

March 15, 2005

REGULAR BUSINESS MEETING – MARCH 15, 2005

PRESENT: Chairman Eldrin Bell, Vice Chairman Virginia Burton Gray, Commissioner J. Charley Griswell, Commissioner Carl Rhodenizer, Commissioner Wole Ralph, and Clerk Suzanne Brown.

1. Chairman Bell called the meeting to order.
2. Invocation led by Rev. David Scott of Emmaus Road Baptist Church. Pledge of allegiance to the flag
led by Chairman Bell.
3. Motion by Commissioner Rhodenizer, second by Commissioner Ralph, to amend the agenda by adding
Item #17A/Resolution 2005-35 (Reimbursable Agreement with GA DOT Federal Aviation Administration for temporary tower services to the county), deferring Item #16/Resolution 2005-33 (Agreement with Lister & Holt, LLC for providing indigent defense services to the county) to Executive Session, and deferring Item #14/Resolution 2005-31 (Contracts between Clayton County Courts and Sentinel Offender Services) to the Regular Business Meeting of April 5, 2005. The agenda was adopted, as amended, as the official agenda of the Regular Business Meeting of March 15, 2005. Vote unanimous.
4. Motion by Commissioner Rhodenizer, second by Vice Chairman Gray, to approve the minutes of
the Regular Business Meeting of March 1, 2005 and the Work Session of March 8, 2005. The motion carried 4-0-1; Chairman Bell abstained because he did not attend the Work Session of March 8, 2005. Vote unanimous.
5. Peggy Davidson, Director of Central Services, presented these items which resulted in the following actions:
 - 1) Motion by Commissioner Griswell, second by Commissioner Rhodenizer, to approve a purchase requisition from Eddie Williams, Director of Community Development, for the purchase of three (3) Ford Ranger trucks. These vehicles are proposed to be purchased, under the current Georgia state contract, from Allan Vigil Ford, Morrow, Georgia. The total amount is \$32,601.00. These are additional vehicles for new employees, and funds are available in Community Development's budget. Vote unanimous.
 - 2) Motion by Commissioner Griswell, second by Vice Chairman Gray, to approve a Supplemental Agreement (RFP Pkg. #04-25 – Supplemental Agreement; 4/19/04) to allow the contract holder, Parsons Brinckerhoff, Atlanta, GA, to supply an additional 480 man hours toward Construction Engineering and Inspection Services over the initial scope for the 2004 SPLOST Sidewalk Construction (several locations throughout Clayton County). The additional fee of \$40,031.40 is warranted based on the failure of the contractor to meet the construction deadline. The cost of this contract will be covered by the collection of \$45,000.00 in liquidated damages from the contractor, LNBJ. Vote unanimous.
6. Dan Martin, Director of Finance, presented this item which resulted in the following action:

REQUEST FOR BUDGET AMENDMENT – OTHER GENERAL GOVERNMENT

APPROPRIATION FROM FUND BALANCE

Appropriation From Fund Balance 101-6501-7000 \$ 152,523

INCREASE EXPENSE

Office Equip/Comp/Furnishings 101-1301-6030 \$ 152,523

Reason: To provide funds for a contract between Clayton County and Pictometry International Corporation to provide aerial imaging software and services. The first payment will be \$81,459 due in Fiscal Year 2005 and the second payment will be \$71,064 due in Fiscal Year 2006.

Motion by Commissioner Rhodenizer, second by Commissioner Ralph, to approve the above- listed budget amendment request. Vote unanimous.

7. Motion by Commissioner Rhodenizer, second by Vice Chairman Gray, to approve a Change to the Clayton County Board of Commissioners' Group Medical and Dental Plan due to the enactment of the "Working Families Tax Relief Act of 2004." Under this act, children of county health and dental plan

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participants will lose coverage at age 24 and certain residency requirements will apply for eligibility coverage. Vote unanimous.

8. Motion by Commissioner Rhodenizer, second by Commissioner Ralph, to approve Resolution 2005-25 authorizing Clayton County to enter into a contract for services with Gregory T. Samples LCSW, LCFMT, on behalf of the Clayton County Juvenile Court, providing for the terms and conditions under which services will be rendered in connection with the Clayton County Court Appointed Special Advocates Program (CASA) and funded through the Promoting Safe and Stable Families Program grant. There is no matching grant for these services. Vote unanimous.

Michael Smith, Chief Staff Attorney, said Mr. Samples will provide counseling sessions to families who are referred to him through the CASA program.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 25

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A CONTRACT FOR SERVICES WITH GREGORY T. SAMPLES LCSW, LCFMT, ON BEHALF OF THE CLAYTON COUNTY JUVENILE COURT, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH SERVICES WILL BE RENDERED IN CONNECTION WITH THE CLAYTON COUNTY COURT APPOINTED SPECIAL ADVOCATES PROGRAM AND FUNDED THROUGH THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM GRANT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACT FOR SERVICES, AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO

REFLECT THE APPROPRIATIONS AND EXPENSES RELATING THERETO; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County, through the Clayton County Juvenile Court, recently submitted to the Georgia Department of Human Resources ("GDHR") its Grant Application to provide funding for program services to be used in connection with the Promoting Safe and Stable Families Program; and

WHEREAS, GDHR approved the grant application and has allocated federal grants funds for the Promoting Safe and Stable Families program; and

WHEREAS, Clayton County Juvenile Court is in need of services for appropriate youths and their parent or grandparents as referred by the Court Appointed Special Advocates ("CASA") Program in Clayton County for therapeutic counseling sessions to address youth issues and core values in a way that will help family members and youth find compassion for themselves and for each other; and

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WHEREAS, Gregory T. Samples LCSW, LCFMT (the "Contractor") is eminently qualified to assist the Court in this endeavor, and the Parties hereto wish to memorialize their respective understanding of the terms under which such services will be provided.

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will best be served by entering into the Contract for Services with Gregory T. Samples LCSW, LCFMT for the 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 authorizes Clayton County to enter into a Contract for Services with Gregory T. Samples LCSW, LCFMT, on behalf of the Clayton County Juvenile Court, providing for the terms and conditions under which services will be rendered in connection with the Clayton County Court Appointed Special Advocates Program and funded through the Promoting Safe and Stable Families Program grant. The Board of Commissioners hereby authorizes the Chairman to execute the Contract for Services, and otherwise perform all acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners authorizes the Finance Director to amend the budget where necessary to reflect the appropriations and expenses relating thereto. The Contract for Services shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

SO RESOLVED, this the 15th of March, 2005

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

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9. Motion by Commissioner Rhodenizer, second Vice Chairman Gray, to approve

Resolution 2005-26 providing for the acceptance of certain property from William H. Reynolds Memorial Nature Preserve, Inc., and the Development Authority of Clayton County for inclusion into the Clayton County Wetlands Program. Vote unanimous.

