

# FULTON COUNTY BOARD OF COMMISSIONERS

## REGULAR MEETING

June 4, 2008

10 a.m.

Fulton County Government Center  
Assembly Hall  
141 Pryor Street SW  
Atlanta, Georgia 30303

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## POST AGENDA

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The minutes of this meeting are tentative and have not been ratified or approved by the Board of Commissioners, and this document is not binding on the County or any officer.

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Scheduled date for ratification: June 18, 2008

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**CALL TO ORDER:** Chairman John H. Eaves

10:06 a.m.

**ROLL CALL:** Mark Massey, Clerk to the Commission

John H. Eaves, Chairman (District 1, At-Large)	<b>PRESENT</b>
William "Bill" Edwards, Vice Chairman (District 7)	<b>PRESENT</b>
Robert L. "Robb" Pitts, Commissioner (District 2, At-Large)	<b>PRESENT</b>
Lynne Riley, Commissioner (District 3)	<b>PRESENT</b>
Tom Lowe, Commissioner (District 4)	<b>PRESENT</b>
Emma I. Darnell, Commissioner (District 5)	<b>PRESENT</b>
Nancy A. Boxill, Commissioner (District 6)	<b>PRESENT</b>

**INVOCATION:** Reverend Clifton Dawkins, Assistant County Chaplain

**PLEDGE OF ALLEGIANCE:** Recited in unison.

**08-0476** ADOPTION OF THE JUNE 4, 2008 CONSENT AGENDA

All matters listed on the Consent Agenda were considered routine by the County Commission and enacted by one motion.

A motion was made by Commissioner Riley and seconded by Vice Chairman Edwards to adopt the Consent Agenda, which includes a correction to Item 08-0482. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts and Riley voted yes. Commissioner Boxill was present but did not vote. Commissioners Lowe and Darnell did not vote.

The Consent Agenda consisted of the following items:

**COUNTY MANAGER**

**CLERK OF SUPERIOR COURT**

**08-0477** Request approval to accept the Child Support Enforcement Grant from the Georgia Department of Human Resources funding for staff to handle child support enforcement filings. Amount: \$97,149; County match: \$33,030.66 (Funds identified in existing budget)

**GENERAL SERVICES**

**08-0478** Request approval of the following Land Report items:

**1. Sewer Easement for Dedication** of property located in Land Lots 97 and 128, 13<sup>th</sup> District, from **Buffington Park Neighborhood Association, Inc.**, in connection with the **Hapeville Charter School**.

**2. Sewer Easement for Dedication** of property located in Land Lot 637, 2<sup>nd</sup> District, 1st Section, from **DOA Regency Affiliated LLC**, in connection with **The Central Plaza Office Project**.

**3. Sewer Easement for Dedication** of property located in Land Lot 19, 17<sup>th</sup> District, from **Kessler Grand Bohemian Atlanta, LLC**, in connection with the **Atlanta Bohemian Hotel Project**.

**4. Right-of-Way Deed for Dedication** of property located in Land Lot 109, 9F District, from **ABC (Another Bright Creation) Early Learning & Daycare Center, Inc.**, in connection with **ABC Early Learning & Daycare**.

**5. Water Vault Easement for Dedication** of property located in Land Lot 1111, 2<sup>nd</sup> District, 2<sup>nd</sup> Section, from **Alpharetta Garden Center, LLC.**, in connection with the **Pike Family Nursery Project**.

**6. Water Vault Easement for Dedication** of property located in Land Lot 377, 1<sup>st</sup> District, 1<sup>st</sup> Section, from **TC-Met John's Creek, LLC**, in connection with the **Trammell Crow Medical Office Project**.

**7. Right-of-Way Deed for Dedication** of property located in Land Lot 109, 13F District, from **Georgia Magnet Charter School Foundation**, in connection with the **Hapeville Charter School Project**.

**8. A Revenue Ground and Hangar Lease** between Fulton County Government and FYT Corporate Partners, LLC, for 2.301 acres of ground and 24,150 square feet of hangar space, located at 4175 South Airport Road, Atlanta, Georgia 30336, at the Fulton County Airport - Brown Field which was previously leased by the Georgia Department of Transportation. Corporate Partners will lease the 2.301 acres of ground space for \$50,000 per acre, per year for a total of \$115,050 per year and the 24,150 square foot hangar space for \$4 per square foot for a total of \$96,600. The rent shall increase three percent (3%) at the beginning of each extended term exercised. This lease shall be for an initial term of ten years ending in 2019 with five optional five-year terms which, if exercised, would terminate in the year 2044.

