

## **REGULAR MONTHLY MEETING**

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, May 1, 2006 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 p.m. with Chairman Eddie Freeman presiding and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss and Johnie McDaniel present. Also present were County Attorney James Fortune, County Manager William Wilson, and Teresa Watson to record the minutes.

### **I. OPENING (CALL TO ORDER) – Chairman Eddie L. Freeman**

### **II. INVOCATION – Rev. Michael Moore**

### **III. PLEDGE TO FLAG – Led by Commissioner Edward Goss, Jr.**

### **IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Recognize Cloverleaf, Junior and Senior 4-H'ers who placed in District Project Achievement competitions and Cooperative Extension Service personnel who work with students.

Chairman Freeman presented youngsters in attendance with Spalding County pins while William Wilson read the list of participants: Juniors/Seniors: Kayla Beam, Katlyn LaVelle, Rachel Conort, Ian Kelley, Farimie Hannah, Kori Johnson, Michael Weitzel, Jaimi Mayfield, Morgan Kelley, Alicia Looney, Taylor Dutton, Anita Frank, Katey Looney, Ian Shonfelt, Ashton Shelnutt, Caylen Perry, Morganne Mann, Will Shonfelt, Savannah Tate, Maia Price, Casey Head, Bethany Harris, Juli Shonfelt, Missy Buntyn, Chase Fagin, Joshua Truitt, Ryan Hayes, Felicia Varnadoe, Kirsten Fagin, Shannon Sandlin, Rob Shonfelt, Ariel Blanton, Atreona Willis, Nicki Louchios, and Taylor Trimble. Cloverleaves: Ariel Patrick, Destiny Watkins, Cameron Turnipseed, Shaquille Dewberry, Shaquria Reid, Tyunda Slaton, Tasmine Fagin, TiCheveus Head, Zinzi Jester, Joel Martinez, Marquez Hutcherson, Khadeidra Gates, Brittany Wood, Austin Ramsey, Sandy Lance, Mylee Mobley, Jacob Feltman, Caleb Wood, James Stamey, Kora Kelly, Joni Marie Patterson, Ron Kelley, Anna Shannon, Levi Barksdale, Ansley Smith, Joy Angeles, Josiah Panter, Monisha Basu, Cara Grobbelaar, Niharika Kalla, Grace McLean, Cady Crawford, Hollis Neel, Kristi Hobbs, Jessica Johnson, Ashley Ridgeway, Kacie Veal, Katie Pelt, Dayton Grogan, David Shonfelt, Abbey Marshall, Rachel Marshall, Erin Kelley, Elizabeth Carter, Heather Underwood, Christopher Glancy, Katie Beam, Jasper Alford, Mikayla Bartlett, Chaz Stewart, Dianira Selley, Cayla Shelton, Christina Odom, Eboni Burden, Brianna King, Tayler Moore, Jed Paz, Kristen Reese, Jeff Brake, Briana Smith, Tommy Gaines, Aaron Trimble, Cleopatra Randolph, Willie Thompson, Jasmine Truitt, Ian Wright and Eryn Hayes.

Cherry Hovatter, County Extension Agent, 4-H and Youth, thanked the Board for all its support and she invited all to attend the upcoming 4-H Awards Program on Monday, May 8, 2006 at 6:30 p.m. at the Stuckey Auditorium on the UGA Griffin Campus.

**V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**

**VI. CITIZENS COMMENTS**

1. School Board Chair, Raymond Ray, would like to address the Board concerning the Macon Road/Futral Road/East College Street and Wilson Road intersection projects.

Raymond Ray, 216 South 6<sup>th</sup> Street, Griffin, GA 30224

On behalf of the Griffin-Spalding County School System, Chairman Raymond Ray wanted to thank the County and Mr. Wilson for all their diligence in pursuing completion of two important transportation projects that directly affect the School System: the signalization at Wilson Road and Highway 16 East, and the intersection improvement project at Macon Road/Futral Road/East College Street. Both were major projects involving utility relocation, construction and right-of-way acquisition.

