

# FULTON COUNTY BOARD OF COMMISSIONERS

## RECESS MEETING

March 16, 2005

9 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: April 6, 2005

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**CALL TO ORDER:** Commission Chair Karen C. Handel

9:11 a.m.

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

Karen C. Handel, Chair (District 1, At-Large)	<b>PRESENT</b>
Emma I. Darnell, Vice Chair (District 5)	<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>
Nancy A. Boxill, Commissioner (District 6)	<b>PRESENT</b>
William "Bill" Edwards, Commissioner (District 7)	<b>PRESENT</b>

**INVOCATION:** Charles Downey, Office of the Clerk to the  
Commission

**PLEDGE OF ALLEGIANCE:** Recited in unison

**05-0353** ADOPTION OF THE MARCH 16, 2005 CONSENT AGENDA

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

A motion was made by Commissioner Riley and seconded by Commissioner Boxill to adopt the Consent Agenda. The motion carried by a vote of 4-0-0. Commission Chair Handel and Commissioners Pitts, Riley, and Boxill voted yes. Vice Chair Darnell and Commissioners Lowe and Edwards did not vote.

The Consent Agenda consisted of the following items:

<b>CLERK TO THE COMMISSION</b>
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**05-0354** **CERTIFICATES, PROCLAMATIONS, AND RESOLUTIONS - FOR SPREADING ON THE MINUTES:**

"Michael Allen Johnson Appreciation Day"  
December 28, 2004 (**Edwards**)

"Eagle Scout Adam William Greim Appreciation Day"  
March 1, 2005 (**Handel**)

"Captain William Thomas Perkins Day"  
March 4, 2005 (**Darnell**)

"Captain Richard Allen Crumley Day"  
March 5, 2005 (**Riley**)

"Gregory P. Miller, Jr., and the Brain Tumor Foundation for Children Day" March 20, 2005 (**Boxill**)

"Eagle Scout Michael Robert Benjamin Appreciation Day"  
March 31, 2005 (**Handel**)

**TEFRA**  
**(TAX EQUITY FISCAL RESPONSIBILITY ACT)**  
**FOR SPREADING ON THE MINUTES**

**05-0355** Execution by Commission Chair Handel of TEFRA for documentation pertaining to the Development Authority of Fulton County proposed bond issue in an amount not to exceed \$25,000,000 for the Mount Vernon Presbyterian School, Inc. Project.

**POST AGENDA - RECESS MEETING - March 16, 2005**

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

**TAX COMMISSIONER**  
**ALCOHOLIC BEVERAGE LICENSES FOR FINAL APPROVAL**

- 04-1110** InterContinental Hotels Group Resources, Inc., dba Staybridge Suites Hotel/Public Hearing conducted 10/6/04  
60 Mt Vernon Highway, NE, Atlanta, GA 30328  
Consumption on the premises of wine and malt beverages. There is no legal reason why this application should not be approved and license granted.
- 04-1111** InterContinental Hotels Group Resources, Inc., dba Staybridge Suites Hotel (Guest Shop)/Public Hearing conducted 10/6/04  
760 Mt Vernon Highway, NE, Atlanta, GA 30328  
Retail of wine and malt beverages. There is no legal reason why this application should not be approved and license granted.
- 04-1354** ARA Package, Inc., dba Korner Bottle Shop/Public Hearing conducted 12/15/04  
4410 Roosevelt Hwy, College Park, GA 30349  
Retail of wine, malt beverages, and distilled spirits. There is no legal reason why this application should not be approved and license granted.

**COUNTY MANAGER**

**COUNTY MANAGER**

**05-0356** Presentation of the following reports.

**1) CONTRACT COMPLIANCE**

Minority and Female Business Enterprises  
Participation Report - March 2005

**2) FINANCE**

Refund Report

**POST AGENDA - RECESS MEETING - March 16, 2005**

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**3) PUBLIC WORKS**

Traffic Engineering Recommendations

**4) TAX SYSTEM**

Tax System Report

**CUSTOMER SERVICE**

**05-0357** Request approval of reimbursement to Susan Foster for vehicular damages sustained from an unevenly repaved roadway. Amount: \$250

**FINANCE**

**05-0358** Request approval to apply for and accept the 2005 Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice and approval of an inter-local agreement with the City of Atlanta as required by the granting agency. Amount: \$481,021 (No County match required)

**GENERAL SERVICES**

**05-0359** Request approval of the following Land Report items:

**1. Right of Way Deed for Dedication** of property located in Land Lot 89, 17<sup>th</sup> District, on Roswell Road, from **Maxwell Properties, Inc.**, in connection with the **CityWalk Towers Project**.

