

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 14, 2013

POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Chaplain Sergeant Gazzara Hill of the Clayton County Police Department. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by adding an appointment to the Ethics Advisory Committee, as requested by Commissioner Hambrick. Clerk Haywood announced that the Executive Session held tonight pertained to litigation and personnel matters. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the May 7, 2013 Regular Business Meeting minutes. Vote unanimous.
5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up for public comment to be heard at the next Tuesday business meeting.

1) Dr. Henry Anderson, a Clayton County resident, continued his acknowledgement, recognition, and accolades to the Board. He first thanked Officer Joe Eckler, who is a patrol officer in his area, for introducing himself. He thanked Chairman Turner, Vice-Chairman Edmondson and Commissioner Rooks for voting in Public Comments (for 3 minutes) at the beginning of the commission meeting so that citizens will have an opportunity to have more time to speak on issues and concerns. Dr. Anderson gave accolades to Vice-Chairman Edmondson, Commissioner Singleton, and Commissioner Hambrick for passing the tax increase in 2009. He recognized Vice-Chairman Edmondson and Commissioner Singleton for making all commission meetings at 7:00 p.m., terminating the agreement to absolve Clayton County from the proposed rail system, ending the C-Tran System, and voting to make Chairman Jeffrey Turner Clayton County's tenth Chief of Police and the county's first African-American Police Chief.

2) Synamon Baldwin thanked Georgia Secretary of State Brian Kemp for conducting an investigation of Chairman Turner's residency. Although the county NAACP disagreed with the

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findings of the investigation, the Georgia State Board of Elections decision is respected. She ensured the citizens of Clayton County that the NAACP will continue to be a leader in holding elected officials accountable. Ms. Baldwin thanked the Board for its service.

3) Cassandra Rice, Board HOA President, came on behalf of Pine Shoals Subdivision, District 2 with concerns of boarded-up homes. She stated this was her first time attending a commission meeting and she was here to represent District 2 in Clayton County. Ms. Rice shared her concerns by reading the following letter:

Boarded-Up Homes in the Pine Shoals Community

To Whom It May Concern:

In reviewing Clayton County Code Enforcement Compliance Guidelines, there are no stipulations or accountability on a homeowner for boarding-up their houses. Boarded-up houses have become a major problem within Pine Shoals Community and it is believed to be so because there is no accountability on how long a homeowner should keep their property boarded-up. There is no time limit for leaving the houses boarded-up. In fact this is actually preferred by the code for vacant properties to prevent unauthorized entry and damage. As long as property is in compliance with the codes, it can be left this way indefinitely. I'm not sure who came up with this concept, but it makes no sense, and it does not encourage homeowners to want to maintain their property. A boarded-up house is supposed to be a temporary condition and not a permanent fixture. It is not meant to stay this way. Owners of properties that are already boarded-up should have 90 days to register with the county; then their six-month clock should begin ticking to repair it.

Three houses in the Pine Shoals Community have been boarded-up for several years, providing a haven for unwanted activities whether it's for drug dealers, gang hangouts, etc., in addition to boarded-up windows. Some of the boarded-up houses have been broken into, so this does not keep unauthorized entry or damage to the property from happening; this theory does not work. In addition to the dangers they pose, vacant and abandoned buildings often are signals of a neighborhood in distress or that is not a fit place to live. Once again, this has discouraged private investment causing a stunt in community growth. We have a lot of angry homeowners who are bothered by this and would like the regulations to be changed. They have no motivation to improve their property when living next door to a boarded-up house or across the street from a boarded-up

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window for 5-10 years, in addition to a distressed market. A new ordinance needs to be improved and voted on, because this is not a high quality of life that Clayton County claims to uphold.

Owners who violate the new rules should have 15 days to make corrections. Those who don't make the corrections should be fined \$250.00 the first day and \$25.00 a day after that. The fines should be capped at \$5,000.00. The only way a boarded-up home should be extended to a six-month deadline and allowed to stay boarded-up is if: owner signs an intent-to-repair-letter, owner is working on the property and making visible progress; owner has pulled permits for repair work; house meets all city codes; and owner has filed a claim with an insurance company to pay for repairs after a fire or other damages.

Clerk Haywood alerted Ms. Rice that her three (3) minutes had expired and, if she could present a copy to the Board, she would make sure that her comments from the letter were recorded in the minutes.

6. PROCLAMATION: "Clayton County Recognizes May 2013 as Mental Health Awareness Month" (presented by Chairman Jeffrey E. Turner to Dr. Andria Cheever and Executive Director of the Clayton Center).

7. PROCLAMATION: "Clayton County Recognizes Ocquianna Danyelle Suggs as a Gates Millennium Scholar for the Class of 2013" (presented by Commissioner Sonna Singleton).