**JUVENILE COURT**

**08-0479** Request approval to apply for and accept the Juvenile Accountability Block Grant from the Georgia Children and Youth Coordinating Council in the amount of \$100,000 with a 10% cash match of \$11,111. (Matching funds available in the FY 2008 budget)

**ENVIRONMENT AND COMMUNITY DEVELOPMENT**

**08-0480** Request approval of three (3) contracts with the following nonprofit organizations to provide funding for various environmental initiatives. (Funds identified in existing budget[s])

- a) Chattahoochee Cougar Foundation, Inc. \$75,000
- b) Mountain Park Watershed Preservation Society, Inc. \$91,725
- c) Keep Roswell Beautiful, Inc. \$68,151

**GENERAL SERVICES**

**08-0481** Request approval to apply for and accept a grant from the Georgia Department of Transportation (GDOT) to provide funding for Rehabilitation of Taxiways "I" and "G" and Hold Bay Construction for Fulton County Airport - Brown Field construction administration expenses and additional Sandy Creek environmental studies costs. Amount: \$36,404.68 (No County match required)

**08-0482** ~~Request approval to apply for and accept an application for federal funds from the Federal Aviation Administration (FAA) Airport Improvement Program.~~ Request approval to apply for and accept a grant from the Federal Aviation Administration (FAA) to provide funding for the rehabilitation of Taxiways "I" and "G" and hold bay construction for Fulton County Airport - Brown Field, construction administration expenses, and additional Sandy Creek environmental studies costs. Amount: \$1,383,377.79; County match: \$36,404.68

**ATLANTA/FULTON COUNTY LIBRARY**

**08-0483** Request approval of an exception to the Transfer of Leave Policy for Edna Rodrigues to receive an additional 240 hours of leave time from employees due to extended illness.

**POLICE**

**08-0484** Request approval to grant a six (6) month catastrophic "Injury Leave" to Officer Paul Phillips from 3-16-08 to 09-16-08, in accordance with Fulton County Policies and Procedures 100-3 V (A), and that the 392 hours leave time used by Officer Phillips be returned to him after receiving a catastrophic gunshot wound as defined in PR 1200-5: Injury Leave.

**PURCHASING AND CONTRACT COMPLIANCE**

**08-0485** Request approval to Amend Existing Contract.

**1. DEPARTMENT:** General Services  
**SERVICE/COMMODITY:** Bus & Shuttle Services  
**BID/RFP #:** 07ITB54576YA-DR  
**TOTAL AMOUNT OF PURCHASE:** \$50,000  
**PRIME CONTRACTOR:** Holiday Tours (Marietta, GA)  
**CONTRACT TERM:** One (1) year upon contract execution with two (2) one (1) year renewal options.  
**SCOPE OF SERVICES:** Provide bus & shuttle services for Fulton County.  
**REASON:** Additional bus and shuttle services were provided during October and November of 2007 for the Fulton County Jail. Due to construction related to the Jail MEP project, a major portion of the parking lot was fenced off, which resulted in very limited access for staff and visitors. The additional services were needed until the transition to provide in-house shuttle services to a temporary lot could be accomplished.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Contract Amount	07-0385	4/18/07	\$560,000
Amendment #1 8.93%			<b>\$50,000</b>
Total Revised Amount			\$610,000

**POST AGENDA - REGULAR MEETING - June 4, 2008**  
**Voting Breakdown:** 1<sup>st</sup> number = "yes" votes  
 2<sup>nd</sup> number = "no" votes  
 3<sup>rd</sup> number = "abstained" votes

**CLERK TO THE COMMISSION**

**08-0486 CERTIFICATES, PROCLAMATIONS, AND RESOLUTIONS - FOR SPREADING ON THE MINUTES:**

"Goal Week"  
May 5, 2008 (**Eaves**)

"Alice Anderson McMichael Appreciation Day"  
May 18, 2008 (**Darnell**)

"Ashley L. Williams Appreciation Day"  
May 24, 2008 (**Edwards**)

"Martin Street Church of God - Memorial Day 2008"  
May 26, 2008 (**Pitts**)

"Linda Beard-Bolton Appreciation Day"  
May 28, 2008 (**Edwards**)

"Steven Harold Carson Appreciation Day"  
May 28, 2008 (**Edwards**)

"Patti Caldwell Suddath Appreciation Day"  
May 28, 2008 (**Edwards**)

\* \* \* *End of Consent Agenda Items* \* \* \*

**08-0487 ADOPTION OF THE JUNE 4, 2008 REGULAR MEETING AGENDA**

A motion was made by Vice Chairman Edwards and seconded by Commissioner Riley to adopt the Regular Meeting Agenda as amended to withdraw Item 08-0521, correct Item 08-0509, move up Item 08-0515, and add Items 08-0525 and 08-0526. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.

*POST AGENDA - REGULAR MEETING - June 4, 2008*  
*Voting Breakdown: 1<sup>st</sup> number = "yes" votes*  
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*3<sup>rd</sup> number = "abstained" votes*

**08-0488 RATIFICATION OF MINUTES**

Regular Meeting Minutes, May 7, 2008  
Recess Meeting Post Agenda, May 21, 2008

A motion was made by Vice Chairman Edwards and seconded by Commissioner Riley to ratify. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts and Riley voted yes. Commissioner Boxill was present but did not vote. Commissioners Lowe and Darnell did not vote.