**2. Right of Way Deed for Dedication** of property located in Land Lot 35, 17<sup>th</sup> District, on Barfield Road, from **Griffin North Place Partners, LLC**, in connection with the **North Place Project**.

**3. Right of Way Deed for Dedication** of property located in Land Lot 10, 14<sup>f</sup> District, on Fairburn Road, from **Cascade Promenade, LLC, and Bart and Ron Properties, LLC**, in connection with the **Cascade Promenade Project**.

**4. Right of Way Deed** for property located in Land Lot 136, 17<sup>th</sup> District, on Mount Paran Road, in the amount

*POST AGENDA - RECESS MEETING - March 16, 2005*

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of \$7,300 from **Kenneth L. Plank**, in connection with the **Mount Paran Road Sidewalk Project**.

**5. Sewer Easement for Dedication** of property located in Land Lots 746 and 751, 1<sup>st</sup> District, 2<sup>nd</sup> Section, from **Backyard Burger**, in connection with the **Backyard Burger Northwinds Project**.

**6. Lease between Fulton County and 82 Peachtree, Inc.** for 6,800 square feet of office space at 97 Peachtree Street/HL Green Building on behalf of the Department of Information Technology. This is a replacement lease for similar space at 90 Peachtree Street. The initial rent will be reduced to \$10,000 per month through December 2005, and there will be five one-year renewal options.

#### **HUMAN SERVICES**

**05-0360** Request approval to serve alcoholic beverages at the Dorothy C. Benson Senior Multipurpose Complex for the following facility rental events.

ATLX/Atlanta Swing Era Dance Assoc.	April 2, 2005
After-Hours Social Club	April 8, 2005
Paul J. Montaperto	April 29, 2005

#### **POLICE**

**05-0361** Request approval of exception to Transfer of Leave Policy #1200-12 for Officer Gregory P. Grant to receive an additional 240 hours of leave because of extended illness.

#### **PUBLIC WORKS**

**05-0362** Request approval of an Expedited Enforcement Compliance Order for sewer spills for the period between January 5, 2004, and December 24, 2004. Amount: \$95,105

**POST AGENDA - RECESS MEETING - March 16, 2005**

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**CLERK TO THE COMMISSION**

**05-0363** Request approval of professional services contract with Ms. Theda K. Rogers, paralegal, to provide clerical support for the Fulton County Board of Ethics. Amount: \$8,000 yearly (\$2,000 quarterly)

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

**05-0364** ADOPTION OF THE MARCH 16, 2005 RECESS MEETING AGENDA

A motion was made by Commissioner Riley and seconded by Commissioner Boxill to adopt the Recess Meeting Agenda as amended to hold Items 05-0297, 05-0366 (2 Proclamations [animal services, Rick Ewing]), 05-0368, 05-0369, 05-0371, 05-0375, 05-0376, 05-0385, and 05-0397, and to add Item 05-0398 (Executive Session [litigation]). The motion carried by a vote of 4-0-0. Commission Chair Handel and Commissioners Pitts, Riley, and Boxill voted yes. Vice Chair Darnell and Commissioners Lowe and Edwards did not vote.

**05-0365** RATIFICATION OF MINUTES

Recess Meeting Minutes, February 16, 2005  
Regular Meeting Post Agenda, March 2, 2005

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

**05-0366** PRESENTATION OF CERTIFICATES, PROCLAMATIONS, AND RESOLUTIONS

Proclamation recognizing "National Community Development Week" (Darnell)

**PROCLAMATION PRESENTED.**

*POST AGENDA - RECESS MEETING - March 16, 2005*

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Proclamation recognizing "Rick Ewing Appreciation Day"  
(Handel)

**HELD AS REQUESTED BY COMMISSION CHAIR HANDEL.**

Proclamation recognizing "Fulton County Animal Services Pet Adoption Month" (Pitts)

**HELD AS REQUESTED BY COMMISSIONER PITTS.**

**05-0367 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 30 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.

**NO SPEAKERS.**

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**05-0397** Presentation by the Metropolitan Atlanta Rapid Transit Authority (MARTA) - Quarterly Partnership Briefing Update Report by Mr. Nathaniel P. Ford, Sr., MARTA General Manager/CEO.