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2005 – 26

A RESOLUTION PROVIDING FOR THE ACCEPTANCE OF CERTAIN PROPERTY FROM WILLIAM H. REYNOLDS MEMORIAL NATURE PRESERVE, INC. AND THE DEVELOPMENT AUTHORITY OF CLAYTON COUNTY FOR INCLUSION INTO THE CLAYTON COUNTY WETLANDS PROGRAM; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE ACCEPTANCE OF THE DEED OF CONVEYANCE, 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.

WHEREAS, Clayton County desires to accept certain property from William H. Reynolds Memorial Nature Preserve, Inc. (the “Preserve”) and The Development Authority of Clayton County (the “Authority”) located in Land Lot 145 of the 12th District of Clayton County, Georgia for inclusion into the Clayton County Wetlands Program (the “Program”); and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by accepting the property 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 authorizes Clayton County to accept certain property for inclusion into the Clayton County Wetlands Program. Further, the Board of Commissioners hereby authorizes the Chairman to execute an acceptance of the deed of conveyance, and otherwise to perform all other acts necessary to accomplish the intent of this Resolution. The property is more fully described on Exhibit “A” attached hereto.

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

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SO RESOLVED, this the 15th date of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

10. Motion by Commissioner Rhodenizer, second by Commissioner Ralph, to approve

Resolution 2005-27 authorizing Clayton County to accept the transfer of title of property from Robbie Moore for the purposed related to Greenspace. Vote unanimous.

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2005 – 27

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ACCEPT THE TRANSFER OF TITLE OF PROPERTY FROM ROBBIE MOORE FOR PURPOSES RELATED TO GREENSPACE; TO THEREAFTER AUTHORIZE THE TRANSFER OF TITLE TO THE SUBJECT PROPERTY TO THE CLAYTON COUNTY GREENSPACE PROGRAM LAND TRUST; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE TITLE TRANSFER TOGETHER WITH ANY OTHER DOCUMENT NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Robbie Moore desires to donate certain property which qualifies as flood plain of the Vintage Pointe Subdivision development to Clayton County; and

WHEREAS, the County thereafter intends to transfer title to subject property to the Clayton County Greenspace Program Land Trust in furtherance of goals and objectives of the County's Greenspace Program; and

WHEREAS, the Board of Commissioners recognizes that the preservation of community greenspace is in the best interest of the citizens of our county; and

WHEREAS, the Board of Commissioners recognizes that the acceptance of the Vintage Pointe Subdivision flood plain for the Greenspace Trust is in the best interest of the citizens of Clayton

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County; and

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 authorizes the County to accept property qualifying as flood plain located in the Vintage Point Subdivision development from Robbie Moore. Thereafter, the Board of Commissioners authorizes the transfer of the subject property to the Clayton County Greenspace Program Land Trust. The Board of Commissioners authorizes the Chairman to execute the title transfer together with any other document necessary to accomplish the intent of the Resolution. The property is more fully described on Exhibit "A" and "B" attached hereto.

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

SO RESOLVED, this 15th day of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

11. Motion by Commissioner Ralph, second by Commissioner Rhodenizer, to approve Resolution 2005-28 authorizing Clayton County to accept a resolution from the Clayton County Civil Service Board, on behalf of the Vehicle Accident Review Board, in that all matters which involve a county vehicle in a collision with damages or injuries will not be submitted to the Vehicle Accident Review Board until after a preliminary determination of possible fault has been determined by the Clayton County Staff Attorney's Office. Vote unanimous.

Mr. Smith stated this resolution was drawn up as a result of the county losing its "sovereign immunity" at the beginning of this year. Issues involving liability will now discussed in the Staff Attorney's Office before appearing before the Vehicle Accident Review Board.

Commissioner Ralph remembered the Board had several questions in the last Work Session related to department heads, emergency personnel, and the county's liability. He asked if there were any answers to those questions. Mr. Smith responded that those questions relating to the county's vehicle policy are still under review. He added that they relate to a separate issue and answers will be forthcoming in the future.

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 28

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ACCEPT A RESOLUTION
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FROM THE CLAYTON COUNTY CIVIL SERVICE BOARD, ON BEHALF OF THE VEHICLE ACCIDENT REVIEW BOARD, IN THAT ALL MATTERS WHICH INVOLVE A COUNTY VEHICLE IN A COLLISION WITH DAMAGES OR INJURIES WILL NOT BE SUBMITTED TO THE VEHICLE ACCIDENT REVIEW BOARD UNTIL AFTER A PRELIMINARY DETERMINATION OF POSSIBLE FAULT HAS BEEN DETERMINED BY THE CLAYTON COUNTY STAFF ATTORNEY'S OFFICE; TO AUTHORIZE THE CHAIRMAN TO ACCEPT THE RESOLUTION FROM THE CLAYTON COUNTY CIVIL SERVICE BOARD, AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT THE APPROPRIATION AND EXPENSES RELATING THERETO; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, as of January 1, 2005, counties are no longer able to assert sovereign immunity in cases involving the ownership and operation of its motor vehicles, with some limitations; and

WHEREAS, one of the results of that legislation is that the question of whether or not the operation of a county vehicle involved in a collision with damages or injuries to other parties is quite significant both from a legal standpoint and a financial one; and

WHEREAS, in the past, it sometimes has appeared that the decision of the Vehicle accident Review Board, which deals strictly with the issue of whether or not discipline of the county employee is appropriate, and if so what degree of discipline, constituted some sort of finding in regard to fault, and

WHEREAS, to avoid any appearance of the Vehicle Accident Review Board's decision being a determination of fault, and possibly liability, and;

WHEREAS; the procedures and the powers of the Vehicle Accident Review Board would not be changed in any way, nor would there be any effect on the decision of the Vehicle Review Board, except as the individual members of the Vehicle Accident Review Board may be influenced by the determination of possible fault by the Staff Attorney's Office; and

WHEREAS; it is suggested that the matters not be submitted to the Vehicle Accident Review Board until after a preliminary determination of possible fault has been made by the Clayton County Staff Attorney's Office.

WHEREAS, the Board of Commissioners deems it in the best interests of Clayton County, and the County will be best served by accepting the Resolution from the Clayton County Civil Service Board

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for the 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 authorizes Clayton County to accept the Resolution from the Clayton County Civil Service Board on behalf of the Vehicle Accident Review Board and allow a preliminary determination of possible fault of County vehicles involved in a collision with damages or injuries to be ascertained by the Clayton County Staff Attorney's Office before submitting such matters to the Vehicle Accident Review Board for disciplinary actions.

