

April 2, 2002

REGULAR BUSINESS MEETING -- APRIL 2, 2002

PRESENT: Chairman C. Crandle Bray, Vice Chairman J. Charley Griswell, Commissioner Virginia Burton Gray, Commissioner Gerald A. Matthews, Commissioner Carl Rhodenizer, and Clerk Suzanne Brown.

1. Chairman Bray called the meeting to order.
2. Invocation led by Rev. Sherry York of Cup of Waters Ministry. Pledge of allegiance to the flag led by Chairman Bray.
3. Motion by Commissioner Matthews, second by Commissioner Gray, to adopt the agenda as the official agenda of the Regular Business Meeting of April 2, 2002. Vote unanimous.
4. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve the minutes of the Regular Business Meeting of March 19, 2002. Vote unanimous.
5. Dan Martin, Director of Finance, presented these items which resulted in the following actions:

REQUEST FOR TRANSFER OF FUNDS -- LIBRARY

TRANSFER FUNDS TO:

CO - Office Equipment	101-5001-6030	\$ 12,000
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TRANSFER FUNDS FROM:

Regular Services	101-5001-4000	\$ 4,700
R & M - Buildings	101-6501-4815	<u>7,300</u>
TOTAL:		\$ 12,000

REQUEST FOR TRANSFER OF FUNDS -- REX MILL GRANT

TRANSFER FUNDS TO:

General Assistance Expense	101-6510-5010-20008	\$ 2,000
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TRANSFER FUNDS FROM:

Office Supplies	101-1601-4390	\$ 2,000
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Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve the above-listed fund transfers. Vote unanimous.

REQUEST FOR BUDGET AMENDMENT -- TRANSPORTATION & DEVELOPMENT

INCREASE REVENUE:

Traffic Sign Fees	101-4040-3321	\$ 5,497
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INCREASE EXPENSE:

Road Signs/Delineators	101-4040-4415	\$ 5,497
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REQUEST FOR BUDGET AMENDMENT -- TRANSPORTATION &
DEVELOPMENT

INCREASE REVENUE:

City/County Revenue (City of Morrow)	101-4040-3270	\$ 9,670
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INCREASE EXPENSE:

Other Contract Service Fees	101-4040-4140	\$ 9,670
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REQUEST FOR BUDGET AMENDMENT -- TRANSPORTATION & DEVELOPMENT

INCREASE REVENUE:

Miscellaneous Revenue	101-4001-3720	\$ 5,569
City Water Authority	101-4001-3273	11,064
Cities/County Revenue	101-4001-3270	<u>132,765</u>
		\$ 149,398

INCREASE EXPENSE:

Photography Machine Supplies	101-4001-4395	\$ 500
RM-Roads/Resurfacing	101-4001-4855	<u>148,898</u>
		\$ 149,398

REQUEST FOR BUDGET AMENDMENT -- JUVENILE COURT

INCREASE REVENUE:

Miscellaneous Revenue	101-2201-3720	\$ 5,000
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INCREASE EXPENSE:

Office Equip/Comp/Furn	101-2201-6030	\$ 5,000
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 REQUEST FOR BUDGET AMENDMENT -- JUVENILE COURT

INCREASE REVENUES:

U S Department of Justice	289-2210-3216-10000-1JU25	\$233,652
Total		\$233,652

INCREASE EXPENSE:

Regular Salaries and Wages	289-2210-4000-10000-1JU25	\$ 87,587
Part-time/Temporary Wages	289-2210-4001-10000-1JU25	46,022
Pension Contribution	289-2210-4020-10000-1JU25	10,455
FICA and Medicare Insurance	289-2210-4021-10000-1JU25	10,370
Group Health & Life Insurance	289-2210-4022-10000-1JU25	4,127
Worker's Compensation Insurance	289-2210-4023-10000-1JU25	614
Other Contract Service Fees	289-2210-4140-10000-1JU25	55,960
Court Books and Records	289-2210-4305-10000-1JU25	1,000
Office Supplies	289-2210-4390-10000-1JU25	4,746
Telephone, Telegraph & Teletype	289-2210-4520-10000-1JU25	7,107
Training, Travel & Meeting Exp.	289-2210-4785-10000-1JU25	2,964
Office Equip/Computers/Furn	289-2210-6030-10000-1JU25	2,700
Total		\$233,652

 REQUEST FOR BUDGET AMENDMENT -- POLICE DEPT. -- MOTOR CARRIER SAFETY

GRANT FUND

INCREASE REVENUES:

U S Dept of Transportation	289-3001-3206-10000-1TN01	<u>\$210,870</u>
Total		<u>\$210,870</u>

INCREASE EXPENSE:

Regular Salaries and Wages	289-3001-4000-10000-1TN01	\$150,985
Pension Contribution	289-3001-4020-10000-1TN01	18,724
FICA and Medicare Insurance	289-3001-4021-10000-1TN01	9,362
Group Health & Life Insurance	289-3001-4022-10000-1TN01	41,790
Worker's Compensation Ins	289-3001-4023-10000-1TN01	5,889
Office Supplies	289-3001-4390-10000-1TN01	4,850
Training, Travel and Meetings	289-3001-4785-10000-1TN01	2,520
Other Machinery & Equipment	289-3001-6040-10000-1TN01	<u>18,000</u>
Total		<u>\$252,120</u>