**08-0489 PRESENTATION OF CERTIFICATES, PROCLAMATIONS, AND RESOLUTIONS**

Proclamation recognizing "Real Men Cook Day."  
(Pitts/Edwards/Eaves)

**PROCLAMATION PRESENTED.**

Proclamation recognizing the Library's "National Volunteer Week." (Eaves/Riley/Darnell)

**PROCLAMATION PRESENTED.**

**08-0490 PUBLIC COMMENT**

**RULES:** Citizens are allowed to voice County-related requests, concerns, opinions, etc. during the Public Comment portion of the Commission meeting. Before speaking, each participant must fill out a speaker card, located at the entryway, the podium, and the media and court reporter tables. Speaker cards must be submitted to the Clerk's staff, who will accept them on a first-come, first-served basis. Once Public Comment begins, speaker cards will no longer be accepted. **Speakers will be granted up to two minutes each, and Public Comment will not exceed 15 minutes.** Those who could not speak during Public Comment will be allowed to speak first at a subsequent Board meeting. For more information or to arrange a speaking date, speak with a member of the Clerk's Staff.

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**3<sup>rd</sup> number = "abstained" votes**

NINE SPEAKERS: Union City Mayor Ralph Moore (Union City TAD), Union City Councilman Vince Williams (Union City TAD), Mr. Lee Najjar (TADs), Mr. Ellis Manns (Fulton County Citizens University), Mr. A. W. Davis (Zero-based Budget), Mr. Chioke Perry (Grady Hospital and Emergency Services), Mr. Gregory Todey (Union City TAD), Ms. Betty Burke (Fulton County Citizens University), and Mr. Ben Howard (Elderly Affairs)  
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**PUBLIC HEARING**

**FINANCE**

**08-0491** Public hearings regarding the millage rate. (10 a.m. and 6 p.m.)

**FIRST PUBLIC HEARING (10 a.m.) CONDUCTED AFTER ITEM 08-0515. NO SPEAKERS.**

**SECOND PUBLIC HEARING (6 p.m.) CONDUCTED AFTER ITEM 08-0526. ONE SPEAKER (Ms. Madeline Cobb [South Service Center])**

**ZONING PUBLIC HEARING**

**RULES:** Citizens may speak for or against a zoning issue, and each side will have up to 10 minutes to present its case. Prior to speaking, please complete a speaker card and present it when approaching the podium. If you are representing an organization, you must also complete an affidavit and have it notarized by the Clerk's staff seated at the table in front of Assembly Hall. If you have any documents for the Commissioners, please provide 10 copies and present them when approaching the podium. When speaking, always talk directly into the microphone and begin by stating your name, address, and the name of any organization you represent.

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**ZONING, USE PERMIT, RIVER CORRIDOR & ZONING  
MODIFICATION APPLICATIONS**

**OLD BUSINESS:**

**08-0239 Case #: 2008Z-0003 SFC Fulton County Zoning  
Resolution Amendment to Article 12D - Old National  
Highway Overlay District**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
CLUP: N/A  
Approval: Wellborn, Jenkins, Maziar, Hardy, Moody, and  
Linsey  
Absent: Jarrett-Gude

Application by Fulton County to amend the Fulton County Zoning Resolution's Article 12D, the Old National Highway Overlay District, to add streetscape standards and to amend sign standards.

**SOUNDED/VOTED UPON WITH ITEM 08-0493.**

A motion was made by Commissioner Lowe and seconded by Chairman Eaves to approve Items 08-0239 and 08-0493 as recommended and conditioned by Staff. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe, Darnell, and Boxill voted yes.

**08-0410 Case #: 2008ZM-0005 FCS Peters Road**

E & CD Dept. Recommendation: Approval

Application of CRM Development, LLC., by David Moss, by Nathan Adrian, seeks a modification of zoning condition 1.a. to reword the condition to allow no more than 344 attached or detached dwellings with a minimum of 3 single-family dwelling units, instead of the approved wording, 344 townhomes and 3 single-family dwelling units. The 126.06 acre tract of land has 200 feet of road frontage along the eastern side of Peters Road, located in Land Lot 39 of the 9F District, Fulton County, Georgia.

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**3<sup>rd</sup> number = "abstained" votes**

A motion was made by Vice Chairman Edwards and seconded by Commissioner Lowe to approve as recommended and conditioned by Staff. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe, Darnell, and Boxill voted yes.

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**NEW BUSINESS:**

**08-0492 Case #: 2008Z-0010 SFC Comprehensive Land Use Plan and Map Amendment to Article 12L - Clifftondale Overlay District and Article 12F - Sandtown Overlay District**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
CLUP: N/A  
Approval: Wellborn, Linsey, Jenkins, and Lawson-Edge  
Denial: Moody  
Abstaining: Jarrett-Gude  
Absent: Maziar

Application by Fulton County to revise the map boundaries for the Clifftondale and Sandtown Overlay Districts.

A. A motion was made by Vice Chairman Edwards and seconded (for discussion) by Commissioner Darnell to approve as recommended and conditioned by Staff. The motion carried by a vote of 5-1-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Riley, Darnell, and Boxill voted yes. Commissioner Pitts voted no. Commissioner Lowe did not vote.

B. A motion was made by Commissioner Darnell and seconded by Chairman Eaves to move the previous question (call the question). The motion carried by a vote of 5-1-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Riley, Darnell, and Boxill voted yes. Commissioner Pitts voted no. Commissioner Lowe did not vote.

