

DeKalb County Board of Commissioners
Lee May
Presiding Officer



Board of Commissioners
District 1 - Elaine Boyer
District 2 - Jeff Rader
District 3 - Larry Johnson
District 4 - Sharon Barnes Sutton
District 5 - Lee May
District 6 - Kathie Gannon
District 7 - Stan Watson

**DEKALB COUNTY GEORGIA
BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 26, 2013**

A. INSPIRATIONAL

Dr. Sherry Gaither, Pastor
Stronghold Christian Church

PLEDGE OF ALLEGIANCE

Commissioner Elaine Boyer
District 1

**B. PRESENTATIONS 2012 WEF Burke Safety Award
(GA. Association of Water Professional)
Department of Watershed Management**

**Metro-North Georgia Water Planning District's Essay Contest
DeKalb County Winner
Department of Watershed Management**

C. COMMENTS FROM THE PUBLIC

The Public Comments portion of this meeting is reserved exclusively for comments from the public, and not for immediate reply. Statements made during the Public Comments portion do not necessarily reflect the Opinions of the Board or the Administration of DeKalb County Government.

The purpose of public comment is to allow the public to voice county-related requests, concerns or opinions during the public comment portion of the Commission meeting. Individual speakers will only have the opportunity for one public comment per meeting. Prior to speaking, each speaker must please complete a speaker card and present it to the clerk before the beginning of the public comment portion of the meeting. The clerk will accept cards on a first come first served basis. Speakers who are residents of DeKalb County shall be allowed to speak before residents of other counties are allowed to speak. Once the public comment portion of the meeting begins, speaker cards will no longer be accepted. Speakers will be allowed to speak for three minutes each and public comment shall not exceed 30 minutes in length. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to yield the podium. Those who submitted speaker cards but did not speak because of the time allotment, will be allowed to speak first at the next regularly scheduled commission meeting without regard to residence. For more information about scheduling this opportunity, please speak with a member of the Clerk's staff. If you would like to fill out a written comment concerning county-related service complaints, this will help the governing authority to forward the complaints to the appropriate department for follow up. When speaking, always talk directly into the microphone and begin by stating your name, full address and the name of any organization you represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position.

D. 10:00 A.M. PUBLIC HEARING

Citizens may speak for or against an item that is considered by law to be a zoning ordinance and each side will have ten minutes to present its case. Citizens may also speak for or against an item that is placed on the public hearing agenda but is not a zoning ordinance. In that case, each side will have five minutes to present its case. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment, or the five-minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking, please complete a speaker card and present it when approaching the podium. If you have any documents for the Commissioners, please provide 10 copies when approaching the podium. Seven copies are for the Commissioners and the remaining copies are for the planning director, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning ordinance item shall have no right of rebuttal. Once the citizens have finished speaking, staff shall make a recommendation for action to the commission. At this point, citizens are no longer allowed to speak unless called to the podium by an individual commissioner to answer questions or provide information. When speaking, always talk directly into the microphone and begin by stating your name, address and the name of any organization you represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position.

CEO

D1. 2013 Budget (*Substitute deferred from the 2/12/13 Regular BOC Meeting*)

GIS: Commission Districts 2 & 6

D2. Resolution to Abandon a 0.067 Acre Section of Oxford Road (A.K.A. South Oxford Road) Right of Way Located Near Parcels 18 003 08 001 and 18 003 08 002 (*Accepted to the Regular BOC Meeting Agenda*)

Planning & Sustainability: Commission Districts 1 & 7

D3. Special Land Use Permit, SLUP-13-18320, Cordoba Property Group, III, LLC (*Deferred from the 1/22/13 BOC Rezoning Meeting – for public hearing*)

Planning & Sustainability: Commission Districts 2 & 6

D4. Modification of Conditions, CZ-13-18305, McDonalds USA, LLC (*Deferred from the 1/22/13 BOC Rezoning Meeting – for public hearing*)

D5. Special Land Use Permit, SLUP-13-18304, McDonalds USA, LLC (*Deferred from the 1/22/13 BOC Rezoning Meeting – for public hearing*)

D6. Rezoning, Z-12-18195, Stacy Patton (*Deferred from the 1/22/13 BOC Rezoning Meeting – for public hearing*)

Public Works: Commissions Districts 2 & 6

D7. Traffic Calming Petition- Oxford Road (North Oxford Road) - (between North Decatur Road and Emory Road) (*Accepted to the Regular BOC Meeting Agenda*)

Public Works: Commissions Districts 5 & 7

D8. Traffic Calming Petition – Cherry Ridge Boulevard (off of Cherry Ridge Drive) (*Accepted to the Regular BOC Meeting Agenda*)