**HELD AS REQUESTED BY MARTA OFFICIALS.**

**ENVIRONMENT AND COMMUNITY DEVELOPMENT – UNFINISHED BUSINESS**

**TWO RELATED CASES:**

05-0223            **CASE #: 2004Z 0137 FCN ROGERS CIRCLE**  
05-0224            **CASE #: 2004VC 0208**

E & CD DEPT.      RECOMMENDATION: DENIAL  
CZB                    RECOMMENDATION: DENIAL

**CLUP:                    INCONSISTENT**

**FOR DENIAL:            HOOD, WILEY, TETERS, MAZIAR,  
                                  LINSEY, HALL & HARDY**

***THE COMMUNITY ZONING BOARD ACCEPTED THE  
RECOMMENDED FINDINGS OF THE ENVIRONMENT AND  
COMMUNITY DEVELOPMENT STAFF.***

APPLICATION OF JAN BELL, ET AL, BY PEACHTREE  
RESIDENTIAL PROPERTIES, BY BILL SCHMIDT, BY  
NATHAN V. HENDRICKS, III., SEEKS A REZONING FROM  
AG-1 (AGRICULTURAL) TO CUP (COMMUNITY UNIT PLAN)  
ZONING CLASSIFICATION; ALSO SEEKS A CONCURRENT  
VARIANCE TO REDUCE THE 50-FOOT SETBACK FOR A NEW  
STREET TO 0 FEET (ARTICLE 34.5.7); PROPERTY  
HAVING A FRONTAGE OF 72.0 FEET ON ROGERS CIRCLE  
(EAST SIDE), CONTAINING 35.92 ACRES AND BEING IN  
LAND LOTS 474 AND 482 OF THE 1<sup>ST</sup> DISTRICT, 1<sup>ST</sup>  
SECTION, FULTON COUNTY, GEORGIA.

**PROPOSED USE:** SINGLE-FAMILY RESIDENTIAL  
SUBDIVISION  
*(Held 3/2/05)*

**A motion was made by Commissioner Riley and seconded  
by Commissioner Lowe to approve as recommended and  
conditioned by Staff based on the revised site plan  
and with the letter of agreement spread on the  
minutes. The motion carried by a unanimous vote of 7-  
0-0. Commission Chair Handel, Vice Chair Darnell, and  
Commissioners Pitts, Riley, Lowe, Boxill, and Edwards  
voted yes.**

**COUNTY MANAGER – NEW BUSINESS**

**COUNTY MANAGER**

**05-0368** Presentation and recommendations for Program Management Review audits.

**HELD AS REQUESTED BY THE COUNTY MANAGER.**

**05-0369** Discussion of Fast Track and Stand-by Contract procedures.

**HELD AS REQUESTED BY THE COUNTY MANAGER.**

**ENVIRONMENT AND COMMUNITY DEVELOPMENT**

**05-0370** Request approval of a Resolution by the Board of Commissioners to request the United States Congress to restore the Community Development Block Grant Program to its current funding level of \$4.5 billion.

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

**EMERGENCY SERVICES**

**05-0371** Request approval of a Resolution for Save Lives Now Atlanta, Strengthening the Local Chain of Survival for Cardiac Arrest, a project of the American Heart Association.

**HELD AS REQUESTED BY THE COUNTY MANAGER.**

## GENERAL SERVICES

**05-0372** Request approval of a Resolution for the Johns Creek Greenway, which involves the acquisition of right-of-way and permanent construction easements. An agreement with the Georgia Department of Transportation for the design of the Johns Creek Greenway Project was approved by the Board of Commissioners on February 5, 2003 (Item 03-0176). There is a provision for condemnation within the subject Resolution should such action become necessary.

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

**05-0373** Request approval of a Resolution for the culvert replacement on the Rico Tatum Road over Cedar Branch Project, which involves the acquisition of required right-of-way and permanent construction and maintenance easements. The project is included as part of the 2004 final budget approved by the Board of Commissioners on January 21, 2004 (Item 04-0153). There is a provision for condemnation within the subject Resolution should such action become necessary.

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

**05-0374** Request approval of a Resolution for the McClure's Road Bridge Replacement Project, which involves the acquisition of required right-of-way and permanent construction and maintenance easements. The project is included as part of the 2004 final budget approved by the Board of Commissioners on January 21, 2004 (Item 04-0153). There is a provision for condemnation within the subject Resolution should such action become necessary.

**A motion was made by Commissioner Edwards and seconded by Commissioner Lowe to approve. The motion carried by a unanimous vote of 7-0-0. Commission**

Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

#### HUMAN SERVICES

05-0375 Presentation of the Aging Report.  
(Pursuant to a Commissioner's request)

HELD AS REQUESTED BY THE COUNTY MANAGER.

05-0376 Request approval of Resolution in support of the reorganization of the Department of Human Services.

HELD AS REQUESTED BY THE COUNTY MANAGER.

#### INTERGOVERNMENTAL AFFAIRS

05-0377 Legislative Update.

