

Minutes - Draft

**PECS-Planning, Economic Development & Community Services
Committee**

Tuesday, December 14, 2021

2:00 PM

This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available

(1) via live stream on DCTV's webpage,

(2) on DCTVChannel23.TV

Meeting Started At: 2:01PM

Attendees: Commissioners Johnson, Rader, Davis Johnson, Bradshaw, Terry, Patrick, Cochran-Johnson

Present 3 - Member Jeff Rader, Chairperson Larry Johnson, and Member Mereda Davis Johnson

I. MINUTES

2021-3490 Commission District(s): ALL
Minutes for the November 30, 2021 Special Called Planning, Economic Development, and Community Services Committee Meeting

MOTION was made by Jeff Rader, seconded by Mereda Davis Johnson, that this agenda item be approved. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

II. STATUS UPDATE

Public Private Partnerships

-information provided by Deputy County Attorney Welch, CPO Horner, COO Williams

-Question LJ: could you have an independent third party consultant to write up a proposal, who will get it approved through Procurement?

CPO Horner: that is definitely something we can consider

-Question MDJ: I would like to find out from Legal what the unintended consequences could be from this? How would transparency be factored into this? I believe the unintended circumstances could potentially be substantial

Dep. County Attorney Welch: we always have to look at that. What we have done is look at state guidelines to avoid some of those areas. One concern I would have is the number of proposals within our shop to control that; one thing the state does ask us to provide is a window or time-period that would be allowed to receive unsolicited proposals. Regarding transparency, there is a balance that the state allows us to give preference to a submitter; transparency will be essential, which is why we would recommend the evaluation framework we established at the front end so that everyone would go through the same process

-Question JR: I'm interested in the concern of having a neutral party optimizing proposals to respond to unsolicited proposals. Could Law tell me whether these P3's could be a procurement?

M Welch: yes sir, this would need to go into the Procurement policy; the original item urges the Administration to bring forward a regulation in this manner

-JR: the BOC would have no authority to change what the CEO would decide to do, and the CEO would have unilateral authority to structure these procurements as they see fit?

M Welch: yes sir.

-Question SB: has there been research done into best practices with other jurisdictions in how they have avoided these conflicts?

M Welch: not at this juncture sir, we have reviewed state law and put forward the outline included in state law; but we can certainly conduct a wider survey of how other jurisdictions in the State of Georgia with a similar construct have avoided some unintended consequences

-Question LJ: Mr. Welch would you like this to be deferred for 30 days?

M Welch: we would ask for 60 days sir, or the first meeting in February

-LJ: that's fine, please ensure the documentation is provided in January ahead of the meeting, so that in February we will be 'cooking with gas'

-JR: Motion to defer to first meeting in February

Second LJ

Vote: yes 2-0 (MDJ not present for this vote)

Decide DeKalb IGA

2021-3580

Commission District(s): All Commission Districts

To Authorize an Intergovernmental Agreement between the DeKalb County Development Authority and the County for economic development services.

MOTION was made by Mereda Davis Johnson, seconded by Jeff Rader, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by County Attorney Ernestes

-Question LJ: are these things you're asking for part of the original IGA?

V Ernestes: as I have described today no, these are the changes I've described. I brought these forth because there was no process for the dissolution of the arrangement and legal cleanup that I promised I would bring forward. If you wish to amend in the future you can do so sir.

LJ: that's fine; we need an entity like Decide DeKalb that would help us with some of the work in the economic development realm that is coming forward from the state and federal government. I will look to the committee to give us some additional guidance.

V Ernestes: there is nothing legally wrong with the draft before you; the changes I have suggested can be made via amendment in early 2022, along with the tax abatement approval process

D DeBarr: to Mrs. Ernestes point to Decide DeKalb as a redevelopment agent, I want to be clear that as redevelopment agent we would have the ability to spend TAD funds, but it would be under the guidance of the redevelopment plan, which is adopted by the Board of Commissioners. We can't change every development plan. Regarding objectives 1 and 2 - objective 1 is county-wide, and objective 2 is focused on underserved communities.

-Question JR: Ms. Ernestes, you indicated there is currently no provision in the IGA to terminate without mutual consent unless a clause is added to it that allows each party to terminate correct? I believe that needs to be put into the document. From a business perspective, if each side can work to amend the document, then each side should have the authority to be able to terminate the agreement so that renegotiation can be accomplished in good faith.

V Ernestes: that is correct, and I agree with that point

-Question JR: Mr. DeBarr stated the administration of the TAD funds would need to be consistent with the redevelopment plan; in each case of our TAD's, those redevelopment plans were formulated at their inception and have not been modified since. Is there a provision in the IGA that would propose any changes to the redevelopment plans that would ensure they are consistent with current conditions? How can we amend the redevelopment plans for these TADs?