Section 2. The Board of Commissioners hereby authorizes the Chairman to accept the Resolution from the Clayton County Civil Service Board. The Resolution from the Clayton County Civil Service Board shall be in substantially the form attached hereto as "Exhibit A", subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve, and the Chairman may otherwise perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect the appropriations and expenditures relating thereto.

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

SO RESOLVED, this the 15th day of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

12. Motion by Commissioner Griswell, second by Commissioner Rhodenizer, to approve Resolution 2005-30 authorizing Clayton County to enter into an agreement with Pictometry International Corporation providing for the terms and conditions under which aerial imaging software and services will be rendered to Clayton County. Vote unanimous. (NOTE: This resolution was approved out of sequence.)

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 30 A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN

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AGREEMENT WITH PICTOMETRY INTERNATIONAL CORPORATION PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH AERIAL IMAGING SOFTWARE AND SERVICES WILL BE RENDERED TO CLAYTON COUNTY; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO

ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, AND TO TRANSFER ANY REQUIRED MATCH OF LOCAL FUNDS, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County desires to acquire aerial imaging software to assist in its day to day operation for County services and projects; and

WHEREAS, Pictometry International Corporation is eminently qualified to provide the above-referenced services to the County; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into the Agreement with Pictometry International Corporation for the stated purposes.

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 authorizes Clayton County to enter into an Agreement with Pictometry International Corporation providing for the terms and conditions under which aerial imaging software and services will be rendered to Clayton County. The Board of Commissioners hereby authorizes the Chairman to execute the Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required match of local funds, all as may be required under the terms of the Agreement. The Agreement shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

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SO RESOLVED, this the 15th day of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

13. Motion by Commissioner Rhodenizer, second by Commissioner Griswell, to approve Resolution 2005-29 authorizing Clayton County to enter into a Memorandum of Agreement with the Board of Regents of the University System of Georgia to undertake and conduct a cooperative service to be performed by the Carl Vinson Institute of Government for purposes of identifying the optimal organizational structures, work processes, staffing and communications protocols for Clayton County Government. Vote unanimous.

Commissioner Ralph had read an article regarding this issue in the **News Daily** yesterday, and he wondered if the Board would only agree to changes through attrition and retirement, as opposed to layoffs. Chairman Bell rebutted that the Board did not have a position on this issue yet, and it would not have one until a recommendation is made from this study. He agreed that Commissioner Ralph's concerns would be seriously considered.

Commissioner Griswell questioned layoffs as a result of this study. Chairman Bell replied that he did not know about any layoffs. He felt that Commissioners Ralph and Griswell were getting "ahead of the study." Chairman Bell stated the purpose of the study is to get a recommendation, and the county would be governed by that recommendation. He did not believe there should be any assumptions or rumors spread about layoffs. Chairman Bell assured the Board that, in the best interest of county employees, every option will be considered. He then emphasized that the county should not be governed by what is written in the **News Daily**. Vice Chairman Gray agreed.

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 29

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA TO UNDERTAKE AND CONDUCT A COOPERATIVE SERVICE TO BE PERFORMED BY THE CARL VINSON INSTITUTE OF GOVERNMENT FOR PURPOSES OF IDENTIFYING THE OPTIMAL ORGANIZATIONAL STRUCTURES, WORK PROCESSES, STAFFING AND COMMUNICATIONS PROTOCOLS FOR CLAYTON COUNTY GOVERNMENT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT, AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT THE APPROPRIATION AND

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EXPENSES RELATING THERETO; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the County desires to assess the potential for the County to provide services more effectively and efficiently through a re-design of the organization, the work processes, staffing and communications; and

WHEREAS, the study would identify areas of potential improvement in both government and citizen interactions, as well as internal work and communication processes; and

WHEREAS, the Carl Vinson Institute of Government, is eminently qualified to provide the above-referenced services to the County; and

WHEREAS, the Board of Commissioners deems it in the best interests of Clayton County, and the County will be best served by entering into a Memorandum of Agreement with the Board of Regents of the University System of Georgia, for the 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 authorizes the County to enter into a Contract/Memorandum of Agreement with the Board of Regents of the University System of Georgia providing for the terms and conditions under which the Carl Vinson Institute of Georgia will conduct a study assessing the potential for Clayton County government to provide services more effectively and efficiently through a re- design of the organization, the work processes, staffing and communications, by

identifying areas of potential improvement in both government and citizen interactions, as well as internal work and communications processes as set forth the Memorandum of Agreement.

Section 2. The Board of Commissioners hereby authorizes the Chairman to execute the Contract/Memorandum of Agreement. The Memorandum of Agreement shall be in substantially the form of the Agreement attached hereto as "Exhibit A", subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve, and the Chairman may otherwise perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect the appropriations and expenditures relating thereto.

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

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Commissioners.

SO RESOLVED, this the 15th day of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

14. Motion by Commissioner Rhodenizer, second by Commissioner Griswell, to approve Resolution 2005-32 acknowledging the addition of certain sections of Rex Road and Colonnade Drive to the State Highway System while construction activities are taking place on these roadways; to authorize Clayton County to enter into a contract for maintenance of highways with the Georgia Department of Transportation providing for the terms and conditions under which the County will maintain Rex Road and Colonnade Drive during such construction activities; to authorize Clayton County to accept ownership, maintenance, and utility accommodation of such roadways upon completion of the work by the Georgia Department of Transportation. Vote unanimous.

Mr. Smith reminded the Board that the State had lost the original resolution approved and signed by the Board last year. The Board now needs to sign another resolution (under the present administration).

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 32

A RESOLUTION ACKNOWLEDGING THE ADDITION OF CERTAIN SECTIONS OF REX ROAD AND COLONNADE DRIVE TO THE STATE HIGHWAY SYSTEM WHILE CONSTRUCTION ACTIVITIES ARE TAKING PLACE ON THESE ROADWAYS; TO AUTHORIZE CLAYTON COUNTY TO ENTER INTO A CONTRACT FOR MAINTENANCE OF HIGHWAYS WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE COUNTY WILL MAINTAIN REX ROAD AND COLONNADE DRIVE DURING SUCH CONSTRUCTION ACTIVITIES; TO AUTHORIZE CLAYTON COUNTY TO ACCEPT OWNERSHIP, MAINTENANCE, AND UTILITY ACCOMMODATION OF SUCH ROADWAYS UPON COMPLETION OF THE WORK BY THE GEORGIA DEPARTMENT OF TRANSPORTATION; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT,

AND OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, AND TO

REGULAR BUSINESS MEETING – MARCH 15, 2005

TRANSFER ANY REQUIRED FUNDS, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, to accommodate the relocation and extension of certain sections of Rex Road and Colonnade Drive, it will be necessary to add sections of existing and projected roadways to the State Highway System as State Routes 1121, 1121TA, 1121TB, and 1121TC until construction is completed; and

WHEREAS, during the construction of such roadways Clayton County will accept maintenance responsibilities, and thereafter, accept ownership, maintenance, and utility accommodation of such roadways upon completion of the work by the Georgia Department of Transportation; and

WHEREAS, the County deems it in its best interest and the County will best be served by acknowledging the addition of the named roadway to the State Highway System, and entering into an Agreement with the Georgia Department of Transportation for the maintenance of such roadways while construction activities are taking place.