REGARDING: Senate Bill 311 (cities of 300,000 or more; state courts; jurisdiction/venue; judges; change provisions)

A motion was made by Vice Chair Darnell and seconded by Commission Chair Handel to oppose the legislation as it's currently written and support the position of the County Attorney, who recommends that the Bill be amended to clarify that the City Court retains the power to conduct jury trials. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

05-0378 Item removed prior to printing agenda.

#### PUBLIC WORKS

05-0379 Request approval of a development agreement for a wastewater conveyance and transport system between the City of Palmetto and Fulton County for the Camp Creek Water Reclamation Facility (WRF).

POST AGENDA - RECESS MEETING - March 16, 2005

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

#### PURCHASING

**05-0380** Request approval of Lowest Responsible Bidder.

**1. DEPARTMENT:** Public Works  
**SERVICE/COMMODITY:** Ready Mix Concrete  
**BID #:**2R05-039YC  
**TOTAL AMOUNT OF PURCHASE:** \$140,000  
**PRIME CONTRACTOR:** L.R. Richardson Construction  
(Atlanta, GA)  
**REQUESTED ACTION OF THE BOC:** Approval of contract award to L.R. Richardson Construction in an amount not to exceed \$140,000 with an option to renew for two (2) twelve-month periods.

**2. DEPARTMENT:** Health and Wellness  
**SERVICE/COMMODITY:** Expanded Family Planning  
**BID #:** 20050002YB  
**TOTAL AMOUNT OF PURCHASE:** \$425,568  
**PRIME CONTRACTOR:** Planned Parenthood of Georgia  
(Atlanta, GA)  
**REQUESTED ACTION OF THE BOC:** Approval of contract with Planned Parenthood of Georgia to provide family planning services in an amount not to exceed \$425,568 for the period from date of award through December 31, 2005.

**3. DEPARTMENT:** Public Works  
**SERVICE/COMMODITY:** Storm Water Quality Monitoring  
**BID #:**05ITB36603YC  
**TOTAL AMOUNT OF PURCHASE:** \$165,040  
**PRIME CONTRACTOR:** Epic Consulting (Marietta, GA)  
**REQUESTED ACTION OF THE BOC:** Approval of a contract award to Epic Consulting, Inc. in an amount not to exceed \$165,040 for twelve consecutive months with an option to renew for two (2) additional twelve-month periods.

**4. DEPARTMENT:** General Services  
**SERVICE/COMMODITY:** Trash Collection - Dumpster Services  
**BID #:**2005001YA  
**TOTAL AMOUNT OF PURCHASE:** \$220,000  
**PRIME CONTRACTOR:** Advanced Disposal Services (Atlanta, GA)  
**REQUESTED ACTION OF THE BOC:** Request approval to award a contract to Advanced Disposal Services to provide trash collection - dumpster services for a total not to exceed the amount of \$220,000 from date of award through one year later with a one-year renewal option.

**5. DEPARTMENT:** General Services Department  
**SERVICE/COMMODITY:** Fencing Installation & Repair  
**BID #:**20052249YA  
**TOTAL AMOUNT OF PURCHASE:** \$90,000  
**PRIME CONTRACTORS:** Allied Fence Company (Mableton, GA) and Hatmaker Fence (Hapeville, GA)  
**REQUESTED ACTION OF THE BOC:** To award fencing installation contracts to Allied Fence Company in the amount of \$66,000 and Hatmaker Fence in the amount of \$24,000 for a total not to exceed the amount of \$90,000 for twelve (12) consecutive months from date of award with an option to renew for one (1) additional year.

**A. A motion was made by Commissioner Lowe and seconded by Commissioner Riley to approve numbers 1, 2, 3, and 5. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.**

**B. A motion was made by Commissioner Edwards and seconded by Commissioner Riley to hold number 4. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.**

**05-0381** Request approval to Renew Existing Contract.

**1. DEPARTMENT:** Information Technology  
**SERVICE/COMMODITY:** Maintenance of Hummingbird Software

*POST AGENDA - RECESS MEETING - March 16, 2005*

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**BID#:**200300563YA

**TOTAL AMOUNT OF PURCHASE:** \$80,554

**PRIME CONTRACTOR:** Loryx Systems, Inc. (South San Francisco, CA)

**REQUESTED ACTION OF THE BOC:** The approval of the second of three renewals of the annual maintenance for the Loryx software, which provides the County with the Pre-Trial and Drug Court case management applications, in the amount of \$80,554 from July 1, 2005, until June 30, 2006.