V Ernestes: That would take board action; I believe we can include a statement to the effect of Decide DeKalb agrees to abide by any of the redevelopment plans that exist now or may thereafter be amended by the Board of Commissioners.

Question JR: There should be an advisement role from the Development Authority on the TADs, redevelopment plans, etc. in place to ensure consistency and timeliness of the terms of the redevelopment plan. Next, the efficacy of a tax allocation district is based upon the tax base that is generated there. At what point of this agreement would the powers of the TAD and redevelopment agent revert to the County, or are they assigned to the county in perpetuity?

V Ernestes: For the life of the agreement, thus far sir

-Question JR: we can change the development agent unilaterally at any point?

V Ernestes: No sir not that you could change it unilaterally, it would need to be done via amendment to this agreement or termination of the agreement; that cannot be done until a termination for convenience clause is added. To be clear, Decide DeKalb is the redevelopment agent for the for the life of the agreement. If you don't want them to be the redevelopment agent for the life of the agreement, or you want to have them removed by some vote of the board of Commissioners, we'd have to work that in. It would be cleanest if changes were made by amendment.

-Question JR: Once it goes in one direction it can't easily come back?

V Ernestes: They only become the redevelopment agent by virtue of this IGA. They have no vested right to be the redevelopment agent beyond the life of the IGA.

-Question JR: in section 3.3, it states "The BOC by resolution has made or shall make the appointment of the Authority as the Redevelopment Agent pursuant to O.C.G.A. § 36-44-4, and to delegate to the Authority the Redevelopment Agent Responsibilities pursuant to O.C.G.A. § 36-44-6". It sounds as though there is another action to be taken, is that right?

V Ernestes: You would have to go back to amend the redevelopment plan. But going back and nullifying that would not nullify them as the redevelopment agent, because they would be designated that in the IGA.

-Question JR: What if we did not take that action, would we be in violation of the IGA?

V Ernestes: yes, because you are agreeing to have done it or do it in the future

-Question JR: How is it that the consistency with the redevelopment plan is determined, is that through the finding of the redevelopment agent, or a finding in a resolution? Is that challengeable?

V Ernestes: there is not a provision in the current IGA that provides that sort of oversight. Exhibit B subsection b detailing the redevelopment agent responsibilities reads, "causing redevelopment plans to be prepared, presenting redevelopment plans to BOC for approval, and implementing and effectuating the purposes of such approved redevelopment plans". That is the requirement that is set forth for Decide DeKalb. Subsection C also contains a third party review of the TAD's every 5 years.

-Question JR: if TAD increment were used in a way inconsistent with the redevelopment plan, how would that be determined

and resolved?

V Ernstes: the BOC would have the option to claim breach of the IGA by not having implementing the provisions of such redevelopment plans, and if it were sufficiently egregious.

-Question LJ: would we be able to have a liaison who sits on the board to be included part of that development, and each TAD would have a different liaison for each commission district? Madam Attorney can you add that piece?

V Ernstes: yes sir I can

-LJ: we may have the Attorney come back to us with that in January and we can make amendments

V Ernstes: I can mention the pieces of tax abatement, liaisons for commission districts, just so everyone knows what is coming forward in the first quarter of 2022

-LJ: without the school board being a part, we are we are. The Attorney will bring this back in January and we will hear that part as well

V Ernstes: As I understand, I will take the draft circulated to you, and add 2 things. 1 is the amount of money, at this point is \$1.2M, a termination for convenience clause, and an intent to amend paragraph. I will have that for your consideration on the 21st, and from there we can proceed with amendments.

-MDJ: Motion to approve draft of November 29, 2021, and add the amount of money to \$1.2M, and addition of termination for convenience clause, as well as an intent to amend paragraph

Second JR

Vote: yes unanimous

III. AGENDA ITEM

2021-2851

Commission District(s): All

A Request to Consider Establishing an Annual Traffic Count Program

MOTION was made by Jeff Rader, seconded by Mereda Davis Johnson, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by Director Pelton

-Motion to defer 30 days JR

2021-2853

Commission District(s): All

A Request to Consider Establishing a Sidewalk Mapping System

MOTION was made by Jeff Rader, seconded by Mereda Davis Johnson, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by Director Gear

-after the budget is passed in February, would you request 60 days until June to handle the RFP process?

-S Gear: yes sir. There are a number of things that have to be captured at a specific time of year. My recommendation is to defer this until after the budget is approved

-LJ: we will defer for 90 days and then receive a report

-Question JR: this report would capture more than just sidewalks correct?

S Gear: yes sir

-Question JR: Please share the scope of the data-capturing, and the accuracy/utility of those attributes that are being captured

-Question RP: that means we're probably not going to collect this data until 2023?