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 acknowledges the addition of certain sections of Rex Road and Colonnade Drive (attachment "3381") to the State Highway System during construction activities taking place of these roadways. The Board of Commissioners to authorizes Clayton County to enter into a Contract for Maintenance of Highways with the Georgia Department of Transportation providing for the terms and conditions under which the County will maintain Rex Road and Colonnade Drive while construction activities are taking place. The Board of Commissioners authorizes the Chairman to execute the contract and otherwise perform all acts necessary to accomplish the intent of the resolution. The Board of Commissioners authorize Clayton County to accept ownership, maintenance, and utility accommodation of such roadways upon completion of the work by the Georgia Department of Transportation. The Board of Commissioners authorizes the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required funds, all as may be required under the terms of the Agreements. The contract shall be in substantially the form attached hereto subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

REGULAR BUSINESS MEETING – MARCH 19, 2005

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

SO RESOLVED, this the 15th day of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:
/s/ SUZANNE BROWN

15. Motion by Commissioner Rhodenizer, second by Commissioner Ralph, to approve Ordinance 2005-34 to amend the Code of Clayton County, Georgia, as amended, specifically Part II, Code of Clayton County, Georgia, Chapter 38, Environment, so as to amend said chapter to add Article VIII, entitled "Clayton County Stream Buffer Protection Ordinance." Vote unanimous.

Per Mr. Smith, this ordinance is mandated by the State in order for the county to maintain permits. Commissioner Griswell asked Wayne Patterson, Director of Transportation and Development, to ascertain if the other metro area counties have approved this ordinance yet. Mr. Patterson agreed to do so. Commissioner Griswell said that if the Atlanta Regional Commission made a good recommendation for the counties, then Clayton County should be one of the first counties to implement it. He also felt that this ordinance should be researched for future implications and, if other metro area counties implemented it first, then they could inform others of the problems encountered. Mr. Patterson agreed to research this subject and bring the information back no later than the next Regular Business Meeting on April 5, 2005. His opinion today was that Clayton County is one of the last to come in under the deadline of April 30, 2005 from the federal and state governments. He would be glad to let Commissioner Griswell know, however, what other metro area counties are doing.

Commissioner Griswell said the Board should look at state grants to determine what they are costing the county because they might not be worth it with all of the new implementations. Chairman Bell clarified that these are requirements that might fall into the area of unfunded mandates. In the past, the county was getting federal dollars to support many of these programs and they have now been cut off. Presently, the county is moving forth with the Atlanta Regional Commission. Chairman Bell stated he had made contacts last week in Washington, D.C. to secure more financial aid for the county. Commissioner Griswell reiterated that it was important to ascertain the amount of state grant monies and how much they are costing the county (plus or minus). He concluded that it would be a good check and balance system. Chairman Bell agreed and directed Mr. Patterson to investigate this matter.

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2005 - 34

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY PART II, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 38, ENVIRONMENT, SO AS TO AMEND SAID CHAPTER TO ADD ARTICLE VIII, ENTITLED "CLAYTON COUNTY STREAM BUFFER PROTECTION ORDINANCE";

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TO PROVIDE FOR THE CREATION OF SAID ARTICLE; TO PROVIDE FOR DIVISION 1 - GENERALLY; TITLE; FINDINGS AND PURPOSE; AND DEFINITIONS; DIVISION 2 - APPLICABILITY; LAND DEVELOPMENT REQUIREMENTS; COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND REQUIREMENTS; ADDITIONAL INFORMATION REQUIREMENTS FOR DEVELOPMENT ON BUFFER ZONE PROPERTIES; RESPONSIBILITY; INSPECTION; VIOLATIONS, ENFORCEMENT AND PENALTIES ; ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW; 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, CODE OF CLAYTON COUNTY, GEORGIA, Chapter 38, Environment, by adding to said Chapter a new Article VIII, entitled "Clayton County Stream Buffer Protection Ordinance."

Section 2. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended is hereby further amended by adding new divisions and sections to Chapter 38, Environment, Article VIII, "Clayton County Stream Buffer Protection Ordinance," said divisions and sections to read as follows:

"Division 1 - Generally.

"Sec. 38-140. Title.

"This ordinance shall be known as the 'Clayton County Stream Buffer Protection Ordinance.'

"Sec. 38-141.1 Findings

"Whereas, Clayton County finds that buffers adjacent to streams provide numerous benefits including:

"Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources,

"Removing pollutants delivered in urban stormwater,

"Reducing erosion and controlling sediment, "Protecting and stabilizing stream banks, "Providing for infiltration of stormwater runoff, "Maintaining base flow of streams, "Contributing organic matter that is a source of food and energy for the aquatic ecosystem, "Providing tree canopy to shade streams and promote desirable aquatic habitat, "Providing riparian wildlife habitat, "Furnishing scenic value and recreational opportunity, and "Providing opportunities for the protection and restoration of greenspace.

"Sec. 38-141.2 Purposes.

"It is the purpose of this ordinance to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

"Create buffer zones along the streams of Clayton County, Georgia for the protection of water resources; and,

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"Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

"Sec. 38-142. Definitions.

"The following words, terms, and phrases, when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"**'Buffer'** means, with respect to a stream, a natural or enhanced vegetated area (established by **Sec. 38-144.1. Buffer and Setback Requirements** below), lying adjacent to the stream

"**'Impervious Cover'** means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

"**'Land Development'** means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

"**'Land Development Activity'** means those actions or activities which comprise, facilitate or result in land development.

“**Land Disturbance**’ means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

“**Land Disturbance Activity**’ means those actions or activities which comprise, facilitate or result in land disturbance.

“**Floodplain**’ means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

“**Parcel**’ means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

“**Permit**’ means the permit issued by the Clayton County Director of Transportation and Development or his designee required for undertaking any land development activity

“**Person**’ means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county, or other political subdivision of the State, any interstate body or any other legal entity.