DECREASE EXPENSE:

General Assistance Expense 289-3001-5010-10000-1TN01 \$ 41,250

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Total \$ 41,250
TOTAL \$210,870

REQUEST FOR BUDGET AMENDMENT -- CCCI VENDING

INCREASE REVENUE:

Telephone Commission Income 101-2752-3330 \$ 4,100

INCREASE EXPENSE:

CO - Other Mach & Equip 101-2752-6040 \$ 4,100

REQUEST FOR BUDGET AMENDMENT -- FEDERAL NARCOTICS FUND

INCREASE REVENUE:

Federal Condemnations 220-3101-3421 \$130,000

INCREASE EXPENSE:

Overtime 220-3001-4002 \$130,000

REQUEST FOR BUDGET AMENDMENT -- FEDERAL NARCOTICS FUND

INCREASE REVENUE:

Federal Condemnations 220-3101-3421 \$200,396

INCREASE EXPENSE:

CO - Autos 220-3101-6020 \$134,000
CO - Office Equipment 220-3101-6030 66,396
Total \$200,396

Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve the above-listed budget amendments. Vote unanimous.

REQUEST FOR REFUND -- CLEAN UP CASH BOND

Jim West House Movers, Inc.
7864 Fielder Road

Jonesboro, GA 30236

Amount of Refund -- \$500.00

Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve the above-listed request for refund. Vote unanimous.

6. Georgia Rail Passenger Authority -- Douglas Alexander

Mr. Alexander presented rail station placement information to the Board. He reminded the commissioners that this matter arose in a recent zoning meeting concerning a potential Jonesboro train station site. Per Mr. Alexander, this information was gathered from an environmental assessment approved by the Federal government (Finding of No Significant Impact/FONSI); however, changes can be made if necessary. He told the Board that staff (such as Clayton County Transportation Department) and community leaders had met on several occasions to discuss rail station placement. Mr. Alexander gave the Board written descriptions of each station in the county and showed aerial shots of placement sites. Another information sheet on the Macon Commuter Rail Service (outlining the program, prices, and travel times) was passed to the commissioners and made available to the audience. According to Mr. Alexander, the project's outlook is optimistic. The State Senate will likely vote on Wednesday, April 3rd, on this budget. Senator Brown of Macon, Georgia has put forward an amendment to allow for \$12,000,000 to be combined with \$2,000,000 appropriated three (3) years ago so that work can begin on a rail line from Macon to Atlanta. Federal monies to catapult this project amount to \$70,000,000. Mr. Alexander stated that the Senate appears to be receptive to this amendment, and it will have to go through the Conference Committee before anything is finalized.

Mr. Steve Roberts, Program Manager for Georgia Rail Consultants, brought the Board up-to-date on the

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county's rail line plans. He said there are five (5) stations in Clayton County (maps, aerial photos, and information on development activities around these stations were distributed to the Board). Mr. Roberts stressed that the finding of no significant impact on the environment is an important milestone in this project. One map showed that two (2) water towers are adjacent to the Jonesboro Rail station site. A fair amount of activity around this site has occurred over the last several years; parking and access roads will be provided. The Morrow Rail station site is adjacent to the campus of Clayton State University and the Archives Building. Chairman Bray said the City of Morrow has received an LCI grant for \$500,000 to develop around the Morrow Rail station site. Mr. Roberts added that community development and rail designs are in the making.

Commissioner Gray questioned the significance of the outlined map sites being shown to the Board. Mr. Roberts replied that they were important because these were the sites evaluated in the environmental assessment. Commissioner Gray said she was referencing the development around the outlined sites which had not been identified. Mr. Roberts said he did not really know anything about these sites because they were not public property. He was concerned that some steps need to be taken to acquire them. Mr. Roberts said he wanted the county and various funding agencies to know that if the land is not acquired, the railway sites cannot be implemented. Maps of the Southern Crescent Station on Aviation Boulevard (northern-most station in the county) and the Lovejoy Station on 1941/McDonough Road were also shown to the Board.

Chairman Bray asked if the budget the legislature approved would be used to purchase land sites. Mr. Douglas responded that bond money is already available to purchase some of these sites; some of it will hopefully go into a negotiated purchase price with Norfolk Southern Railway and the other will go into design and engineering. Vice Chairman Griswell asked how far the \$70,000,000 budget would carry the project. Mr. Alexander replied that it would finance it a quarter to a third of the way. He stated that Governor Barnes had identified this rail line in his Transportation Choices Initiative as one of the projects that will be conducted through that 8.5 billion dollar program. As soon as that money becomes available, those funds can be applied toward the project. Commissioner Rhodenizer commented that the governor had named the Clayton County route as a top priority in the state of Georgia.