[NOTE: Group photos were taken of the honorees and Board. Clerk Haywood read all the proclamations for the benefit of the honorees, Board, and audience.]

8. PRESENTATION: "I-75 Express Lane Project" (presented by Darryl VanMeter, GDOT Administrator of the Innovative Program Delivery Office).

Mr. VanMeter briefly gave a status update to the Board about a Georgia Department of Transportation I-75 Express Lane Project scheduled for Henry County; however Clayton County citizens will be affected by it. He stated that since the last presentation to the Board from his former boss Chief Engineer Gerald Ross, progress has been made. Since October 2012, the Draft Environmental document is completed and this went to a public hearing last month. Mr. VanMeter recapped the description of the project which involves construction of a reversible, barrier-separated, managed lane system along I-75 in Henry and Clayton Counties. The project begins 2.1 miles south of S.R. 155 on I-

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75 south and ends 2.1 miles north of S.R. 138 (Stockbridge Highway) on I-75 south and 2.1 miles north of the I-75 interchange along I-675 in Clayton County, with a total length of 17.94 miles. The managed lanes begin approximately 600 feet south of the I-75 southbound on ramp from S.R. 138 (Stockbridge Highway) and at S.R. 138 on I-675, and end at the I-75 bridge over S.R. 155, for a total length of 12.24 miles. From S.R. 155 to approximately 1 mile south of Mt. Carmel Road, the managed lane system would consist of one reversible lane transitioning to two reversible lanes. He 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. VanMeter, the lanes will be routed north toward Atlanta in the morning and going south toward McDonough in the evening. He explained that this was the scope of the project. The budget for the project is approximately \$150 million.

Chairman Turner asked if this project will alleviate some of the horrendous traffic in that area.

Mr. VanMeter replied GDOT is hoping for that, and the addition of two (2) reversible lanes to the existing three (3) lanes in that bottleneck section will be a benefit to the county.

Commissioner Hambrick asked if the lanes are going to be tolled.

Mr. VanMeter answered yes, it is part of the concept of a managed lane.

Commissioner Hambrick asked for clarification concerning where the project begins and ends.

Mr. VanMeter explained that the project begins south of S.R. 155 on I-75 south and ends north of S.R. 138 on I-75 south and north of the I-75 interchange along I-675 in Clayton County. He announced that he would leave some project newsletters with the Board.

9. Theodis Locke, Director of Central Services/Risk Management, presented (6) six items that resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website: <http://library.municode.com/index.aspx?clientId=10562>.)

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1) Approved a Request to Sell County Surplus Items, utilizing GovDeals.com, as requested by the Central Services Department. Items to sell are as follows:

- Lot #49 One Coats Tire Machine

- Lot #59 3-Piece Photo Developing Set

- Lot #96 21 Pieces of Furniture (3 desks, 5 tables, 3 typewriter/printer stands, 3 credenzas, 1 bookcase, 1 video cart and 5 single drawer rolling cabinets)

- Lot #97 16 Pieces of Furniture (1 magazine rack, 1 mail sorter, 1 drummer stool, 1 typewriter stand, 1 bookcase, 1 desk with return and 10 desks)

- Lot #98 5 Pieces of Furniture (1 wood desk, 1 metal desk, 1 wood desk with shelving and drawers, 1 large metal desk with shelving and 1 extra large wood work table with shelf)

- Lot #99 50 Office Chairs; and

- Lot #100 23 Pieces of Metal Items (8 mules, 1 cart, 3 push lawn mowers, 3 pump motors, 1 library book drop box, 4 riding lawn mowers and 3 lawn mower decks)

Vote unanimous.

2) Approved **Clayton County Police Department Tactical Gear, Sole Source Purchase** (\$91,664.96), POR #00002968 and POR 0002883, as requested by the Police Department. Funding is available through the Georgia Emergency Management Agency. Per Section 2-136 (7) of the Clayton

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County Purchasing Ordinance, Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The purchasing agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

Police Chief Gregory Porter's recommendation is to approve this purchase from Zero Point, located in Virginia Beach, Virginia, whose company is a sole source supplier for various tactical gear equipment. Funding is available through the Georgia Emergency Management Agency (GEMA).

3) Approved **Clayton County Police Department Scanx Scout with Battery and Equipment, Sole Source Purchase**, (\$99,000.00), POR #00002907 and POR #00002873, as requested by the Police Department. Funding is available through the Georgia Emergency Management Agency. Per Section 2-136 (7) of the Clayton County Purchasing Ordinance, Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The purchasing agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

Police Chief Gregory Porter's recommendation is to approve this purchase from Scanna MSC, Inc., located in Sarasota, Florida, whose company is a sole source supplier for equipment. Funding is available through the Georgia Emergency Management Agency (GEMA).

