

DeKalb County Board of Commissioner
Lee May
 Presiding Officer



Board of Commissioners

- Commissioner Elaine Boyer, District 1
- Commissioner Jeff Rader, District 2
- Commissioner Larry L. Johnson, District 3
- Commissioner Sharon Barnes Sutton, District 4
- Commissioner Lee May, District 5
- Commissioner Kathie Gannon, District 6
- Commissioner Stan Watson, District 7

ATTENDANCE:

DISTRICT 1 - ELAINE BOYER	<input checked="" type="checkbox"/>	CEO BURRELL ELLIS	<input checked="" type="checkbox"/>
DISTRICT 2- JEFF RADER	<input checked="" type="checkbox"/>	Zachary Williams,	<input type="checkbox"/>
DISTRICT 3-LARRY JOHNSON	<input checked="" type="checkbox"/>	Executive Assistant	<input checked="" type="checkbox"/>
DISTRICT 4- SHARON BARNES SUTTON	<input checked="" type="checkbox"/>	HAKIM HILLIARD, CHIEF OF	<input type="checkbox"/>
DISTRICT 5 – LEE MAY	<input checked="" type="checkbox"/>	STAFF	<input checked="" type="checkbox"/>
DISTRICT 6 – KATHIE GANNON	<input checked="" type="checkbox"/>		
DISTRICT 7 – STAN WATSON	<input checked="" type="checkbox"/>	BURKE BRENNAN, CHIEF	<input type="checkbox"/>
		COMMUNICATIONS OFFICER	<input checked="" type="checkbox"/>
		Duane Pritchett, Interim	<input type="checkbox"/>
		County Atty.	<input checked="" type="checkbox"/>
		VIVIANE ERNSTES, CHIEF ASST. C.A.	<input checked="" type="checkbox"/>
		MORRIS WILLIAMS, BOC CHF OF STAFF	<input checked="" type="checkbox"/>
		BARBARA H. SANDERS, CLERK	<input checked="" type="checkbox"/>

ACTION KEY:

- | | |
|--------------------------------|--|
| WWP | WITHDRAWN WITHOUT PREJUDICE |
| NC OR NORMAL COURSED | A PRELIMINARY ITEM WHICH THE BOARD HAS SENT TO THE NEXT AGENDA AS AN ACTION ITEM |
| NORMAL COURSED TO WORK SESSION | WORK SESSION FOR DISCUSSION AND TO THE NEXT AGENDA AS AN ACTION ITEM |

**DEKALB COUNTY GEORGIA
 BOARD OF COMMISSIONERS
 REGULAR MEETING
 MARCH 12, 2013**

A. INSPIRATIONAL

Dr. William E. Flippin
 The Greater Piney Grove Baptist Church

PLEDGE OF ALLEGIANCE

Commissioner Jeff Rader

B. PRESENTATIONS Our House, Inc.

PRESENTER: Representative Howard Mosby, Chairman of the DeKalb Delegation

PRESENTER: Interim School Superintendent, Michael Thurmond

PRESENTER: Dr. Melvin Johnson, Chair- DeKalb Board of Education

Attendees: Mr. Jim McMann and Mr. Marshall Olson, DeKalb Board of Education

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.

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 presents 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.

Finance

D1. Home Rule Ordinance to Amend the Pension Code of DeKalb County, Georgia, 1962 Ga. Laws 3088, as Amended, to Change Employee Pension Contribution Rates Effective April 1, 2013; Set the Pension Benefit Level for Future Employees Hired on or after April 1, 2013; and Make other Clarifying Changes (*Normal Coursed from the 1/8/13 Regular BOC Meeting; Assigned to the 1/15/13 Employee Relations & Community Services Committee – no recommendation; Deferred from the 1/22/13 Regular BOC Meeting; Discussed during the 2/5/13 & 2/19/13 Employee Relations & Community Services Committee Meetings – no recommendation; Deferred from the 2/12/13 Regular BOC Meeting – for public hearing*) – **DEFERRED UNTIL APRIL 9, 2013**

