

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

June 14, 2011

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 was led by Rev. Keith L. Reynolds of Christian Fellowship Baptist Church in College Park, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding a proclamation (“Clayton County Recognizes Rev. Keith L. Reynolds and Marilyn A. Reynolds” – presented by Chairman Eldrin Bell); adding Resolution 2011-89 (Authorizing Clayton County to execute a sponsor certification required by the U.S. Department of Transportation, Federal Aviation Administration, regarding compliance with residential through the fence access in the airport improvement program); and noting that the Executive Session to be conducted following the Regular Business Meeting would be regarding litigation, real estate, and personnel matters. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the June 7, 2011 Regular Business Meeting minutes. Vote unanimous.

NOTE: Chairman Bell recognized the presence of Kappa Alpha Psi Fraternity, Inc./Stockbridge Jonesboro Alumni Chapter members in the audience, under the leadership of Mr. Clarence J. Boone, II. He stated they had expressed an interest in attending the meeting tonight, and the Board thanked them for their support.

5. PROCLAMATION: “Clayton County Board of Commissioners Recognizes Lovejoy High School Graduate Davis Nguyen” (presented by Vice-Chairman Wole Ralph). [NOTE: This proclamation was not presented due to the absence of the honoree.]
6. PROCLAMATION: “Clayton County recognizes Rev. Keith L. Reynolds and Marilyn A. Reynolds” (presented by Chairman Eldrin Bell). [NOTE: Group photos were taken, and Clerk Haywood read the proclamation for the benefit of the audience.]
7. 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 RFP #04-75 for the Panola Road Widening Project/Supplemental Agreement, Contract Amendment. Vote unanimous.

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The supplemental agreement has been reviewed by Jeff Metarko, Director of Transportation and Development. McGee and Partners, located in Tucker, Georgia, was originally awarded the contract by the Board of Commissioners on December 21, 2004 in the amount of \$746,700.00.

This agreement will not increase the total value of the contract with the consultant, but it will modify individual task amounts, eliminate the Construction Engineering and Inspection phase, and implement a new miscellaneous service phase.

- 2) Approved an Emergency Purchase of HVAC Units for Annex II. Vote unanimous.

According to the information provided by Les Markland, Interim Director of Building and Maintenance, this request is for the purchasing and installation of air handling units to continue the progress on the corrections to the air conditioning system and controls in the Annex II Building. The purchase and installation of this equipment will be from Trane, located in Atlanta, Georgia, which currently works on the facility. A total cost of \$43,121.00 has been quoted for the equipment. Funds are available through the Building and Maintenance General Fund.

- 3) Approved a request to Replace Recording Equipment for Magistrate Courtrooms at the Harold R. Banke Justice Center (as an emergency purchase from a sole source). Vote unanimous.

Based on the information provided by Chief Magistrate Judge Daphne Walker, the current recording system in the courtrooms can no longer be repaired and need to be replaced as soon as possible. The request is to purchase DCR recording equipment from BIS Digital located in Fort Lauderdale, Florida, in which it is the sole source developer, designer, and manufacturer of this equipment. BIS Digital has currently replaced all equipment in the State and Superior courtrooms. The purchase of this equipment from the same company will ensure consistency between the various courtrooms in the Justice Center, at a total cost of \$59,150.00. Funds are available through the Finance General Fund.

8. Angela Jackson, Director of Finance, presented one (1) request which resulted in this action.

- 1) Approved a Request for Refund – Conditional Use Permit from Shirley Cook of Riverdale, Georgia, in the amount of \$500.00. Vote unanimous.

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9. Renee Bright, Director of Human Resources, brought forth one (1) request which resulted in the following action.

1) Approved a Request to Renew Excess Coverage with HCC Life Insurance Company for the period of 07/01/2011 through 06/30/2012 for the Self-Funded Medical Plan. Vote unanimous.

The excess coverage protects the County if there is a covered participant in the Self-Funded Medical Plan whose claims exceed \$125,000.00.