“**Protection Area, or Stream Protection Area**’ means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

“**Riparian**’ means belonging or related to the bank of a river, stream, lake, pond, or impoundment.

“**Setback**’ means, with respect to a stream, the area established by **Sec. 38-144.1. Buffer and Setback Requirements** extending beyond any buffer applicable to the stream.

“**Stream**’ means any stream, beginning at:

“(a) The location of a spring, seep, or groundwater outflow that sustains streamflow; or

“(b) A point in the stream channel with a drainage area of 25 acres or more; or

“(c) Where evidence indicates presence of a stream in a drainage area of other than 25 acres, the Clayton County Director of Transportation and Development or his designee may require field studies to verify the existence of a stream.

“**Stream Bank**’ means the sloping land that contains the stream channel and the normal flows of the stream.

“**Stream Channel**’ means the portion of a watercourse that contains the base flow of the stream.

“**Watershed**’ means the land area that drains into a particular stream.

“**Division 2 - Applicability.**

“Sec. 38-143. Applicability.

“This ordinance shall apply to all land development activity on property containing a stream protection area as defined in **Sec. 38-142. Definitions.** of this ordinance. These requirements are in addition to, and do not replace or supercede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or

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exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

“Sec. 38-143.1 Grandfather Provisions

“This ordinance shall not apply to the following activities:

“(a) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance. “(b) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements. “(c) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance. “(d) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for

an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

“Sec. 38-143.2 Exemptions.

“The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

“(a) Activities for the purpose of building one of the following:

“(i) a stream crossing by a driveway, transportation route or utility line;
public water supply intake or public wastewater outfall structures;

“(ii) intrusions necessary to provide access to a property;

“(iii) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
unpaved foot trails and paths;

“(iv) activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

“(b) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in (a), above.

“(c) Land Development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.

“(d) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

“(e) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Clayton County Department of Transportation and Development on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Clayton County Director of Transportation and Development or his designee to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

“(f) Forestry and Silviculture activities on land that is zoned for forestry, silviculture or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity

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other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to **Sec. 38-144.2. Variance Procedures** below.

“Sec. 38-144. Land Development Requirements.

“Sec. 38-144.1. Buffer and Setback Requirements

“All land development activity subject to this ordinance shall meet the following requirements:

“(a) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

“(b) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

“(c) No septic tanks or septic tank drain fields shall be permitted within the buffer or setback.
“Sec. 38-144.2. Variance Procedures

“Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

“(a) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Clayton County Department of Transportation and Development finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Clayton County Board of Commissioners may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

“(b) Except as provided above, the Clayton County Board of Commissioners shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Clayton County Board of Commissioners. The Clayton County Board of Commissioners shall give public notice of each such public hearing in a newspaper of general circulation within Clayton County. The Clayton County Board of Commissioners shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road of right-of-way.

“(c) Variances will be considered only in the following cases:

“(i) When a property’s shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.

“(ii) Unusual circumstances would create an extreme hardship.

“(d) Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

“(e) At a minimum, a variance request shall include the following information:

“(i) A site map that includes locations of all streams, wetlands floodplain boundaries and other natural features, as determined by field survey;

“(ii) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

“(iii) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

“(iv) Documentation of unusual hardship should the buffer be maintained;

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“(v) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

“(vi) A calculation of the total area and length of the proposed intrusion;

“(vii) A stormwater management site plan, if applicable; and

“(viii) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

“(f) The following factors will be considered in determining whether to issue a variance:
“(i) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
“(ii) The locations of all streams on the property, including along property boundaries;
“(iii) The location and extent of the proposed buffer or setback intrusion; and,
“(iv) Whether alternative designs are possible which require less intrusion or no intrusion;
“(v) The long-term and construction water-quality impacts of the proposed variance;
“(vi) Whether issuance of the variance is at least as protective of natural resources and the environment.

“Sec. 38-145. Compatibility with Other Buffer Regulations and Requirements.

“This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

“Examples of existing legislation and regulations as of July 2002 include:

- “(1) The Metropolitan River Protection Act and Chattahoochee Corridor Plan;
- “(2) DNR Part 5 Criteria for small (under 100 square miles) Water Supply Watersheds;

and

- “(3) DNR Part 5 Criteria for River Protection

“These examples represent only three of the stricter regulations that already exist.

“Sec. 38-146. Additional Information Requirements for Development on Buffer Zone Properties.

“Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- “(a) A site plan showing:

- “(i) The location of all streams on the property;
- “(ii) Limits of required stream buffers and setbacks on the property;
- “(iii) Buffer zone topography with contour lines at no greater than (5)-foot

contour intervals;

- “(iv) Delineation of forested and open areas in the buffer zone; and,
- “(v) Detailed plans of all proposed land development in the buffer and of all

proposed impervious cover within the setback;

- “(b) A description of all proposed land development within the buffer and setback; and,

“(c) Any other documents that the Clayton County Director of Transportation and Development or his designee may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

“All buffer and setback areas must be recorded on the final plat of the property following plan approval.

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“Sec. 38-147. Responsibility.

“Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Clayton County, its offices or employees, for injury or damage to persons or property.

“Sec. 38-148. Inspection.

“The Clayton County Director of Transportation and Development or his designee may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following the completion of the work. The permittee shall assist the Clayton County Director of Transportation and Development or his designee in making such inspections. The Clayton County Director of Transportation and Development or his designee shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

“No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

“Sec. 38-149. Violations, Enforcement and Penalties.

“Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

“Sec. 38-149.1 Notice of Violation.

“(a) If the Clayton County Director of Transportation and Development or his designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit, therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

“(b) The notice of violation shall contain:

“(i) The name and address of the owner or the applicant or the responsible person;

“(ii) The address or other description of the site upon which the violation is occurring;

“(iii) A statement specifying the nature of the violation;

“(iv) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;

“(v) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

“(vi) A statement that the determination of violation may be appealed to the Clayton County Board of Commissioners by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours shall be sufficient). **“Sec. 38-149.2. Penalties**

“In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Clayton County Director of Transportation and Development or his designee shall first

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notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than (10) days (except in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such

notice and cure period, the Clayton County Director of Transportation and Development or his designee may take any one or more of the following actions or impose any one or more of the following penalties:

“(a) **Stop Work Order** – The Clayton County Department of Transportation and Development may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

“(b) **Withhold Certificate of Occupancy** – The Clayton County Department of Community Development may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

“(c) **Suspension, Revocation or Modification of Permit** – The Clayton County Department of Transportation and Development may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Clayton County Department of Transportation and Development may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

“(d) **Civil Penalties** – In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within (10) days (or such greater period as the Clayton County Department of Transportation and Development shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Clayton County Department of Transportation and Development has taken one or more of the actions described above, the Clayton County Department of Transportation and Development may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

“(e) **Criminal Penalties** – For intentional and flagrant violations of this ordinance, the Clayton County Department of Transportation and Development may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

“Sec. 38-150. Administrative Appeal and Judicial Review.

