March 7, 2017

9:00 a.m.

SPECIAL CALLED MEETING

STATE OF GEORGIA COUNTY OF DEKALB

A Special Called Meeting was convened Tuesday, March 7, 2017 at 9:00 a.m. in the Maloof

Auditorium, 1300 Commerce Drive, Commissioner Kathie Gannon, Presided.

Members Present Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,

Gregory Adams

Members Absent Larry Johnson

Administration: Michael Thurmond, CEO, Zachary Williams, Executive Assistant/Chief Operating Office

Staff Present: Barbara Sanders-Norwood, County Clerk, Dianne McNabb, Interim Finance Director

O.V. Brantley, County Attorney, Viviane Ernstes, Deputy County Attorney

POST AGENDA/PRELIMINARY MINUTES: The Official Minutes of this meeting are tentative and have neither been ratified, nor approved, by the Board of Commissioners; and this Post-Agenda/Preliminary Minutes is not binding on the County or on any officer thereof.

Work Session

I. Committee of the Whole

- A. Committee Reports
- B. Path Foundation Update
- C. Feasibility Study-Community Development
- D. Review of the Proposed Executive Agenda for March 14, 2017

II. Special Call Meeting

- A. Executive Session
- B. Proposed settlement of lawsuit filed by Alphonzo Eleby against DeKalb County and others.
- C. Dedication and Conveyance of the Cofer Crossing Shopping Center Lift Station to DeKalb County.

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

ACTION TYPE

Resolution

MAR 07 2017

TIOS (17 JAM

SUBJECT: To Convene a Special Called Meeting

County Clerk **DEPARTMENT:**

HEARING TYPE Preliminary

PUBLIC HEARING:

☑ YES

 \square NO

ATTACHMENT:

☐ YES ☑ No

INFORMATION

Barbara H. Sanders

CONTACT:

County Clerk MAR 0.9 2017

PHONE NUMBER:

(404) 371-2162

PURPOSE:

PAGES:

To Convene a Special Called Meeting.

NEED/IMPACT:

To conduct the official business of the Board of Commissioners whereby a vote may be taken.

RECOMMENDATION(S):

As the Board desires

	FOR USE BY COMMISSION	OFFICE/CLERK ONLY
ACTION:		*
	as made by Commissioner Davis Johnson, secon ecial Called Meeting. Commissioner Johnson wa	ded by Commissioner Bradshaw, and passed 6-0-0-1, to as absent and not voting.
ADOPTED:		CERTIFIED: MAR 0 7 2017
	(DATE)	(DATE)
Los	te Same	Buther & The
PRESIDING	GOFFICER	CLERK,
DEKALB C	OUNTY BOARD OF COMMISSIONERS	DEKALB COUNTY BOARD OF COMMISSIONERS
	FOR USE BY CHIEF EXECU	UTIVE OFFICER ONLY
APPROVE	D: MAR 0 9 2017 VETO (DATE)	DED:(DATE)
M		
CHIEF EXE DEKALB C		CHIEF EXECUTIVE OFFICER DEKALB COUNTY
VETO STA	TEMENT ATTACHED:	
MINUTES:		
For:	Nancy Jester, Jeff Rader, Steve Bradsha Gregory Adams	aw, Mereda Davis Johnson, Kathie Gannon,
Against:	- agory ramino	
Abstain:		
Absent:	Larry Johnson	

DEKA	I D	$\alpha \alpha \tau$	TATES.
тик в			

ITEM NO.	•	

HEARING TYPE Preliminary

BOARD OF COMMISSIONERS BUSINESS AGENDA / MINUTES

ACTION TYPE
Resolution

reliminary

MAR UT ZUN

MEETING DATE: March 7, 2017

SUBJECT: To Convene an Executive Session Meeting

Wester James

DEPARTMENT: County Clerk

PUBLIC HEARING:

✓ YES

■ NO

ATTACHMENT:

☐ YES ☑ No

INFORMATION

Barbara H. Sanders

CONTACT:

MMS & County Clerk

PHONE NUMBER:

(404) 371-2162

PURPOSE:

PAGES:

To Convene an Executive Session Meeting

NEED/IMPACT:

To conduct business conducted in Executive Session.