Vice Chairman Griswell asked how long it would take to purchase the land for the sites, once the governor appropriates the money. He said he was concerned that the land could not be held for rail sites if there were other buyers on the market. Mr. Alexander responded that he understood that; however, bond money is now available to purchase those sites. He stated that his agency has to make certain that when the property is purchased, it will be where the local governments want their stations to be located. There will be some leeway in moving them around, but there are some significant requirements; i.e., parking.

A private citizen asked if there had been a detailed study on the economics of land acquisition. Chairman Bray said that is currently being done on a state level, and any questions can be addressed on the state's web site. He explained that the total cost would be based on the fair market value, and that would be determined between the Georgia Rail Authority and the private owners as soon as those sites are identified and ready for purchase. Mr. Alexander stated that, as partners, the Georgia Department of Transportation will purchase the sites and the Georgia Rail Authority will operate the railroad once it is in place.

7. St. Andrews Home Subdivision -- Lack of Landscaping/Tree Preservation (Charles White and Jerry Waller)

Charles White and Jerry Waller, representatives from the St. Andrews Home Subdivision, presented several issues of concern. Mr. White said his subdivision is a new one located on Highway 54 at the end of Mundy's Mill Road. There are four building phases in his subdivision, and the builders are currently in the last phase. He stated that the builders/developer are causing serious problems with horrendous landscaping (sewage drainage goes right through the middle of the subdivision, creating a potential mosquito and roach infestation); random tree cutting, abandoned levies, an unmarked cemetery, and a lack of fencing/buffer.

Chairman Bray said he had received a recent picture of the subdivision that showed a swell had been cut behind the new houses for the water to run off. He stated that the area would eventually be seeded and planted with whatever vegetation is required by county codes. Mr. White requested to look at the picture and Chairman Bray complied. After reviewing the picture, Mr. White said it looked like the land before the houses were built. The land was flat and low; levies were made behind and in between each house. Additionally, in between the old subdivision and the new subdivision is a levy which is going to result in a creek or pond going through everyone's

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yard. Mr. White stated that the builders/developer had left the environment in disarray, and he urged the Board to help resolve these problems. Chairman Bray told Mr. White that the county is actually working on some of these problems now, but the area is not ready to be seeded yet.

Mr. Waller said the picture Chairman Bray had did show some correction of the land. He stated that it was not a swell, but a 3 ½ to 4 foot ditch that had been covered up. Mr. Waller said he had met with the Planning & Zoning Department and told the staff what the developer said he would do, but those promises have still not been fulfilled.

Chairman Bray said the developer will have to cut a swell in order to provide proper drainage as well as vegetate the land, as required by county codes. He added that it was premature for the developer to do this until the houses have been completed. Chairman Bray assured Mr. Waller that the county would make sure the developer complied with the county ordinance. He asked Eddie Williams, Director of Community Development, to give an up-date on the development's status. Mr. Williams replied that the builder was now in the final phase (Phase 4). Chairman Bray asked Mr. Williams if Phases 1-3 met requirements, and Mr. Williams replied that they did.

The representatives/residents of St. Andrews Home Subdivision, however, strongly disagreed – particularly about drainage. Further discussion followed. Chairman Bray and Vice Chairman Griswell directed Wayne Patterson of Transportation and Development and Eddie Williams of Community Development to review these issues for code violations so that they can be corrected.

8. Motion by Commissioner Rhodenizer, second by Commissioner Griswell, to approve Ordinance 2002-32 to amend the Code of Clayton County, Georgia, as amended, specifically Chapter II, Administration, Article III, "Boards, Commissions and Authorities," so as to amend said article to add Division 5, entitled "Clayton County Code Enforcement Board"; to provide for the creation of the Clayton County Code Enforcement Board; to provide for Definitions, Membership of Board, Requirements of Members, Chairperson, Attorney's Role, Initiating of Proceedings; Time to Correct Violations, Repeat Violations, Hearings, Calling of Hearing, Hearing Proceedings, Powers of the Enforcement Board, Administrative Fines, Public Record, Length of Liens, Appeals to Superior Court, Notice Required, Form of Notice, and other Enforcement Methods; to repeal conflicting laws, ordinances, etc. Vote unanimous.

Don Comer, Staff Attorney, said this ordinance is authorized by State Law and concurrent with the jurisdiction of the Magistrate Court. The Code Enforcement Board is strictly a civil penalty board and issues no criminal consequences.

