

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

December 2, 2014

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PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Sonna Gregory, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Sandra T. Davis.

1. Chairman Turner called the meeting to order.
2. Invocation was given by Pastor Moses Woodruff, Jr., of Riverdale First United Methodist Church of Riverdale, Georgia. Pledge of Allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting Item No.7, subsection 5 (**RFB PKG #14-60 Clayton County Police Department Uniforms, Annual Contract (Re-Bid)**). [ASR Command Uniforms, located in Atlanta, Georgia. Funding is available through the Police Departments General Funds]. Per Section 2-136 [1] 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. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater.) and hold Item 23 (Appointment to the Tax Assessors Board to fill the expiring term of Ms. Dorothy Morris. The term is a three (3) year term, expiring December 31, 2017. [Full-Board Appointment]) until the next Regular Business Meeting. Vote unanimous.
4. Approved the November 18, 2014 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 to be heard at the next Tuesday business meeting. (None)
6. PROCLAMATION: "Clayton County Observes December 1-5, 2014 as Winter Weather Preparedness Week". (Presented by Chairman Jeffrey E. Turner).

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7. Ramona Thurman, Interim Purchasing Agent of Central Services, presented the following items which resulted in these Board actions:

1) Approved **RFP PKG #11-43 Sports Photography Services for Clayton County Parks and Recreation, Annual Contract, Second Amendment Request for Additional Services for the Senior Services Department.** (\$100.00 hourly rate. Score Photo, Inc., located in Kennesaw, Georgia). Per Section 2-136 (2) 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 primary consideration in the competitive sealed proposal method is best value. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

2) Approved **RFB PKG #14-52 Clayton County 2014 Miscellaneous Sidewalk Improvements Commission Districts 3 and 4, Clayton County, Georgia (Re-Bid).** (\$456,311.00 / C&C Lovejoy, LLC, located in Lovejoy, Georgia. Funding is available through the 2009 SPLOST Funds. As requested by the Transportation and Development Department). Per Section 2-136 (1) 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. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

3) Removed **RFB PKG #14-53 Clayton County Traffic Engineering Sign Truck.** (\$118,306.00 / Peach State Ford Truck Sales, located in Forest Park, Georgia. Funding is available through the 2009 SPLOST Funds. As requested by the Transportation and Development Department). Per Section 2-136 (1) 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. All goods and services in

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the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

Vice-Chairman Rooks questioned as to where Peach State Ford Truck Sales is located, as the majority of the documentation provided has it listed as Peach State Freightliner of Norcross, Georgia and not Peach State Ford Truck Sales of Forest Park, Georgia. She pointed out that the Secretary of State's website indicated that they were indeed in Norcross, Georgia.

Vice-Chairman Rooks also questioned if a business that is not located in Clayton County would be able to conduct business with Clayton County government. Ms. Thurman stated that she did not foresee a problem with this.

4) Approved **RFB PKG #14-55 Clayton County Transportation & Development Ready-Mix Concrete Supply, Annual Contract.** (Walker Concrete Company, LLC, located in Stockbridge, Georgia. Funding is available through the 2009 SPLOST Funds. As requested by the Transportation and Development Department). Per Section 2-136 (1) 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. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

5) Approved **RFQ for Asbestos Inspection and Testing Services, Annual Contract, Final Annual Renewal, Second Contract Amendment.** (GLE Associates, located in Atlanta, Georgia. As requested by the Transportation and Development Department). Per Section 2-136 (4) Clayton County Purchasing ordinance, Clayton County utilizes the written quotation method for all purchases from \$500.00 to \$24,999.99. Buyers are required to solicit quotations and receive written responses from vendors. All reasonable efforts will be made to obtain three written quotations for each item solicited. Written quotations do not require advertising. Vendors will be randomly chosen from our vendor list according to commodity code. Two vendors can be added to the randomly generated list at the discretion of central services staff members. Facsimiles

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and e-mails are acceptable forms of written quotations. Awards for written quotations are given strictly on a lowest cost method. Vote unanimous.