Planning & Sustainability: Commission Districts 2 & 6

D2. Rezoning, Z-12-18195, Stacy Patton (*Deferred from the 1/22/13 BOC Rezoning Meeting – for public hearing; Deferred from the 2/26/13 Regular BOC Meeting – for decision only*) – **APPROVED SUBSTITUTE WITH STAFF’S NINE CONDITIONS**

Public Works: Commission Districts 2 & 6

D3. Removal of Parking Restrictions on Westminster Way and Modification of Parking Restrictions on Edinburgh Terrace to Allow for the Establishment of Residential Permit Parking (*Deferred from the 2/12/13 Regular BOC Meeting; will return as a Public Hearing item*) – **APPROVED SUBSTITUTE**

D4. Resolution, Order and Declaration of Taking – SR236/Laista Road @ Oak Grove Road, 2820 Lavista Road; 0.003 acres of right of way, 0.0066 acres of temporary construction easement; Owner: Fellini’s Pizza, Inc (*Accepted to the Regular BOC Meeting Agenda*) – **APPROVED**

D5. Resolution, Order and Declaration of Taking – SR236/Lavista Road @ Oak Grove Road, 2806 Lavista Road; .023 acres of right of way, .034 acres of temporary construction easement; Owner(s): Leah A. Franco, et al (*Accepted to the Regular BOC Meeting Agenda*) – **APPROVED**

D6. Resolution, Order and Declaration of Taking – SR236/Lavista Road and Oak Grove Road, 1513 Oak Grove Road; 0.003 acres of permanent drainage easement, .018 acres of temporary construction easement; Owner(s): Magnolia Berry, L.P. (*Accepted to the Regular BOC Meeting Agenda*) – **APPROVED**

D7. Resolution, Order and Declaration of Taking – SR236/Lavista Road and Oak Grove Road, 1510 Oak Grove Road; 0.102 acres of right of way, 0.032 acres of temporary construction easement; Owner(s): John Papadimitriou and Bess Papadimitriou (*Accepted to the Regular BOC Meeting Agenda*) – **APPROVED**

D8. Parking Restrictions - Pineway Drive (*Accepted to the Regular BOC Meeting Agenda*) – **APPROVED**

E. APPEALS

E1. NONE

F. APPOINTMENTS

F1. Appointment to the Parks in Bond Advisory Committee – Pamela McNall (*Accepted to*

- the Regular BOC Meeting Agenda*) **APPROVED**
- F2. Reappointment to the Airport Advisory Board – Larry Scheinpflug (*Accepted to the Regular BOC Meeting Agenda*) **APPROVED**
- F3. Reappointment to the Parks Bond Advisory Committee – Honey Van de Kreke (*Accepted to the Regular BOC Meeting Agenda*) **APPROVED**

G. CONSENT AGENDA

County Clerk

- G1. Approval of Minutes of the Zoning Meeting of January 22, 2013 (*Accepted to the Regular BOC Meeting Agenda*) **-APPROVED**
- G2. Approval of Minutes of the Regular Meeting of February 12, 2013 (*Accepted to the Regular BOC Meeting Agenda*) **-APPROVED**

Sheriff

- G3. Residential Substance Abuse Treatment (RSAT) Grant Acceptance (*Accepted to the Regular BOC Meeting Agenda*) **-APPROVED**

H. PRELIMINARY ITEMS

Police

- H1. Acceptance of Federal Seized Funds – Police Services (*Accepted to the Regular BOC Meeting Agenda*) **-APPROVED**
- H2. Acceptance of the Distribution of State Forfeited Property (*Accepted to the Regular BOC Meeting Agenda*) **-APPROVED**

Purchasing & Contracting

H3. **Purchases (Low Bidder)**

- LB1. Concrete Forming, Placing, Finishing and Retainer Walls (Annual Contract): Invitation No. 3002609 for use by the Department of Watershed Management, Public Works - Roads & Drainage and Sanitation Divisions, Recreation, Parks and Cultural Affairs Department. TOTAL AMOUNT NOT TO EXCEED: \$3,800,000.00 (*Accepted to the Regular BOC Meeting Agenda*) **–DEFERRED TO THE FINANCE, AUDIT AND BUDGET COMMITTEE AND RETURN TO THE BOARD ON MARCH 26, 2013**