A private citizen of Forest Park rebutted that his city had a similar board, and he was incarcerated for seven (7) days due to a code violation pertaining to his yard. He complained that the Forest Park Board offered no appeal process and no courtroom transcriptions. Chairman Bray said the county's Code Enforcement Board would not operate in that manner; if an individual continues to defy a code, he/she will end up in the Magistrate Court. He stated that the Code Enforcement Board functions as a hearing panel for civil matters. Further discussion ensued about citations, notice periods, and different restrictions for health hazards. Commissioner Bray concluded that communities should be kept in a presentable fashion and in compliance with the strict codes already in force.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2002 - 32

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER II, ADMINISTRATION, ARTICLE III, "BOARDS, COMMISSIONS AND AUTHORITIES," SO AS TO AMEND SAID ARTICLE TO ADD DIVISION 5, ENTITLED "CLAYTON COUNTY CODE ENFORCEMENT BOARD"; TO PROVIDE FOR THE CREATION OF THE CLAYTON COUNTY CODE ENFORCEMENT BOARD; TO PROVIDE FOR

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DEFINITIONS, MEMBERSHIP OF BOARD, REQUIREMENTS OF MEMBERS, CHAIRPERSON, ATTORNEY'S ROLE, INITIATING OF PROCEEDINGS, TIME TO CORRECT VIOLATIONS, REPEAT VIOLATIONS, HEARINGS, CALLING OF HEARING, HEARING PROCEEDINGS, POWERS OF THE ENFORCEMENT BOARD, ADMINISTRATIVE FINES, PUBLIC RECORD, LENGTH OF LIENS, APPEALS TO SUPERIOR COURT, NOTICE REQUIRED, FORM OF NOTICE, AND OTHER ENFORCEMENT METHODS; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by amending Part II, Chapter 2, Administration, by adding to said Chapter title page under Article III, "Boards, Commissions and Authorities," a Division 5, entitled "Code Enforcement Board."

Section 2. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended is hereby further amended by adding new sections to Part II, Chapter 2, Administration, Article III, "Boards, Commissions and Authorities," Division 5, "Code Enforcement Board," said sections to read as follows:

Section 2-86.1. Creation of board.

Pursuant to and by authorization of *Code of Georgia*, Title 36, Local Government, Chapter 74, "Local Government Code Enforcement Boards," the Clayton County Code Enforcement Board (the "enforcement board") is created with the intent that it promote, protect, and improve the health, safety, and welfare of the citizens of Clayton County by being an administrative board with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in the county, where a pending or repeated violation continues to exist. The enforcement board is created also to provide assistance to county courts with jurisdiction over county ordinances.

The enforcement board, as created, has the authority to hold hearings and assess fines against violators of the county code and ordinances in accordance with the provisions contained in this division.

Section 2-86.2. Definitions.

As used in this division, the term:

(1) "Code inspector" means any authorized agent or employee of the county whose duty it is

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to assure code compliance.

(2) "County code and ordinances" means zoning ordinances and resolutions, ordinances and resolutions enacting subdivision regulations, environmental ordinances and resolutions, state minimum

standard codes provided for in Code Section 8-2-25, ordinances and resolutions enacted pursuant to O.C.G.A. Section 8-2-25, other ordinances and resolutions regulating the development of real property, and ordinances and regulations providing for control of litter and debris, control of junked or abandoned vehicles, and control of overgrown vegetation. Notwithstanding the above, the term "county codes and ordinances" shall not include:

(A) Those codes and ordinances requiring a permit, unless the alleged violator has failed to secure all necessary valid permits under said codes and ordinances; or

(B) Any local amendments to the state minimum standard codes provided for in Code O.C.G.A. Section 8-2-25 that have not been adopted in conformity with the requirements of subsection (c) of O.C.G.A. Section 8-2-25.

(3) "Enforcement board" means the Clayton County Code Enforcement Board.

(4) "Board of Commissioners" means the Board of Commissioners of Clayton County.

(5) "County attorney" means the staff attorney or legal counselor for Clayton County.

(6) "Violation involving the health or safety of a third party" means a violation that creates a legitimate concern for the health and safety of a third party occupant of a dwelling place or that creates an immediate and substantial danger to the environment.

Section 2-86.3 Membership of board; requirements of members; chairperson and vice chairperson; attorney's role.

(a) The Board of Commissioners shall appoint the code enforcement board, consisting of three (3) members, and legal counsel for the enforcement board. The Board of Commissioners may appoint up to two alternate members for the code enforcement board to serve on the board in the absence of board members.

(b) Members of the enforcement board shall be residents of Clayton County. In making appointments to the enforcement board, the Board of Commissioners shall make good faith efforts to appoint one or more individuals who have experience or expertise relevant to one or more of the Clayton County codes that are within the subject matter jurisdiction of the enforcement board,

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including individuals with property management and litter control experience; provided, however, that the authority and jurisdiction of the enforcement board shall not in any way be limited due to the absence from its membership of one or more individuals with such experience or expertise.

(c) (1) The initial appointments to the three-member code enforcement board shall be as follows:

(A) One member appointed for a term of two years; and

(B) Two members appointed for a term of four years each.

(2) Upon the expiration of the initial terms specified, all terms shall be for three years.

(3) A member may be reappointed upon approval of the Board of Commissioners.

(4) An appointment to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairperson, the enforcement board shall declare the member's office vacant, and the Board of Commissioners shall promptly fill such vacancy.