6) Approved **RFQ for As Built Survey and Demolition Plan for HUD.** (\$18,900.00 / WLB Associates, Inc., located in Jonesboro, Georgia. Funding is available through the Community Development Building Grant Funds. As requested by the Community Development Department). Per Section 2-136 (4) Clayton County Purchasing ordinance, Clayton County utilizes the written quotation method for all purchases from \$500.00 to \$24,999.99. Buyers are required to solicit quotations and receive written responses from vendors. All reasonable efforts will be made to obtain three written quotations for each item solicited. Written quotations do not require advertising. Vendors will be randomly chosen from our vendor list according to commodity code. Two vendors can be added to the randomly generated list at the discretion of central services staff members. Facsimiles and e-mails are acceptable forms of written quotations. Awards for written quotations are given strictly on a lowest cost method. Vote unanimous.

Commissioner Edmondson asked the following of Patrick Ejike, Community Development Director: 1) When did he expect the notice to proceed to be issued? and 2) What is the timeline for the next step? Mr. Ejike answered he hoped the notice to proceed would be issued this week and that the county would move as expeditiously as possible in the demolition and cleanup. Mr. Ejike advised that he could not give a definite timeline, but that he would have a more accurate time once the response to the bid package has been confirmed.

7) Approved **Purchase of DCR Digital Court Audio/Video Recording System – Software, Hardware, Installation and Training, Sole Source Purchase.** (POR #00000451 / \$33,820.00 / Business Information Systems, Inc., (BIS) located in Ft. Lauderdale, Florida. Funding is available through the State Court Systems Technology Funds. As requested by the Court Administrators office). Per Section 2-136 (7) Clayton County Purchasing ordinance, Clayton County utilizes the Sound procurement practice when it 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.

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8) Approved **Purchase of Palatine Software for an Electronic Warrant and First Appearance System, Sole Source Purchase.** (\$66,985.00 / Palatine Technology Group, located in Woodland Hills, California. Funding is available through the Sheriff's General Funds, Police Departments State Drug Funds and the Magistrate Court General Funds. As requested by the Police Department, Sheriff's Department and Magistrate Court). Per Section 2-136 (7) Clayton County Purchasing ordinance, Clayton County utilizes the Sound procurement practice when it 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.

Vice-Chairman Rooks asked how it was determined as to what department and what funds pay for this particular software purchase. She was advised by Ms. Thurman that the cost would be split equally by the three departments.

9) Approved a **Request for Board of Commissioners Approval to utilize National Joint Powers Alliance, utilizing Shred-It USA to provide Shredding Services for Various County Departments.** (POR #00000461 / National Joint Powers Alliance Contract #020613-SIU, Shred-It USA, located in Franklin Park, Illinois. Funding is available through the various departments. As requested by the Information Technology Department). Per Section 2-114 Clayton County purchasing ordinance; Cooperative purchasing methods. The purchasing agent shall have the authority to join with other governmental units in cooperative purchasing plans when the best interests of the county would be served thereby. Vote unanimous.

10) Approved a request **To renew the County's Fiduciary Liability Insurance for the period December 22, 2014 through December 22, 2015.** The Fiduciary Liability Insurance provides insurance coverage for claims alleging breach of duty in the administration of the pension, deferred compensation or employee benefit plans. This includes coverage for any negligent act, error or omission in informing employees of the content of any sponsored and insured benefit plans. Those persons covered include the County's past, present or future elected officials, trustees, employees and others who are involved with these plans. The current year's premium is \$26,596.00. The renewing premium for December 22, 2014 through December 22, 2015 will be \$28,815.00. This represents an 8% increase in premium. Vote unanimous.

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Commissioner Edmondson asked Ms. Thurman, if this was a group rate or class increase. He stated that he was under the impression that county employees' pension was overfunded and if not, was this put out to bid. Ms. Thurman replied that the reason for the rate increase is because there has been an increase in the total assets under management of the retirement plans as a group. He also questioned that after the past two increases, if the contract is not put out for bids, how do we (as the county) know that we are receiving the best rates and if this is a class rate increase since it is not stated. Ms. Thurman replied that this is not just for pension, but is also for deferred compensation within our employee benefits package. Commissioner Edmondson requested that Ms. Thurman question Ms. Miller as to why this was not put out to bid. She advised that she would.