<i>AWARD HISTORY</i>	<i>BOC ITEM #</i>	<i>DATE</i>
<i>Original Award \$80,554</i>	<i>03-1398 #2</i>	<i>11-19-03</i>
<i>1<sup>st</sup> Renewal \$80,554</i>	<i>04-0367 #2</i>	<i>03-17-04</i>
<i>This Renewal \$80,554</i>		
<i>Total of All Renewals \$161,108</i>		
<i>Total Award Amount \$ 241,662</i>		

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

**05-0382** Request approval of Recommended Proposals.

**1. DEPARTMENT:** MH/DD/AD

**SERVICE/COMMODITY:** Psychiatric and Physician Services

**RFP#:**05RFP107YA

**TOTAL AMOUNT OF PURCHASE:** \$4,500,000

**PRIME CONTRACTOR:** Liberty Healthcare Corporation (Bala Cynwyd, PA)

**REQUESTED ACTION OF THE BOC:** Approval of a contract with Liberty Healthcare Corporation to provide psychiatric and physician services from May 1, 2005, through June 30, 2006, for a total amount of \$4,500,000 with option provisions to renew the contract for three (3) additional twelve-month periods.

**2. DEPARTMENT:** MH/DD/AD

**SERVICE/COMMODITY:** Pharmaceutical Services

**RFP#:**05RFP36321YA

**TOTAL AMOUNT OF PURCHASE:** \$1,700,000

**PRIME CONTRACTOR:** Market Pharmacy Inc. (Atlanta, GA)

**POST AGENDA - RECESS MEETING - March 16, 2005**

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**REQUESTED ACTION OF THE BOC:** Approval of a contract with Market Pharmacy Inc. to provide pharmaceutical services from May 1, 2005, through June 30, 2006, for a total amount of \$1,700,000 with an option provision to renew the contract for one additional twelve-month period.

**3. DEPARTMENT:** State Court

**SERVICE/COMMODITY:** Indigent Defense Services

**RFP#:** 05RFP42345YA

**TOTAL AMOUNT OF PURCHASE:** \$1,247,967

**PRIME CONTRACTOR:** Fulton County Conflict Defender Inc. (Atlanta, GA)

**REQUESTED ACTION OF THE BOC:** Approval of a contract to Fulton County Conflict Defender Inc. to provide indigent defense services from April 1, 2005, through December 31, 2005, in the amount of \$1,247,967 with two (2) one-year renewals.

**A. A motion was made by Vice Chair Darnell and seconded by Commissioner Lowe to approve numbers 1, 2, and 3. (NO VOTE TAKEN)**

**B. A substitute motion was made by Commissioner Boxill and seconded by Commissioner Lowe to extend the current contract [number 1] for no more than 30 days, and during this period conduct conversations and/or negotiations with Grady Health System with regard to its ability and interest to perform this management function. (NO VOTE TAKEN)**

**C. A substitute motion was made by Commission Chair Handel and seconded by Vice Chair Darnell to approve numbers 1, 2, and 3 with the criteria that the mental health contract [number 1] is for one year, and during this coming year, proactive conversations shall take place with Grady Hospital about its ability to take over this management component for the County. The motion carried by a vote of 4-3-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Riley and Edwards voted yes. Commissioners Pitts, Lowe, and Boxill voted no.**

05-0383 Request approval of Sole Source.

**1. DEPARTMENT:** Clerk of Superior Court  
**SERVICE/COMMODITY:** Verifying Tax FIFA's, Tax Transfers and Real Estate Documents  
**PROCUREMENT:** Sole Source  
**TOTAL AMOUNT OF PURCHASE:** \$67,000  
**PRIME CONTRACTOR:** Main Line Corporation (Jupiter, FL)  
**REQUESTED ACTION OF THE BOC:** To approve a contract to Main Line Corporation to provide verification services of tax fifa's, tax transfers and real estate documents to the Clerk of Superior Court in an amount not to exceed \$67,000 from April 1, 2005, through March 31, 2006.

**2. DEPARTMENT:** Emergency Services  
**SERVICE/COMMODITY:** ITAC Interoperable Radio Communications Equipment  
**PROCUREMENT:** Sole Source  
**TOTAL AMOUNT OF PURCHASE:** \$2,050,000  
**PRIME CONTRACTOR:** Motorola, Inc. (Atlanta, GA)  
**REQUESTED ACTION OF THE BOC:** Approval of a contract with Motorola, Inc. for conventional analog simulcast radio system equipment in the amount of \$2,050,000.

**3. DEPARTMENT:** Purchasing  
**SERVICE/COMMODITY:** Consulting Services  
**BID/RFP#:** Sole Source  
**TOTAL AMOUNT OF PURCHASE:** \$57,600  
**PRIME CONTRACTOR:** MiTech Consulting Services, Inc. (MCSI) (Chicago, IL)  
**REQUESTED ACTION OF THE BOC:** Approval of a sole source contract with MiTech Consulting Services, Inc. (MCSI) to provide consulting services to include onsite training support, report development assistance, preparation of training documents, and knowledge transfer pertaining to the AMS Advantage 3.x system in an amount not to exceed \$57,600 for a period of sixty (60) days from March 16, 2005, through May 15, 2005.