**VII. PUBLIC COMMENT**

**VIII. MINUTES**

1. Consider approval of the minutes of the April 17, 2006 Extraordinary Session and the April 27, 2006 Zoning Public Hearing.

*Commissioner Davis moved to approve the April 17, 2006 minutes as presented, seconded by Commissioner McDaniel, and motion carried by a vote 5-0. Commissioner Davis moved to approve the April 27, 2006 Zoning Public Hearing minutes as presented, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.*

**IX. CONSENT AGENDA**

1. Consider on second reading an Amendment to the FY 2006 Budget Ordinance to provide for insurance reimbursements for property and vehicle damages.

**AN ORDINANCE AMENDING THE  
FISCAL YEAR 2006 BUDGET ORDINANCE FOR  
SPALDING COUNTY, GEORGIA**

**WHEREAS**, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2006 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

**WHEREAS**, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2005, be amended as follows:

**Section I. General Fund**

**A. Revenues**

Miscellaneous Revenue	From	\$	965,922	to	\$	1,004,423
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**B. Expenditures**

Correctional Institution	From	\$	5,690,178	to	\$	5,721,932
Road Patrol	From	\$	2,412,278	to	\$	2,416,197
Detention	From	\$	6,373,206	to	\$	6,376,034

Approved on first reading this 17<sup>th</sup> day of April 2006.

Approved, adopted and enacted on second reading this 1<sup>st</sup> day of May 2006.

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*Commissioner McDaniel moved to approve Consent Agenda, seconded by Commissioner Davis, and motion carried by a vote of 5-0.*

## **X. OLD BUSINESS**

1. Lift from the Table: Consider appointment to Personnel Appeals Board to fill the unexpired term of Christine James-Brown.

*Commissioner McDaniel moved to lift from the table consideration of an appointment to the Personnel Appeals Board, seconded by Commissioner Davis, and motion carried by a vote of 5-0.*

County Attorney Jim Fortune and Human Resources Director Bill Gay looked into the issue of defining the term “minority.” It was determined that the intent at the time the Board of Personnel Appeals policy was implemented was that at least one African-American should be appointed to this Board. Ms. Christine James-Brown, the resignee, was African-American. In light of this information, the nominations of Lewis Patterson and James Brooks cannot be considered. The remaining nomination to meet requirements was that of Ronnie Lowe.

*Commissioner Gwen Flowers-Taylor moved to appoint Ronnie Lowe to fill the unexpired term of Christine James-Brown for a term to expire 12-31-06, seconded by Commissioner Davis. Motion carried by a vote of 5-0.*

## **XI. NEW BUSINESS**

1. Consider request for Spalding County 4-H to utilize the house at Dundee Lake Park as an extended classroom facility.

A letter from Wade Hutcheson has been received requesting the use of the vacant house at Dundee Lake Park as an extended classroom for the Spalding County 4-H program. Mr. Wilson felt this would be a great use of the former caretaker house, and Louis Greene from Parks and Recreation recommends this use but it has not received official recommendation of the Parks and Recreation Advisory Commission.

Mr. Hutcheson said the use would be regular and if not daily, but certainly weekly. Commissioner Goss asked if the County will let others know they might be able to use the facility as well. Mr. Wilson responded that other departments could certainly use it, and any interested parties could coordinate with Mr. Hutcheson. Mr. Hutcheson said he would definitely be willing to do so and would relinquish the facility should the County need him to in the future. The 4-Hers would not be using the pavilion at the same time as the house on a regular basis. General discussion followed.