D9. Traffic Calming Petition – Sweet Water Parkway (off of River Road) (*Accepted to the Regular BOC Meeting Agenda*)

D10. Resolution, Order and Declaration of Taking – Stonecrest Sanitary Sewer Project 8323/8357 Mall Parkway, 36,616 sq. ft. of Permanent Sanitary Sewer Easement and 78,979 sq. ft. of Temporary Construction Easement, Owner: CFN (I-20), Inc., 1833 Tree Top Court, Marietta, GA 30062 (*Substitute accepted to the Regular BOC Meeting Agenda; Deferred from the 4/24/12, 5/22/12, 6/26/12, 7/24/12 & 8/28/12 Regular BOC Meetings – for public hearing; Deferred from the 9/25/12 Regular BOC Meeting; Deferred from the 11/13/12 Regular BOC Meeting – for public hearing; Deferred from the 1/22/13 Regular BOC Meeting*)

D11. Resolution, Order and Declaration of Taking – Stonecrest Sanitary Sewer Project, 8455/8421 Mall Parkway, 13,251 sq. ft. of Permanent Sanitary Sewer Easement and 32,130 sq. ft. of Temporary Construction Easement, Owner: CFN (I-20), Inc., 1833 Tree Top Court, Marietta, GA 30062 (*Substitute accepted to the Regular BOC Meeting Agenda; Deferred from the 4/24/12, 5/22/12, 6/26/12, 7/24/12 & 8/28/12 Regular BOC Meetings – for public hearing; Deferred from the 9/25/12 Regular BOC Meeting; Deferred from the 11/13/12 Regular BOC Meeting – for public hearing; Deferred from the 1/22/13 Regular BOC Meeting*)

D12. Resolution, Order and Declaration of Taking – Stonecrest Sanitary Sewer Project, 7551 Hayden Quarry Road, 55,455 sq. ft. of Permanent Sanitary Sewer Easement and 93,222 sq. ft. of Temporary Construction Easement Owner: CFN (I-20), Inc., 1833 Tree Top Court, Marietta, GA 30062 [Parcel No. 31A] (*Substitute accepted to the Regular BOC Meeting Agenda; Deferred from the 4/24/12, 5/22/12, 6/26/12, 7/24/12 & 8/28/12 Regular BOC Meetings – for public hearing; Deferred from the 9/25/12 Regular BOC Meeting; Deferred from the 11/13/12 Regular BOC Meeting – for public hearing; Deferred from the 1/22/13 Regular BOC Meeting*)

Watershed Management: Commission Districts 1 & 6

D13. Resolution, Order and Declaration of Taking – 6,600.58 Square Feet of Permanent Easement (including new and residual prescriptive rights) and 2,754.53 Square Feet of Temporary Easements, 2050 Will Ross Court, W. R. Court, LLC., Owner, Tax Parcel ID # 18-308-02-022 (*Deferred from the 2/12/13 Regular BOC Meeting*)

E. APPEALS

E1. NONE

F. APPOINTMENTS

F1. Appointment to the DeKalb County Hospital Authority–Dr. Sofia Khan (*Deferred from the 12/4/12 & 1/22/13 Regular BOC Meetings; Discussed during the 2/19/13 Employee Relations & Community Services Committee – recommended approval*)

G. CONSENT AGENDA

County Clerk

G1. Approval of Minutes of the Regular Meeting of January 8, 2013 (*Accepted to the Regular BOC Meeting Agenda*)

G2. Approval of Minutes of the Executive Session Meeting of January 15, 2013 (*Accepted to the Regular BOC Meeting Agenda*)

G3. Approval of Minutes of the Special Called Meeting of January 15, 2013 (*Accepted to the Regular BOC Meeting Agenda*)

G4. Approval of Minutes of the Regular Meeting of January 22, 2013 (*Accepted to the Regular BOC Meeting Agenda*)

Finance

G5. Effective Date for Excise Tax on Energy used in Manufacturing (*Accepted to the Regular BOC Meeting Agenda*)

Human & Community Development

G6. Acceptance of Grant in the Amount of \$34,000 from the United Way of Metro Atlanta
(Accepted to the Regular BOC Meeting Agenda)

G7. Acceptance of Grant from the State of Georgia- Governor's Office for Children and Families
(Accepted to the Regular BOC Meeting Agenda)

Police

G8. Addition to Authorized Vehicle Fleet Using Federal Seized Funds- Police Department
(Accepted to the Regular BOC Meeting Agenda)

G9. Grant Acceptance – 2010 Homeland Security Grant Program/State Homeland Security Grant Program, Budget Worksheet #2871, Funded Total \$7,000.00
(Accepted to the Regular BOC Meeting Agenda)