**A motion was made by Commissioner Riley and seconded by Commissioner Edwards to approve numbers 1, 2, and 3. The motion carried by a unanimous vote of 4-0-0. Commission Chair Handel and Commissioners Pitts, Riley, and Edwards voted yes. Vice Chair Darnell and**

Commissioners Lowe and Boxill were present but did not vote.

**05-0384** Request approval to Amend Existing Contract.

**1. DEPARTMENT:** Human Services Department

**SERVICE/COMMODITY:** Aging Services

**BID/RFP#:** 03RFP004C

**PRIME CONTRACTORS:** Fulton County Senior Collaborative (Atlanta, GA); Southern Home Care (Valdosta, GA); Ecentral, Inc. (Clarkston, GA); South Fulton Senior Services (College Park, GA)

**REQUESTED ACTION OF THE BOC:** Approval of a contract amendment to provide case management services, home-delivered meals, and in-home service for the Office of Aging Services.

**WORK:** Provision of Older Americans Act programs to provide an enhanced quality of life to an increased number of persons 60 years and older who reside in Fulton County.

**FUNDING:** Funding in the amount of \$761,380.05 is available in the 2005 Budget Account No. 100-183-1834-1192.

**CONTRACT AMENDMENT:**

COUNTY SENIOR COLLABORATIVE

AWARD HISTORY	BOC ITEM # 04-0367	DATE
Original Award Amount		\$1,146,929.76
1 <sup>st</sup> Amendment #1 (16%)	<b>\$184,090.35</b>	<b>\$184,090.35</b>
<u>Total of All Amendments</u>		<b><u>\$184,090.35</u></b>
Total Revised Amount		<b>\$1,331,020.11</b>

SOUTHERN HOME CARE

AWARD HISTORY	BOC ITEM #04-0367	DATE 03/17/2004
Original Award Amount		\$728,958.72
1 <sup>st</sup> Amendment #1 (74%)	<b>\$539,671.28</b>	<b>\$539,671.28</b>
<u>Total of All Amendments</u>		<u><b>\$539,671.28</b></u>
Total Revised Amount		<b>\$1,268,630.03</b>

ECENTRAL, INC.

AWARD HISTORY	BOC ITEM #04-0367	DATE 03/17/04
Original Award Amount		\$138,298.04
1 <sup>st</sup> Amendment #1 (27%)	<b>\$36,720.46</b>	<b>\$36,720.46</b>
<u>Total of All Amendments</u>		<u><b>\$36,720.46</b></u>
Total Revised Amount		<b>\$175,018.50</b>

SOUTH FULTON SENIOR SERVICES

AWARD HISTORY	BOC ITEM #04-0367	DATE 03/17/2004
Original Award Amount		\$600,787.92
1 <sup>st</sup> Amendment #1 (1%)	<b>\$897.96</b>	<b>\$897.96</b>
<u>Total of All Amendments</u>		<u><b>\$897.96</b></u>
Total Revised Amount		<b>\$601,685.88</b>

TOTAL ORIGINAL CONTRACT AMOUNT

AWARD HISTORY	BOC ITEM #04-0367	DATE 03/17/2004
Total Original Amount		\$2,614,974.44
1 <sup>st</sup> Amendment # (29%)	<b>\$761,380.05</b>	<b>\$761,380.05</b>
<u>Total of All Amendments</u>		<u><b>\$761,380.05</b></u>
Total Revised Amount		<b>\$3,376,354.52</b>

POST AGENDA - RECESS MEETING - March 16, 2005

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

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

**SHERIFF**

**05-0385** Request approval of an Intergovernmental Agreement by and between the City of Alpharetta and Fulton County regarding boarding inmates at the Alpharetta City Jail.

**HELD AS REQUESTED BY THE COUNTY MANAGER.**

**COMMISSIONERS' ITEMS – UNFINISHED BUSINESS**

**05-0291** Request approval of a Resolution to amend Fulton County's Vehicle for Hire Ordinance; to provide for the levy and collection of taxes and fees relating thereto; to repeal conflicting provisions; to provide for an effective date; and for other purposes.  
**(Edwards)** *(Held 2/16/05)*

A motion was made by Commissioner Edwards and seconded by Commission Chair Handel to hold until a public hearing is conducted. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

**05-0294** Request approval of a Resolution to amend Section 2-75 of the Fulton County Code of Ethics to prohibit Fulton County officers and employees from serving as members of Boards of Directors of nonprofit organizations that receive or solicit grants from Fulton County.  
**(Darnell)** *(Held 2/16/05, 3/2/05)*