Voter Registration & Elections

- H4. Adoption of Election Precinct Boundary Changes due to Doraville Annexation (Commission Districts 1 & 6) and Decatur/Avondale Annexation (Commission Districts 4 & 6) (*Accepted to the Regular BOC Meeting Agenda*) **-APPROVED**

ADDENDA

- H5. Add an item to the agenda **-APPROVED**
- H6. Recovery Zone Economic Development Bonds – Use of 2.8 million dollars of bond proceeds to construct an animal services facility - **DEFERRED TO THE FINANCE, AUDIT AND BUDGET COMMITTEE AND RETURN TO THE BOARD ON MARCH 26, 2013**
- H7. Add an item to the agenda **-APPROVED**
- H8. Acceptance and approval of funds, and authorization of an Agreement with the Atlanta Regional Commission for the Medline Regional Activity Center Livable Centers Initiative (LCI) study **-APPROVED**
- H9. Add an item to the agenda **-APPROVED**

H10. Settlement of claims-APPROVED

I. ITEMS FOR DECISION BY THE BOARD

GIS: Commission Districts 2 & 6

11. Resolution to Consider the Abandonment of a 0.152 Acre Section of Alta Vista Drive Located Near Milowyn Place (*Deferred from the 1/8/13 & 1/22/13 Regular BOC Meetings*) -**WITHDRAWN**

GIS: Commission Districts 3 & 7

12. Resolution to Declare County Real Property as Surplus and Authorize its Sale (*Deferred from the 2/26/13 Regular BOC Meeting*) -**APPROVED**

GIS: Commission Districts 5 & 7

13. Resolution Authorizing the Sale of an Unredeemed and Unforeclosed Interest in Property – Hilda Burns Pl. (*Deferred from the 2/12/13 & 2/26/13 Regular BOC Meetings*) -**DEFERRED UNTIL MARCH 26, 2013**

Public Works

14. Increase in Storm Water Utility Fee (*Deferred from the 12/4/12 & 1/22/13 Regular BOC Meetings*) -**DEFERRED TO THE PUBLIC WORKS COMMITTEE; THE COMMITTEE OF THE WHOLE AND RETURN TO THE BOARD ON APRIL 9, 2013**

Public Works & GIS

15. Sale of Property to Avondale Estates – Lanier Gardens Park; 15- 248-07-001; 15-248-07-002 Valued at \$22,500.00 (*Deferred from the 2/12/13 Regular BOC Meeting*) -**DEFERRED UNTIL MARCH 26, 2013**

Purchasing & Contracting

16. **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 & 2/26/13 Regular BOC Meetings*) -**DEFERRED UNTIL MARCH 26, 2013**

17. **Purchases (Low Bidder)**

- LB3. Southriver Trail Phase 2: Invitation No. 12-100336 for use by Public Works – Transportation Division - TOTAL AMOUNT NOT TO EXCEED: \$564,393.49 (*Assigned to the Finance, Audit & Budget Committee –recommended deferral to next meeting; Deferred from the 2/26/13 Regular BOC Meeting*) -**DEFERRED UNTIL MARCH 26, 2013**

Watershed Management

18. Ordinances to Amend Chapter 2 for the Creation of Special Tax Districts for Water and Sewer Projects (*Accepted to the Regular BOC Meeting Agenda; Assigned to the Public Works Committee – no official recommendation; Deferred from the 6/12/12, 7/10/12, 8/14/12, 8/28/12 & 9/11/12 Regular BOC Meetings; Discussed in the 9/11/12 Public Works Committee – recommended 2-week deferral; Deferred from the 9/25/12, 10/9/12 & 10/23/12 Regular BOC Meetings; Re-assigned to the Public Works Committee –*

*recommended approval; Deferred from the 11/6/12, 11/13/12, 12/11/12 & 1/22/13
Regular BOC Meetings; Re-assigned to the Public Works Committee) –DEFERRED*
UNTIL MARCH 26, 2013

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.