“Sec. 38-150.1. Administrative Appeal

“Any person aggrieved by a decision or order of the Clayton County Director of Transportation and Development or his designee, may appeal in writing within seven (7) days after the issuance of such decision or order to the Clayton County Director of Transportation and Development and shall be entitled to a hearing before the Clayton County Board of Commissioners within fourteen (14) days of receipt of the written appeal. “**Sec. 38-150.2. Judicial Review**

“Any person aggrieved by a decision or order of the Clayton County Board of Commissioners, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Clayton County.”

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

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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 _____ day of March, 2005.

COMMISSIONERS

CLAYTON COUNTY BOARD OF

CHAIRMAN

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE

COMMISSIONER

/s/ J. CHARLEY GRISWELL,

COMMISSIONER

/s/ CARL RHODENIZER,

ATTEST:

/s/ WOLE RALPH, COMMISSIONER

/s/ SUZANNE BROWN

3. Motion by Commissioner Griswell, second by Commissioner Ralph, to approve Resolution 2005-35

authorizing Clayton County to enter into a reimbursable agreement with the Department of Transportation Federal Aviation Administration, providing for the terms and conditions under which temporary tower services will be rendered to Clayton County; to authorize the Chairman or a designee to execute the agreement, and otherwise to perform all acts necessary to accomplish the intent of the resolution; to authorize 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.

According to Mr. Smith, this resolution authorizes an agreement to operate the tower for the NASCAR Race this weekend at the Atlanta Motor Speedway. The amount is \$4,158.00 payable to the Federal Aviation Administration in advance.

Chairman Bell asked if there were any reimbursements in this matter. Mr. Patterson said no. Chairman Bell then asked for an explanation of any benefits to the county. From a safety standpoint, Mr. Patterson stated it is critical to have air traffic controllers at the Tara Field Airport to take over the tower services at this weekend's race. Historically, this has always been done and having air traffic controllers present is highly recommended. Mr. Patterson explained that approximately 500 aircraft will be flying in this coming Sunday and, without air traffic controller expertise, an unsafe situation would result. He considered this to be a routine daily matter for every race and wanted the commissioners' approval to allow him to continue signing the contracts (unless the Board chooses differently). Mr. Patterson rationalized it would save some time and contracts would not have to be brought before the Board every time this issue arose. Just last week, he was sent a contract that has been amended. This past Thursday and Friday, Mr. Patterson was trying to finalize the contract and could not get it on the regular agenda for this meeting because it was sent too late. This contract is brought to the Board today on an emergency basis. A check needs to be cut and hand-delivered to the FAA in Atlanta by Friday, March 18, 2005, or

the tower will not be opened. It puts the county in a unique position in terms of time. From a financial perspective, T&D budgets this in the Tara Field Airport budget each year and it generally costs \$3,000.00 or \$4,000.00 per event. Mr. Patterson predicted an increase in the next few years. The first agreement he received was for almost \$8,000.00, and he negotiated it down to the \$4,158.00 fee.

Vice Chairman Gray did not understand the problem Mr. Patterson encountered in getting the contract. Mr. Patterson explained that, since security has become a national issue, the FAA has redistricted many of its management offices. This county now falls under the Eastern District of the United States. Prior to this change, the county fell under the Southern District of the United States. Since the jurisdiction has changed,

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the Tara Field Airport now reports to a Mr. Ronald Ruggeri in Washington, D.C. and all of the directions on policy changes come from him also.

Another example of the change is that the agreement Mr. Patterson used to be able to sign was conditioned upon the actual cost of the race event. He would sign an agreement that would specify \$4,000.00 or \$5,000.00. After the event, if only \$3,000.00 of manpower had been used, the county was invoiced for that amount. Under the new rules, the county has to pay the FAA in advance and, if the proposed cost amount is not used, the FAA will reimburse the county.

Commissioner Griswell made a motion to approve this resolution. In addition to the ratification, Chairman Bell advised Mr. Patterson to act on the following: 1) research this matter further to ensure that the contract is received in a timely manner, 2) forward the contract immediately to the legal department upon receipt, and 3) have the contract signed at his level (Chairman Bell's) so the commission can know when that amount of money is disbursed. He will be looking for a way to recoup it. Commissioner Ralph then seconded the motion.

STATE OF GEORGIA COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 35 A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A REIMBURSABLE AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH TEMPORARY TOWER SERVICES WILL BE RENDERED TO CLAYTON COUNTY; TO AUTHORIZE THE CHAIRMAN OR A DESIGNEE TO EXECUTE THE AGREEMENT, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE 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.

WHEREAS, Clayton County is in need of temporary tower services from the Federal Aviation Administration (the "FAA") at Clayton County's Tara Field for the March, 2005 Nascar Race Event; and

WHEREAS, the FAA has agreed to provide temporary tower services at the Clayton County Tara Field which include Air Traffic (AT) Overtime - 3 controllers, Airways Facilities (AF) Overtime and administrative support at an estimated total cost of \$4,158.00 payable in advance and due on March 18, 2005; and

WHEREAS, the Federal Aviation Administration is eminently qualified to provide the above-referenced services to the County; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the

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County will best be served by entering into the Agreement with the Federal Aviation Administration for the stated purposes.

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 authorizes Clayton County to enter into a Reimbursable Agreement with the Department of Transportation Federal Aviation Administration, providing for the terms and condition under which temporary tower services will be rendered to Clayton County during the March, 2005 Nascar Race event. The Board of Commissioners hereby authorizes the Chairman or his designee, the Director of Transportation and Development to execute the Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense. The Agreement shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

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

SO RESOLVED, this the 15th day of March, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN

17. Appointment to the Clayton County Airport Authority. The term of James D. Wellman (Full Board) expired on 12-31-04. New term is for four (4) years, expiring on 12-31-08.

Motion by Commissioner Ralph, second by Vice Chairman Gray, to defer an appointment to the Clayton County Airport Authority to the Regular Business Meeting of April 5, 2005. Vote unanimous.

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Chairman Bell asked the Board to defer this appointment because there may be another vacancy, and he would bring both of them back at a later date.

18. Appointment to the Animal Control Board to fill the unexpired term of Mr. Rick Page (Chairman Bell). Mr. Rick Page resigned due to a move out of the county. His term ends on 4-20-05. Motion by Commissioner Ralph, second by Commissioner Rhodenizer, to defer an appointment to fill Mr. Page's unexpired term on the Animal Control Board. Vote unanimous.

