doctor(s) release him.

Vice-Chairman Ralph next questioned the status of the meeting with the School Board. Chairman Bell replied that he has made an attempt to meet with the School Board. The School Board has responded that it will meet following the Spring Break holiday, and Monday started the holiday.

Vice-Chairman Ralph stated the County is still not in receipt of any dollars associated with the school security program (SRO). Chairman Bell said no. The Finance Director, Angela Jackson, has received monies for the Police Department and the services that the County provides the Clayton County schools. (NOTE: Ms. Jackson, who was present at this meeting, affirmed that Chairman Bell was correct.)

Vice-Chairman Ralph asked Ms. Jackson to clarify this matter for him. Ms. Jackson stated that the Police Department provides a part of the SRO services to the county schools, and the Sheriff's Office provides another part. The County has received monies for the Police Department for services provided; however, if any funds have been received by the Sheriff's Office, she is not aware of them.

-----  
13. ZONING PETITION:

1) **REV. PETER DUC VU (REZ/CUP 201103-01)**

Petition of Rev. Peter Duc Vu for a Conditional Use Permit from Article 3.7, RS-110 Residential District Intent, Permitted Uses, and Conditional Uses, for a Place of Worship. The subject property is located at 21 Valley Hill Road in Riverdale, Georgia and is otherwise known as Parcel Number 13173C B002. This property is currently zoned Residential Use (RS-110), located within Land Lot 173 of the 13<sup>th</sup> District, and sits on 1.83 acres. (Commission District 2/Commissioner Gail B. Hambrick).

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

Proposed use of property is Conditional Use Permit (RS-110 w/CUP)  
to expand church facilities that currently exist on the adjacent parcel.

Land Use Plan Amendment – NONE.

Zoning Advisory Group recommendation is approval.

Mr. George Harper of Paramount Engineering stated he represented the petitioner, Rev. Peter Duc Vu and his church (Our Lady of Lavang). An additional 1.83 acres are adjacent to the existing facility which sits on 16 acres. The 1.83 acres has a small residence on it that is used as a rectory for the priest. There is a master plan for the church to build a new sanctuary with required parking; therefore, this is a request for a conditional use permit for that small parcel. The plan is to combine the small parcel with the larger existing church parcel to become one. Mr. Harper acknowledged that there has been a church on this property for quite awhile now. He believed the former church was Community Bible Church. If the Board had any questions, he would be happy to answer them at this time.

Chairman Bell asked if there were any opposition to this petition.

Minister Samuel White, a resident of the River Hills community, said his neighborhood is adjacent to this church. His community had some concerns because it was not aware of this petition. If this petition is approved, the houses will be rezoned in the community as well and they are no more than 100 yards from this parcel. There have been problems with noise coming from the church and members walking through residential yards. Should this CUP be allowed, Minister White said his neighborhood will have a church sitting on top of it all day and night. He stressed that his community is not against the church, but they also love the neighborhood. If no one takes a stand now, there will be no community. There will just be one big church. He reiterated that he was not against people worshipping where they wanted to worship, but there has been no meeting or discussion with his community about this request. Ninety percent of the time, his community does not know what is happening at the church. The residents just hear a lot of noise with no resolution to the problem and no assistance from law enforcement. This residential parcel for a CUP is about 200 yards from someone else's home, so he figured that the

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

house next door to it would have to be rezoned as well. As a representative for his community, he requested that the Board consider this petition carefully. There also needs to be some discussion between the community and the church about this matter.

Mr. Harper rebutted that the plan being proposed is in accordance with the county's zoning ordinance. The church is required to leave a 40 foot buffer between the residential property and the new church property, and the church is abiding by that. There is a privacy fence along the new development as well. Further down is existing parking for the church in a heavily wooded area. Mr. Harper stated that he knew the church would do whatever it could to prevent trespassing, and it is willing to abide by all applicable zoning requirements.

Rev. Peter Duc Vu voiced that he had just moved to the church area around two (2) years ago. He was looking out for the future of the church to get spiritual benefits; i.e., preaching the gospel to accommodate new Vietnam residents in a different cultural environment. Rev. Duc Vu believed the church has freedom to express its faith and it wants to continue to expand to the needs of the people. His church has around 850 families which amount to approximately 3,500 people, so expansion is necessary for services.

Chairman Bell noted there was a request from Minister Samuel White for the church to meet with the community. He asked Rev. Duc Vu if the church had met with the community regarding expansion. Rev. Duc Vu said he had just moved here two years ago, and he could meet with the people. He was aware that there were 15 houses in the area.

Minister White expressed that he did not want to refute what the pastor had said, but he knew about Vietnam because he is a veteran. He believed in freedom, but the pastor needs to meet with the community. There are actually about 90 houses in the area and no one from the church has met with the residents since the church has been there, and he has lived in the community 20 years. Minister White adamantly stated that the proposed retaining wall or buffer will not stop the noise coming from the church. Ceremonies with loud noise from music and drums generally last until 2:00 a.m., and a retaining wall will do little to buffer that noise. Residents will have no peace on Saturday nights and will feel irritated when they get up to go to church on Sunday mornings. The residents feel violated by a church that has never extended an invitation to them. He concluded that "if you are going to come into a person's house, you ought to wipe your feet first."

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

April 12, 2011

POST SUMMARY MINUTES

Mr. Harper stated that it is not the business of the church to make enemies. Rev. Duc Vu has relayed to him that the church has tried to be active with the neighbors. It has even cleaned up trees in a neighbor's yard that came across the privacy fence. Although he could not speak for Minister White, Mr. Harper said the church has made great strides to be a good neighbor. If there is anything more that it can do for the community, it will be willing to do so.

Commissioner Edmondson noticed that the Planning and Zoning notes indicated that a community meeting was held on March 2, 2011. During this meeting, there were no attendees for this application. He wondered if that meant no one from the church showed up.

Kc Krzic, Zoning Administrator, replied no. A church representative and/or legal representative for the church was required to be there. This statement refers to the notices that residents are required to be sent who live within 300 feet of the property.

Commissioner Edmondson asked if only the church representatives showed up (and not the neighbors/residents).

Ms. Krzic said that is correct. No one from the community showed up.

Commissioner Edmondson understood that the proposed square footage would basically triple the existing sanctuary on 1.83 acres. Mr. Harper said that is correct.

Based on the information provided by the petitioner and the community, Commissioner Hambrick recommended that the Board deny this petition. Vice-Chairman Ralph seconded the motion. Vote unanimous.