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**08-0493 Case #: 2008Z-0008 SFC Fulton County Zoning Resolution Amendment - Article 12 Overlay Districts**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
**CLUP: N/A**  
**Approval: Wellborn, Linsey, Jenkins, Lawson-Edge, Moody, and Jarrett-Gude**  
**Absent: Maziar**

Application by Fulton County to amend Article 12 of the Fulton County Zoning Resolution to address the impact of the newly adopted sign ordinance on the following Overlay Districts:

- Article 12C. - Cascade Corridor Overlay
- Article 12F. - Sandtown Overlay
- Article 12K. - South Fulton Parkway Overlay
- Article 12L. - Clifftondale Overlay
- Article 12M. - Cedar Grove Overlay

**SOUNDED/VOTED UPON WITH ITEM 08-0239.**

A motion was made by Commissioner Lowe and seconded by Chairman Eaves to approve Items 08-0239 and 08-0493 as recommended and conditioned by Staff. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe, Darnell, and Boxill voted yes.

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**08-0494 Case #: 2008Z 0007 SFC Old National Highway**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
**CLUP: Consistent**  
**Approval: Wellborn, Jenkins, Lawson-Edge, and Jarrett-Gude**  
**Denial: Linsey and Moody**  
**Absent: Maziar**

Application by Easy Living Communities, LLC-La Mona Adams, by Courtney Sloan, by Pinnacle Development Partners, LLC., by S. Gregory Hays, seeks a rezoning from an R-4 (Single

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Family Residential) zoning district to a TR (Townhouse Residential) zoning classification. The 10.57 acre tract of land has 736.14 feet of road frontage along the southern side of Creel Road and 630.84 feet of road frontage along the western side of Old National Highway, located in Land Lot 157, 13<sup>th</sup> District, Fulton County, Georgia.

**Proposed Use:** Duplex and Triplex Residential Subdivision

**HEARD AFTER ITEM 05-0524.**

A motion was made by Vice Chairman Edwards and seconded by Commissioner Pitts to defer for 30 days. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Darnell, and Boxill voted yes. Commissioners Riley and Lowe did not vote.

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**Three related cases:**

**08-0495 Case #: 2008Z-0011 SFC Sheriff Road**

**08-0496 Case #: 2008U-0003 SFC Sheriff Road**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
**CLUP: Consistent**  
**Approval: Wellborn, Jenkins, Lawson-Edge, Jarrett-Gude, Linsey, and Moody**  
**Absent: Maziar**

**08-0497 Case #: 2008VC-0010 SFC Sheriff Road**

E & CD Dept. Recommendation: Approval - Parts 1 & 2  
Recommendation: Denial - Parts 3 & 4  
CZB Recommendation: Approval - Parts 1 & 2  
Recommendation: Denial - Parts 3 & 4  
**CLUP: N/A**  
**Approval: Wellborn, Jenkins, Lawson-Edge, Linsey, Jarrett-Gude, and Moody**  
**Absent: Maziar**

Application by Old National Highway Partners, LLC., by Todd S. Klumok, by C. William Hamilton, seeks a rezoning from C-1 (Community Business) to C-1 (Community Business) district

zoning classification to develop a 49,850-square-foot mini warehouse. The applicant also seeks a Use Permit to develop a mini self storage facility and the following four part concurrent variance:

- Part 1. To allow a 6-foot-high 100% opaque solid wooden fence/masonry wall, as indicated on site plan. (Article 19.4.41. Section B.4.)
- Part 2. To reduce the required 20-foot landscape strip planted to buffer standards around the existing detention pond, as indicated on site plan. (Article 34.5.4.)
- Part 3. To reduce the required 50-foot buffer and 10-foot improvement setback to a 25-foot undisturbed buffer, as indicated on site plan. (Article 4.23.1.)
- Part 4. To delete the 10-foot improvement setback adjacent to the 25-foot buffer along the east property line. (Article 4.23.1.)

The 5.22 acre tract of land has 475.03 feet of road frontage along the southern side of Sheriff Road, located in Land Lot 101, 13<sup>th</sup> District, Fulton County, Georgia.

**Proposed Use:** Mini warehouse

A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve Items 08-0495, 08-0496, and 08-0497 as recommended and conditioned by Staff. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill (voice vote) voted yes. Commissioners Lowe and Darnell did not vote.

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Two related cases

08-0498 2008Z-0012 SFC Roosevelt Highway  
08-0499 2008VC-0011 SFC Roosevelt Highway

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
CLUP: Consistent  
Approval: Wellborn, Jenkins, Lawson-Edge, Linsey  
Jarrett-Gude, and Moody  
Absent: Maziar

Application by Washington Enterprises Investment, Inc., by Usman Gandhi, by Nathan V. Hendricks, III, seeks a rezoning from an M-1 (Light Industrial) to a C-2 (Commercial) zoning district classification to develop a 13,000-square-foot retail shopping center. The applicant also seeks a concurrent variance to delete the 20-foot landscape strip around the existing detention pond. (Article 34.5.4.) The 1.367 acre tract of land has 217.54 feet of road frontage along the northern side of Roosevelt Highway and 324.97 feet of road frontage along the western side of Washington Road, located in Land Lot 63, District 13, Fulton County, Georgia.