Clayton County purchases this coverage annually to help protect the Self-Funded Medical Plan from excess claims expense. If a participant's claims cost exceeds \$125,000.00 within a year, the County will be reimbursed the amount over \$125,000.00. There is one individual who has been identified with a serious illness that could cause a potential high claims cost. This individual will be lasered with a higher deductible of \$350,000.00 if this certain treatment is needed.

The renewal of coverage with HHC Life has an approximate 5.7% decrease in premium and should provide an estimated financial savings to the County in the amount of \$17,000.00. Clayton County will be paying the estimated premium of \$299,144.00 for the upcoming plan year. This premium could change based on the number of employees and retirees who are enrolled in the plan. Coverage will benefit the County against potential large claims costs for the plan year.

10. Approved Resolution 2011-86 providing for the establishment of the legal holidays to be observed by the government of Clayton County during the period of July 1, 2011 through June 30, 2012; to request that all elected officials of Clayton County observe such legal holidays; to provide for the observance of a personal holiday to be selected by each County employee. Vote unanimous.

11. Approved Resolution 2011-87 authorizing Clayton County to enter into a Memorandum of Understanding Affiliate Agreement with the William H. Reynolds Nature Preserve Foundation, Inc. on behalf of the Clayton County Parks and Recreation Department, providing for the terms and conditions under which a fire tower will be used. Vote unanimous.

12. Approved Resolution 2011-88 authorizing Clayton County to enter into a contract with The Collaborative Firm, LLC providing for the terms and conditions under which stand-by planning services will be rendered to the County. Vote unanimous.

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13. Approved Resolution 2011-89 authorizing Clayton County to execute a sponsor certification required by the U.S. Department of Transportation, Federal Aviation Administration, regarding compliance with residential through the fence access in the airport improvement program. Vote unanimous.

14. ZONING PETITION:

1) **MR. AZHENG (DAVID) DAI (REZ/CUP 201105-03)**

Petition of Mr. Azheng (David) Dai for a Conditional Use Permit from Article 3.31 Heavy Industrial District Intent, Uses, and Standards, to allow a Scrap/Metal Recycling Center. The subject property is located at 7468 Jonesboro Road in Jonesboro, GA and is otherwise known as Parcel Number 12080D A001. This property is currently zoned Heavy Industrial (HI) and is located within Land Lot 80 of the 12th District (Commission District 4/Commissioner Michael Edmondson). Vote unanimous.

Proposed use of property is Conditional Use Permit (HI w/CUP)
For a Scrap/Metal Recycling Center.

Land Use Plan Amendment – NONE.

Zoning Advisory Group recommendation is approval.

Chairman Bell asked if there were any opposition to this petition. There was no response from the audience. Chairman Bell next asked the petitioner to make his presentation at this time (as requested by Commissioner Edmondson).

Adam Banks identified himself as a representative for Mr. Azheng (David) Dai and Spring Metal Recycling. He was honored to be here tonight and was seeking the Board's approval of a Conditional Use Permit to obtain short term outside storage for the facility. This is a recycling business located at 7468 Jonesboro Road, and it received a Certificate of Occupancy on September 29, 2010 – subsequently to a Fee Simple Ownership of the property on December 1, 2010. Per Mr. Banks, Spring Metal Recycling has been operating as a business since then (almost two [2] years now). It chose its headquarters in Clayton County due to the easy access to highways, railroads, and the airport. He pointed out that Spring Metal Recycling is not a typical

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recycling facility because it does not do any shredding, melting, or heavy processing. Mainly, it purchases, packages, and ships materials and serves as a commodity brokerage company. Due to the high volatility of commodities, it is not cost effective for this facility to keep materials on site for an extended period. The goal is to purchase, package, and ship materials in less than a two (2)-week time frame.