RECOMMENDATION(S):

As the Board desires

	FOR USE BY COMMISSION	OFFICE/CLERK ONLY
ACTION:		· · · · · · · · · · · · · · · · · · ·
ADOPTED:_	MAR 0 7 2017	CERTIFIED: MAR 0 7 2017
	(DATE)	(DATE)
fatte	e Lanon	Butan In Den
		CLERK, DEKALB COUNTY BOARD OF COMMISSIONERS
	FOR USE BY CHIEF EXECU	UTIVE OFFICER ONLY
MOTION was made by Commissioner Davis Johnson, seconded by Commissioner Bradshaw, and passed 6-0-0-1 to convene an Executive Session Meeting. Commissioner Johnson was absent and not voting. ADOPTED: MAR 0 7 2017 (DATE) HAR 0 7 2017 (DATE) HAR 0 7 2017 (DATE) HAR 0 7 2017 CERTIFIED: MAR 0 7 2017 CLERK, DEKALB COUNTY BOARD OF COMMISSIONERS FOR USE BY CHIEF EXECUTIVE OFFICER ONLY APPROVED: (DATE) CHIEF EXECUTIVE OFFICER DEKALB COUNTY VETOED: (DATE) CHIEF EXECUTIVE OFFICER DEKALB COUNTY VETO STATEMENT ATTACHED: MINUTES: For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon, Gregory Adams Against:		
	CUITVE OFFICER _	CHIEF EXECUTIVE OFFICER
VETO STAT	EMENT ATTACHED:	,
MOTION: MOTION was made by Commissioner Davis Johnson, seconded by Commissioner Bradshaw, and passed 6-0-0-1 to convene an Executive Session Meeting. Commissioner Johnson was absent and not voting. ADOPTED: MAR 0 7 2017 (DATE) WAR 0 7 2017 (DATE) WAR 0 7 2017 (DATE) WAR 0 7 2017 (DATE) WELLER, DEKALB COUNTY BOARD OF COMMISSIONERS FOR USE BY CHIEF EXECUTIVE OFFICER ONLY APPROVED: (DATE) WETOED: (DATE) CHIEF EXECUTIVE OFFICER DEKALB COUNTY VETO STATEMENT ATTACHED: MINUTES: For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,		
•	· · · · · · · · · · · · · · · · · · ·	aw, Mereda Davis Johnson, Kathie Gannon,
Abstain:		·

Larry Johnson

Absent:

DEKALB COUNTY

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

ITEM NO.			

ACTION TYPE Resolution

HEARING TYPE
Preliminary

MAG 0 7 2017

SUBJECT: To Adjourn an Executive Session Meeting

MAR 0 7 2017

DEPARTMENT: County Clerk	PUBLIC HEARING: ☑ YES ☐ NO
ATTACHMENT: ☐ YES ☑ No	INFORMATION Barbara H. Sanders CONTACT: County Clerk
PAGES:	PHONE NUMBER: 404/371-2162

PURPOSE:

To Adjourn an Executive Session Meeting

2 DW

NEED/IMPACT:

To conduct business conducted in Executive Session.

RECOMMENDATION(S):

As the Board desires

	FOR USE BY COMMISSION	OFFICE/CLERK ONLY
ACTION:		
	as made by Commissioner Rader, seconded by C ssion Meeting. Commissioner Johnson was abse	Commissioner Adams, and passed 6-0-0-1, to adjourn an int and not voting.
PRESIDING	MAR 0 7 2017 (DATE) Ste Samo GOFFICER COUNTY BOARD OF COMMISSIONERS FOR USE BY CHIEF EXECT	CLERK, DEKALB COUNTY BOARD OF COMMISSIONERS
APPROVE	DE MAR 0 9 2017 VETO	DED:(DATE)
CHIEF EXE	COUNTY	CHIEF EXECUTIVE OFFICER DEKALB COUNTY
VETO STA	TEMENT ATTACHED:	·
MINUTES:		
For:	Nancy Jester, Jeff Rader, Steve Bradsh Gregory Adams	aw, Mereda Davis Johnson, Kathie Gannon,
Against:		
Abstain:		
Absent:	Larry Johnson	

DE	V.	1 (1/C	า
KF	. V	- 1 (1/1.	,

DEKALB COUNTY

		_	 _
ITEM NO.			

HEARING TYPE

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

ACTION TYPE Resolution

SUBJECT: Proposed settlement of lawsuit filed by Alphonzo Eleby against DeKalb County and others.