19. Appointments to the Development Authority/Redevelopment Board and Urban Redevelopment

Agency of Clayton County. The terms of Allen Burks (Full Board), Lee Camp (Full Board), Roland Downing (Chairman Bell), and Rudolph Johnson (Commissioner Griswell) expired on March 1, 2005. Inga Kennedy (Commissioner Gray) resigned, and her term expires on 3-1-07. New terms are for four (4) years, expiring on March 1, 2009 for the Board members whose terms expired on March 1, 2005.

Motion by Commissioner Rhodenizer, second by Commissioner Griswell, to appoint James E. Sutherland (Full Board) to the Development Authority/Redevelopment Board and Urban Redevelopment Agency of Clayton County. Mr. Sutherland's term is for four (4) years and expires on 3-1-09. Vote unanimous.

Motion by Chairman Bell, second by Commissioner Griswell, to reappoint Lee Camp (Full Board) to the Development Authority/Redevelopment Board and Urban Redevelopment Agency of Clayton County. Ms. Camp's term is for four (4) years; expiring on 3-1-09. Vote unanimous.

Motion by Chairman Bell, second by Commissioner Griswell, to appoint Larry W. Vincent (replacement for Roland O. Downing) to the Development Authority/Redevelopment Board and Urban Redevelopment Agency of Clayton County. Mr. Vincent's term is for four (4) years; expiring on 3-1-09. Vote unanimous.

Chairman Bell nominated Larry W. Vincent, a Clayton County resident and an employee of Georgia Power Company, for Mr. Roland Downing's replacement. He informed the commissioners that Mr. Vincent's resume was in their agenda binders. Commissioner Ralph also nominated Rev. Otis White of Shiloh Baptist Church. Chairman Bell clarified that Mr. Downing's replacement was his appointment, and Mr. Vincent was his recommendation. Commissioner Ralph would only be able to make a nomination for "Full Board" appointments. Clerk Brown pointed out that there was an error on the Board listing by Mr. Downing's name which had been denoted as a "Full Board" appointment. Mr. Roland's replacement was actually the Chairman's appointment as Chairman Bell had indicated. Vice Chairman Gray made a motion to close the nomination on the two (2) names – Larry W. Vincent and Rev. Otis White. Commissioner Griswell seconded the motion. Chairman Bell said the vote would be cast in the order of nomination. The vote was taken by a show of hands; 4-1 for Larry W. Vincent (Commissioner Ralph opposed) and 1-4 for Rev. Otis White (Chairman Bell, Vice Chairman Gray, Commissioner J. Charley Griswell, and Commissioner Carl Rhodenizer opposed). The motion carried 4-1 to appoint Larry W. Vincent as Mr. Downing's replacement.

Motion by Commissioner Griswell, second by Commissioner Rhodenizer, to reappoint Rudolph Johnson (Commissioner Griswell) to the Development Authority/Redevelopment Board and Urban Redevelopment Agency of Clayton County. Mr. Johnson's term is for four (4) years; expiring on 3-1-09. Vote unanimous.

Motion by Vice Chairman Gray, second by Commissioner Griswell, to appoint Frank Bailey to the Development Authority/Redevelopment Board and Urban Redevelopment Agency of Clayton County to fill the unexpired term of Inga Kennedy (Commissioner Gray), who resigned. Mr. Bailey's term will expire on 3-1-07. Vote unanimous.

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20. Appointment to the Clayton County Transit Advisory Board. The term of Larry Camp (Vice Chairman

Gray) expired on 12-31-04.

Motion by Vice Chairman Gray, second by Commissioner Rhodenizer, to appoint Joe Frierson to the Clayton County Transit Advisory Board. Mr. Frierson's term is for four (4) years; expiring on 12-31-08. Vote unanimous.

21. Motion by Commissioner Rhodenizer, second by Vice Chairman Gray, to accept streets for maintenance by county in **Providence Place** (Cobblestone Court, Windsor Way, and Ledgestone Lane). Vote unanimous.

Other business brought before the Board was as follows:

1) Don Comer, former Chief Staff Attorney, said the Board needs to designate a Chairman and Vice Chairman to the Urban Redevelopment Agency (as written in this agency's bylaws). These appointments do not apply to the Development Redevelopment Authority Board because the members appoint their own Chairman and Vice Chairman. Mr. Comer acknowledged that five (5) members have been selected today for the Urban Redevelopment Agency (who also serve on the Development Redevelopment Authority Board) and, if the Board so chooses, it can designate those positions at a later date. Commissioner Griswell made a motion to appoint Mr. Lou Hisel as Chairman and Ms. Lee Camp as Vice Chairman of the Urban Redevelopment Agency of Clayton County, GA. Vice Chairman Gray seconded the motion.

2) Novetta Durden, who resides at 772 Pointe South Parkway, Unit 1007, spoke on behalf of several parents and community leaders who were unable to attend this meeting. She requested that the commissioners grant proper funding to appropriate law enforcement departments (Solicitor General, District Attorney, Sheriff, Police Chief, etc.) so that they could better protect the county's citizens from the rising gang activity in the community as well as the schools. Ms. Durden explained that children are being harmed, and they could very well be family members of those present in today's meeting. She urged the Board to consider the creation of a Gang Task Force because certain police officers have alerted the community that they understand the problem and can identify gang members. Unfortunately, if this information is not shared among their fellow co-workers and higher level officials, then nothing constructive can be done. Ms. Durden emphasized that she is looking for a data base to be created so that profiles can be made of these gang-related individuals and something can be done with them. This action will minimize much of the gang activity and prevent residents from moving out of the county and small businesses from closing. She asked the commissioners to seriously consider this request and grant the necessary funding to initiate a gang task force.

Chairman Bell informed Ms. Durden that he has met with Police Chief Darrell Partain and the county is presently in discussion with School Board Superintendent Barbara Pulliam. This subject will be moved to a higher level with the policy makers of the board to address the school issue. Chairman Bell said if the problem is in the schools, it is automatically in the community. He intends to take some very decisive action on the part of this community against any type of gang activity. Chairman Bell assured Ms. Durden that the county has expertise and experience in attacking this problem, and he invited the public to participate in any way possible. He requested Ms. Durden's involvement as well and stressed that the time line for addressing this issue is very short. Chairman Bell stated he will meet with Chief Partain this morning about this concern and will have regular meetings until such time as the county has proper mechanisms intact to address these current issues.