Mr. Banks alerted the Board that when Spring Metal Recycling took occupancy of the property, the existing fence was in disrepair. (NOTE: For the benefit of the Board and audience, he referenced a picture of the fence on an easel.) On March 24, 2011, Spring Metal Recycling applied for a variance to construct an eight (8)-foot metal privacy fence to serve as a buffer from Jonesboro Road and provide added security for the business. At the time of the variance application, this facility became aware that a Conditional Use Permit was required for short term outside storage. The subject property has been zoned Heavy Industrial (HI) since 1978 and complies with the comprehensive plan and future land use map. Abutting properties include Penske Truck Company, a chemical plant, a masonry supply company and two (2) concrete companies. All of these businesses currently have outside storage, and Spring Metal Recycling would like to utilize its property to the fullest economic potential by having the same privileges for outside storage. Mr. Banks stressed that Spring Metal Recycling has been unanimously recommended for approval by the Technical Review Committee and the Zoning Advisory Group. Tonight, this company seeks the Board's approval as a consistent and compatible use. It has addressed all staff comments and met all the decision criteria required in Ordinance Section 13.10. In addition to compliance with staff recommendations, Spring Metal Recycling will leave the existing vegetation along Jonesboro Road; add mature trees to the landscape in a section where there are no trees; and construct an eight (8)-foot privacy fence (although a 12-foot fence is preferred). Mr. Banks thanked the Board for its time and consideration. He respectfully felt that the company's request was reasonable, considering the surrounding area to this property. Spring Metal Recycling looked forward to growing its company and using Clayton County as its headquarters for years to come. Mr. Banks concluded that he would like to reserve his remaining time to answer questions and concerns from the Board.

Chairman Bell asked again if there were any opposition to this petition. Hearing none, he stated this matter was now in the arms of the Board.

Commissioner Edmondson inquired if the short term nature of these open containers would be permanent. He thought the containers would basically be filled and emptied every day or two as needed, but they will be located on-site permanently year-round.

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Mr. Banks answered that this was correct; the containers will be there along with material.

Commissioner Edmondson understood that these items will grow as the business grows.

Mr. Banks said yes, but it is the business's goal to constantly sell this material as quickly as possible.

From a layman's perspective, Commissioner Edmondson stated there will be containers at this location year-round with materials in them and potentially growing. Additionally, cars will be there – although not at this time (as ascertained from the minutes).

Mr. Banks replied that Spring Metal Recycling does not really see cars in its plans.

Commissioner Edmondson admitted he had researched this petition well and, while he was unable to obtain any written grievances, he recalled there was a high pressure gas line years ago that ran underneath the previous recycling center situated on the property. This gas line apparently created some hazards that resulted in the previous recycling center moving from this location. Commissioner Edmondson stated that some of those issues had not been addressed in the minutes or in any of the questions answered. He definitely felt that short term storage with a high turnover to expand on a permanent basis was a concern. Its benefit to the county in terms of welfare, public health, and general economic development was also a concern. Commissioner Edmondson noted that he had distributed some letters from the Economic Development, Police, and Transportation and Development Departments. One of the concerns he had was the construction development/transportation project on Battle Creek Road that will result in Old Morrow Road being a one-way turn exit only, and Spring Metal Recycling is planning to have these trucks coming in and out just from the back entrance. Additionally, there is a nuisance factor concerning theft of copper and related metals which was outlined in the police report as well as the lack of economic interest – including item #5 on the petitioner's application that says... "relative gain to the public may not be substantial." With the comments from Economic Development, Commissioner Edmondson was somewhat concerned that approval of this petition might be detrimental also. Considering all of those concerns as well as the concerns from the City of Jonesboro, Commissioner Edmondson made a recommendation to deny this petition.

Chairman Bell followed up by saying that a recommendation in the form of a motion had been made to deny this petition. He next asked if there were a second to this motion. Since none of

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the other Board members made a response, Chairman Bell stated that he would second Commissioner Edmondson's motion to deny this petition. Before asking for the ayes and the nays, he asked if there were any additional questions or concerns.