Commissioner Flowers-Taylor said her concern echoed that of Commissioner Goss. This is taxpayer property and if the County is concerned with being fair and just with how people are allowed to utilize taxpayer property. If the County charges people to rent the pavilion at its parks, why would the County treat this building any differently? Her other concern was that while she didn't have anything against 4-H, right is right. If the County is going to allow the 4-H program to use this house, it would only be fair to all to let everyone know the County is approving this use. The County needs to determine the best use of the facility and right now the County is paying a fee for someone to open and close the gate, and from her position the County should be trying to use that as well as the other facilities for which the County charges. This building is air conditioned and could be used for meetings, retreats, family dinners, etc. Looking into the matter further is warranted, she felt, with a definite policy for use of the building rather than allowing explicit 4-H carte

blanche use of the house with everyone else desiring to use it having to work around conflicts with the 4-H schedule.

Mr. Wilson explained that the Spalding County 4-H program was a part of the Cooperative Extension Service and a county-funded department, not a private entity. The County has never charged any County department for the use of any facility, including the pavilions, and the 4-H program is no different. Their main offices are currently in the old Spalding County Courthouse on Broad Street. He did not think there was ever any intention to lease this house to the public, as is done with the pavilions.

Commissioner Flowers-Taylor asked where Mr. Wilson got that idea, saying the Board of Commissioners had never addressed that issue.

Mr. Wilson said he and Mr. Greene of Parks and Recreation had discussed the matter, noting that the Master Plan for Dundee Lake Park even calls for demolition of this facility in years to come with construction of a conference center type facility that would be rented and leased.

Commissioner Flowers-Taylor responded that use of this building was not in the Master Plan. So, if the County allows it to be used, then it should be used fairly. She said she understood that Extension was a part of the County but questioned whether 4-H was, as well.

Mr. Wilson responded that 4-H is funded by Spalding County in its budget and is indeed a sanctioned program of the Cooperative Extension Service as a County department.

Commissioner Flowers-Taylor asked how allowing 4-Hers the use of this facility without rental differed from allowing its use to the Beta Club, for instance? Mr. Wilson again reiterated the difference was that 4-H was a part of a County department just as any other department, such as Public Works or Parks and Recreation.

Commissioner Goss asked if he understood correctly that any County-funded department could use the facility for whatever their needs might be. Mr. Wilson confirmed that was correct, but Mr. Hutcheson was the only department to request its use to date.

Commissioner Flowers-Taylor said she was not suggesting that, if in fact they were a County department, they should be charged. She was simply saying that Mr. Wilson's supposition that the building was never intended to be rented or leased was a statement made by someone other than the Board of Commissioners. She felt there should be a policy in place to regulate its use during the interim two to five years before demolition is scheduled.

Commissioner Davis felt this would be a good use of the building for a good cause rather than allowing it to sit empty while the Board tries to decide who can use it. He would like to see it used by the 4-H program.

***Commissioner Davis moved to approve the use of the house at Dundee Lake Park as extended classroom and to direct that Mr. Hutcheson coordinate with any other governmental entity wanting to use. Commissioner McDaniel seconded the motion.***

Commissioner Goss asked if the 4-Hers would use the house on weekends in case others might want to use the facility. Mr. Hutcheson responded not normally.

Mr. Wilson asked Commissioner Goss to confirm if he meant any other governmental entity, and Commissioner Goss replied his intent was the general public. Mr. Wilson said the pavilions that are rented are designed for public use, but this house was designed as a residence and does not lend itself to public use. The County would have a hard time securing items there from "public use." It never occurred to him that anyone would choose to rent this house in the shape it is in for public use.

Commissioner Flowers-Taylor said if it was in good enough shape for 4-Hers to use it, it must be in good enough shape for others to use it. Mr. Hutcheson said others would be very limited as to what type of function they could have in the facility. Even a family picnic would pose problems because the house is relatively small with small rooms, and there are no fixtures or furnishings in the dwelling. From the 4-H program's stance, it is perfect for setting up tables and chairs in small settings for working with different classroom projects. Some supplies would be utilized there, as well. The close proximity to outdoor environments is what makes the house so attractive for this use.

Commissioner Goss said he had no problem with 4-H using the facility; he simply wanted to make sure that citizens would be afforded the same opportunity to use the house.

