

**December 14, 2010**

**REGULAR BUSINESS MEETING - December 14, 2010**

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail B. Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Rev. Charles Grant of Mt. Welcome Missionary Baptist Church in Decatur, Georgia and the Forest Park Ministers Association in Forest Park, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
3. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to amend the agenda by holding item #5 (Proclamation: "Representative Mike Glanton Honored for his Service and Dedication as a Legislator") and moving it to the business meeting agenda of December 21, 2010; adding Resolution 2010-243 (A Resolution authorizing Clayton County to apply for a grant from the Georgia Department of Transportation on behalf of the Clayton County Parks and Recreation Department for the Jesters Creek Greenway Enhancement); and noting that Theodis Locke, Assistant Director of Human Resources, would only be presenting one item (instead of two items) to the Board tonight. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve the December 7, 2010 Regular Business Meeting minutes. Vote unanimous.
5. **PROCLAMATION: "Clayton County Honors Chief Alex Cohilas for 35 Years of Public Service."** (Group photos were taken, and Clerk Haywood read the proclamation for the benefit of the audience.)
6. Rod Gray, Director of Central Services, presented these items which resulted in the following actions:
  - 1) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve a bid (RFB Pkg. #10-34; 10/27/10) for an Automated Red Light Camera Enforcement Systems Annual Contract. The recommendation is to award the contract to American Traffic Solutions, located in Phoenix, Arizona, whose firm is the sole bidder – with a score of 420.5. Vote unanimous.
  - 2) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve a request to waive the sealed bid requirement related to Emergency Repairs to a Police Helicopter. This request is particularly for emergency inspection and 2000 hour turbine section overhaul of Police Helicopter, Bell 206 L3 Rolls Royce Engine, as submitted by the Police Department. The recommendation is to waive the sealed bid requirement and have the inspections and repairs from Keystone Engine Services, located in Coatesville, PA. This company is a Rolls Royce Authorized Maintenance, repair and overhaul center, approved for full capability repair and

overhaul of the Rolls Royce model 250 C30P engines and accessories. Funds are available in the General Fund.

**The costs associated with this request are as follows:**

Labor	\$ 8,595.00
Parts restoration	\$13,382.00
Life-limited replacement parts (new)	\$20,655.18
Estimated on condition replacement parts (new)	\$ 8,292.73
Exchange parts	\$ 6,035.25
Assembly and installation kits	\$ 3,295.00
Module test including fuel and oil consumed	<u>\$ 2,795.00</u>
<b>Amount</b>	<b>\$60,255.16</b>

Commissioner Edmondson stated that the Police Chief's request letter indicated repair costs were available in the Aviation budget, but the Central Services memo stated these costs will come from the General Fund.

Mr. Gray responded that the Aviation budget is an org in the General Fund.

Vote unanimous.

3) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Work Authorization #002 for the Fire Multi-Purpose Building (RFP Pkg. #10-05). This Work Authorization request is submitted by Silverman Construction Program Management in order to receive approval to begin program management services for the design and construction of the Fire Multi-Purpose Building. Silverman Construction Program Management was approved as the project manager by the Board of Commissioners on August 3, 2010 to provide services on designated SPLOST projects. Vote unanimous.

The fee proposal is in line with the terms of the contract and is not to exceed \$170,644.00. Funds are available in the 2009 SPLOST Fund.

4) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve a request for a Contract Amendment to RFP Pkg. #10-5 (SPLOST PROJECT MANAGEMENT & CONSULTANT SERVICES FOR POLICE PRECINCTS & RENOVATIONS, LIBRARY, ANIMAL CONTROL FACILITY, & FIRE MULTI-PURPOSE CONSTRUCTION PROJECTS). Vote unanimous.

The location of one of the Police Precincts (from 2009 SPLOST Funds) has been designated to be built adjacent to a new recreation center site (from 2004 SPLOST Funds). Due to the fact that the recreation center project is currently under the Program Management of Carter Goble Lee (CGL), as detailed in a 2004 SPLOST Program Management Agreement, it is requested that the scope of work services for Silverman Construction Program Management be amended to include only one police precinct (which means to remove one police precinct).

7. Angela Jackson, Director of Finance, presented one item which resulted in this action:

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REQUEST FOR BUDGET AMENDMENT – STATE NARCOTICS                      2-12  
CONDEMNATION FUND (FYE 6-30-11)

**APPROPRIATION FROM FUND BALANCE:**

Appropriation from State Narcotics Fund Bal	221-3101-7000	\$	20,446
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**INCREASE EXPENSES:**

Other Contract Service Fees	221-2601-4140	\$	15,890
Other Contract Service Fees	221-2401-4140		<u>4,556</u>
			20,446

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1) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Budget Amendment #2-12/State Narcotics Condemnation Fund, in the amount of \$20,446.00 for FYE 6-30-11, to transfer fees to the District Attorney and Clerk of Superior/Magistrate Court for the processing of forfeiture cases. Vote unanimous.

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8. Theodis Locke, Assistant Director of Human Resources, presented the following request which resulted in this action:

1) Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve a request from Brett Lavender, Director of Information Technology, to create a new position, Division Manager/Systems Integration. This position will be at Pay Grade 33, Step 1 (\$71,266.00 to \$107,379.00). The goal of this request is to ensure the success of the Board of Commissioners' approved 2008 SPLOST public safety technology projects; i.e., Voice Over Internet Protocol Unified Communications, Computer Assisted Dispatch System Upgrade, E-911 Telephone System Upgrade, and Voice Logging Recorder Upgrade. Creating this position will provide for the undertaking of the activities necessary to ensure these projects are successful. Funds for this position will be allocated from the 2008 Clayton County Special Purpose Local Option Sales Tax (SPLOST). The starting salary will be \$71,266.00 plus benefits. Vote unanimous.

9. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Resolution 2010-243 authorizing Clayton County to apply for a grant from the Georgia Department of Transportation on behalf of the Clayton County Parks and Recreation Department for the Jesters Creek Greenway enhancement. Vote unanimous.

Parks and Recreation will apply for a grant with a minimum amount of \$250,000.00 and a maximum amount of \$1,000,000.00 from the Georgia Department of Transportation for the Jesters Creek Greenway enhancement. There will be a 20% match of local funds which can be made in cash, in-kind services, donated services, materials, or real property.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2010 - 243

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO APPLY FOR A GRANT FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE CLAYTON COUNTY PARKS AND RECREATION DEPARTMENT FOR THE JESTERS CREEK GREENWAY ENHANCEMENT; TO AUTHORIZE THE CHAIRMAN TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION.

WHEREAS, the Clayton County Parks & Recreation Department will apply for a grant with a minimum amount of \$250,000.00, and a maximum amount of \$1,000,000.00 from the Georgia Department of Transportation for the Jesters Creek Greenway enhancement, with a 20% match of local funds which can be made in cash, in-kind services, donated services, materials, or real property; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by authorizing the Clayton County Parks & Recreation Department to apply for the grant 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 authorizes Clayton County to apply for a grant with a minimum award amount of \$250,000.00 and a maximum award amount of \$1,000,000.00 from the Georgia Department of Transportation for the Jesters Creek Greenway enhancement with a 20% match of local funds. The Board of Commissioners hereby authorizes the Chairman to perform all acts necessary to accomplish the intent of this Resolution. The grant application is attached hereto.

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

SO RESOLVED, this the 14<sup>th</sup> day of December 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

10. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Resolution 2010-245 authorizing Clayton County to enter into a Supplemental Agreement for the S.R. 139 Riverdale Road Project, No. CSSTP-0008-00(577), P.I.# 0008577 with the Georgia Department of Transportation to extend the project completion date to November 2011. Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2010 - 245

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A SUPPLEMENTAL AGREEMENT FOR THE SR 139 RIVERDALE ROAD PROJECT, NO. CSSTP-0008-00(577), PI# 0008577 WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO EXTEND THE PROJECT COMPLETION DATE TO NOVEMBER 1, 2011; 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(S); TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the State of Georgia through its Department of Transportation (“Department”) and Clayton County, Georgia (“County”), entered into a Construction Agreement which was approved via Resolution 2009-155 on October 6, 2009 for the SR 139 Riverdale Road Project, No. CSSTP-0008-00(577), PI# 0008577; and

WHEREAS, the Department and the County now desire to enter into a Supplemental Agreement to extend the completion date of said project to November 1, 2011;

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into a Supplemental Agreement 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 authorizes Clayton County to enter into a Supplemental Agreement to extend the completion date of the SR 139 Riverdale Road Project No. CSSTP-0008-00(577), PI# 0008577 with the Georgia Department of Transportation. 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(s). The Supplemental Agreement shall be in substantially the form attached hereto.

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

SO RESOLVED, this the 14<sup>th</sup> day of December 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH , VICE CHAIRMAN

/s/ GAIL B. HAMBRICK , COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

11. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Resolution 2010-246 authorizing the acceptance of a forfeited vehicle to be assigned to the Sheriff's Department fleet in a manner as will be in the best interest of the County (2008 GMC Sierra SLT/1GTHK23618F131004). Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2010 - 246

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A FORFEITED VEHICLE TO BE ASSIGNED TO THE SHERIFF'S DEPARTMENT FLEET IN A MANNER AS WILL BE IN THE BEST INTEREST OF THE COUNTY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Sheriff's Department is requesting acceptance and assignment of a forfeited 2008 GMC Sierra 2500 SLT, VIN # 1GTHK23618F131004, Case # G3-09-0107, CATS # 10-DEA-534311 into the Department's fleet from the U.S. Department of Justice U.S. Marshals Service Northern District of Georgia at a cost of \$7,096.05; and

WHEREAS, the Director of Fleet Maintenance has determined said vehicle is suitable for service as a County vehicle; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by accepting said vehicle and assigning it to the Clayton County Sheriff's Department fleet to enhance law enforcement in accordance with applicable State and Federal Statutes.

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 and assign a 2008 GMC Sierra 2500 SLT, VIN # 1GTHK23618F131004, Case # G3-09-0107, CATS # 10-DEA-534311 to the Clayton County Sheriff's Department vehicle fleet for the purpose of enhancing law enforcement. The Directors of Central Services and Fleet Maintenance are authorized to perform all acts necessary to effect this resolution. Further, the Director of Finance is authorized to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required.

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

SO RESOLVED, this the 14<sup>th</sup> day of December 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

12. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Ordinance 2010-247 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 10 "Amusements and Entertainments," Article II "Amusement Machine Operations," by adding the definition of "Class B Coin Operated Amusement Machines" to Section 10-26 "Definitions," and adding a new Section 10-33, "Class B Coin Operated Amusement Machines," so as to allow dining facilities with seating of 40 or more to have more than nine of said machines in operation (per a State law change). Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 – 247

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS," ARTICLE II "AMUSEMENT MACHINE OPERATIONS," BY ADDING THE DEFINITION OF "CLASS B COIN OPERATED AMUSEMENT MACHINES" TO SECTION 10-26 "DEFINITIONS," AND ADDING A NEW SECTION 10-33, "CLASS B COIN OPERATED AMUSEMENT MACHINES," SO AS TO ALLOW DINING FACILITIES WITH SEATING OF 40 OR MORE TO HAVE MORE THAN NINE OF SAID MACHINES IN OPERATION; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the County has determined that to serve the needs of the community certain revisions to the Code of Ordinances are needed; and

**WHEREAS**, Section 2-10(15) of the County Code of Ordinances declares that the Board of Commissioners has exclusive jurisdiction and control to exercise all powers now or later vested in county governing authorities by the constitution and general laws of the state of Georgia; and



**WHEREAS**, the Georgia General Assembly recently enacted SB 454 which regulates the operation of coin operating amusement machines, including the number of Class B coin operated amusement machines to nine (9) per establishment; and

**WHEREAS**, Chapter 17 of Title 48 of the Official Code of Georgia authorizes the County to set the limit of authorized Class B coin operated amusement machines per establishment; and

**WHEREAS**, existing businesses in the county currently operate in excess of nine (9) Class B coin operated amusement machines per establishment; and

**WHEREAS**, the limits on Class B coin operated amusement machines as set forth in SB 454 would have a negative impact on businesses currently operating in the County; and

**WHEREAS**, the Board of Commissioners therefore finds it in the best interest of the health, safety, welfare and morals of the community to establish a business permitting process that allows appropriate restaurants to exceed nine (9) Class B coin operated amusement machines per establishment; and

NOW, THEREFORE, 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, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 10 “Amusements and Entertainments,” Article II “Amusement Machine Operations” by adding the following definition to Section 10-26 “Definitions”:

“Class B coin operated amusement machine means a bona fide coin operated amusement machine that rewards a successful player with any combination of the following items:

- (i) Merchandise limited to noncash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than Five Dollars (\$5.00) received for a single play of the game or device.
- (ii) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for free replays or rewards set forth in subsection (i) of this definition.”

Section The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 10, “Amusements and Entertainments,” Article II, “Amusement Machine Operations” by adding a new Section 10-33 entitled “Class B Coin Operated Amusement Machines” and to add subsections thereunder so that said Section 10-33 shall read as follows:

**“Section 10-33. Class B coin operated amusement machines.**

- (a) Subject to the restrictions set forth in subsections (c) and (d), a restaurant, café, or dining facility which provides table seating for no less than 40 persons may apply to the Clayton County Department of Community Development for a special business permit allowing the establishment to provide more than nine (9) Class B coin operated amusement machines.
- (b) Establishments not meeting the criteria set forth in subsection 10-33 (a) may not provide more than nine (9) Class B coin operated amusement machines.
- (c) No establishment shall derive more than fifty percent of such establishment’s monthly gross retail receipts for the establishment from Class B coin operated amusement machines. Gross retail receipts means the total revenue derived by an establishment at the location on the sale of goods and services but shall not include revenue from the sale of goods or services for which the business will receive only a commission. Revenue from the sale of goods and services at wholesale shall not be included.
- (d) Class B bona fide coin operated amusement machines shall meet the following criteria: (i) the machine rewards the player or players with tickets, tokens, or other non-cash representations of value redeemable for merchandise prizes; (ii) the outcome of the game involves some skill in its operation; (iii) the award of tickets, tokens or other non-cash representations of value is based solely on the players achieving the object of the game or player's score; (iv) only merchandise prizes are awarded; (v) the average wholesale value of the prizes awarded in lieu of tickets or tokens for a single play of the machine does not exceed Five Dollars (\$5.00); (vi) the redemption value of each ticket, token or other non-cash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine; and (vii) any distributor or proprietor of Class B bona fine coin operated amusement machines shall comply with all the guidelines and criteria in this article that relate to amusement machines.
- (e) Applications for a special business permit under this Section shall be filed with the Clayton County Department of Community Development and considered by the Board of Commissioners at a meeting no sooner than thirty (30) days after the filing of such application.
- (f) Nothing in this Section shall be interpreted to supersede any restrictions on coin operated machines in the Code of Ordinances.”

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 RESOLVED, this the 14<sup>th</sup> day of December 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

13. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Ordinance 2010-248 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 54 “Law Enforcement,” Article I “In General,” by deleting the existing Section 54-4 “Retention of Badge and Weapon by Retired Law Enforcement Officers,” and substituting in lieu thereof a new Section 54-4 “Retention of Badge and Weapon by Retired Public Safety Officers.” (NOTE: This ordinance essentially changes the definition of law enforcement officers to include those officers who work for the Clayton County Prison). Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 248

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 54 “LAW ENFORCEMENT”, ARTICLE I “IN GENERAL”, BY DELETING THE EXISTING SECTION 54-4 “RETENTION OF BADGE AND WEAPON BY RETIRED LAW ENFORCEMENT OFFICERS”, AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 54-4 “RETENTION OF BADGE AND WEAPON BY RETIRED PUBLIC SAFETY OFFICERS”; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, 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, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 54 “Law Enforcement”, Article I “In General”, by deleting Section 54-4 “Retention of Badge and Weapon by Retired

Law Enforcement Officers”, and substituting in lieu thereof a new Section 54-4 “Retention of Badge and Weapon by Retired Public Safety Officers”, which shall read as follows:

**“Sec. 54-4. Retention of Badge and Weapon by Retired Public Safety Officers.**

(a) For the purpose of this ordinance, the following definitions shall apply:

1. *County public safety officer* means any County police officer, deputy sheriff, the Fire Chief and any sworn employee of the fire department who is authorized by the Fire Chief to carry a firearm on duty, the Warden of the Clayton County Prison and any sworn employee of the Prison who is authorized by the Warden carry to a firearm on duty, or an investigator employed by the District Attorney's office or Solicitor General's office.
2. *Disability* means a medical condition that prevents an individual from working as a County public safety officer.
3. *Reimbursement schedule* means the dollar amount the retiring County public safety officer will reimburse the County for the cost of the weapon. For the purpose of this schedule, the age of the weapon is computed from the date the weapon was first put in service by a County public safety agency. For a weapon that is less than three years old the retiring officer shall reimburse the County 80% of the County's cost of the weapon but not more than \$200.00. For a weapon that is three years old but less than five years old, the retiring officer shall reimburse the County 50% of the County's cost of the weapon but not more than \$100.00. For a weapon that is five years or more in age, the retiring officer shall reimburse the County \$1.00.
4. *Weapon* means a County owned handgun issued to the public safety officer by his agency for official use as a County public safety officer.

(b) In recognition of the sacrifice made by our public safety officers who have served at least 15 years with the county and who retire and leave active duty under honorable conditions and in good standing, may retain their weapon and badge as part of their compensation. The retiring public safety officer shall reimburse the County for the cost of the weapon pursuant to the Reimbursement Schedule. Once the County receives payment, ownership of the weapon shall transfer to the retiring officer and the weapon will be removed from the County's inventory.

(c) When a County public safety officer leaves active duty as a result of a disability arising from a line of duty injury, such member shall be entitled as part of such officer's

compensation to retain his or her weapon and badge. The County waives reimbursement in such cases and ownership of the weapon shall transfer to the officer and the weapon shall be removed from the County's inventory.

- (d) The Director of Human Resources is designated by the Board of Commissioners to act on behalf of the County in determining an employee's qualifications under this ordinance.
1. To determine if the employee meets the 15 year requirement, the Director shall calculate each year of service or part thereof that the employee has served either as a County police officer, deputy sheriff, any sworn employee of the fire department who is authorized by the Fire Chief to carry a firearm on duty, any sworn employee of the Prison who is authorized by the Warden carry to a firearm on duty, or an investigator employed by the District Attorney's office or Solicitor General's office or any combination thereof. The total years of service must equal or exceed 15 years. This will only include years of service as a County employee, provided however that investigators for the District Attorney's office who are paid in part or in whole by the state, will receive credit for each year or part thereof that they work for the County's District Attorney's office.
  2. In addition, the Director shall determine if the employee has met all other conditions of this ordinance.
  3. The decision of the Director of Human Recourses in these matters is final.
  4. The employee's department head or elected official shall notify the Director of Human Resource thirty days prior to the employee's last work day before retirement or as close as possible thereto, to allow the Director sufficient time to make the determinations required by this ordinance."

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3 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 4. This Ordinance shall become effective upon its approval by the Board of Commissioners and shall be retroactive in its effect for all retired county public safety officers who retired under honorable conditions and who meet the years of service conditions of this ordinance. The reimbursement provision of this ordinance is waived for all such officers. These firearms are to be removed from the County's inventory and ownership transferred to the applicable retired officer.

SO RESOLVED, this the 14<sup>th</sup> day of December 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

14. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Resolution 2010-249 authorizing Clayton County to enter into a contract with World Marketing, Inc. providing for the terms and conditions under which tax forms will be supplied and prepared for mailing to County constituents. Vote unanimous.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2010 - 249

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A CONTRACT WITH WORLD MARKETING INC. PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH TAX FORMS WILL BE SUPPLIED AND PREPARED FOR MAILING TO COUNTY CONSTITUENTS; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL OTHER 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, World Marketing Inc. (the "Provider") is engaged in the business of assisting local governments by supplying tax forms, and preparing and arranging the mailing of these forms to tax-paying constituents of the county; and

WHEREAS, the County will be responsible to pay for postage and any paper labeling; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will best be served by entering into a contract with the Provider 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 authorizes Clayton County to enter into a contract with World Marketing Inc. (the "Provider"), providing for the terms and conditions under which the Provider will supply tax forms, and prepare and arrange the mailing of these forms to tax-paying constituents of the county. The Board of Commissioners hereby authorizes the Chairman to execute a contract 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 contract shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as 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 14<sup>th</sup> day of December 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

/s/ GAIL B. HAMBRICK, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

15. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Ordinance 2010-250 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 22 "Businesses," Article II "Occupational Licenses," by repealing Section 22-46 "Administrative and Regulatory Fee Structure" and substituting in lieu thereof a new Section 22-46 "Administrative and Regulatory Fee Structure." Vote unanimous. (NOTE: This ordinance increases the application fee from \$60.00 to \$75.00.)

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 – 250

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 22 “BUSINESSES”, ARTICLE II “OCCUPATIONAL LICENSES”, BY REPEALING SECTION 22-46 “ADMINISTRATIVE AND REGULATORY FEE STRUCTURE” AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 22-46 “ADMINISTRATIVE AND REGULATORY FEE STRUCTURE”; TO REPEAL CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES, AND REGULATIONS; TO PROVIDE FOR SERVABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Department of Community Development currently assesses a non-prorated, nonrefundable administrative fee of \$60.00 for all business license applications for the commencement, renewal or reopening of a business or occupation; and

WHEREAS, the purpose of this administrative fee is to offset the costs associated with the processing of business license applications; and

WHEREAS, due to the increased complexity of reviewing applications, affidavits required by the Federal Systematic Alien Verification for Entitlements (SAVE) program, and other supporting documentation needed to ensure proper reporting and collection of all occupation taxes owed to the County, additional staff time is needed for such review of applications and renewals; and

WHEREAS, increasing the administrative fee to \$75.00 will serve to offset the rising costs associated with analyzing and processing the applications, mailing renewal forms and creating departmental financial reports.

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

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 22 “Businesses”, by deleting Section 22-46 “Administrative and regulatory fee structure” and substituting in lieu thereof a new Section 22-46 “Administrative and Regulatory Fee Structure” which shall read as follows:

**“Sec. 22-46. – Administrative and Regulatory Fee Structure.**

**(a) A non-prorated, nonrefundable administrative fee of \$75.00 shall be required with all business license applications for the commencement, renewal, or reopening of the business or occupation. The purpose of this administrative fee is to offset the costs associated with the processing of the application.**



**(b) A regulatory fee may be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. Any regulatory fee imposed shall not include an administrative fee.**

**(c) Businesses which are subject to regulatory fees of not less than \$100.00 include, but are not expressly limited to, the following:**

- (1) Building and construction contractors;**
- (2) Carnivals;**
- (3) Taxicab and limousine operators;**
- (4) Tattoo artists;**
- (5) Stables;**
- (6) Shooting galleries and firearm ranges;**
- (7) Scrap metal processors;**
- (8) Pawnbrokers;**
- (9) Food service establishments;**
- (10) Dealers in precious metals;**
- (11) Firearms dealers;**
- (12) Peddlers;**
- (13) Parking lots;**
- (14) Nursing and personal care homes;**
- (15) Newspaper vending boxes;**
- (16) Modeling agencies;**
- (17) Massage parlors;**
- (18) Landfills;**
- (19) Auto and motorcycle racing;**
- (20) Boarding houses;**
- (21) Businesses which provide appearance bonds;**
- (22) Boxing and wrestling promoters;**
- (23) Hotels and motels;**
- (24) Hypnotists;**
- (25) Handwriting analysts;**
- (26) Health clubs, gyms, and spas;**
- (27) Fortunetellers;**
- (28) Garbage collectors;**
- (29) Escort services;**
- (30) Burglar and fire alarm installers; and**
- (31) Locksmiths.**

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. 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 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

**SO ORDAINED**, this the 14<sup>th</sup> day of December, 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

16. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Ordinance 2010-251 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 22 “Businesses, Article II “Occupational Licenses,” by repealing Section 22-47 “Occupation Tax Levied; Rate; Restrictions” and substituting in lieu thereof a new Section 22-47 “Occupation Tax Levied; Rate; Restrictions.” Vote unanimous. (NOTE: This ordinance allows a minimum occupation tax of \$50.00.)

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 – 251

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 22 “BUSINESSES”, ARTICLE II “OCCUPATIONAL LICENSES”, BY REPEALING SECTION 22-47 “OCCUPATION TAX LEVIED; RATE; RESTRICTIONS” AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 22-47 “OCCUPATION TAX LEVIED; RATE; RESTRICTIONS”; TO REPEAL

CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES, AND REGULATIONS; TO PROVIDE FOR SERVABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Department of Community Development currently levies an occupation tax upon those businesses with one or more locations or offices in the County and upon out-of-state businesses with no location or office in the state; and

WHEREAS, said occupation tax is based on the number of employees and gross receipts of the business in combination with the profitability ratio for the type of business as measured by nationwide averages derived from statistics or from the U.S. Office of Management and Budget and the U.S. Internal Revenue Service; and

WHEREAS, although a maximum occupation tax allowed per business is \$15,000.00, no minimum occupation tax exists; and

WHEREAS, the absence of a minimum occupation tax allows businesses that report low gross receipts to be charged less than one dollar (\$1.00) to register and conduct business within the County; and

WHEREAS, charging each business with reported gross receipts of less than \$10,000.00 a flat rate of \$50.00 would reduce the processing time required for Department staff to calculate taxes.

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

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 22 “Businesses”, by deleting Section 22-47 “Occupation tax levied; rate; restrictions” and substituting in lieu thereof a new Section 22-47 “Occupation tax levied; rate; restrictions” which shall read as follows:

**“Sec. 22-47. – Occupation tax levied; rate; restrictions.**

(a) An occupation tax shall be levied upon those businesses with one or more locations or offices in the county, and upon the out-of-state businesses with no location or office in the state pursuant to O.C.G.A. § 48-13-7, based upon the number of employees and gross receipts of the business in combination with the profitability ratio for the type of business as measured by nationwide averages derived from statistics or other information published by the U.S. Office of Management and Budget, the U.S. Internal Revenue Service, or their successor agencies of the United States.

(b) **Notwithstanding the following employee rates and tax rates, an occupation tax at a flat rate of \$50.00 shall be levied upon those businesses with reported gross receipts of less than \$10,000.00. Otherwise, the employee rate and tax rate determined by profitability ratios in combination with gross receipts for each business shall be as follows and will be developed and updated from time to time by the department:**

**Employee Rate**

<b>Number of Employees</b>	<b>Rate</b>
<b>0—2</b>	0 plus \$30.00 per employee in excess of 0
<b>3—9</b>	\$60.00 plus \$15.00 per employee in excess of 2
<b>10—99</b>	\$165.00 plus \$12.00 per employee in excess of 9
<b>100—499</b>	\$1,299.00 plus \$8.00 per employee in excess of 99
<b>500 and over</b>	\$5,459.00 plus \$7.00 per employee in excess of 499

Tax Rate

<b>Profitability Ratio</b>	<b>Class</b>	<b>Fee Per \$1,000 (Up to \$10,000,000)</b>	<b>Fee Per \$1,000 (In excess of \$10,000,000)</b>
<b>0.84—2.84</b>	1	\$0.72	\$0.20
<b>3.15—4.03</b>	2	0.77	0.21
<b>4.12—5.29</b>	3	0.81	0.23
<b>5.43—6.77</b>	4	0.86	0.24
<b>7.14—13.48</b>	5	0.97	0.27
<b>31.60—217.51</b>	6	1.27	0.35

- (c) **The maximum occupation tax per business location will be \$15,000.00.**
- (d) **No business shall be required to pay more than one occupation tax for each of its locations.**
- (e) **No occupation tax will be required upon more than 100 percent of a business's gross receipts.**
- (f) **No occupation tax shall be required from real estate brokers, agents, or companies whose offices are located outside the county, except those who transact business inside the county.**
- (g) **No occupation tax shall be required on any practitioner whose office is maintained by, and who is employed in practice exclusively by, the United States, the State [of Georgia], a municipality or county of the state, or instrumentalities of the United States, the state or a municipality or county of the state.**
- (h) **No occupation tax, regulatory fee, or administrative fee shall be required on any state or local authority or nonprofit organization.**

- (i) **No occupation tax shall be levied in any other manner except as described in this article.**
- (j) **Out-of-state businesses with no location in the state shall be assessed occupation taxes based on the gross receipts of the business, as defined in O.C.G.A. § 14-13-7, which are reasonably attributed to sales or services in the state.**
- (k) **For purposes of this article, prima facie evidence of gross receipts generated during any period shall be a copy of the business's federal and/or income tax return or such other appropriate business record which is independently certified.**

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. 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 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

**SO ORDAINED**, this the 14<sup>th</sup> day of December, 2010

{ Signatures on Next Page }

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

17. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Ordinance 2010-252 to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 22 “Businesses,” Article II “Occupational Licenses,” by repealing Section 22-67 “Filing of Return Showing Actual Gross Receipts During Preceding Calendar Year; Procedure when Taxes Overpaid or Underpaid” and substituting in lieu thereof a new Section 22-67 “Filing of Return Showing Actual Gross Receipts During Preceding Calendar Year; Procedure when Taxes Overpaid or Underpaid.” Vote unanimous. (NOTE: This ordinance changes the return filing period from March 31<sup>st</sup> to February 15<sup>th</sup> of each year.)

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 – 252

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 22 “BUSINESSES”, ARTICLE II “OCCUPATIONAL LICENSES”, BY REPEALING SECTION 22-67 “FILING OF RETURN SHOWING ACTUAL GROSS RECEIPTS DURING PRECEDING CALENDAR YEAR; PROCEDURE WHEN TAXES OVERPAID OR UNDERPAID” AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 22-67 “FILING OF RETURN SHOWING ACTUAL GROSS RECEIPTS DURING PRECEDING CALENDAR YEAR; PROCEDURE WHEN TAXES OVERPAID OR UNDERPAID”; TO REPEAL CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES, AND REGULATIONS; TO PROVIDE FOR SERVABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Department of Community Development (“Department”) requires each person liable for the occupation tax levied for the year to file with the Department a signed return setting forth the number of employees and the actual amount of gross receipts of such business during the preceding calendar year; and

WHEREAS, the current deadline for filing a signed return, on or before March 31 of each year, does not allow the Department a sufficient amount of time for processing signed returns; and

WHEREAS, a deadline of February 15 for submitting signed returns will ensure sufficient time for processing applications and will still provide applicants ample time to pay for and post business licenses.

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

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 22 “Businesses”, by deleting Section 22-67 “Filing of return showing actual gross receipts during preceding calendar year; procedure when taxes overpaid or underpaid” and substituting in lieu thereof a new Section 22-67 “Filing of return showing actual gross receipts during preceding calendar year; procedure when taxes overpaid or underpaid” which shall read as follows:

“Sec. 22-67. – Filing of return showing actual gross receipts during preceding calendar year; procedure when taxes overpaid or underpaid.

- (a) **On or before February 15 of each year, the person liable for the occupation tax levied for the year shall file with the department, on a form furnished by such office, a signed return setting forth the number of employees and actual amount of the gross receipts of such business during the preceding calendar year.**
- (b) **If the occupation tax for the preceding year based on the return and on the rate of such tax provided for in this article is greater than the amount of occupation tax paid by the person based on the estimate returned, the difference in the amount shall be due and payable by the licensee to the county on or before March 31 of the current year, and such amount shall be deemed delinquent if not paid on or before March 31.**
- (c) **If the amount of the occupation tax for the preceding year, based on the return provided for in this section and on the rate of the tax provided for in this article, is less than the amount of occupation tax paid by the licensee based on the estimate filed pursuant to this section, the difference in the amount shall be refundable by the county to the taxpayer on or before March 31; provided, however, if such business continues to be conducted in the county during the current year, such difference in amount shall be credited by the county toward the amount of occupation tax to be paid to the county by the licensee for the current year.**

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. 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 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

**SO ORDAINED**, this the 14<sup>th</sup> day of December, 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

18. Motion by Commissioner Edmondson, second by Vice-Chairman Ralph, to approve Ordinance 2010-253 to amend the Official Zoning Map for Clayton County, Georgia. Vote unanimous.

Kc Krzic, Zoning Administrator, stated that Ordinance 2010-253 readopts the county's zoning map as provided. Planning and Zoning has been working with both the GIS Department and the Tax Assessors Office to actually formulate the most accurate map this county has ever had. This map identifies all of the current parcels (amounting to almost 90,000 parcels).

Commissioner Singleton questioned if the amended map included the Ellenwood case that she and Planning and Zoning had been working with lately. Ms. Krzic assured Commissioner Singleton that it did include the Ellenwood case.

ACOUNTY OF CLAYTON

STATE OF GEORGIA

ORDINANCE NO. 2010 – 253

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR CLAYTON COUNTY, GEORGIA; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR



REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, zoning is a matter within the purview of local governments pursuant to Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983; and

WHEREAS, the Board of Commissioners has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace and the general welfare of Clayton County; and

WHEREAS, in October 2008, the Board adopted a new Zoning Map, thereby initiating an effort to create a comprehensive digitalized map of approximately 90,000 parcels of land located within the County; and

WHEREAS, since the initial adoption of the Zoning Map, Clayton County has amended and re-adopted the Zoning Map which has become increasingly more reflective of the County's current zoning districts; and

WHEREAS, the Clayton County Department of Information Technology and the Clayton County Tax Assessor's Office have recently generated and provided the Department of Community Development with the most accurate parcel data to date, thereby necessitating this Zoning Map amendment; and

WHEREAS, the amended Zoning Map is in conformity with the policy and intent of the County's land use plan; and

WHEREAS, the Board has considered the possible effects of the change in the Zoning Map on the character of a zoning district and determined that the changes pose no substantial negative effects upon the properties; and

WHEREAS, this Map is amended pursuant to authority granted to Clayton County, Georgia by Article IX, Section II, Paragraph III of the Constitution of the State of Georgia 1983, and more specifically the plenary policy powers delegated to the County by said section and by operation of law.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY ORDAINED AS FOLLOWS:**

**SECTION I.**

The Clayton County Board of Commissioners hereby adopts the attached amended Zoning Map, attached hereto as Exhibit A.

**SECTION II.**

- (a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

### **SECTION III.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

### **SECTION IV.**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**SO ORDAINED**, this the 14<sup>th</sup> day of December, 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/S/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/S/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

19. Motion by Vice-Chairman Ralph, second by Commissioner Edmondson, to approve Ordinance 2010-254 to amend Article 8 “Sign Standards” of the Clayton County Zoning Ordinance so as to delete language contained in Sections 8.3, 8.5, and 8.18 and insert in lieu thereof new language; and further amending Article 8 by adding Section 8.20, “Electronic Multiple Message Signs” to adopt new language. Vote unanimous.

COUNTY OF CLAYTON

STATE OF GEORGIA

ORDINANCE NO. 2010 – 254

AN ORDINANCE TO AMEND ARTICLE 8 “SIGN STANDARDS” OF THE CLAYTON COUNTY ZONING ORDINANCE SO AS TO DELETE LANGUAGE CONTAINED IN SECTIONS 8.3, 8.5 AND 8.18 AND INSERT IN LIEU THEREOF NEW LANGUAGE; TO ADOPT NEW LANGUAGE PERTAINING TO “ELECTRONIC MULTIPLE MESSAGE SIGNS”; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, on May 22, 2008, the Board of Commissioners adopted a new comprehensive Zoning Ordinance; and

WHEREAS, the Board of Commissioners has determined there is a need to revise certain provisions of Article 8 “Sign Standards”, specifically Sections 8.3 “Limitation Standards”, 8.5 “Prohibited Sign Standards” and 8.18 “Billboard Sign Standards” and to further amend Article 8 by adding “Section 8.20 Electronic Multiple Message Signs”.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY  
OF CLAYTON COUNTY, GEORGIA, AND BY THE  
AUTHORITY OF SAME, IT IS HEREBY ORDAINED THAT THE  
CLAYTON COUNTY ZONING ORDINANCE IS HEREBY AMENDED TO READ AS  
FOLLOWS:**

## PART I

**Section 1.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 8 “Sign Standards”, Section 8.3 “Limitation Standards” and inserting in lieu thereof a new Article 8 “Sign Standards”, Section 8.3 “Limitation Standards” to read as follows:

### 8.3 Limitation Standards

A. The following location and setback standards shall apply:

1. The property owner must give permission for all sign placement on the owner's property. Signs are not permitted in the State or County right-of-way.
2. All signs and sign structures, except as noted below, must be setback at least ten (10) feet from the public right-of-way. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
4. Entrance signs must comply with any applicable provision in the Manual on Uniform Traffic Control Devices, latest edition.
5. No sign on private property can be erected closer than fifty (50) feet to the right-of-way of Interstate Highway 75, 285, or 675.
6. Setbacks are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way.

B. **Height Limits:** Height limitations in this Article control over the general height limitations of this Ordinance, and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this Article, rather than general height limitations. Height limitations apply to both the sign and the sign structure, whichever is the tallest.

C. **Number:** For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.

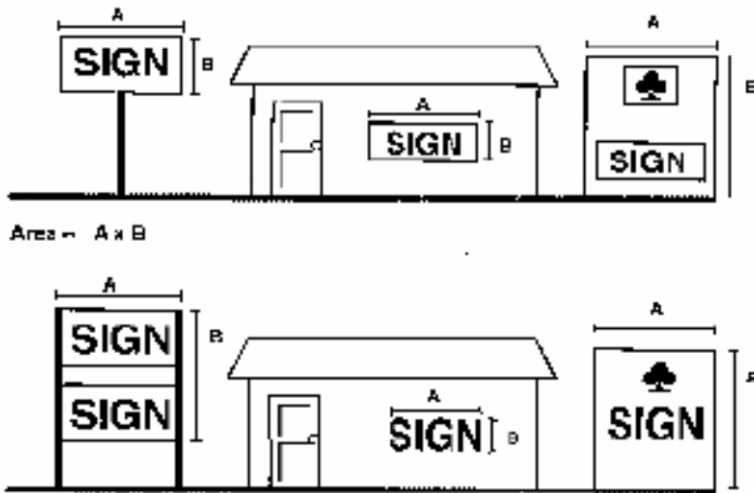
D. **Illumination:** the following illumination standards shall apply:

1. Ground signs cannot be internally illuminated in any residential or agricultural zoning district. All signs may be externally illuminated. External illumination of any sign in any district shall be positioned and shielded so that the light source cannot be seen directly by any passing motorists or from adjacent dwellings or businesses.
2. No illuminated signs shall be constructed or maintained within 200 feet of any single-family dwelling.
3. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted. Nothing herein shall prevent the installation and maintenance of Electronic Multiple Message Signs as set forth in Section 8.20.
4. All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light

trespass, such as light shining into residences or other neighboring structures.

5. All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
  6. All signs over ten feet in height shall be internally illuminated or illuminated by external lighting fixtures located above the sign area, firing downward, and not visible to passing motorists.
- E. Calculation of Area: The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples, below. However, this example is not a substantive regulation as to permissible types of signs:

Examples of Sign Face Area Measurements



- F. Unusual Shaped Signs. Unusual shaped signs are signs that are any shape other than a square or rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is calculated by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face and sign structure supporting the face, not including the base.
- G. Obscene Matter Prohibited. It shall be unlawful for any person to display upon any sign or other structure any obscene matter, as defined in O.C.G.A. § 16-12-80.

**Section** The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 8 “Sign Standards”, Section 8.5, “Prohibited Sign Standards” and inserting in lieu thereof a new Article 8 “Sign Standards”, Section 8.5, “Prohibited Sign Standards” to read as follows:

**8.5 Prohibited Sign Standards**

- A. The following types of signs are prohibited, as stated:
1. Roof Signs (which means signs mounted above a roof or projecting above the roof-line of a structure).

2. **Rotating signs.**
  3. **Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers. Inflatable figures and objects (e.g., creatures, beer cans) fall into this category.**
  4. **Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; "trivision"-type signs; signs with moving words; signs with waiving elements, whether motorized or wind-powered; or similar moving signs.**
  5. **Signs displaying moving pictures or images. Nothing herein shall prevent the installation and maintenance of Electronic Multiple Message Signs as set forth in Section 8.20.**
6. **Courtesy benches, trash cans, and similar devices displaying signs.**
  7. **Trailer signs (which means signs mounted on trailers, exceeding two square feet).**
  8. **Sidewalk, A-type, sandwich or curb-type signs placed on sidewalks.**

**B. Home Occupations. As stated in Section 6.10, Home Occupation Standards, any home occupation may not have a wall mounted sign exceeding 2 square feet, and must be attached to the primary structure. No off site signs or signs within the yard of the property shall be permitted.**

**Section 3.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by deleting Article 8 “Sign Standards”, Section 8.18, “Billboard Sign Standards” and inserting in lieu thereof a new Article 8 “Sign Standards”, Section 8.18, “Billboard Sign Standards” to read as follows:

**8.18 Billboard Sign Standards**

- A. **Principle Use:** A billboard sign shall only be allowed individually as a principal use on a property where no other principal use is located.
- B. **Conditional Use:** All billboard signs shall require a conditional use permit. Procedures for obtaining a conditional use permit are in defined in Article 13.
- C. **Criteria:** No billboard sign shall be erected or maintained within 660 feet of the nearest edge of the right of way and visible from the main traveled way of the interstate or primary highways, except on property that meets the following criteria:
  1. The property must be zoned for commercial or industrial use. Zoning classifications include: Neighborhood Business (NB); Community Business (CB), General Business (GB); Light Industrial (LI); and Heavy Industrial (HI).
  2. The property must have a minimum of 22,000 square feet.
  3. The property must have at least 200 feet of frontage on Georgia Highway (Interstate) 75, 285, or 675, or must have at least 200 feet of frontage on Lees Mill Road or Frontage Road that has contiguous rights-of-way along Georgia Highway 75.

- D. **Placement:** No billboard sign may be erected within 500 feet of an interchange, intersection at grade or safety rest area. The foregoing 500 foot zone shall be measured along the interstate highway from the point at which the pavement commences or ceases to widen at exits from or entrances to the main traveled way. In circumstances where both the exit and entrance ramps on one side of an interchange constitute continuous lines of travel to the exit and entrance ramps of the adjacent interchange, this side of the interchange shall be treated as if no ramps exist and the foregoing 500 foot zone on this side of the interchange shall be measured from the survey centerline of the main traveled way and crossroad forming the interchange or intersecting road.
- E. **Distance/ Setback requirements:** The following distance requirements shall be adhered to:
1. Each billboard shall be located not less than 1,250 feet from any other billboard and not less than 100 feet from a mixed use, residential, or agricultural zoning district.
  2. Each billboard shall be located not less than 100 feet from any structure.
  3. No sign shall be located within 1,000 feet from the property boundary of a national park, state park, local monument or church.
  4. Each billboard must not be located closer than ten (10) feet to any property line.
  5. Distance (setback) measurement shall be made horizontally in all directions from the nearest edge of the sign face.
- F. **Size of signs:** Signs shall not exceed 70 feet in height nor be less than 25 feet above ground level. Sign faces shall not exceed 672 square feet or 48 feet in length, width, or height, nor shall it be less than 300 square feet
- G. **Sign faces:** No more than one single-faced or double-faced sign can be located on a single billboard sign structure. Only one sign module is allowed on a single-faced billboard sign structure, and only two sign modules are allowed on a double-faced billboard sign structure. The two sign modules forming a double-faced billboard must be parallel (back-to-back) to one another or form an interior angle no greater than 60 degrees, and the two sign modules may be separated from each other at their nearest point by no more than three feet.
- H. **Sign orientation:** Only one sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs, but prohibits two signs (side by side or one above the other) facing the same direction.
- I. **Angle of the roadway:** Billboards shall be placed at no more than a 20-degree angle from the roadway.
- J. **Location on property:** All portions of the billboard must be located on a property in accordance with the front, side and rear yard setback requirements of the zoning district in which it is located.

- K. **D.O.T. regulations:** The billboard must comply with all requirements of the State of Georgia and the Georgia Outdoor Advertising Act (O.C.G.A. §§ 32-6-70 et seq.), as well as the provisions of this section, whichever is the most restrictive.
- L. **Illumination of signs:** the following illumination standards shall apply:
  1. The light from any illuminated sign shall not be of an intensity or brightness, which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
  2. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
  3. Neither direct, nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

**Section 4.** The Clayton County Zoning Ordinance, as amended, is hereby further amended by adding the following text:

**8.20 Electronic Multiple Message Signs**

- A. Electronic Multiple Message Signs are signs illuminated entirely by the use of light emitting diodes (LED), or similar digital technology, as authorized by the State of Georgia in O.C.G.A. § 32-6-75(c)(1). In accordance with state law the following requirements shall apply to such signs:
  1. All copy must be static and each transition between copy must occur within two (2) seconds and copy must remain fixed for ten (10) seconds;
  2. Electronic Multiple Message Signs may not operate at brightness levels of more than 0.30 foot candles above ambient light levels as measured at the following distances:
 

<u>Sign (sq feet)</u>	<u>Distance (feet)</u>
less than 300	150
300-400	200
greater than 400	250
  3. Each Electronic Multiple Message Sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
  4. The owner of any electronic sign shall provide to the County contact information for a representative who is available twenty-four (24) hours a day, seven (7) days a week, and able to turn off the electronic sign promptly if a malfunction occurs.
  5. Each sign containing an electronic display must comply with all Georgia Department of Transportation rules and regulations.
  6. Each sign containing an electronic display shall contain a default design that will freeze the design in one position should a malfunction occur.
  7. No such sign shall be placed within 5,000 feet of another Electronic Multiple Message Sign which is oriented to and on the same side of the roadway as measured along the roadway adjacent to the nearest parts of each sign.
- B. Applicants for Electronic Multiple Message Signs within the County shall be requested to enter the following stipulation to be attached as a condition to the permit:



Applicant agrees to make the sign available as soon as practicable after receiving notice from the County's law enforcement officials for display of emergency public safety messages, to include Amber Alerts for missing children or persons, disaster evacuation guidance, or other emergency situations. Such messages shall be included in the advertising rotation as soon as is practicable and shall remain in effect for 24 hours or until such lesser time as requested by the County's law enforcement.

## **PART II**

(a) It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

## **PART III**

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

## **PART IV**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**SO ORDAINED**, this the 14<sup>th</sup> day of December, 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/S/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/S/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

20. Motion by Vice-Chairman Ralph, second by Commissioner Singleton, to approve Ordinance 2010-255 to amend the Code of Clayton County, Georgia, as amended, specifically Chapter 98 "Utilities," so as to add a new Article V "Outdoor Watering of Landscape" and related sections. Vote unanimous.

Regarding another issue, Commissioner Singleton told Chief Staff Attorney Michael Smith that she had been informed he had received an e-mail from a Housing Authority Board member about some actions of Ms. Alita Knox (also a member of this Board). She questioned if this were a subject that the Board needed to discuss in Executive Session or if Mr. Smith would brief the Board about this matter.

Mr. Smith acknowledged that he had received some documentation from one of the Housing Authority members relating to travel expenses and the Housing Authority's travel policy. He planned to follow-up with the director of the Housing Authority to ascertain what the actual issues are concerning Ms. Knox. He understood there were some questions regarding whether or not appropriate documentation had been filed associated with those particular travel vouchers and what action the Housing Authority or this Board may take.

Vice-Chairman Ralph noted that the Board called for a hearing in the past to address such issues. He asked Mr. Smith to elaborate on the process to do that in this case.

Mr. Smith replied that a hearing in this case would be to remove a member of the Housing Authority due to failure to follow procedures. He reminded Vice-Chairman Ralph that the Board held a hearing about a year or so ago to determine if Housing Authority members had been improperly compensated. The state statute requires notification to such members in the form of a "Notice of Intent" and allowance of time for the members to respond.

Vice-Chairman Ralph questioned if Mr. Smith could proceed with a "Notice of Intent" so that the Board could hold a hearing at the next meeting (December 21, 2010).

Mr. Smith said he would need more information to proceed with a "Notice of Intent." Vice-Chairman Ralph said he thought the information would be received at the hearing. Mr. Smith explained that he did not have anything in writing as to what the true issue is. The only documents he has received are copies of travel vouchers and copies of the travel policy. No statement has been forwarded from anyone regarding a violation. Chairman Bell asked if an official complaint had been filed. Mr. Smith answered no.

Commissioner Hambrick questioned what the e-mail requested that Mr. Smith had received. Mr. Smith clarified that he had not received an e-mail. The information he had received related to travel expenses, outstanding travel expenses, copies of checks issued to the Housing Authority member, and the Housing Authority travel policy.

Chairman Bell commented that the information Mr. Smith had received did not say very much. He believed the Board needed to give Mr. Smith adequate time to make a complete inquiry and then bring the matter before the Board (as Mr. Smith deemed appropriate from his findings).

Mr. Smith reminded the Board that he did have specific information about a violation and/or complaint to proceed with the last hearing which involved the Housing Authority Board. In this case, however, he did not have such specific information. Should he receive information regarding an official complaint/violation in time to bring back to the Board next week, he will ask the Board to authorize him to issue a "Notice of Intent" to make an inquiry. Thereafter, the law requires ten (10) days for that notice procedure to be followed. The Board then agreed to follow the proper process as outlined by Mr. Smith.

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 255

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY CHAPTER 98 "UTILITIES," SO AS TO ADD A NEW ARTICLE V "OUTDOOR WATERING OF LANDSCAPE" AND RELATED SECTIONS, TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the County recognizes an imminent need to create a culture of water conservation and to plan for water supply enhancement during future extreme drought conditions and other water emergencies; and

WHEREAS, reasonable restrictions on the outdoor watering of landscape are necessary to address this in furtherance of addressing this need; and

WHEREAS, the General Assembly of the State of Georgia has required all counties in Georgia to adopt an ordinance to be in effect no later than January 1, 2011 to allow outdoor watering of landscape to between the hours of 4:00 p.m. and 10:00 a.m. (with certain exceptions); and

WHEREAS, pursuant to O.C.G.A. § 12-5-7, the Board of Commissioners deems it in the best interest of the County to amend the Ordinance to address outdoor watering of landscape as hereinafter set forth.

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 adding new Article V “Outdoor Watering of Landscape,” and related sections 98-51 “Restriction on Outdoor Watering of Landscape” and 98-52 “Enforcement” to Chapter 98 “Utilities,” to read and to be codified as follows:

#### **Article V. Outdoor Watering of Landscape**

##### **Section 98-51. Restriction on Outdoor Watering of Landscape.**

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the county may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

(a) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

(b) Capture and reuse of cooling system condensate or storm water in compliance with applicable Clayton County ordinances and state guidelines;

(c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2, section 50-2(d) of the code, and applicable county board of health regulations;

(d) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;

(e) Watering personal food gardens;

(f) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;

(g) Drip irrigation or irrigation using soaker hoses;

(h) Hand watering with a hose with automatic cutoff or handheld container;

(i) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

(j) Watering horticultural crops held for sale, resale, or installation;

(k) Watering athletic fields, golf courses, or public turf grass recreational areas;

(l) Installation, maintenance, or calibration of irrigation systems; or

(m) Hydroseeding.

#### **Section 98-52. Enforcement.**

Terms not specifically defined within this section shall assume the definitions outlined in section 98-34. For purposes of this section only, the term “violator” shall mean a person or entity who engages in

an action or omission that results in a violation of any provision of an outdoor watering of landscape restriction.

(a) It shall be unlawful for any person or entity to engage in any act or omission that violates the provisions of any outdoor watering of landscape restriction contained in this article. It shall be unlawful for any violator to continue to engage in such act or omission after service of a warning or citation under this section.

(b) Enforcement officers are hereby authorized to issue warnings and citations pursuant to this section and to assist otherwise in the prosecution of violators.

(c) All enforcement officers are hereby authorized to serve upon any violator a written warning for a first violation and citations for any and all subsequent violations, including failure to comply immediately with a warning, that occur during a single watering of landscape restriction period. Such written warnings and citations shall be served by certified U.S. mail, return receipt requested, or by hand-delivery to the last billing address of the violator known to the Clayton County Water Authority.

(d) The Clayton County Water Authority may, immediately upon either the failure of any violator to comply immediately, considering the totality of the circumstances, with a warning or the service of a citation upon any violator, terminate the provision of services to said violator.

(e) For each citation served hereunder, violators shall be fined up to \$500.00 or imprisoned for up to six months as imposed by the county magistrate court or other court of appropriate jurisdiction.

(f) Nothing contained in this article shall prevent or otherwise restrict the provisions of, and any activity related to, Article III "Emergency Water Conservation Procedures" of this chapter.

**Section 2.** The provisions of any ordinance or resolution or parts thereof in conflict herewith are repealed, save and except such ordinance or resolution or parts thereof which provide stricter standards than those provided herein.

**Section 3.** Should 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 4.** This Ordinance shall become effective following its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote

of three or more members, and provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of State of Georgia as required by law.

**SO ORDAINED**, this the 14<sup>th</sup> day of December, 2010

CLAYTON COUNTY BOARD OF COMMISSIONERS

/s/ ELDRIN BELL, CHAIRMAN

/s/ WOLE RALPH, VICE CHAIRMAN

/s/ GAIL B. HAMBRICK, COMMISSIONER

/s/ SONNA SINGLETON, COMMISSIONER

/s/ MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

/s/ SHELBY D. HAYWOOD, CLERK

21. Motion by Commissioner Edmondson, second by Chairman Bell, to approve the reappointment of Robert Bolia to the Board of Elections and Registration. New term coincides with the appointing commissioner and expires on 12-31-14. Vote unanimous.

Motion by Commissioner Singleton, second by Chairman Bell, to approve the reappointment of Patricia Pullar to the Board of Elections and Registration. New term coincides with the appointing commissioner and expires on 12-31-14. Vote unanimous.

22. ZONING PETITION:

1) **JOHN PATRONIS (REZ/CUP 201011-1)**

Motion by Commissioner Singleton, second by Vice-Chairman Ralph, to approve the petition of John Patronis for 3.557 acres at 2511 Forest Parkway, Ellenwood, Georgia 30294 in Land Lot 181

of the 12<sup>th</sup> District in Clayton County, Georgia (Commission District 1/Commissioner Sonna Singleton).

Petitioner requests a rezoning from Heavy Industrial (HI) to Heavy Industrial (HI) w/CUP.

Proposed use of property is Conditional Use Permit for a Metal Recycling Facility, in accordance with Article 3.31, Heavy Industrial District Intent, Permitted Uses, and Conditional Uses, for a junk/salvage yard, places for dismantling, wrecking, and disposing of material.

Land Use Plan Amendment – NONE.

Zoning Advisory Group recommendation is approval

Vote unanimous.

At this time, Chairman Bell recognized the presence of Mayor Luther Maddox of Jonesboro, GA, Mr. Eddie White (former Clayton County Board of Education member), Dr. Leon Bealer (head of the Ministers Association) along with other ministers, and Representative Gail Buckner of House District 76 in the audience.

PUBLIC COMMENT:

1. Chris Gallagher expressed that former Interim Police Chief Tim Robinson made a positive impact and did an excellent job in his neighborhood. Since Tim Robinson is no longer in that position, people are complaining that speeding has gotten out of control in his subdivision. It is not even safe for residents to try to get mail out of their mailboxes now. Although promises have been made to curb the speeding, the Police Department has done nothing so far. Mr. Gallagher stated he was here tonight to see if something could be done to address the speeding issue. Chairman Bell pointed out that Deputy Chief Tim Robinson was present in the audience tonight, and he would take care of the problem.

2. Wayne Madden congratulated Chief of Staff Alex Cohilas on the job he had done regarding the pension plan. He also wished him God's speed in his retirement. There being no further business to discuss, motion by Vice-Chairman Ralph, second by Commissioner Singleton, to adjourn the Regular Business Meeting of December 14, 2010 at 7:31 p.m. Vote unanimous.

CLAYTON COUNTY BOARD OF COMMISSIONERS

/S/ ELDRIN BELL, CHAIRMAN

/S/ WOLE RALPH, VICE-CHAIRMAN

/S/SONNA SINGLETON, COMMISSIONER



/S/ MICHAEL EDMONDSON, COMMISSIONER  
/S/ GAIL B. HAMBRICK, COMMISSIONER

ATTEST:  
/S/ SHELBY D. HAYWOOD, CLERK