A motion was made by Vice Chair Darnell and seconded by Commissioner Pitts to approve with line 21 beginning as follows: *An employee may serve as a director of any not-for-profit or charitable business*

*or organization that receives or solicits grant funding from the county or a county agency as long as that employee is not involved in the grant selection process. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.*

**05-0297** Discussion of the report on the proposed septic tank maintenance standards and records program. **(Pitts)**  
(Held 2/16/05)

**HELD AS REQUESTED BY COMMISSIONER PITTS.**

**05-0305** Request approval of a Resolution to establish the process for acquisition and condemnation of private property for library purposes. **(Darnell)** (Held 2/16/05)

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

<b>COMMISSIONERS' ITEMS – NEW BUSINESS</b>
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**05-0386** Status report on absentee ballot analysis and review (outside contractor). **(Darnell)**

A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to transmit this report to the Board of Registration and Elections, and be rescheduled in not less than 30 days. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards voted yes.

05-0387 Status report on communication from the Georgia Environmental Protection Division to the Board of Commissioners regarding the City of Atlanta's CSO NPDES permits. (Darnell)

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

05-0388 Discussion on proposed Personnel Policy Modification: PR-400-10 - Employment of Relatives. (Darnell)

A motion was made by Vice Chair Darnell and seconded by Commissioner Edwards to transfer this matter to the Personnel Board, in accordance with law, and be rescheduled in not less than 30 days. The motion carried by a vote of 6-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, and Edwards voted yes. Commissioner Boxill was present but did not vote.

## BOARD APPOINTMENTS

05-0015 HOSPITAL AUTHORITY OF FULTON COUNTY (NORTHSIDE) (Cross-Reference #96-0015)

Term = Four (4) years, staggered

Terms below expired April 1, 2004:

Dr. Kenneth E. Jones MD (Position #1) (BOC)  
Mr. Thomas Hills (Position #2) (BOC)  
Mr. R. K. Sehgal (Position #3) (BOC)

FOR SPREADING ON THE MINUTES: The Board of Trustees of the Hospital Authority of Fulton County (Northside), at its meeting on May 6, 2004, reappointed Dr. Kenneth E. Jones MD (Position #1), Mr. Thomas Hills (Position #2), and Mr. R. K. Sehgal (Position #3) for terms ending April 1, 2008, in accordance with a slate of names submitted by the Board of Commissioners at its April 7, 2004 Regular Meeting.

POST AGENDA - RECESS MEETING - March 16, 2005

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

Terms below expire April 1, 2005:

Ms. Kellye C. Baugh (Position 4) (BOC)  
Mr. William Deyo, Jr. (Position 5) (BOC)  
Ms. Betty Smulian (Position 6) (BOC)

The Board of Trustees of the Hospital Authority of Fulton County (Northside) submitted the following slate of names for the Board of Commissioners' consideration for terms ending April 1, 2009.

Position #4 (Ms. Kellye C. Baugh; Mr. Robert E. Whitley; Mr. John B. Neeld, Jr., MD)

Position #5 (Mr. William T. Deyo, Jr.; Mr. Gwynne T. Brunt, Jr., MD; Mr. Edwards S. Croft, III)

Position #6 (Ms. Betty R. Smulian; Mr. Mark D. Oshnock; Mr. Lawrence B. Stone, MD)

The Board of Commissioners shall submit three names to the Hospital Authority of Fulton County for the selection of one person to be appointed by the Authority, per position.

SOUNDED WITH ITEM 05-0029.

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

#### 05-0029 ATLANTA-FULTON LIBRARY BOARD OF TRUSTEES

Terms = Members shall serve at the pleasure of the appointing member of the Board of Commissioners.

FOR SPREADING ON THE MINUTES:

Vice Chair Darnell appointed Dr. Anita Jackson O'Neal to replace Ms. Zeda Stanley Sartor, effective April 1, 2005.

#### 05-0032 COMMISSION ON DISABILITY AFFAIRS

Term = Two (2) years

Term below expired July 31, 2001:

POST AGENDA - RECESS MEETING - March 16, 2005

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

Ms. Joan Keene (**Resigned**) (**Darnell**)

Term below expired July 31, 2002:

Ms. Loys Hardie (**Fulton/Riley**)

Terms below expired July 31, 2003:

Ms. Lenee Windom (**Kenn/Handel**)

Ms. Cindy Cutter (**Resigned**) (**Fulton/Riley**)

Terms below expired July 31, 2004:

Ms. Melissa Firestone (**Kenn/Handel**)

Mr. Richard B. Pease (**Lowe**)

Commissioner Riley nominated Ms. Beth Salzman to replace Ms. Loys Hardie for a term ending July 31, 2006, and Ms. Marcia O'Shaughnessy to replace Ms. Cindy Cutter for a term ending July 31, 2007.