4) Approved **RFP Pkg. #13-17 Concession Operations at Clayton County International Park, Annual Contract**, as requested by the Parks and Recreation Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of

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goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

Parks and Recreation Director Detrick Stanford's recommendation is to approve this bid to award a contract to NEA-BBQ, LLC, dba Sonny's Bar-B-Q, located in Buford, Georgia, with a high score of 484.00.

5) Approved **RFP Pkg. #13-20 Commissary Services for the Clayton County Prison, Annual Contract** (\$87,542.41), as requested by the Clayton County Prison. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

Corrections/Prison Department Warden Frank T. Smith's recommendation is to award a contract to McDaniel Supply Company, located in Jesup, Georgia, with the highest score of 384.25; commission rate of 43.25%; and the highest annual projected commission fee of \$87,542.41, which will be paid to the County.

6) Approved **RFB Pkg. # 13-26 Turf Mower Equipment for Clayton County Parks and Recreation** (\$100,628.00), as requested by the Clayton County Prison. Funding is available through the 2004 SPLOST funds. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

Parks and Recreation Director Detrick Stanford's recommendation is to award items to Atlanta Kubota, LLC located in Marietta, Georgia in the amount of \$54,888.00 and Golf Ventures, Inc. located in Norcross, Georgia in the amount of \$45,574.00. This recommendation is based upon the lowest responsive bidders. Funding is available through the 2004 SPLOST funds.

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10. Ramona Thurman, Chief Financial Officer, presented three (3) Budget Amendments which resulted in the following Board actions.

1) Approved Budget Amendment #2-59 – Economic Development/FYE 6-30-13, in the amount of \$1,300.00, to provide office supplies and promotional expenses from Central Georgia EMC donation. Vote unanimous.

2) Approved Budget Amendment #2-60 – Senior Services/FYE 6-30-13, in the amount of \$31,379.00, to cover Aramark Food vendors' expenses. Vote unanimous.

3) Approved Budget Amendment #2-62 – Prison/FYE 6-30-13, in the amount of \$8,495.00, to purchase Cell-Sense cell phone detector. Vote unanimous.

11. Renee Bright, Director of Human Resources, presented two (2) requests which resulted in the following board actions.

1) Approved a request from Superior and State Court Administration to compensate employee, Terri Rogers, \$8,000.00 for the time she served as the Judiciary Secretary to Judge Simmons during his tenure as Chief Superior Court Judge. Vote unanimous.

This request is made to appropriately compensate Ms. Rogers, due to an oversight which was no fault of the employee.

The Judiciary Secretary for the Chief Superior Court Judge is eligible for a \$2,000.00 stipend per year. Terri Rogers worked for Judge Matthew O. Simmons from January 1, 2007 to December 21, 2010. During this time, she did not receive the stipend due to an oversight. It was recently discovered that in 2007 the appropriate paperwork was not submitted to indicate the stipend.

For the record, Commissioners Rooks asked Ms. Bright if the employee's supplement had been budgeted before and if it were just a failure to execute the proper paperwork for the county.

Ms. Bright replied it was her understanding that it was an oversight at the time to initiate the paperwork.

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2) Approved a request for an advanced step hire of a Superior and State Court I.T. Coordinator who will assist the judges and judicial staff with technical support, I.T. project management, and programming needs. Vote unanimous.

The individual being hired into the vacant I.T. Coordinator position brings over thirteen (13) years of experience in Information Technology Support and Networking Engineering. The higher step pay will provide a better qualified individual to meet the rapidly changing technical needs of the judiciary system, and foster longevity in the position.

Chairman Turner requested that Interim County Attorney Jack Hancock present all Resolutions and Ordinances for vote except for Resolution 2013-111, which he wanted to be read separately.

Mr. Hancock stated that he would read Ordinance 2013-125 first because it was just a 1st reading and it did not need a vote tonight. [NOTE: The Board will vote on Ordinance 2013-125 at the next Regular Business Meeting on May 21, 2013.]

12. Accepted Ordinance 2013-125 (**First Reading**), an Ordinance adopted under the Home Rule powers granted to Clayton County pursuant to Article IX, Section II, Paragraph I of the Constitution of the State of Georgia of 1983, amending the Clayton County Code of Ordinances, specifically relevant sections of the Clayton County, Georgia Public Employee Retirement System to update the eligible positions constituting the Pension Board responsible for the administration of the Clayton County, Georgia Public Employee Retirement System; to repeal conflicting laws, ordinances, and resolutions; and to provide an effective date of this ordinance.

13. Approved Resolution 2013-92, a Resolution to enter into a License Agreement with Caribbean Association of Georgia, Inc., to host the "South Metro Caribbean Festival" at the Clayton County International Park on August 24, 2013 from approximately 8:00 a.m. until 8:00 p.m.; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer or the Finance Director to amend the budget where and when necessary to reflect appropriate revenue sources and expenses, all as may be required; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

14. Approved Resolution 2013-111, a Resolution to provide for the adoption and submission to the U.S. Department of Housing and Urban Development of the Clayton County PY2013 – PY2017

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Consolidated Plan and the PY2013 Annual Action Plan; to provide for amendments to the Clayton County PY2008, 2010, and 2011 Annual Action Plans; to authorize the Chairman to execute any documents required to submit and implement the Consolidated Plan, Annual Action Plan, and the amendments to the PY2008, 2010 and 2011 Annual Action Plans; to authorize the Chief Financial Officer or the Finance Director to amend the budget where necessary to reflect appropriate revenue sources and expenses, all as may be required; to provide an effective date of this Resolution; and for other purposes. Vote unanimous.

Chairman Turner asked if there were any questions regarding Resolution 2013-111.

Commissioner Rooks questioned Community Development Director Patrick Ejike on the number of changes to the proposal. She asked him to explain to the Board what he believed is forthcoming with NSP.

Chairman Turner asked Mr. Ejike to tell what NSP meant for those who didn't know.

Mr. Ejike explained that NSP's (Neighborhood Stabilization Program) intent in the past was to help stabilize neighborhoods through buying and selling of foreclosed homes. He stated that Community Development is looking at all possibilities that this program covers, including blight and some economic development. He noted that an ad will be coming out tomorrow in the newspaper announcing a substantial amendment to the program. This means that items could be included for eligibility that were never included before in the program for HUD approval. When the proposal comes back to the Board for approval, the county will have a more expansive range of tools to cover in areas of blight and economic development. NSP 1 & 3 are not programs that generally generate funds every year; they used to be once a year.

Commissioner Rooks stated for the record that Mr. Ejike has identified five (5) multi-dwelling entities that have been abandoned. She noted that the Board tried to fund one of those for removal of asbestos.

Mr. Ejike commented that Community Development also tried to fund part of it. He stated once the department explores what all NSP and other programs can do, the county can be cleaned-up and further improvements can be made.

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15. Approved Resolution 2013-126, a Resolution to terminate certain lease agreements with tenant businesses in Lake City, GA; to authorize the Chairman to execute any necessary documents and otherwise to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2013-127, a Resolution authorizing Clayton County to participate in the "World's Largest Swimming Lesson" event to be conducted at the Carl Rhodenizer Recreation Center, Steve Lundquist Aquatic Center, Virginia Burton Gray Recreation Center, and South Clayton Recreation Center; to authorize the Chairman to execute the Host Facility Liability and Publicity Release forms, and otherwise to perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2013-128, a Resolution authorizing Clayton County to enter into an addendum to a License Agreement with Variety Entertainment, Inc. providing for the terms and conditions under which an exclusive jurisdiction provision will be added and VIP parking will be available at the "2013 Funk Fest" to be held at the Clayton County International Park; to authorize the Chairman to execute the amendment; and otherwise perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

18. Approved Resolution 2013-129, a Resolution authorizing Clayton County to enter into a grant agreement with the Georgia Emergency Management Agency in the amount of \$244,404.00 with no matching county funds to purchase explosive ordinance demolition equipment and a response vehicle; to authorize the Chairman to execute the agreement, and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Director of Central Services to make the required purchases; to authorize the Chief Financial Officer or the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

19. Approved Resolution 2013-130, a Resolution authorizing Clayton County to accept two (2) forfeited vehicles from a Clayton County Police Department drug investigation (One [1] 1964 Chevrolet Impala and One [1] 2000 Buick LeSabre); to authorize the sale of such property in a manner as will be in the best interest of the county; to provide for the disbursal of sale proceeds; to authorize the Chief Financial Officer or the Finance Director to amend the budget where necessary to reflect an

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appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

Mr. Hancock requested an Executive Session regarding litigation and personnel matters. The Board generally consented to have an Executive Session for the aforementioned reasons.

20. The Board made the following appointment to reconstitute the Clayton County Ethics Advisory Committee (Commissioner Gail Hambrick).

Motion by Gail Hambrick, second by Commissioner Rooks, to appoint Rev. Rose Marie Green to the reconstituted Clayton County Ethics Advisory Committee. Vote unanimous.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to go into Executive Session to discuss litigation and personnel matters in the Commissioners' Conference Room at 7:55 p.m. Vote unanimous.

Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to go out of Executive Session at 8:35 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:42 p.m. Vote unanimous.

Motion by Chairman Turner, second by Vice-Chairman Edmondson, to appoint Theodis Locke as Interim Director of Fleet Maintenance. Mr. Locke is to be paid a ten (10%) percent increase. His salary will revert back once a permanent Director of Fleet Maintenance is hired. Vote unanimous.

There being no further business to discuss, motion by Commissioner Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of May 14, 2013 at 8:40 p.m. Vote unanimous.