Commissioner Ralph noted that Ms. Durden's community is in his district, and he expressed grave concern about the gang problems there. He shared Ms. Durden's concerns and appreciated her speaking to the Board today. Per Commissioner Ralph, a gang task force is urgently needed to work with police

safety officers to counter this risk. He acknowledged that “prevention is better than cure,” and this is why the creation of the promised six (6) recreation centers in the county is so critical. Recreational activities will help to stem the flow of gang activity throughout the county. Commissioner Ralph said that children who have idle time and

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are left without a safe place and/or facility in which to play and grow to become better citizens need some type of institutional structure. Structure will allow their talents to be nurtured and their energy to be utilized so that they can become pro-active members of the community. Otherwise, these children are more vulnerable to gangs. He urged Ms. Durden to attend the town hall meeting scheduled on March 31, 2005 to speak about issues that matter most.

Chairman Bell adamantly stated that the county plans to build the six (6) recreation centers and emphasized that facilities do not change people. The county must involve the churches, communities, and parents in changing “lifestyles” of young people. He did not want the citizens to depend on institutions, such as recreation centers, to save the county. Chairman Bell stressed that people must save the county from the threat of gangs.

3) Chairman Bell introduced Ms. Lois Baines Hunter, a member of the Clayton County School Board, to the commissioners. He thanked her for her diligent work on the Board and welcomed her to the meeting. Commissioner Griswell added that Ms. Hunter was doing a “good job.” Ms. Hunter expressed appreciation to the Board for allowing her to speak and said she was present today as a community representative. As a sounding board for problems in the community, she was inundated with calls about community concerns this past weekend. Ms. Hunter then thanked Commissioner Ralph for returning her phone call and the rest of the commissioners for giving her an opportunity to speak this morning. She was grateful for Police Chief Partain’s prompt response to her telephone calls and getting her children back in school. Ms. Hunter went on to say that there was a gang war in her community this past weekend that migrated from Mundy’s Mill High School and, much to her dismay, there was actual shooting. Parents were running and fear was at an all-time high. She also urged the Board to establish a viable, well-funded Drug Task Force. Presently, there is no profile of what constitutes a gang, how gang members dress, and who is involved in a gang in the community. Her community has had a drive-by and, as a result, many “for sale” signs are now posted. According to Ms. Hunter, residents are talking about moving out of the community and these are people who make up the county’s tax base. If the county does not seriously address what is going on, the community will be run by welfare dollars and that is ludicrous. Ms. Hunter further stated that she has been a county resident for 22 years and this is the worst that she has seen. She is appalled and ashamed to bring visitors into the county’s neighborhoods. Ms. Hunter said she has run for her office several times based on this issue. She asked the Board to take a pro-active role in this matter and to be more serious about drugs/gangs. If it had not been for Chief Partain’s response to her calls, the children at risk would not have gotten back into the school system. Ms. Hunter reiterated that the county needs an active, funded Drug Task Force. She has talked to the District Attorney and Solicitor General and plans to talk to Chief Partain more about this matter. There is a group of parents interested in this issue, and a community meeting has been set up on March 19, 2005 on Highway 85, at the Nazarene Church, from 12:00 p.m. to 3:00 p.m. Neighbors who actually witnessed this weekend’s incident will be present.

Chairman Bell requested that Chief Partain make available to Ms. Hunter an individual in the Police Department who deals with the county’s gang activities. This individual will be a great resource in community meetings. He said the Board is deeply concerned about all of the county’s neighborhoods and plans to do whatever is necessary to address the gang issues. Chairman Bell also encouraged community

members to get more involved. The Police Department presently has 14 vacancies, and members of the community should try to fill them. Funds are available, but the county needs people to get involved to obtain proper manpower to deal with these issues. He stated that the new drug task force is now called the Drug and Gang Task Force and will respond in that manner. Chairman Bell said he and Chief Partain, as well as the Task Force, will be glad to attend community meetings to hear citizen concerns and follow-up with appropriate investigations to bring people to justice. Per Chairman Bell, it has been done before and it will be done again.

Commissioner Ralph commended Ms. Hunter for organizing the community and helping people to gather around their interests. He thanked her for establishing the community meeting on March 19, 2005 and said he would definitely attend it.

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Commissioner Griswell was glad that Chairman Bell answered Ms. Hunter's question about the Drug Task Force. The county shifted the Drug Squad solely under the Police Department, and it is a very capable and on-going one. At first, he thought the public comment was about the lack of a drug squad in the county but one already exists.

Ms. Hunter said she and others are focusing specifically on the gangs. Just by hearing what is in the media and reading the newspapers, it is difficult to identify "who is who."

Commissioner Griswell understood this, but he wanted to caution Ms. Hunter and Ms. Durden about this issue. He believed that, without a doubt, Chief Partain and the Board cannot furnish the money to protect the county's citizens, get rid of gangs, keep small businesses safe, and deter people from moving out of the county and businesses from closing down. Commissioner Griswell did agree that these were important concerns but, at the same time, the citizens need to go to the courts to make it known that the gang perpetrators who enter the system should not be let back out on the street. He gave a scenario about one out of three (3) boys who got caught in a crime in Lovejoy. One week before this incident, this same person had been caught breaking and entering in a mobile home park. The boy was caught again in a house and, after going to court, he was back out on the street in a half hour. This was a person who had a record and it did not seem to make any difference. Per Chairman Griswell, the citizens need to stop this cycle from happening

When criminals go to court, they need to stay there. This county cannot afford having perpetrators back out on the street multiple times, and they need to be "put away." When this happens, the county's citizens, children, merchants, and everybody on the street will be safer.

4) Mr. Patterson was pleased to bring back an answer to a question brought up in the last meeting regarding a warranty on the Bomag Compactor at the county's landfill. The Board had approved replacing the dry pumps at that meeting, but there was no warranty for the Board's review. He recently discovered that there is a warranty on the parts for 12 months or 2,000 hours (whichever comes first) and on the labor for 90 days.

Motion by Commissioner Ralph, second by Vice Chairman Gray, to go into Executive Session in the Commissioners' Conference Room to discuss Indigent Defense Services at 9:50 a.m. Vote unanimous.

Motion by Vice Chairman Gray, second by Commissioner Rhodenizer, to go out of Executive Session at 10:23 a.m. Vote unanimous.

The Board reconvened in the Commissioners' Board Room at 10:24 a.m. There being no further business to discuss, motion by Commissioner Ralph, second by Vice Chairman Gray, to adjourn the Regular Business Meeting of March 15, 2005 at 10:25 a.m. Vote unanimous.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ VIRGINIA BURTON GRAY, VICE CHAIRMAN

/s/ J. CHARLEY GRISWELL, COMMISSIONER

/s/ CARL RHODENIZER, COMMISSIONER

/s/ WOLE RALPH, COMMISSIONER

ATTEST:

/s/ SUZANNE BROWN