Commissioner Davis asked how the County would lease this facility out, and Commissioner Flowers-Taylor said the same way the County wanted to lease out grass. Commissioner Davis said the matter to which Commissioner Flowers-Taylor referred was a rental situation already for a private concern and not for a County department.

Commissioner Goss said if a family rented out there and encountered inclement weather, would they be able to use this house to get out of the weather? Mr. Wilson said perhaps this issue should be taken back to the Parks and Recreation Advisory Commission for a recommendation. They have always made recommendations for rental facilities and rates.

Commissioner Davis said that would be appropriate to see if the Parks and Recreation Advisory Commission wanted to rent the facility for public use, but he wanted to see a vote on the motion so that the house could be put to good use in the interim. Chairman Freeman concurred.

***The motion already on the floor carried by a vote of 4-1 with Commissioner Flowers-Taylor opposing.***

2. Consider approval of a new Alcohol License for 2006 – Retail Sale – Beer Only – for the following: David Parish Harvil d/b/a Tony's One Stop at 4275 Hwy. 19/41. Mr. Harvil is the new owner of an existing business which he purchased February 6, 2006. He was granted a business license at that time and is now applying to sell beer.

All licensing requirements have been met said Mr. Wilson.

David Parish Harvil 846 McLaurin Street, Griffin, Georgia  
Mr. Harvil was present to answer questions, and there were none.

***Commissioner Davis moved to approve the new Alcohol License for 2006 – Retail Sale – Beer Only – for David Parish Harvil, d/b/a Tony's One Stop at 4275 Hwy. 19/41, seconded by Commissioner Goss. Motion carried by a vote of 3-2 with Commissioners McDaniel and Flowers-Taylor opposing.***

3. Consider granting approval for Right of Entry off Dewey Street for Atlanta Gas Light parcel under option to purchase for regulator site.

County Attorney Fortune said Atlanta Gas Light (AGL) requested an option to purchase several months ago a 100' x 100' tract for a regulator site. When the title work ensued and they desired a right of entry, the description looked strange so he requested a copy of the plat. The plat they sent was for a tract 2.5 times the size the County agreed to sell. Engineers, after the fact, said 100' x 100' was not enough property. The County had given them an option for 100' x 100' for \$2500, and now they want 25,000 square feet at he needed to know if the Board was so inclined, and if so, at what cost and whether or not to authorize a right of entry. AGL could condemn the property as an option, although they don't want to do that. Additionally, this is part of the 18.8 acre tract that Alan Mobley wants to purchase and he understands the delay because of the AGL situation. Some discussion followed.

*Commissioner Davis moved to authorize County Attorney Fortune to enter into a contract with Atlanta Gas Light for .5683 acres at a price of \$6250 and execute an option to purchase. Commissioner McDaniel seconded the motion which carried by a 5-0 vote.*

*Commissioner Davis then moved to grant the right of entry requested by Atlanta Gas Light off Dewey Street for this parcel, seconded by Commissioner McDaniel. Motion carried by a 5-0 vote. County Attorney Fortune said the last item would be for him to terminate the initial purchase option on the original tract that was 100' x 100'. The Board concurred.*