DEPARTMENT: Law	PUBLIC HEARING: YES XX NO
ATTACHMENT: YES D XX No	INFORMATION O.V. Brantley, County Attorney CONTACT:
PAGES: 10 TO JAN	PHONE NUMBER: 404-371-3011

<u>PURPOSE</u>: To consider approving a payment of \$149,500 (one hundred forty-nine thousand five-hundred dollars) to settle the lawsuit filed by Alphonzo Eleby against DeKalb County and individual police officers, Civil Action No. 1:14-CV-02092 in the U.S. District Court for the Northern District of Georgia.

<u>NEED/IMPACT</u>: Settlement would bring an end to the litigation for all defendants and avoid litigation risks.

RECOMMENDATION(S):

TIOS E O RAF.

Approve a settlement payment to Alphonzo Eleby and his counsel in the total amount of one handred forty-nine thousand five hundred dollars (\$149,500) in return for Mr. Eleby's dismissal with prejudice of his above-referenced lawsuit (as to all defendants) in the U.S. District Court for the Northern District of Georgia and his execution of a release and waiver acceptable to the County Attorney. Authorize the County Attorney or her designee to execute the settlement agreement.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Adams, seconded by Commissioner Davis Johnson, and passed 6-0-0-1 to approve a total payment of \$149,500 to settle the lawsuit filed by Alphonzo against DeKalb County and individual police officers, Civil Action File No 1:14-CV-02092 in the U.S. District Court for the Northern District of Georgia. Commissioner Johnson was absent and not voting.

To resolve this lawsuit, the County will pay a total sum of \$149,500 to Mr. Eleby's and his counsel in return for Mr. Eleby's dismissal with prejudice of his lawsuit and execution of a release and waiver of claims satisfactory to the County Attorney. The County Attorney or her designee is authorized to execute the settlement agreement.

ADOPTED:_	MAR 0 7 2017 (DATE)		CERTIFIED:	MAR 0 7 2017 (DATE)	
fatt	e Anno		But	un In Janua	\
PRESIDING DEKALB CC	OFFICER OUNTY BOARD OF COM	MISSIONERS		, (B COUNTY BOARD MMISSIONERS	,
	FOR USE BY	CHIEF EXECUT	IVE OFFICER	RONLY	
APPROVED		VETOE	D:		
M)	(DATE)			(DATE)	
CHIEF EXEC DEKALB CC	,011.12 011100		CHIEF EXECU DEKALB COU	TIVE OFFICER NTY	
VETO STAT	EMENT ATTACHED:				
MINUTES:					
For:	Nancy Jester, Jeff Rade Gregory Adams	er, Steve Bradshaw	, Mereda Davis	Johnson, Kathie Gannon,	
Against:					
Abstain:				*	
Absent:	Larry Johnson				

D	E3.7
ĸ	r.v

HEARING TYPE

Preliminary

DEKALB COUNTY

TTERM	NIC
I I EIVI	INO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

ACTION TYPE Resolution

SUBJECT: Dedication and Conveyance of the Cofer Crossing Shopping Center Lift Station to DeKalb County

DEPARTMENT: CEO	PUBLIC HEARING: ☐ YES ☑ NO		
ATTACHMENT: 🗵 YES 🗆 No PAGES: 49	INFORMATION Scott Towler CONTACT: 770-621-7234 PHONE NUMBER:		

PURPOSE:

To authorize the Chief Executive Officer to execute the attached documents in order to memorialize the dedication and conveyance of the Cofer Crossing Shopping Center Lift Station to DeKalb County and to allow the County ongoing access to such facility:

NEED/IMPACT:

Execution of the four referenced Bill of Sale documents will transfer all ownership of the Cofer Grossing Shopping Center Lift Station to the County and will require that the County assume all responsibility for the maintenance, repair and upkeep of the Lift Station. The two referenced Easement Agreements will memorialize the County's right to locate the Lift Station in its current position and will provide a permanent right to access same. The documents are the result of negotiations that began when questions arose as to the ownership of and the responsibility for maintaining the Lift Station and resolve all such questions moving forward. The six documents are identified as:

- 1. <u>Bill of Sale, Assignment and Assumption Agreement</u> to be executed by DDRM Cofer Crossing, LLC;
- 2. Bill of Sale to be executed by Wal-Mart Real Estate Business Trust;
- 3. Bill of Sale to be executed by Ivy Crest Condominium Association, Inc.;
- 4. Bill of Sale to be executed by Arium Station 19, LLC;
- 5. <u>Easement Agreement for Access to the Lift Station</u> to be executed by Wal-Mart Real Estate Business Trust; and,
- 6. Easement Agreement for Lift Station to be executed by Ivy Crest Condominium Association.