8. Ramona Thurman, Chief Financial Officer, presented these requests which resulted in the following Board actions:

1) Approved Budget Amendment #2-12/State Narcotics Condemnation Fund/FYE 6-30- 15 – to amend in the budget to facilitate the purchase of hardware and software for the contractual E-Warrant System for the Police Department, in the amount of \$24,000.00. Vote unanimous.

2) Approved Budget Amendment #4-67/2009 Reimposition SPLOST/FYE 6-30-15 – to amend the budget for funding for the Miscellaneous Sidewalk Improvements project in Commission Districts 3 & 4, RFB #14-52, in the amount of \$456,311.00. Vote unanimous.

3) Approved the Request for Refund of back taxes to Lufthansa Cargo A.G., located at 4301 ASR Road “Building A”, Atlanta, Georgia 30320, in the amount of \$24,645.90. Vote unanimous.

Vice-Chairman Rooks questioned how long the county had been taxing Lufthansa Cargo A.G. She was advised by Mr. Ejike that this has been going on for a while due to it being a federal law. She also questioned how many more businesses did the county have to refund. He advised that we have refunded two businesses, and are addressing each business as it comes forward as the refund process requires a great deal of research.

Christie Barnes, Chief Staff Attorney, presented the following items which resulted in these Board actions:

Commissioner Gregory questioned the Chairman and the Board of Commissioners as to if there is a way to simplify the agenda so that it is plain, and straight to the point so that everyone has a clear understanding of the ordinances and resolutions. It was suggested by the Board that possibly a one or two sentence abstract be included with the descriptions of the items presented. Ms. Barnes advised the Board and Clerk that upon submission of information to be placed on the agenda, that a brief summary will be included that provides a generalized overview as to what each item pertains to.

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9. Approved Ordinance 2014-314 - An Ordinance to amend Code of Clayton County, Georgia, as amended, specifically Chapter 2, Administration, Article IV, Purchases and Property Disposition, Section 2-147 "Disposal of Unserviceable Property", so as to add a new Section (C) thereto relating to disposal of public safety uniforms. Vote unanimous.
10. Approved Resolution 2014-315 - A Resolution authorizing the acceptance of one condemned vehicle to be assigned to the Clayton County Police Department fleet in a manner as will be in the best interest of the County. Vote unanimous.
11. Removed Resolution 2014-316 - A Resolution to rescind any landfill rates set by the Clayton County Board of Commissioners. Vote unanimous.

Commissioner Edmondson asked Ms. Barnes if she would elaborate on compliance with O.C.G.A 12-8-56 in regards to the county giving up the right to set rates. Ms. Barnes explained that the State of Georgia gives that right and duty to the Solid Waste Management Authority, instead of the Board of Commissioners. Ms. Barnes stated that the Board approved the landfill rates several years ago and that this will restore that right and authorization to the Solid Waste Management Authority to set the rates. Commissioner Edmondson questioned that if state law allows this, then why would this resolution need to exist? Ms. Barnes advised, the resolution is essentially there to ensure that the rate that was approved in the past by the Board of Commissioners is "wiped clean". He questioned if the previous Board acted illegally? She responded that actions may have been improper; however, she was not present or involved in the Board setting the rates in 2006, and restated that the power to set rates is that of the Solid Waste Management Authority.

Commissioner Edmondson inquired as to what would happen if the Board did not approve this resolution. Ms. Barnes replied that she recommended contacting the Solid Waste Management Authority to see if it would like delegate this power to the Board of Commissioners, otherwise, per state law it is a power that the Solid Waste Management Authority controls. Commissioner Edmondson asked if the Solid Waste Management Authority was allowed to delegate if it so chose to do so. Ms. Barnes replied that she would have to double check on this particular issue.