S Gear: the aerial photography is one part, but the LIDAR is typically captured at night. The LIDAR data can be captured, but the aerial photography is the part that needs to be flown; usually flying begins in early January to early March. You don't want to capture aeriels after that time. But the LIDAR data can be captured anytime.

-JR: Motion to defer to first meeting in March 2022

2021-3244

Commission District(s): All

To Appropriate \$1,000,000 from Non-Departmental - General Fund - Reserve for Contingencies to Georgia Piedmont Technical College for the Regional Transportation & Training Center.

MOTION was made by Mereda Davis Johnson, seconded by Jeff Rader, that this agenda item be recommended for deferral to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by COO Williams

-LJ: we'll defer for 30 days to the first meeting in January

-JR: Motion to defer 30 days to first meeting in January

Second MDJ

-MDJ: I'm not fully understanding what is needed. This is not currently ready for a vote?

V Ernstes: the idea is that there would be an appropriation this year to the development authority, and an appropriation from the development authority to GPTC for a grant rather than a loan. And there would be an additional appropriation next year to the development authority, and an appropriation from the development authority to GPTC. I am trying to create an agenda item of \$1M for a grant to the Development Authority for these purposes to have this ready for Tuesday's BOC meeting. If you want to see the item we will need 30 days; if not we can have the \$1M portion by the end of the year. A placeholder would take us into next year

-JR: maybe we should table this to our special called meeting on December 20th

-Question MDJ: if we have a special called meeting on the 20th, we will have an outline on what you are discussing?

V Ernstes: you will have an agenda item but not the documents

-MDJ: I withdraw my second on the deferral, and make a substitute motion that this item be continued on the special called meeting on December 20th meeting

Second JR

Vote: yes unanimous

[2021-3150](#) Commission District(s): ALL
COOP - Cooperative Agreement No. 012621-PPC, Open Air Structures and Accessory or Utility Buildings with Related Equipment and Services: for use by the Department of Recreation, Parks & Cultural Affairs (RPCA). This contract consists of the purchase, installation, and maintenance of pavilions, gazebos, shelters, walkway covers and shade structures at various DeKalb County Parks. Awarded to Halsey Recreation and Design, Inc. c/o Poligon by PorterCorp. Amount Not To Exceed: \$1,225,000.00.
MOTION was made by Mereda Davis Johnson, seconded by Jeff Rader, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by Director Ellis

-Question JR: is there a list of where those pavilions are going?

C Ellis: yes sir they should be in your inbox now

[2021-3382](#) Commission District(s): 4&6
A Resolution Authorizing the Sale of an Unredeemed and Unforeclosed Interest in Property at 3164 Chapel Street, Scottdale, GA 30079
MOTION was made by Mereda Davis Johnson, seconded by Jeff Rader, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-no additional information requested

[2021-3333](#) Commission District(s): Districts #4 and #6
City of Decatur Legacy Park ADA Equipment Project
MOTION was made by Jeff Rader, seconded by Mereda Davis Johnson, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by Braunwin Camp, Director Mitchell

-Question JR: Commissioner Gannon had committed district funds to the improvements in this area?

A Mitchell: I cannot speak to those funds; but the team is eager for these funds

COO Williams: We'll provide a report of what happened

[2021-3347](#)

Commission District(s): Commission Districts #4 and #7
Friends of Disabled Adults and Children Too! Inc. (FODAC)
Renovation Project

MOTION was made by Jeff Rader, seconded by Mereda Davis Johnson, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-no additional information requested

[2021-3432](#)

Commission District(s): All
Extension of the term of the 1984 operating agreement for Grady Hospital between Fulton County, DeKalb County, and the Fulton-DeKalb Hospital Authority for an additional two years.

This agenda item was no official recommendation

-information provided by TJ Jefferson

-LJ: we will bring this back for discussion during the December 20th special called meeting

-no official recommendation

[2021-3508](#)

Commission District(s): Commission District 5 and Super District 7
Extension of the Rental Agreement between DeKalb County, Georgia and the Boys and Girls Club of Metro Atlanta, Inc.'s for use of portions of the Redan Recreation Center.

MOTION was made by Mereda Davis Johnson, seconded by Jeff Rader, that this agenda item be recommended for approval. to the Board of Commissioners, due back on 12/21/2021. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

-information provided by Director Ellis

Meeting Ended At: 3:32PM

MOTION was made by Jeff Rader, seconded by Mereda Davis Johnson, that this agenda item be adjourned meeting. The motion carried by the following vote:

Yes: 3 - Member Rader, Chairperson Johnson, and Member Davis Johnson

Barbara H. Sanders-Norwood CCC, CMC