**Proposed Use:** Convenience store with gas pumps

A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve Items 08-0498 and 08-0499 as recommended and conditioned by Staff. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Riley and Boxill voted yes. Commissioner Pitts was present but did not vote. Commissioners Lowe and Darnell did not vote.

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**08-0500 2008U-0004 SFC Roosevelt Highway**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
**CLUP: N/A**  
**Approval: Wellborn, Jenkins, Lawson-Edge, Linsey  
Jarrett-Gude, and Moody**  
**Absent: Maziar**

Application by Siloam Baptist Church, by Siloam Christian Academy, by Samantha Jordan, seeks a use permit to operate a daycare facility and academy. The 16.42 acre tract of land has 803 feet of road frontage along the northern side of Roosevelt Highway and 856.50 feet of road frontage along the eastern and western sides of Delano Road, located in Land Lot 129, 9F District, Fulton County, Georgia.

**Proposed Use:** Daycare facility

A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve as recommended and conditioned by Staff, as well as requested by the applicant (11,470 square feet). The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.

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**Two related cases**

**08-0501 2008Z-0013 SFC Campbellton Road**

E & CD Dept. Recommendation: Approval  
CZB Recommendation: Approval  
**CLUP: Consistent**  
**Approval: Wellborn, Jenkins, Lawson-Edge and  
Jarrett-Gude**  
**Denial: Linsey and Moody**  
**Absent: Maziar**

**08-0502 2008VC-0012 SFC Campbellton Road**

E & CD Dept. Recommendation: Approval - Part 1  
Recommendation: Denial - Part 2  
CZB Recommendation: Approval - Part 1  
Recommendation: Denial - Part 2  
**Approval: Wellborn, Jenkins, Lawson-Edge and  
Jarrett-Gude**  
**Denial: Linsey and Moody**  
**Absent: Maziar**

Application by Crown Development, LLC, by Richard Olson, by The Collaborative Firm, LLC - Michael Hightower, seeks to rezone from an MIX (Mixed Use) zoning to an MIX (Mixed Use) zoning district classification for a 29,500-square-foot Retail/Office and 204-unit apartment development. The applicant also seeks the following 2-Part concurrent variance:

- Part 1. To reduce the total number of required parking spaces for the apartments from 398 to 382. (Article 18.2.1)
- Part 2. To provide parking lot tree islands, as indicated on the site plan. (Article 4.23.2.)

The 26.33 acre tract of land has 1,870.85 feet of road frontage along the eastern side of Fulton Industrial Boulevard and 995.68 feet of road frontage along the northern side of Campbellton Road, located in Land Lot 60, District 9C, Fulton County, Georgia.

**Proposed Use:** Retail/Office and Apartments

**A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve Items 08-0501 and 08-0502 as recommended and conditioned by Staff. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.**

**Two related cases**

**08-0503 Case #:2008ZM-0006 SFC West Stubbs Road**

**08-0504 Case #:2008VC-0015 SFC West Stubbs Road**

E & CD Dept. Recommendation: Approval

Application of the Camden Manor Development, LLC., by Gary W. Callicott, seeks a modification of zoning condition 3.c. to reduce the front yard building setback for the development from 5 feet to 3 feet. The applicant also seeks the following 2-part concurrent variance:

Part 1. To delete sidewalk requirement along West Stubbs Road. (Article 12L.4. Section C.1.)

Part 2. To delete the curb and gutter requirements along West Stubbs Road. (Article 8.2.4.)

The 132.83 acre tract of land has 899.00 feet of road frontage along the southwestern side of West Stubbs Road and 2,511.47 feet of road frontage along the southern side of Butner Road, located in Land Lots 155 and 156 of the 14FF District, and Land Lots 168 and 169 of the 9F District, Fulton County, Georgia.

**A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve Items 08-0503 and 08-0504 as recommended and conditioned by Staff with the private agreement spread upon the minutes. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.**

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**COUNTY MANAGER – UNFINISHED BUSINESS**

**HEALTH AND WELLNESS**

**08-0435** Request approval of a contract with the following agencies as collaborative partners for the REACH Enhancement Program. Amount: \$99,000 (Funds identified in existing budget)

Association of Black Cardiologists	\$39,000
Sisters Action Team	\$33,000
Divine Universal Sisterhood	\$27,000

*(HELD 5/7/08)*

A motion was made by Commissioner Boxill and seconded by Vice Chairman Edwards to hold for two weeks. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts and Boxill voted yes. Commissioners Riley, Lowe, and Darnell did not vote.

Commissioner Boxill requested Staff to outline how the funds were used for each organization and to include the quantitative results.

**MH/DD/AD**

**08-0438** Request approval to apply for and accept a grant from the U.S. Department of Health and Human Services to implement a Mental Health Jail Diversion Unit under the MH/DD/AD Department. Amount: \$118,886 (No County match required) *(HELD 5/7/08)*

A motion was made by Commissioner Boxill and seconded by Chairman Eaves to approve. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts and Boxill voted yes. Commissioners Riley, Lowe, and Darnell did not vote.