(5) The members shall serve in accordance with ordinances of Clayton County and may be suspended and removed for cause as provided in such ordinances for removal of members of boards. The Board of Commissioners may, with or without cause, refuse to reappoint any member of the enforcement board at the expiration of his or her term of office.

(d) The members of the enforcement board shall elect a chairperson and a vice chairperson, who shall be voting members, from among the members of the board. The presence of two or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may

be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Board of Commissioners or as otherwise provided by law.

(e) An attorney authorized by the Board of Commissioners shall be counsel to the enforcement board. The county attorney shall represent the county by presenting cases before the enforcement board.

Section 2-86.4. Initiating of proceedings; time to correct violations; repeat violations; hearings.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings pursuant to the various codes; however, no member of a board shall have the power to initiate such enforcement

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proceedings.

(b) Except as provided in subsections (c) and (d) of this section, if a violation of any code or ordinance is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall proceed with enforcement through the appropriate court or shall proceed with enforcement through the code enforcement board. If the code inspector proceeds through the code enforcement board, the code inspector shall notify the enforcement board and request a hearing. The code enforcement board shall schedule a hearing, and written notice of such hearing shall be hand delivered or made as provided in O.C.G.A. Section 36-74-12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication as provided in O.C.G.A. Section 36-74-12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the enforcement board and request a hearing. The enforcement board shall schedule a hearing and shall provide written notice pursuant to O.C.G.A. Section 36-74-12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state.

(d) If the code inspector has substantial reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

Section 2-86.5. Calling of hearings; hearing proceedings.

(a) Upon request of the code inspector, or at such other times as may be necessary, the chairperson of the enforcement board may call a hearing of the enforcement board. Minutes shall be kept of all hearings by the enforcement board, and all hearings and proceedings shall be open to the public. The Board of Commissioners may provide or assign clerical and administrative

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personnel to assist the enforcement board in the proper performance of its duties.

(b) Each case before the enforcement board shall be presented by the county attorney or by a code inspector or other member of the administrative staff of the Board of Commissioners.

(c) The enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the

code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted in this division. The findings and conclusions shall be by motion approved by a majority of those members present and voting, but at least two members of the enforcement board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

Section 2-86.6. Powers of the enforcement board.

The enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings, which rules shall, at a minimum, ensure that each side has an equal opportunity to present evidence and argument in support of its case;
- (2) Subpoena alleged violators and witnesses to its hearings, with the approval of the court with jurisdiction over a criminal violator of the county. Subpoenas may be served by the sheriff, marshal, or police department of the county or by any other individual authorized by O.C.G.A. Section 24-10-23 to serve subpoenas;

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- (3) Subpoena evidence to its hearings in the same way as provided in paragraph (2) of this section, with the approval of the court with jurisdiction over a criminal violator of the county;
- (4) Take testimony under oath; and
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Section 2-86.7. Administrative fines; public record.

(a) The enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time may order the violator to pay an administrative fine in an amount specified in this section.

(b) (1) An administrative fine imposed pursuant to this section for a violation involving the health or safety of a third party shall not exceed \$1,000.00 per day.

(2) An administrative fine imposed pursuant to this section for a violation that is not a violation involving the health or safety of a third party shall not exceed a total of \$1,000.00.

(3) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

- (A) The gravity of the violation;
- (B) Any actions taken by the violator to correct the violation; and
- (C) Any previous violations committed by the violator.

(4) The enforcement board may reduce a fine imposed pursuant to this section.

(c) A certified copy of an order imposing an administrative fine may be recorded in the public records of the county and thereafter shall constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator. Upon petition to the superior court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy

against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien which remains unpaid, the enforcement board may request the county attorney to foreclose on the lien.

(d) If an environmental court is in existence with jurisdiction over ordinances subject to the jurisdiction of the enforcement board, the violator may object to the fine imposed and submit to the jurisdiction of the environmental court. The case shall be transferred to the environmental court and

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handled *de novo* as an ordinance violation.

Section 2-86.8. Length of liens.

No lien imposed under this division shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of *lis pendens* is recorded.

Section 2-86.9. Appeals to superior court.

An aggrieved party, including the Board of Commissioners, may appeal a final administrative order of an enforcement board to the superior court. Such an appeal shall be a hearing *de novo*. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Section 2-86.10. Notice required; form of notice.

(a) All notices required by this division shall be provided to the alleged violator by certified mail, statutory overnight delivery, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the Board of Commissioners; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the enforcement board, notice may also be served by publication, as follows:

(1) Notice may be published once during each week for four consecutive weeks (four publications being sufficient) in the newspaper in which the sheriff's advertisements are printed. Proof of publication shall be made by affidavit of a duly authorized representative of the newspaper;

(2) Notice by publication may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail, or statutory overnight delivery as required under subsection (a) of this section. Evidence that an attempt has been made to hand deliver or mail notice by hand, mail, or statutory overnight delivery as provided in subsection (a) of this section, together with proof of publication as provided in this subsection (b) of this section, shall be sufficient to show

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that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

Section 2-86.11. Other enforcement methods.