Vice-Chairman Rooks asked if Jeff Metarko, Transportation and Development Director, could inform the Board of what took place during the Solid Waste Management Authority meeting in regards to the rates and issues that the county has had. He presented the Board with picture examples of some of the issues that the landfill has to deal with outlining the limitations pertaining to the operation of the landfill. He states that the stipulations provided a year ago, that outlined what a pickup truck load should be have been taken completely out of context. Mr.

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Metarko also stated that the Solid Waste Management Authority presented to the Board over a year ago the rate it felt that it should charge for a load and now wants to charge according to weight of the load and not according to the load size. In doing so, Mr. Metarko feels that this would ensure that the landfill is charging the proper amount for the amount of trash being disposed of. He states that the base rate for a load drop off is \$15.00.

Commissioner Edmondson stated that we are debt funding the landfill out of general fund and that the county sold that phase of the landfill to the prison group a year ago and now the county is having to offset the cost of dirt from the general fund, and the landfill has been operating off of a loss of funds for the last three (3) or four (4) years. He stated that his concern is although the county is not and cannot set the rates, that it is still responsible to offset the cost of operation to continue to fund the landfill. He questioned if this could be offset by bringing forth a proposed set of rates to the Board for its consideration. Mr. Metarko explained that there are several ways that this issue could be addressed, however, this is the way that the Solid Waste Management Authority chose to handle this particular issue and set the rates. Commissioner Edmondson stated that he was not comfortable with this since the county was on the hook for all of its (Solid Waste) losses.

Commissioner Gregory stated that her concern with this is that the higher the rates are set, the more likely that there will be trash along the roadways. Mr. Metarko replied that based upon the last meeting held with the Solid Waste Management Authority, they had no intention on raising the rates and this was “purely a get our just due” on the amount of money that it should be collecting based upon the amount of trash being brought in and are asking the patrons to have their vehicle weighed on the scale so that he/she can be charged appropriately.

Vice-Chairman Rooks expressed her understanding of how the landfill is being funded, but she stated that the county is “bleeding” and there needs to be a solution for this so that people are not getting over on not paying the proper fee for dumping their garbage.

Chairman Turner stated that the landfill has been losing money for several years and that the county is simply trying to mitigate some of the loss that has occurred.

Commissioner Gregory questioned if the losses in revenue or usage of the landfill could be tracked. Mr. Metarko replied that there may be a possible way to do so and he will speak with the Solid Waste Management Authority to see what could be done.

Commissioner Edmondson stated that this could be clarified if the Solid Waste Management Authority could recommend a change to the policies and pricing of trucks as opposed to the Board relinquishing its presumed delegated authority to approve this without giving up control of

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the pricing. Ms. Barnes expressed that it is difficult to present what the actual options are without knowing if the Solid Waste Management Authority is able to delegate those types of powers to the Board of Commissioners. Vice-Chairman Rooks asserted that the public is aware of the rates that are set forth in writing, and if the rates are changed by the Solid Waste Management Authority, the question that will be asked is how that can be justified if the Board has set the rate at \$20.00. Commissioner Edmondson stated that if the Board approves the resolution that it would be in the same position of not setting the rates for the landfill and still “bankrolling” it.

12. Approved Resolution 2014-317 - A Resolution authorizing Clayton County to dispose of 20 abandoned firearms in the manner required by law and pursuant to an order from Clayton County Superior Court. Vote unanimous.
13. Approved Resolution 2014-318 - A Resolution authorizing Clayton County to accept the donation of a Whelen Liberty II LED Emergency Lightbar serial number 1001, from Dana Safety Supply for use by the Clayton County Police Department. Vote unanimous.
14. Approved Ordinance 2014-319 - An Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 18 “Buildings and Building Code Regulations”, Article I “In General” by repealing and deleting the existing Section 181 “Applicability” and substituting in lieu thereof a new Section 18-1 “Applicability”. Vote unanimous.
15. Approved Resolution 2014-320 - A Resolution authorizing Clayton County to accept a forfeited vehicle from a Clayton County Police Department drug investigation. Vote unanimous.
16. Approved Resolution 2014-321- A Resolution to correct a scrivener’s error in Resolution No. 2014-304. Vote unanimous.
17. Approved Resolution 2014-322- A Resolution authorizing Clayton County to enter into an Agreement for Information Technology and Programming services with Moonquest, Inc. Vote unanimous.