**COUNTY MANAGER – NEW BUSINESS**

**COUNTY MANAGER**

**08-0505** Request approval of a Memorandum of Understanding with the Economic Development Corporation of Fulton County for the administration of the Business Improvement Loan Program (BILP).

A motion was made by Commissioner Riley and seconded by Chairman Eaves to approve. The vote was 3-1-1. Chairman Eaves, Vice Chairman Edwards, and Commissioner Riley voted yes. Commissioner Pitts voted no. Commissioner Boxill abstained. Commissioners Lowe and Darnell did not vote. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN AND THIS ITEM WAS HELD)

**08-0506** Update on Sandy Springs Transition issues.

AN UPDATE WAS PRESENTED BY THE COUNTY MANAGER.

**FINANCE**

**08-0507** Request approval of a Resolution to amend the Resolution creating the Fulton County Employees Retirement System adopted September 11, 1991, as restated by a Resolution adopted December 18, 1991, and as further amended thereafter, so as to amend the plan to create an additional trustee position representing retirees and to provide for the elimination of one of the four trustee positions designated as representing active employees.

A motion was made by Chairman Eaves and seconded by Commissioner Riley to approve. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.

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Voting Breakdown: 1<sup>st</sup> number = "yes" votes  
2<sup>nd</sup> number = "no" votes  
3<sup>rd</sup> number = "abstained" votes

08-0508 Request approval of a Resolution that authorizes the issuance and sale of \$120,000,000 General Fund Tax Anticipation Notes of Fulton County, Georgia, and approval/acceptance of the bid received with the lowest net interest cost to the County.

HEARD AFTER ITEM 08-0492.

A motion was made by Commissioner Riley and seconded by Chairman Eaves to approve. The motion carried by a vote of 6-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Darnell, and Boxill voted yes. Commissioner Lowe did not vote.

LATER IN THE MEETING (AFTER ITEM 08-0826):

Commissioners Boxill and Pitts requested Staff to alert the media to the interest rate secured by the County and to facilitate all manners of disseminating the information expeditiously and effectively.

08-0509 ~~Request approval of the recommendation to disburse funds in compliance with HB 1015 - Special Tax Districts Excess Fund. Request approval of the recommendation to disburse funds in compliance with SB 154.~~

A motion was made by Commissioner Riley and seconded by Chairman Eaves to hold for two weeks and request that the County Attorney provide the Board with a memorandum stating that the calculations prepared by the Finance Department for disbursement have been reviewed by him, applied consistently, and are within the rule of law. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.

08-0510 Number not used.

**PURCHASING AND CONTRACT COMPLIANCE**

**08-0511** Request approval to Renew Existing Contracts.

**1. DEPARTMENT:** Atlanta-Fulton Public Library System  
**SERVICE/COMMODITY:** Online Database  
**BID/RFP #:** Sole Source  
**TOTAL AMOUNT OF PURCHASE:** \$55,985  
**PRIME CONTRACTOR:** NewsBank, Inc. (Naples, FL)  
**CONTRACT TERM:** One (1) year upon contract execution. Contract is renewable annually at the option of the County.  
**SCOPE OF SERVICES:** To provide Internet access to online database with remote access.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Award Amount	07-0727	9/5/07	\$53,905
<b>1<sup>st</sup> Renewal</b>			<b>\$55,985</b>
Total Revised Amount			\$109,890

**2. DEPARTMENT:** Atlanta-Fulton Public Library System  
**SERVICE/COMMODITY:** Online Database  
**BID/RFP #:** Sole Source  
**TOTAL AMOUNT OF PURCHASE:** \$70,000  
**PRIME CONTRACTOR:** InfoUSA, Inc. (Carter Lake, IA)  
**CONTRACT TERM:** One (1) year upon contract execution. Contract is renewable annually at the option of the County.  
**SCOPE OF SERVICES:** To provide Internet access to online database with remote access.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Award Amount	07-0727	9/5/07	\$63,335
<b>1<sup>st</sup> Renewal</b>			<b>\$70,000</b>
Total Revised Amount			\$133,335

**3. DEPARTMENT:** Atlanta-Fulton Public Library System  
**SERVICE/COMMODITY:** Online Database  
**BID/RFP #:** Sole Source  
**TOTAL AMOUNT OF PURCHASE:** \$71,330  
**PRIME CONTRACTOR** Thomson Gale (Farmington Hills, MI)  
**CONTRACT TERM:** One (1) year upon contract execution. Contract is renewable annually at the option of the County.