VOTED UPON WITH ITEMS 05-0042 and 05-0060.

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

**05-0042 FULTON COUNTY 911 ADVISORY BOARD (Cross-Reference Items #97-0294 and #98-0371)**

Term = Two (2) years

Each Fulton County Commissioner to nominate one Fulton County citizen.

Term below expired April 2, 2003:

Mr. Phillip L. Graitcer (**Boxill**)

Terms below expire April 2, 2005:

Mr. John Moelter (**Kenn/Handel**)

Ms. Margaret Kane (**Pitts**)

Ms. Pam Blackwell (**Fulton/Riley**)

Ms. Harriett Grant (**Lowe**)

Mr. Larry Phillips (**Darnell**)

Mr. James Stephens (**Edwards**)

Commission Chair Handel nominated Mr. John Moelter for reappointment to a term ending April 2, 2007.

Commissioner Riley nominated Ms. Pam Blackwell for reappointment to a term ending April 2, 2007.

VOTED UPON WITH ITEMS 05-0032 and 05-0060.

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

**05-0060 FULTON COUNTY BOARD OF CODE ENFORCEMENT (Cross-Reference #00-0783)**

Term = Three (3) years

Term below expired July 1, 2004:

Ms. Corliss Linsey Claire (Kenn/Handel)

Term below expires July 1, 2005:

Ms. Julie Haley (Fulton/Riley) (Resigned)

Commissioner Riley nominated Ms. Becky Wynn to replace Ms. Julie Haley for an unexpired term ending July 1, 2008.

VOTED UPON WITH ITEMS 05-0032 and 05-0042.

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

**ALCOHOLIC BEVERAGE LICENSES**

**FOR PUBLIC HEARING ONLY**

**05-0389** Arian, Inc dba Taqueria Ladona  
215 Northwood DR, #8, Atlanta, GA 30342  
Consumption on the premises of distilled spirits.  
There is no legal reason why this public hearing  
should not be conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0390** Eckerd Corporation dba Eckerd Drugs #227  
6014 Sandy Springs CR, Atlanta, GA 30328  
Retail of wine and malt beverages. There is no legal  
reason why this public hearing should not be  
conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0391** Eckerd Corporation dba Eckerd Drugs #2233  
3719 Old Alabama RD, Bldg #100, Alpharetta, GA 30022  
Retail of wine and malt beverages. There is no legal  
reason why this public hearing should not be  
conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0392** Eckerd Corporation dba Eckerd Drugs #3298  
3725 Cascade RD, Atlanta, GA 30331  
Retail of wine and malt beverages. There is no legal  
reason why this public hearing should not be  
conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0393** Eckerd Corporation dba Eckerd Drugs #3537  
10820 Abbotts Bridge RD, Duluth, GA 30097  
Retail of wine and malt beverages. There is no legal reason why this public hearing should not be conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0394** Eckerd Corporation dba Eckerd Drugs #3836  
11855 Jones Bridge RD, Alpharetta, GA 30005  
Retail of wine and malt beverages. There is no legal reason why this public hearing should not be conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0395** Ket, Inc dba Simply Wine  
9700 Medlock Bridge RD, STE 188, Duluth, GA 30097  
Retail of wine and malt beverages. There is no legal reason why this public hearing should not be conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

**05-0396** 5920 Foods, Inc dba South Beach Bistro and Bar  
5920 Roswell RD, A1-17, Atlanta, GA 30328  
Consumption on the premises of wine, malt beverages, and distilled spirits. There is no legal reason why this public hearing should not be conducted.

**PUBLIC HEARING CONDUCTED. NO SPEAKERS.**

## EXECUTIVE SESSION

CONDUCTED AFTER PUBLIC COMMENT.

A motion was made by Commission Chair Handel and seconded by Commissioner Riley to go into Executive Session to discuss litigation. The motion carried by a vote of 4-0-0. Commission Chair Handel and Commissioners Pitts, Riley, and Boxill voted yes. Vice Chair Darnell and Commissioners Lowe and Edwards were present but did not vote.

Present in Executive Session: Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Lowe, Boxill, and Edwards; County Manager Thomas Andrews; County Attorney O.V. Brantley; and Clerk to the Commission Mark Massey.

NO ACTION TAKEN.

## ADJOURNMENT

A motion was made by Commission Chair Handel and seconded by Vice Chair Darnell to adjourn. The meeting adjourned at noon.