

MINUTES OF DEKALB COUNTY BOARD OF COMMISSIONERS

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 Ernestes, 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.

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

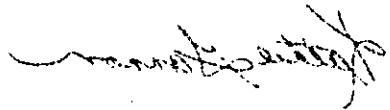
HEARING TYPE
Preliminary

ACTION TYPE
Resolution

MAR 07 09AM

MAR 07 09AM

SUBJECT: To Convene a Special Called Meeting



DEPARTMENT: County Clerk


PUBLIC HEARING: YES NO

ATTACHMENT: YES No

PAGES:

INFORMATION CONTACT: Barbara H. Sanders
County Clerk
PHONE NUMBER: (404) 371-2162

MAR 07 09AM



PURPOSE:

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:


MOTION was made by Commissioner Davis Johnson, seconded by Commissioner Bradshaw, and passed 6-0-0-1, to convene a Special Called Meeting. Commissioner Johnson was absent and not voting.

ADOPTED: MAR 07 2017
(DATE)

CERTIFIED: MAR 07 2017
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS



CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: MAR 09 2017
(DATE)

VETOED: _____
(DATE)



CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

- For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon, Gregory Adams
- Against:
- Abstain:
- Absent: Larry Johnson

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

ACTION TYPE

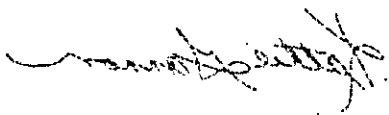
Resolution

HEARING TYPE

Preliminary

MAR 7 10 30 AM

SUBJECT: To Convene an Executive Session Meeting



DEPARTMENT: County Clerk

PUBLIC HEARING: YES NO

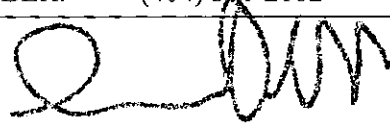
ATTACHMENT: YES No

INFORMATION CONTACT: Barbara H. Sanders
County Clerk

MAR 7 10 30 AM

PAGES:

PHONE NUMBER: (404) 371-2162



PURPOSE:

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:

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 07 2017
(DATE)

CERTIFIED: MAR 07 2017
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

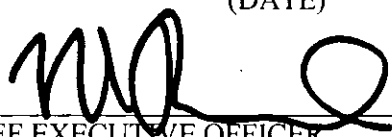


CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: MAR 09 2017
(DATE)

VETOED: _____
(DATE)



CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,
Gregory Adams
Against:
Abstain:
Absent: Larry Johnson

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

HEARING TYPE

Preliminary

ACTION TYPE

Resolution

MAR 07 2017

SUBJECT: To Adjourn an Executive Session Meeting

MAR 07 2017

DEPARTMENT: County Clerk

PUBLIC HEARING: YES NO

ATTACHMENT: YES No

INFORMATION CONTACT: Barbara H. Sanders
County Clerk

PAGES:

PHONE NUMBER: 404/371-2162

PURPOSE:

To Adjourn 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:

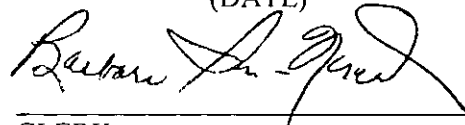
MOTION was made by Commissioner Rader, seconded by Commissioner Adams, and passed 6-0-0-1, to adjourn an Executive Session Meeting. Commissioner Johnson was absent and not voting.

ADOPTED: **MAR 07 2017**
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

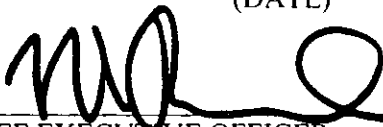
CERTIFIED: **MAR 07 2017**
(DATE)



CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: **MAR 09 2017** VETOED: _____
(DATE) (DATE)



CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,
Gregory Adams

Against:

Abstain:

Absent: Larry Johnson

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

HEARING TYPE

BUSINESS AGENDA / MINUTES

ACTION TYPE
Resolution

MEETING DATE: March 7, 2017

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

DEPARTMENT: Law

PUBLIC HEARING: YES NO

ATTACHMENT: YES XX No
PAGES: 1106 7 0 3AM

INFORMATION CONTACT: O.V. Brantley, County Attorney
PHONE NUMBER: 404-371-3011
1106 7 0 3AM

PURPOSE: 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.

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

RECOMMENDATION(S):

1106 7 0 3AM

Approve a settlement payment to Alphonzo Eleby and his counsel in the total amount of one hundred 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

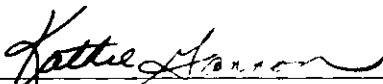
ACTION:

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 07 2017
(DATE)

CERTIFIED: MAR 07 2017
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS



CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: MAR 09 2017
(DATE)

VETOED: _____
(DATE)



CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,
Gregory Adams

Against:

Abstain:

Absent: Larry Johnson

REV.

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

HEARING TYPE

Preliminary

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

INFORMATION Scott Towler

CONTACT: 770-621-7234

PAGES: 49

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 Crossing 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. Bill of Sale, Assignment and Assumption Agreement 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. Easement Agreement for Access to the Lift Station 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.

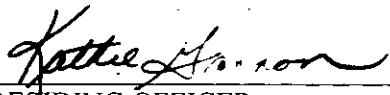
FOR USE BY COMMISSION OFFICE/CLERK ONLY

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 07 2017
(DATE)

CERTIFIED: MAR 07 2017
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS




CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: MAR 09 2017
(DATE)

VETOED: _____
(DATE)



CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,
Gregory Adams

Against:

Abstain:

Absent: Larry Johnson

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: March 7, 2017

HEARING TYPE

Preliminary

ACTION TYPE

Resolution

SUBJECT: To Adjourn a Special Called Meeting

DEPARTMENT: County Clerk

PUBLIC HEARING: YES NO

ATTACHMENT: YES No

INFORMATION CONTACT: Barbara H. Sanders
County Clerk

PAGES:

PHONE NUMBER: (404) 371-2162

PURPOSE:

To Adjourn the Specially Called Meeting of the Board of Commissioners

NEED/IMPACT:

To conclude all official business of the Board of Commissioners.

RECOMMENDATION(S):

To officially adjourn the meeting of the Board of Commissioners.

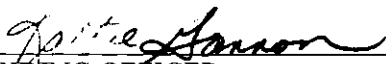
FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Rader, seconded by Commissioner Davis Johnson, and passed 6-0-0-1 to adjourn the Special Called Meeting. Commissioner Johnson was absent and not voting.

ADOPTED: MAR 07 2017
(DATE)

CERTIFIED: MAR 07 2017
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS




CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: MAR 09 2017
(DATE)

VETOED: _____
(DATE)



CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

- For: Nancy Jester, Jeff Rader, Steve Bradshaw, Mereda Davis Johnson, Kathie Gannon,
Gregory Adams
- Against:
- Abstain:
- Absent: Larry Johnson

ADJOURNMENT:

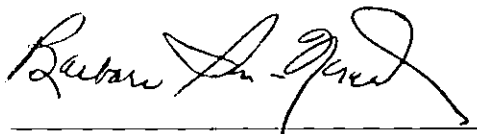
There being no further official business, MOTION was made by Commissioner Rader and seconded by Commissioner Davis Johnson to adjourn at 11:20 a.m.



Kathie Gannon
Presiding Officer



Michael Thurmond
Chief Executive Officer



Barbara Sanders-Norwood
County Clerk