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**Voting Breakdown:** 1<sup>st</sup> number = "yes" votes  
 2<sup>nd</sup> number = "no" votes  
 3<sup>rd</sup> number = "abstained" votes

**SCOPE OF SERVICES:** To provide Internet access to online database with remote access.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Award Amount	07-0599	7/18/07	\$58,106
<b>1<sup>st</sup> Renewal</b>			<b>\$71,330</b>
Total Revised Amount			\$129,436

**4. DEPARTMENT:** General Services  
**SERVICE/COMMODITY:** HVAC Water Treatment  
**BID/RFP #:** 07ITB55190YA-DR  
**TOTAL AMOUNT OF PURCHASE:** \$23,959.87  
**PRIME CONTRACTOR:** Superior Water Services  
**CONTRACT TERM:** One (1) year upon contract execution with one (1) remaining renewal option.  
**SCOPE OF SERVICES:** Provides HVAC water treatment services for Fulton County facilities.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Award Amount	07-0528	6/20/07	\$23,959.87
1 <sup>st</sup> Renewal			<b>\$23,959.87</b>
Total Revised Amount			\$47,919.74

**A motion was made by Chairman Eaves and seconded by Commissioner Riley to approve numbers 1-4. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.**

**08-0512** Request approval to Amend Existing Contract.

**1. DEPARTMENT:** Fire  
**SERVICE/COMMODITY:** Automotive Repair Parts  
**BID/RFP #:** 07ITB55527A-CJC  
**TOTAL AMOUNT OF PURCHASE:** \$90,000  
**PRIME CONTRACTORS:** NAPA Auto Parts (Atlanta, GA) - \$80,000 and Johnson Industries (Lawrenceville, GA) - \$10,000  
**CONTRACT TERM:** One (1) year upon contract execution with the option to renew for two (2) additional one (1) year periods.  
**SCOPE OF SERVICES:** To provide auto repair parts and repair services.

**POST AGENDA - REGULAR MEETING - June 4, 2008**  
**Voting Breakdown:** 1<sup>st</sup> number = "yes" votes  
2<sup>nd</sup> number = "no" votes  
3<sup>rd</sup> number = "abstained" votes

**REASON:** The Board of Commissioners approved a contract for auto repair parts and services for the General Services Department on 9/5/07, BOC approval #07-0724, in the amount of \$120,000. The Fire Department requests that this contract be amended to allow the Fire Department to utilize this contract rather than executing a separate contract for the same service/commodity.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Contract Amount	07-0724	9/5/07	\$120,000
Amendment #1			<b>\$90,000</b>
Total Revised Amount			\$210,000

A motion was made by Chairman Eaves and seconded by Commissioner Riley to approve number 1. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.

**08-0513** Request approval to Extend Existing Contract.

**1. DEPARTMENT:** General Services  
**BID/RFP #:** 07ITB54576YA-DR  
**TOTAL AMOUNT OF PURCHASE:** \$120,000  
**SERVICE/COMMODITY:** Bus & Shuttle Services  
**PRIME CONTRACTOR:** Holiday Tours (Marietta, GA)  
**CONTRACT TERM:** Three (3) month extension from July 1, 2008, to September 30, 2008.  
**SCOPE OF SERVICES:** Provide bus & shuttle services for Fulton County.  
**REASON:** The ninety-day (90) extension of the current contract is requested to allow sufficient time for coordination required to bring services in-house.

CURRENT CONTRACT HISTORY	BOC ITEM	DATE	DOLLAR AMOUNT
Original Contract Amount	07-0385	4/18/07	\$560,000
<b>1<sup>st</sup> Extension Amount</b>			<b>\$120,000</b>
Total Revised Amount			\$680,000

A motion was made by Vice Chairman Edwards and seconded by Commissioner Pitts to hold number 1 for two weeks and for Staff to return with more information regarding the questions about cost savings. The motion carried by a vote of 5-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, and Boxill voted yes. Commissioners Lowe and Darnell did not vote.

**08-0514** Request approval of Statewide Contract.

**1. DEPARTMENT:** General Services  
**SERVICE/COMMODITY:** Print, Reprographic, and Copy Services  
**STATEWIDE CONTRACT #:** SWC080774  
**TOTAL AMOUNT OF PURCHASE:** \$1,400,000  
**PRIME CONTRACTOR:** Ikon Solutions, Inc. (Norcross, GA)  
**CONTRACT TERM:** Upon BOC approval for the period of July 1, 2008, to June 30, 2009, with two (2) one (1) year renewal options.  
**SCOPE OF SERVICES:** To provide all materials, equipment, labor, tools, supplies, maintenance, and copy center operations for all departments throughout the County.

A motion was made by Chairman Eaves and seconded by Commissioner Riley to approve number 1. The motion carried by a vote of 4-1-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Riley and Boxill voted yes. Commissioner Pitts voted no. Commissioners Lowe and Darnell did not vote.

**COMMISSIONERS' ITEMS – NEW BUSINESS**

- 08-0515** Discussion of Resolution consenting to the inclusion of certain Fulton County ad valorem real property taxes in the computation of the tax allocation increment for Union City Tax Allocation District Number One - Union City Town Center.  
(Eaves)

**MOVED UP AND HEARD AFTER ITEM 08-0490.**

A motion was made by Chairman Eaves and seconded by Commissioner Pitts to hold this Item for 60 days and for Staff to conduct a cost-benefit analysis on all related issues, including those raised during this discussion, and to provide a presentation and recommendation when this Item returns. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe, Darnell, and Boxill voted yes.