## **XII. REPORT OF COUNTY MANAGER**

- Mr. Wilson said his office had just been notified that the troops will be arriving Sunday, May 7, around 2:30-3:00 p.m. Chairman Freeman will deliver a Proclamation from the County at Memorial Stadium. This latest email is, of course, subject to change.
- A Proclamation will be delivered to local church on Sunday, May 7, 2006 for a surprise appreciation ceremony.
- Rookie firefighter graduation will be Monday, May 8 at Fire Headquarters, 5:30 p.m., on Carver Road.
- The Stream Walk has been rescheduled for Saturday, May 6 at 10 a.m.
- Chairman Freeman will attend on May 11, at 6:30 p.m., the Griffin High School JROTC Awards Program for presentation of the Alan Imes JROTC Medal.
- Budget schedule called for copies to be presented May 8; however, technical difficulties with software make it necessary to reschedule that date to May 15. May 22-25 will still be the time for budget review as originally scheduled.
- Animal Control – Spay/Neuter Differential Licensing Program. County Attorney Fortune is in need of direction for this program originally brought to the Board's attention by Ms. Kelly Palmatier. Commissioners said they wanted to see something in writing before the Ordinance verbiage is developed, i.e. the staff that will be required to implement and methodology of the plan. After general discussion, it was determined Mr. Fortune will begin to draft this plan and incorporate the new restraint map and some provision for limiting the number of dogs allowed on a lot, as well.
- Potentially dangerous dogs were registered recently by a citizen who must do that annually. She would like to have some provision for "undeclaring" the potentially dangerous dogs and no such provision currently exists in the Ordinance.
- Cheryl Matlock contacted Wilson to request that Chairman Freeman and he update the SPLOST Committee on the status of SPLOST projects.

## **XIII. REPORT OF COMMISSIONERS**

**Goss** - No comments.

**Flowers-Taylor** – Fire last week destroyed 3 units and left 8 uninhabitable at Spalding Heights. She walked the area this weekend and found that a roll-off dumpster has a great deal of refuse piled next to it, creating an eyesore and a fire hazard. Code Enforcement has been contacted with no response. Also, nine cars were parked in a yard nearby that need some attention. Traffic on Northside Drive is routinely 45-55 mph, also. Can the County get speed checks conducted and perhaps install traffic calming devices, such as a stop sign, in this area? Every car she viewed was speeding. Mr. Wilson explained that Code Enforcement Officer Michael Heath was presently on his honeymoon and would certainly respond upon his return.

**Davis** – Congratulations were offered to the 4-H participants.

**McDaniel** – He echoed Commissioner Davis’ congratulations to the 4-Hers and was especially proud to see the youngsters doing their best.

**Freeman** – The Chairman offered his congratulations to 4-Hers and to the Cooperative Extension Service personnel who work with youngsters.

**XIV. CLOSED MEETING**

1. County Manager desires a Closed Meeting to discuss acquisition of real estate.

*Commissioner Flowers-Taylor moved to enter Closed Meeting to discuss acquisition of real estate, seconded by Commissioner Davis, at 7:06 p.m. Motion carried by a 5-0 vote.*

**CLOSED MEETING AFFIDAVIT**

*[A copy of the affidavit must be filed with the minutes of the meeting]*

STATE OF GEORGIA  
COUNTY OF SPALDING

**AFFIDAVIT OF CHAIRMAN**

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on May 1, 2006.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 7:06 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

**No** Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

**No** Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and \_\_\_\_\_(insert the citation to the legal authority making the tax matter confidential);

**Yes** Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

**No** Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

**No** Other (describe the exemption to the open meetings law):  
\_\_\_\_\_ as provided in \_\_\_\_\_(insert the citation to the legal authority exempting the topic).

This the 1<sup>st</sup> day of May 2006 .  
Sworn to and subscribed

Before me this 1<sup>st</sup> day of May 2006 .

Notary Public – Teresa A. Watson (L.S.)

My commission expires:

March 3, 2007

Spalding County Board of Commissioners

Eddie L. Freeman, Chairman (L.S.)

Gwen Flowers-Taylor (L.S.)

Edward Goss, Jr. (L.S.)

Johnie A. McDaniel (L.S.)

Cecil L. Davis (L.S.)

*A motion to adjourn Closed Meeting and reconvene to Open Session was made by Commissioner Flowers-Taylor, and seconded by Commissioner Davis, at 7:14 p.m. Motion carried by a 5-0 vote.*

**XV. ADJOURNMENT**

*Motion to adjourn was made by Commissioner McDaniel, seconded by Commissioner Goss at 7:15 p.m. Motion carried by a 5-0 vote.*

\_\_\_\_\_  
County Clerk

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Chairman

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