It is intended that the provisions of this division is to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this division shall prohibit a Board of Commissioners through its code inspector from enforcing its codes by any other lawful means including

criminal and civil proceedings; provided, however, that a Board of Commissioners shall not pursue a specific instance of an alleged violation of an ordinance against one violator before both the enforcement board and the magistrate or other court authorized to hear ordinance violations.”

Section 3. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 5. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 2nd day of April, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY,

CHAIRMAN

/s/ J. CHARLEY GRISWELL, VICE

CHAIRMAN

/s/ GERALD A. MATTHEWS,

COMMISSIONER

/s/ VIRGINIA BURTON GRAY,

COMMISSIONER

/s/ CARL RHODENIZER,

COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

9. Motion by Commissioner Matthews, second by Commissioner Rhodenizer, to approve Ordinance 2002-38 determining and declaring reasonable and safe maximum vehicle speed limits on all highways, streets and roads located in the unincorporated areas of Clayton County, Georgia; to set forth the reasonable and safe maximum vehicle speed limits on all highways, street and roads located in Clayton County, Georgia; under the jurisdiction of the Commissioner of Public Safety or Commissioner of Transportation for the State of Georgia; to authorize the use of speed detection devices by the Clayton County Police Department and other law enforcement authorities as deemed necessary to effectuate the orderly flow of traffic and for the safety and welfare of the public; to authorize the submission of an application to the Department of Public Safety for a permit to use such detection devices within the unincorporated areas of Clayton County; to provide for the repeal

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of conflicting ordinances and laws relating thereto; to provide for severability; to provide an effective date of the ordinance; and for other purposes. Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

AN ORDINANCE DETERMINING AND DECLARING REASONABLE AND SAFE MAXIMUM VEHICLE SPEED LIMITS ON ALL HIGHWAYS, STREETS AND ROADS LOCATED IN THE UNINCORPORATED AREAS OF CLAYTON COUNTY, GEORGIA; TO SET FORTH THE REASONABLE AND SAFE MAXIMUM VEHICLE SPEED LIMITS ON ALL HIGHWAYS, STREETS AND ROADS LOCATED IN CLAYTON COUNTY, GEORGIA, UNDER THE JURISDICTION OF THE COMMISSIONER OF PUBLIC SAFETY OR COMMISSIONER OF TRANSPORTATION FOR THE STATE OF GEORGIA; TO AUTHORIZE THE USE OF SPEED DETECTION DEVICES BY THE CLAYTON COUNTY POLICE DEPARTMENT AND OTHER LAW ENFORCEMENT AUTHORITIES AS DEEMED NECESSARY TO EFFECTUATE THE ORDERLY FLOW OF TRAFFIC AND FOR THE SAFETY AND WELFARE OF THE PUBLIC; TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR A PERMIT TO USE SUCH DETECTION DEVICES WITHIN THE UNINCORPORATED AREAS OF CLAYTON COUNTY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND LAWS RELATING THERETO; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THE ORDINANCE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY ORDAINED

Section 1. In accordance with provisions of O.C.G.A. § 40-6-183, the Board of Commissioners has determined on the basis of an engineering and traffic investigation that in certain areas the maximum vehicle speed limit permitted under state law is greater than is reasonable and safe under conditions found to exist upon on certain highways, streets and roads located in the unincorporated areas of Clayton County, Georgia. Accordingly, the Board of Commissioners hereby declares the reasonable and safe maximum vehicle speed limits on such highways, streets and roads as more fully included within and shown on Exhibit "A" attached hereto.

Section 2. In accordance with provisions of O.C.G.A. § 40-6-182, the Commissioner of Public Safety or Commissioner of Transportation for the State of Georgia has determined on the basis of an engineering and traffic investigation that the maximum vehicle speed limit permitted under state law is greater than is reasonable and safe under conditions found to exist upon on certain highways, streets and roads located in the unincorporated areas of Clayton County, Georgia, under their jurisdiction. Accordingly, the Commissioner of Public Safety or Commissioner of Transportation for the State of Georgia has declared the

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reasonable and safe maximum vehicle speed limits on such highways, streets and roads as more fully included within and shown on Exhibit "A" attached hereto.

Section 3. The Board of Commissioners hereby authorizes the use of speed detection devices by the Clayton County Police Department and other law enforcement authorities as deemed necessary to effectuate the orderly flow of traffic and for the safety and welfare of the public on such highways, streets and roads in the unincorporated areas of Clayton County, Georgia as more fully set forth in Exhibit "A" attached hereto.

Section 4. The Board of Commissioners hereby authorizes the submission of an application to the Department of Public Safety for a permit to use such detection devices within Clayton County on such highways, streets and roads in the unincorporated areas of Clayton County, Georgia as more fully set forth in Exhibit "A" attached hereto.

Section 5. Any section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be invalid.

Section 6. The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective upon its adoption by the Board of Commissioners.