- 08-0516** Request approval to permit Sam Tompkins, founder of Another Way Out, Inc., to conduct an outdoor festival known as the Southwest Community Music Festival, a nonprofit fundraiser, on August 1, 2008, through August 3, 2008, and to place banners on utility poles along Cascade Road near I-285. The banners will be installed no sooner than two (2) weeks prior to the festival and removed immediately upon its conclusion. (Edwards)

A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve. The motion carried by a vote of 5-0-0. Vice Chairman Edwards and Commissioners Pitts, Riley, Darnell, and Boxill voted yes. Chairman Eaves was present but did not vote. Commissioner Lowe did not vote.

08-0517 Request approval of a Resolution establishing Board of Commissioners policy regarding authorization for outside legal counsel. (Darnell)

A motion was made by Commissioner Darnell and seconded by Vice Chairman Edwards to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe (voice vote), Darnell, and Boxill voted yes.

08-0518 Request approval of a Resolution to amend the Library ~~Master Facility~~ Facility Master Plan to implement building a new Atlanta/Fulton County Central Library in lieu of renovating the current facility. (Pitts)

A motion was made by Commissioner Pitts and seconded by Commissioner Lowe to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe, Darnell, and Boxill voted yes.

Commissioner Boxill urged Staff to not consider surface parking in the building recommendations, based upon feedback from District 6 community meetings.

08-0519 Discussion: Animal Control Services Audit. (Pitts)

THE COUNTY MANAGER PROVIDED AN UPDATE.

08-0520 Request approval of a Resolution supporting the recommendations of the Fulton County Youth Commission regarding driver education and urging the Fulton County Board of Education to pursue driver education grant funds available through the Governor's Office of Highway Safety. (Edwards/Boxill)

A motion was made by Vice Chairman Edwards and seconded by Chairman Eaves to approve. The motion carried by a unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe, Darnell, and Boxill voted yes.

## BOARD APPOINTMENTS

08-0521 PERSONNEL BOARD OF FULTON COUNTY (On 3/19/03 the BOC abolished the three-member Personnel Board and created a seven-member Board [Item #03-0418])

Term = (4) years staggered

Terms below expire June 1, 2008:

Mr. Quencis P. Jones (**Pitts**)  
Mr. Greg Fann (**Handel**)

Chairman Eaves has nominated Mr. Kwame Thompson to replace Mr. Greg Fann for a District appointment with a term ending June 1, 2012.

THIS NOMINATION WAS WITHDRAWN FROM THE AGENDA, AS REQUESTED BY CHAIRMAN EAVES.

## ALCOHOLIC BEVERAGE LICENSES

### POLICE - FOR PUBLIC HEARING ONLY

08-0522 La Calle Inc. d/b/a La Fiesta Mexican Restaurant  
5370 Campbellton-Fairburn Rd., Suite 100-101  
Fairburn, GA 30213  
Consumption and sale of wine, malt, and distilled spirits beverages on the premises. (There is no legal reason why this public hearing should not be conducted)

PUBLIC HEARING CONDUCTED. NO SPEAKERS.

08-0523 East Fusion Inc., d/b/a East Fusion  
3220 Butner Rd., Suite 101, Atlanta, GA 30331  
Consumption and sale of wine, malt, and distilled spirits beverages on the premises.  
(There is no legal reason why this public hearing should not be conducted)

PUBLIC HEARING CONDUCTED. NO SPEAKERS.

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**EXECUTIVE SESSION**

**08-0524** Executive Session regarding litigation.  
(County Attorney)

**AFTER ITEM 08-0508:**

A. A motion was made by Chairman Eaves and seconded by Commissioner Riley to convene a closed Executive Session. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Riley and Boxill voted yes. Commissioners Pitts, Lowe, and Darnell did not vote.

PRESENT IN EXECUTIVE SESSION: Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Darnell, and Boxill; County Manager Zachary Williams; Interim County Attorney Larry Ramsey; and Clerk to the Commission Mark Massey.

NO ACTION TAKEN IN EXECUTIVE SESSION.

B. A motion was made by Chairman Eaves and seconded by Commissioner Pitts to reconvene the Regular Meeting. The motion carried by a vote of 4-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts and Riley voted yes. Commissioners Lowe, Darnell, and Boxill did not vote.

**ADDED UPON THE ADOPTION OF THE AGENDA**

**08-0525** BOARD APPOINTMENT - Fulton County Board of Code Enforcement

Commissioner Boxill nominated Ms. Gabriella Tory to replace Ms. Thelma Beck for a District appointment to a term ending July 1, 2010.

A motion was made by Commissioner Boxill and seconded by Chairman Eaves to approve. The motion carried by a

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unanimous vote of 7-0-0. Chairman Eaves, Vice Chairman Edwards, and Commissioners Pitts, Riley, Lowe (voice vote), Darnell, and Boxill voted yes.

08-0526 COMMISSIONERS' ITEM - Discussion: Update on unpaid invoices regarding the Sheriff's Department. (Pitts)

DISCUSSION CONDUCTED.

<b>ADJOURNMENT</b>
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Chairman Eaves adjourned the meeting at \*3:28 p.m.

\*The meeting resumed for a public hearing regarding the millage rate (08-0491) at 6 p.m. This public hearing was adjourned at 6:32 p.m.