Mr. Banks asked if he would be allowed to speak. Chairman Bell directed Mr. Banks to wait until the Board members had been given a chance to ask questions or express concerns. Hearing nothing from the Board, Chairman Bell asked for the ayes and nays. All Board members answered aye (in favor of denying this petition). For the record, Chairman Bell stated that the Board had unanimously denied this petition for a Conditional Use Permit (to allow outside storage to be utilized by an existing recycling center). He then reiterated to Mr. Banks that his petition had been denied. **[Motion by Commissioner Edmondson, second by Chairman Bell, to deny the petition to allow a CUP for short term outside storage at the Spring Metal Recycling facility. Vote unanimous.]**

PUBLIC COMMENT:

1. Ms. Patrick, a resident of 211 David Lane in Jonesboro, Georgia, stated she lived in the Marsh Harbor Subdivision (a townhome community off Kendrick Road). She thanked the Clayton County Police for coming to her neighborhood and doing their job. Although her area is a residential area, she was concerned about the plethora of investors in rental property. Some of these renters have criminal histories, and she felt that no one really cared about that area. Ms. Patrick expressed that she has raised issues about this neighborhood since 2001. There are so many different backgrounds in this community; i.e., bad kids, gangs, drugs, etc. The area is generally a "revolving door." When she gets one bad seed out, another one comes in and it is a constant battle. She tried to organize a Neighborhood Watch program under the HOA, but only one investor showed up and he owned a whole block. That is an indication that no one cares about the neighborhood. Ms. Patrick affirmed that she is fighting a losing battle and stressed out. She has done all that she can do. Property values have gone down to a point where she is paying \$70,000.00 for her home, yet the townhomes are going for \$15,000.00 now. Ms. Patrick questioned how she could get any equity out of her house. This is a major concern, and she wanted the county to be aware of what is happening in the Marsh Harbor Subdivision.

Chairman Bell responded that the Board did have Ms. Patrick's phone number (and he publicly verified it with Ms. Patrick). Commissioner Edmondson interjected that Ms. Patrick resided in

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his commission district and he would contact her regarding her concerns. Chairman Bell assured Ms. Patrick that he also had her phone number, and someone would follow-up with her about these issues.

2. Brian Daughdrill (?) did not respond when his name was called.

3. Wayne Madden, a county resident, stated that his issue was rhetorical. He formally made an open records request on the trip that Vice-Chairman Wole Ralph took to Amsterdam, Holland. He was glad to see the presentation that Mr. Banks had done earlier, and he wanted to see a presentation on the benefits Clayton County received as a result of Vice-Chairman Ralph's trip to Amsterdam. Chairman Bell interrupted Mr. Madden's comments by stating that the Board did not wish to hear the same petition over and over again when there are adequate remedies that Mr. Madden could exercise to ensure that his request is appropriately answered. He suggested that Mr. Madden "go to the next step." Mr. Madden replied that he would do so and wished everyone a "nice night."

4. Samuel Smith, a Clayton County Sheriff's Office employee, voiced he was a resident of Spalding County at the present time. He actually grew up in Clayton County and was a resident for 40 years before moving to Spalding County. Also, Mr. Smith stated he has been a county employee for over 24 years. He understood that furlough days do in fact affect retirement. Not only do furlough days affect retirement, but they affect it unequally. Both hourly and salaried employees who cannot get overtime period will pay the brunt of it. If an employee can get overtime for a pay period, he/she can make up that time. Furlough days could affect retirement by 5% to 10% at a rate of 2.5% per year – which would take two (2) to four (4) years to make up. Mr. Smith recommended that the furlough days in place not affect employees' retirement and retirement will be computed on the base pay (and not necessarily on overtime pay). Retirement should be based on a straight-out salary. He further recommended that retirement be made even across the board with employees keeping 40 hours during the week. Mr. Smith hoped the county would encourage employees to do a good job, work 40 hours, get promotions, and maintain annual leave and holidays. He stressed that these measures will save the county monies and ensure that everything is equal across the board.

Chairman Bell told Mr. Smith his considerations would be handled by the appropriate department, and someone would contact him.