RECOMMENDATIONS:

Authorize conveyance and authorize the Chief Executive Officer to execute the attached documents, in substantially final form, and all necessary documents in connection with the Dedication and Conveyance of the Cofer Crossing Shopping Center Lift Station.

FOR	HSE	RV	COM	MISSI	NO.	OFFIC	F/CI	FRK	ONI V
1 1/1	1/1/1/2	,,,,,,		A 1' 1' 1					

ACTION:

MOTION was made by Commissioner Jester and, seconded by Commissioner Adams, and passed 6-0-0-1 to move that the Board of Commissioners authorize the Chief Executive Officer to execute all necessary documents, as approved by the Law Department, to memorialize the dedication and conveyance of the Cofer Crossing Shopping Center Lift Station to DeKalb County and to allow the County ongoing access to such facility. Commissioner Johnson was absent and not voting.

ADOPTED:	MAR 0 7 2017	CERTIFIED:	MAR 0 7 2017
· 	(DATE)	-	(DATE)
fatte	From	Lauta	w Salan
PRESIDING O		CLER	,
DEKALB CO	UNTY BOARD OF COMMI		LB COUNTY BOARD MMISSIONERS
	FOR USE BY CHI	IEF EXECUTIVE OFFICE	R ONLY
APPROVED:	MAR n 9 2017	VETOED:	· · · · · · · · · · · · · · · · · · ·
_	(DATE)		(DATE)
M	NLO		
	UTIVE OFFICER		JTIVE OFFICER
DEKALB CO	UNTY	DEKALB COU	JNTY
VETO STATE	EMENT ATTACHED:	·	<u></u>
MINUTES:		·· <u>·</u>	
For:	Nancy Jester, Jeff Rader, St Gregory Adams	teve Bradshaw, Mereda Davi	s Johnson, Kathie Gannon,
Against:			·
Abstain:			
Absent.	I arry Johnson		

			ITEM NO.
	DEKA	LB COUNTY	
	BOARD OF	COMMISSIONERS	
HEARING TYPE Preliminary		AGENDA / MINUTES DATE: March 7, 2017 105 7	ACTION TYPE Resolution
SUBJECT: To Adjourn	a Special Called M	eeting	and c
DEPARTMENT: County Clerk	k	PUBLIC HEARING:	☑ YES □ NO
ATTACHMENT: ☐ YES ☑ No		INFORMATION Barbara H. Sanders CONTACT: County Clerk	
ATTACHMENT:			
ATTACHMENT:		CONTACT: TIOS	

NEED/IMPACT:

To conclude all official business of the Board of Commissioners.

RECOMMENDATION(S):

To officially adjourn the meeting of the Board of Commissioners.

	FOR USE BY COMMISSION	OFFICE/CLERK ONLY
ACTION:		
MOTION wa adjourn the Sp	as made by Commissioner Rader, seconded by pecial Called Meeting. Commissioner Johnson	y Commissioner Davis Johnson, and passed 6-0-0-1 to was absent and not voting.
ADOPTED: PRESIDING DEKALB C	(DATE)	CERTIFIED: MAR 0 7 2017 (DATE) CLERK, DEKALB COUNTY BOARD OF COMMISSIONERS
	FOR USE BY CHIEF EXEC	UTIVE OFFICER ONLY
DEKALB C	(DATE)	CHIEF EXECUTIVE OFFICER DEKALB COUNTY
For: Against: Abstain:	Nancy Jester, Jeff Rader, Steve Bradsh Gregory Adams	aw, Mereda Davis Johnson, Kathie Gannon,
Absent:	Larry Johnson	-

ADJOURNMENT:

There being no further official business, MOTION was made by Commissioner Rader and seconded by Commissioner Davis Johnson to adjourn at 11:20 a.m.

Kathie Gannon

Presiding Officer

Michael Thurmond

Chief Executive Officer

Barbara Sanders-Norwood

County Clerk