SO ORDAINED, this the 2nd day of April, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

/s/ C. CRANDLE BRAY,

VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL,

COMMISSIONER

/s/ GERALD A. MATTHEWS,

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

10. Motion by Commissioner Griswell, second by Commissioner Rhodenizer, to approve Resolution 2002-39 affirming and ratifying the authority of Clayton County to enter into a subgrant award agreement with the Governor's Children and Youth Coordinating Council, and in accordance therewith accept grant funds (\$193,555) to be used in connection with the Juvenile Courts Enhancements Program; to affirm and ratify the Finance Director's authority to amend the budget, if necessary, to reflect the appropriations and expenses relating thereto; to affirm and ratify the Chairman's authority to execute the agreement, and to otherwise 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.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2002 - 39

A RESOLUTION AFFIRMING AND RATIFYING THE AUTHORITY OF CLAYTON COUNTY TO ENTER INTO A SUBGRANT AWARD AGREEMENT WITH THE GOVERNOR'S CHILDREN AND

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YOUTH COORDINATING COUNCIL, AND IN ACCORDANCE THEREWITH ACCEPT GRANT FUNDS TO BE USED IN CONNECTION WITH THE JUVENILE COURT ENHANCEMENTS PROGRAM; TO AFFIRM AND RATIFY THE FINANCE DIRECTOR'S AUTHORITY TO AMEND THE BUDGET, IF NECESSARY, TO REFLECT THE APPROPRIATIONS AND EXPENSES RELATING THERETO; TO AFFIRM AND RATIFY THE CHAIRMAN'S AUTHORITY TO EXECUTE THE AGREEMENT, AND TO OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the County has been approved to accept a subgrant from the Governor's Children and Youth Coordinating County (the "Council") in the amount of \$193,555.00 to be used for the Juvenile Court Enhancements Program; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and County will best be served by ratifying the authority to enter into the Subgrant Award Agreement with the Children and Youth Coordinating Council for the above stated purpose.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby affirms and ratifies the authority of Clayton County to enter into a Subgrant Award Agreement with the Governor's Children and Youth Coordinating Council, and in accordance therewith accept federal grant funds in the amount of \$193,555.00 to be used for the Juvenile Court Enhancements Program. The Board of Commissioners hereby ratifies and affirms the authority of the Finance Director to amend the budget, if necessary, to reflect the appropriations and expenses relating thereto.

Further, the Board of Commissioners ratifies and affirms the authority of the Chairman to execute the Subgrant Award Agreement, and to otherwise perform all acts necessary to accomplish the intent of this Resolution. The Subgrant Award Agreement is attached hereto.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 2nd day of April, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN
/s/ J. CHARLEY GRISWELL, VICE CHAIRMAN
/s/ GERALD A. MATTHEWS, COMMISSIONER
/s/ VIRGINIA BURTON GRAY, COMMISSIONER
/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

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11. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to approve Resolution 2002-40 to provide for the adoption of policies and procedures governing the distribution of 5% Crime Victim Assistance Funds for Clayton County; to designate those Crime Victim Assistance Projects with whom the Board of Commissioner has elected to participate; to authorize the Chairman to execute any document necessary to implement the policies and procedures, and that is otherwise pertaining to the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

Mr. Comer said there are four (4) certified Victims Assistance Programs; the District Attorney's Victims Assistance Program, the Solicitor's Victims Services Unit, the Association on Battered Women of Clayton County, and the Southern Crescent Sexual Assault Center.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2002 - 40

A RESOLUTION TO PROVIDE FOR THE ADOPTION OF POLICIES AND PROCEDURES GOVERNING THE DISTRIBUTION OF 5% CRIME VICTIM ASSISTANCE FUNDS FOR CLAYTON COUNTY; TO DESIGNATE THOSE CRIME VICTIM ASSISTANCE PROJECTS WITH WHOM THE BOARD OF COMMISSIONERS HAS ELECTED TO PARTICIPATE; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENT NECESSARY TO IMPLEMENT THE POLICIES AND PROCEDURES, AND THAT IS OTHERWISE PERTAINING TO THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Criminal Justice Coordinating Council (the "Council") operates a local victim add on fine collection and distribution program to assist in the funding of Crime Victim Assistance Projects within the County; and

WHEREAS, in every case in which the Superior Court or State Court imposes a fine, there is imposed as an additional penalty a sum equal to five (5%) percent of the original fine; and

WHEREAS, the sums collected by the respective Clerks of the Superior Court and State Court are to be paid over on a monthly basis to certified Crime Victim Assistance Projects with whom the County participates, and to the County treasury to be used in the funding of Crime Victim Assistance Projects for whom the County acts as fiscal agent; and

WHEREAS, the Board of Commissioners is required to determine which certified victim assistance projects shall receive funds and in what amounts; provided, however that the projects have presented documentation to the Board of Commissioners that they have met all certification criteria set forth by the Council.