Public Works

G10. To Transfer \$45,000 from 2001 Parks Bond Development District 2 Account – 100585.80314.541200.06.600020 to Setup Rutledge Park Development Project
(Accepted to the Regular BOC Meeting Agenda)

H. PRELIMINARY ITEMS

Finance

H1. Issuance of Tax Anticipation Notes for 2013
(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)

GIS: Commission Districts 3 & 7

H2. Resolution to Declare County Real Property as Surplus and Authorize its Sale
(Accepted to the Regular BOC Meeting Agenda)

Human & Community Development

H3. Appropriation of CDBG Funds - Fire Station #3- Construction
(Accepted to the Regular BOC Meeting Agenda)

Public Works

H4. Continuation of One Administrative Assistant Position in the Natural Resources Management Office/Greenspace to Support the Park Bond and Greenspace Program
(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)

H5. Reimbursement for Traffic Signal Equipment Relocations, Upgrades, Recycling, and Damage
(Accepted to the Regular BOC Meeting Agenda)

Purchasing & Contracting

H6. Reinstatement of One (1) Time Limited Position in the Department of Purchasing and Contracting to Support the HUD Section 3 Program and Other Contract Compliance Requirements RE: Position Number 11528
(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)

H7. **Purchases (Low Bidder)**

LB1. Multipurpose 6x4 Rubber Tired Excavator: Invitation No. 3002699 for Public Works- Fleet Management Division to be used by Public Works- Sanitation and Roads and Drainage Divisions - TOTAL AMOUNT: \$739,800.00
(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)

- LB2. Thermoplastic Traffic Pavement Marker (Annual Contract): Invitation No. 3002458 for use by Public Works - Traffic Engineering Division - TOTAL AMOUNT NOT TO EXCEED: \$157,000.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)*
- LB3. Southriver Trail Phase 2: Invitation No. 12-100336 for use by Public Works – Transportation Division - TOTAL AMOUNT NOT TO EXCEED: \$564,393.49 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended deferral to next meeting)*
- LB4. 8-Foot Wide Rubber Tire Asphalt Paver: Invitation No. 3002689 for Public Works – Fleet Management Division to be used by Public Works-Roads and Drainage Division - TOTAL AMOUNT: \$242,514.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)*
- LB5. Dump Truck with Trailer Hitch: Invitation No. 3002687 for Public Works-Fleet Management Division to be used by the Department of Watershed Management - TOTAL AMOUNT: \$153,986.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)*
- LB6. Fence and Gate Repair and Installation: (Annual Contract) Invitation No. 3002611 for use by Public Works – Sanitation and Roads and Drainage Divisions, Recreation, Parks and Cultural Affairs, and the Department of Watershed Management - AMOUNT NOT TO EXCEED: \$750,000.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended approval)*

Purchases (Sole Source)

- SS1. Sole Source: Election Computer Hardware maintenance: for use by DeKalb County Voter Registration and Elections Department - AMOUNT NOT TO EXCEED: \$965,100.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended approval)*

Purchases (Extensions)

- EXT1. On Call Electrical Contractor Services: Invitation No. 11-100223 (Contract Nos. 11-902266 and 11-902274) for use by Engineering Services - Facilities Operations and Maintenance Division - AMOUNT NOT TO EXCEED: \$350,000.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended approval)*
- EXT2. New Tires and Tubes (Annual Contract): Invitation No. 3002211 for use by Public Works - Fleet Management Division - TOTAL AMOUNT NOT TO EXCEED: \$1,125,000.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended approval)*
- EXT3. Steel Refuse Containers & Lids (Annual Contract): Invitation No. 3001917 for use by Public Works-Sanitation Division to purchase steel refuse containers and lids - AMOUNT NOT TO EXCEED: \$300,000.00 *(Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval)*

EXT4. Tires for Police Cars (Annual Contract): Invitation No. 3002210 for Public Works - Fleet Management Division to be used by Police Services - TOTAL AMOUNT NOT TO EXCEED: \$325,000.00 (*Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee – recommended approval*)

EXT5. Traffic Signal Equipment and Installation: (Annual Contract) Invitation No. 3001422 for use by Public Works - Transportation Division - AMOUNT NOT TO EXCEED: \$100,000.00 (*Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended approval*)

Sheriff

H8. Addition to the Fleet (*Accepted to the Regular BOC Meeting Agenda; Assigned to the Finance, Audit & Budget Committee –recommended approval*)

I. ITEMS FOR DECISION BY THE BOARD

Board of Commissioners – Districts 2 & 6

11. Resolution by the Governing Authority of DeKalb County, Georgia to Formalize the Process Whereby the Board of Commissioners Assigns Other Duties to the DeKalb County Clerk, and for Other Purposes (*Deferred from the 10/23/12 Regular BOC Meeting;; Deferred from the 11/13/12, 12/11/12 & 1/22/13 Regular BOC Meetings; Discussed during the 2/12/13 County Operations & Public Safety Committee – recommended denial*)

Board of Commissioners – District 5

12. Office of the Internal Auditor Staffing (*Deferred from the 5/8/12 Regular BOC Meeting; Discussed during the 5/15/12 Finance, Audit & Budget Committee – no recommendation; Deferred from the 6/12/12, 7/10/12, 8/14/12, 9/11/12, 10/9/12, 11/6/12, 12/11/12 & 1/22/13 Regular BOC Meetings*)

BOC & CEO

13. Joint Legislative Agenda – Referendum for Animal Services (*Normal Coursed 1/22/13; Substitute accepted during the 2/5/13 Committee of the Whole; Substitute deferred from the 2/12/13 Regular BOC Meeting; Assigned to the County Operations & Public Safety Committee – recommended approval*)

CEO

14. 911 Intergovernmental Agreement with the City of Dunwoody (*Deferred from the 10/9/12 Regular BOC Meeting; Assigned to the County Operations & Public Safety Committee – no action taken; Deferred from the 10/23/12, 11/13/12, 12/11/12 & 1/22/13Regular BOC Meeting*)

15. 800MHz Radio System Access Intergovernmental Agreement with the City of Dunwoody (*Deferred from the 10/9/12 Regular BOC Meeting; Assigned to the County Operations & Public Safety Committee – no action taken; Deferred from the 10/23/12, 11/13/12, 12/11/12 & 1/22/13Regular BOC Meetings*)

16. Authorize Sale and Lease-Back of Callaway Building to the Urban Redevelopment Agency of the City of Decatur (*Deferred from the 1/22/13 Regular BOC Meeting; Assigned to the County Operations & Public Safety Committee; Substitute accepted during the 2/5/13 Committee of the Whole; Substitute deferred from the 2/12/13 Regular BOC Meeting*)

Development Group

17. Authorize the DeKalb County Urban Redevelopment Plan Amendment and Opportunity Zone Legislation (*Normal Coursed from the 2/12/13 Regular BOC Meeting*)

GIS: Commission Districts 3 & 6

18. Resolution Authorizing the Sale of an Unredeemed and Unforeclosed Interest in Property – Tilson Rd. (*Deferred from the 2/12/13 Regular BOC Meeting*)

GIS: Commission Districts 5 & 7

19. Resolution Authorizing the Sale of an Unredeemed and Unforeclosed Interest in Property – Hilda Burns Pl. (*Deferred from the 2/12/13 Regular BOC Meeting*)

Public Works

110. Intergovernmental Agreements and Quitclaim Deeds between DeKalb County and the City of Dunwoody (*Deferred from the 12/4/12 & 12/11/12 Regular BOC Meetings; Assigned to the County Operations & Public Safety Committee; Deferred from the 1/22/13 Regular BOC Meeting; Discussed during the 1/22/13 County Operations & Public Safety Committee - no action taken; deferred to next Committee meeting*)

Purchasing & Contracting

111. Purchases (**Low Bidder**)

LB3. Waterline Replacement Group One, Briarlake Road and Henderson Road: Invitation No. 12-100316 for use by the Department of Watershed Management for Construction of water distribution mains and appurtenances to replace existing facilities in two roadways in DeKalb County. TOTAL AMOUNT NOT TO EXCEED: \$4,695,621.61 (*Deferred from the 1/8/13 Regular BOC Meeting; Assigned to the Finance, Audit & Budget Committee – recommended approval; Deferred from the 1/22/13 Regular BOC Meeting; Discussed during the 2/5/13 Finance, Audit & Budget Committee meeting – no recommendation; Deferred from the 2/12/13 Regular BOC Meeting*)

112. Purchases (**Request for Proposal**)

RFP3. Auditing Services for DeKalb County Department of Finance: Request for Proposal No. 12-500248 for use by Finance. AMOUNT NOT TO EXCEED: \$869,000.00 (*Deferred from the 2/12/13 Regular BOC Meeting; Discussed during the 2/19/13 Finance, Audit & Budget Committee Meeting – recommended approval, pending additional contract language*)

J. COMMENTS FROM THE BOARD

POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The DeKalb County Government does not discriminate on the basis of disability in the admission or access to, or treatment of employment in its programs or activities. The Office of Contract Compliance and EEO, 1300 Commerce Drive, Decatur, GA 30030, 404-371-4795 & TDD 404-371-7064, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act and the rights provided there under are available from the ADA Coordinator. A ten-day notice is requested for special accommodations.