Commissioner Edmondson asked if anyone in the IT department wrote Cobalt. He was advised that the IT department has that skill set, but has not been utilized in years.

Ms. Barnes requested an Executive Session to discuss litigation and personnel matters.

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18. Approved Resolution 2014-323 - A Resolution authorizing Clayton County, on behalf of the Clayton County Parks and Recreation Department, to grant a special facility use request to allow State Senator Gail Davenport to host the 2nd Annual Veterans Family Appreciation Day for Clayton County veterans and their families at the South Clayton Recreation Center. Vote unanimous.

19. Approved the Appointment of Ms. Virginia Hall to the Civil Service Board to fill the expiring term of Mr. Gbenga Osagie. The term is a three (3) year term, expiring December 31, 2017. (Full-Board Appointment). Vote unanimous.

Vice-Chairman Rooks asked for clarification of if the Post for the candidate related to his/her district. She was advised by Ms. Barnes that the Post relates to how that Board member came to be based upon their appointment. Ms. Bright explained that two (2) members are elected by the Civil Service Protected employees, two (2) members appointed by the full Board of Commissioners, and one (1) member is appointed by the constitutional law.

20. Approved the reappointment of Dr. Cephus Jackson to the Civil Service Board. The term is a three (3) year term, expiring December 1, 2017. (Full-Board Appointment). Vote unanimous.

21. Approved the reappointment of Ms. Patricia L. Pullar to the Board of Elections. The term is concurrent with the elected official, expiring December 31, 2018. (Commissioner Gregory). Vote unanimous.

22. Approved the reappointment of Mr. Harry A. Osborne to the Board of Elections. The term is concurrent with the elected official, expiring December 31, 2018. (Commissioner Edmondson). Vote unanimous.

23. Accepted a Street Light Petition Addition to Existing Street Light District Timber Lake Subdivision (Timber Lake Drive, Carlton Road and Pond Ridge Drive) in District 3 – Commissioner Shana Rooks. Vote unanimous.

Motion by Commissioner Edmondson, second by Chairman Turner, to go into Executive Session in the Commissioner's Conference Room at 7:57 p.m. Vote unanimous.

Motion by Commissioner Edmondson, second by Chairman Turner, to go out of Executive Session at 8:26 p.m. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to reconvene the Regular Business Meeting in the Commissioner's Boardroom at 8:28 p.m. Vote unanimous.

The Board approved the following item presented by Ms. Barnes:

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1. Resolution 2014-324- A Resolution authorizing Clayton County to enter into a settlement agreement settling all claims set forth in the matters involving Mardraivous Obie v. Alan Smithwick in his individual capacity. Vote unanimous.

The Board approved the following item presented by Ms. Bright:

1. Request to increase the salary of Landry Merkison, Fire Chief, to a grade 39 step 10. Vote unanimous.

Commissioner Gregory recommended that this increase be effective at the end of his probationary period which was November 5, 2014.

Commissioner Edmondson questioned from a payroll stand point if the increase were done now or on January 1, 2015 since it is close to the end of the year. Ms. Bright advised if it were retroactive back to November 5, 2014, then there would be back pay that is due to Chief Merkison.

Chairman Turner asked Ms. Bright if raises go into effect the next pay period after the probationary period ended. She replied that the raise would take effect on the effective day of the promotion. Chairman Turner clarified that he was referring to a merit increase and not an actual promotion, and that his pay was only being adjusted.

Commissioner Hambrick stated that through Board discussions, it was decided that Chief Merkison would receive the increase at the end of the probationary period and this is what she is recommending. The Board discussed that since the end of the probationary period fell within the middle of a pay period that the effective date of increase would occur on the following pay period after the probationary period ended.

There being no further business to discuss, motion by Commissioner Edmondson, second by Chairman Turner, to adjourn the Regular Business Meeting of December 2, 2014 at 8:34 p.m. Vote unanimous.