WHEREAS, the Board of Commissioners deems it in the best interest of the County and all participating Projects, that these policies and procedures be implemented to ensure that the monies collected are being disbursed in accordance with Georgia laws.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby adopts the following policies and procedures as they relate to the local victim add on fine collection and distribution program to assist in the funding of Crime Victim Assistance Projects within the County:

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1. In accordance with provisions of O.C.G.A. § 15-21-132 the respective Clerks of the Superior Court and State Court of Clayton County are to assess and collect moneys equal to five (5%) percent of an original fine and to pay such sum on a monthly basis to certified Crime Victim Assistance Projects (the "Projects") with whom the County participates, and to the County treasury for funding of the Projects for whom the County acts as fiscal agent.

2. The Board of Commissioners has designated the following certified Crime Victim Assistance Projects to receive funds for the fiscal year ending June 30, 2002:

- (a) Victim Witness Assistance Program operated by the Clayton County District Attorney's Office;
- (b) Victim Services Unit operated by the Clayton County Solicitor General's Office;
- (c) Association on Battered Women of Clayton County, Inc.; and
- (d) Southern Crescent Sexual Assault Center, Inc.

3. The Projects set forth in paragraphs (c) and (d) have been fully funded to the extent authorized by the Board of Commissioners, or will receive additional funding from sources other than from the local victim add on fine collection and distribution program. Accordingly, the respective Clerks of the Superior Court and State Court of Clayton County are requested to disburse all additional moneys assessed and collected in accordance with provisions of O.C.G.A. § 15-21-131(a) to Clayton County as fiscal agent for the Victim Witness Assistance Program operated by the Clayton County District Attorney's Office and the Victim Services Unit operated by the Clayton County Solicitor General's Office.

4. The Rules of the Criminal Justice Coordinating Council, Chapter 144-6-.01 through 144-6-.05—to the extent they apply to the Board of Commissioners and the respective Clerks of the Superior Court and State Court of Clayton County—such Rules are hereby adopted by reference and made a part of this Resolution.

Section 2. The Board of Commissioners hereby authorizes the Chairman to execute any document required to implement the policies and procedures set forth above and is otherwise pertaining to this Resolution.

Section 3. This Resolution shall become effective upon its approval by the Board of Commissioners.

SO RESOLVED, this the 2nd day of April, 2002.

CLAYTON COUNTY BOARD OF COMMISSIONERS

CHAIRMAN _____

/s/ C. CRANDLE BRAY,

CHAIRMAN _____

/s/ J. CHARLEY GRISWELL, VICE

COMMISSIONER _____

/s/ GERALD A. MATTHEWS,

COMMISSIONER _____

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ CARL RHODENIZER,

ATTEST:

/s/ SUZANNE BROWN

12. Motion by Commissioner Griswell, second by Commissioner Matthews, to appoint Dave Johnson of Riverdale, Georgia (retired from United Airlines and an active Riverdale Fire Marshal) to the Civil Service Board. This appointment fills the unexpired term of Sheila Hudson. (Ms. Hudson resigned.) The unexpired term ends on December 31, 2002. (Full Board) Vote unanimous.

13. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to authorize the Chairman to execute the Georgia Department of Transportation documents; and authorize the Finance Director to amend the budget accordingly for said documents:

LAR 32-2-5(63)

49 Various County Roads
19.330 miles of Resurfacing

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PR 888-1(63)

13 Various County Roads
2.360 miles of Resurfacing

Vote unanimous.

14. Motion by Commissioner Matthews, second by Commissioner Gray, to accept for maintenance by county the streets in **Crestwicke Crossing** (Crestwicke Crossing Court and Crestwicke Crossing Drive). Vote unanimous.

15. Motion by Commissioner Rhodenizer, second by Commissioner Matthews, to accept street light petitions for Dale Estates, District #12105C and Spivey Estates, District #12104. Vote unanimous.

Other matters brought before the Board were as follows:

Other business brought before the Board was from Maryann Guice of 617 McDonough Road. She expressed discontent with the county codes and said they needed to be rewritten. Ms. Guice said she believed the codes are maneuvered to fit situations and individuals. For example, her neighbor has two (2) acres to accommodate her livestock. The county code, however, specifies that three (3) acres are necessary for livestock. Although code enforcement officials came out to notify her neighbor of the violation, the neighbor assured the county that he would buy an adjoining acre to be in code compliance. Ms. Guice said that adjoining acre belonged to her, and she had no intention of selling it. She also stated that the lease letter for her neighbor's property is a sham because there is no ending date on it. In her opinion, this lease is not a legal document; it needs to be recordable. Ms. Guice concluded that the county codes need to be more clear-cut, organized, and enforceable. Chairman Bray responded that no Georgia code is written in black and white; attorneys can contest them. Clayton County is committed to enforcing the existing codes, and residents must abide by the law.

There being no further business to discuss, motion by Commissioner Matthews, second by Chairman Bray, to adjourn the Regular Business Meeting at approximately 8:05 p.m. Vote unanimous.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ C. CRANDLE BRAY, CHAIRMAN

/s/ J. CHARLEY GRISWELL, VICE CHAIRMAN

/s/ VIRGINIA BURTON GRAY, COMMISSIONER

/s/ GERALD A. MATTHEWS, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN