



EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their Extraordinary Session on Monday, June 19, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Eddie L. Freeman presiding and Commissioners Cecil Davis, Edward Goss, Jr. and Johnie McDaniel present. Absent was Commissioner Gwen Flowers-Taylor. Also present were County Manager William Wilson, Jr., Administrative Services Director Jinna L. Garrison, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

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

II. INVOCATION

III. PLEDGE TO FLAG

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Regina Abbott to make a presentation to the Board on behalf of Parks and Recreation Advisory Commission regarding a skateboard park and program.

Regina Abbott, 1129 Placid Road, introduced Tony Rakestraw, 669 Oak Grove Road, to assist with the presentation.

Mr. Rakestraw noted there had been 170 skaters performing at the skateboard park equipment presentation on May 18, facilitated by the American Ramp Company (ARC). ARC stated the turnout of several hundred was the biggest attendance for such an event yet in the entire country. A slide presentation showed highlights of the evening that featured a competition setup with a basic equipment configuration.

Ms. Abbott said she was just presented with a signed petition for a skateboard park and submitted it to commissioners. As evidenced by the fact that Mr. Rakestraw and his offspring alike are skateboarders, this is a sport that has longevity and is not just a fad. It is a good means to combat the current epidemic of obesity and provide a productive use for idle time. The sport has economic benefit, as well, with money received from locals and visitors for competition events. The group wants to use Beck Field and leave the softball field next to Beck for practice. The Parks and Recreation Advisory Commission provided the Board with a cost breakdown for a skate park and program, distributed by Parks and Recreation Director Louis Greene. Several costs can be absorbed by City and County personnel. The major expenses are concrete at \$16,000 and equipment at \$37,000 guaranteed for 25 years.

Potential sources of funding included contingency funds, FY 2006 budget or FY 2007 budget appropriations and donations. Local businesswoman Melissa Wade has pledged to contribute \$1000 for the construction of such a park as a beginning.

Ms. Abbott said the Advisory Commission would like for the Board of Commissioners to:

- 1) Authorize the Parks and Recreation Advisory Commission to approach the City.
- 2) Authorize Parks and Recreation Advisory Commission to raise funds to offset the cost of a skate park.
- 3) Identify funds and in-kind contributions by the July 17th Board of Commissioners meeting that could help finance the skate park.

She thanked the Board for their time. The total cost of just under \$70,000, considered as a joint City/County venture, is a much needed and wise investment in the youth program. She pointed out that local law enforcement routinely picks up children skateboarding on private property for trespassing because the kids have no where else to skate. She urged the Board to help lessen such early negative contact with law enforcement by supporting this skate park as an asset to the Parks youth programs.

Louis Greene said he and Ms. Garrison took Ms. Debra Howard from Millennium Insurance to visit a skate park, and he paraphrased her opinion that more liability exists if one charges for the use of the skateboard park. The more preferred way for a municipality to handle such a program is by self-service. There needs to be a fence with a gate that you have to walk through with more than adequate posting that the park is unattended and that users participate at their own risk. Typically both parents and kids expect some injuries with not only this sport but others; however, historically there are fewer suits involving skateboarders than athletes in other areas of sports participation.

Chairman Freeman and Commissioner Goss asked to explore the issue further. Commissioner McDaniel said he truly thinks perhaps they might need to consider a larger park than this one proposed. Soccer, baseball, and other tournaments produce a significant economic impact, and he felt this sport would, as well. He sees an opportunity for competition in this area. He noted the City owns the real estate, so they need to be on board for the project or they are back to square one in planning.

Ms. Abbott said she would be happy to contact them on authorization from this Board and return the next meeting with a report.

Commissioner Davis concurred he wants to continue discussion of the park in the future.

2. Jake Garner, Director of Spalding County Public Works, to make a presentation to the Board regarding the Asphalt Zipper.

The Asphalt Zipper would mean a saving in both time and cost as opposed to the way they currently do patching on asphalt. The demonstration also showed he could use what is taken up from roadbeds as aggregate rather than having to purchase aggregate. Their down time is trucking out and trucking in, and this would eliminate that process. This method produces a better result with a true edge as opposed to an uneven cut with a motor grader. The surface is much smoother than with traditional heavy patching. Additionally, if an asphalt plant is not running, Public Works cannot patch. With this machine you can implement patching anytime and can be extended over more than one day. This machine would also mean a more stable application so patching would hold up better. Public Works can also use it on troublesome areas where other methods don't work well.

Mr. Wilson said the demonstration worked well, and he and Mr. Garner have talked extensively about the equipment. He recommended working to get an Asphalt Zipper through lease-purchase financing. The Model 500 is preferred; Mr. Wilson can work into FY 2007 budget under a lease-purchase arrangement. Chairman Freeman concurred and said he was impressed with the on-site demonstration he witnessed. Commissioners concurred and Mr. Wilson said he would proceed.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statement for eleven months ended May 31, 2006.

Commissioner Davis moved to approve the Financial Statement for the eleven months ended May 31, 2006, seconded by Commissioner McDaniel, and motion carried by a unanimous vote of 4-0.

VI. CITIZENS COMMENTS – N/A

VII. PUBLIC COMMENT

Melissa Wade, 137 Chestnut Hill Road

She owns a business here and very much supports the concept of a skate park. She applauded the great idea and thanked the Board for its consideration.

Burt Horton, 110 Independent Court, Griffin, Georgia

His children skate and race bikes, so he is interested in the new bike track discussed recently, also. They travel now to the skate park at Gordon College in Barnesville. He, too, thanked the Board for its consideration.

Chas Turner, 231 Maloy Circle, Griffin, Georgia

His Mother doesn't feel comfortable just dropping him off to skate anywhere, stated Mr. Turner. They need a safe place to skate and one with variety. He urged approval and thanked the Board.

VIII. MINUTES

1. Consider approval of the minutes of the Budget Public Hearing of June 5, 2006 and the Regular Monthly Meeting of June 5, 2006.

Commissioner McDaniel moved to approve both the minutes of the June 5 Budget Public Hearing and the June 5 Regular Monthly Meeting, seconded by Commissioner Davis. Motion carried by a unanimous vote of 4-0.

IX. CONSENT AGENDA – N/A

X. OLD BUSINESS – N/A

XI. NEW BUSINESS

1. Consider approval at first reading the FY 2007 Budget Ordinance.

Commissioner Davis moved to approve on first reading the FY 2007 Budget Ordinance, seconded by Commissioner McDaniel. Motion carried by a vote of 4-0.

2. Consider Ordinance amending the FY 2006 Budget Ordinance to provide for year-end adjustments.

Commissioner Davis moved to approve on first reading this Ordinance amending the FY 2006 Budget Ordinance to provide for year-end adjustments, specifically the 2005 SPLOST funds. Motion was seconded by Commissioner McDaniel and carried by a unanimous vote of 4-0.

3. Consider Ordinance amending the FY 2006 Budget Ordinance to provide for year-end adjustments.

Commissioner Davis moved to approve on first reading this Ordinance amending the FY 2006 Budget Ordinance to provide for year-end GEMA lease pool adjustments, utilizing accounting entries required by the auditor to ensure the books follow proper procedure. Commissioner McDaniel seconded the motion which carried by a unanimous 4-0 vote.

4. Consider appointment to the Spalding County Parks and Recreation Advisory Commission to fill the unexpired term of Patricia P. Barlow, who resigned May 7, 2006, and whose term is set to expire December 31, 2007.

This was a post appointment for District 2, and Commissioner Davis appointed David Dodd to the Spalding County Parks and Recreation Advisory Commission.

5. Consider appointment to the Griffin-Spalding County Airport Advisory Commission to fill the unexpired term of Jeffrey McCullough, who resigned June 2, 2006, and whose term is set to expire December 31, 2008.

Commissioner McDaniel moved to appoint Ronnie Powers, seconded by Commissioner Davis. Motion carried by a unanimous vote of 4-0.

6. Set a date of a Public Hearing to establish a street lighting district for Parliament Place Subdivision.

Commissioner Davis moved to set a date of July 17 for a Public Hearing to establish a street lighting district for Parliament Place Subdivision, seconded by Commissioner McDaniel. Motion carried by a unanimous vote of 4-0.

7. Consider request of the Georgia Department of Human Resources to appoint a County-wide Pandemic Influenza Planning Committee (CPIPC) to coordinate community-based planning with statewide planning.

Kenny West, Director of Spalding County Homeland Security, and David Smith, Assistant Director of Spalding County Homeland Security, were present to answer questions. June 28 at the Health

Department at 10 a.m. will be the first meeting. County and City governments will be represented, and Commissioner Goss agreed to represent the County.

Commissioner McDaniel moved to approve the request of Spalding County Homeland Security for representatives and structure. Commissioner Davis seconded and the motion carried by a unanimous vote of 4-0.

8. Consider approval of agreement with Henry County Stormwater Department for use of inmate work detail.

Henry County has one detail currently and this would be the second; both would be included in the FY 2007 budget. Henry County will assume all salary, fringes, equipment, and vehicle costs for transportation of the detail. Mr. Wilson recommended approval.

**AGREEMENT BETWEEN
SPALDING COUNTY, GEORGIA AND HENRY COUNTY, GEORGIA
FOR USE OF INMATE WORK DETAILS**

THIS AGREEMENT is entered into this nineteenth day of June 2006, by and between SPALDING COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as the "Spalding County"), and Henry County, Georgia, Stormwater Department, department, agency or subdivision of the State of Georgia, (hereinafter referred to as the "Agency"),

W ITNESSETH:

WHEREAS, the Agency wishes to utilize inmate work details ("Details") for services on stormwater department projects of Henry County, Georgia.

WHEREAS, Spalding County is willing and able to provide the Details to the Agency, under the terms and conditions of this agreement.

NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows:

I. OBLIGATION OF SPALDING COUNTY

- a. During the term of this Agreement, Spalding County shall supply the Agency, subject to the availability of State Inmates, with one (1) Detail, consisting of one (1) full-time Correctional Officer and not more than twelve (12) inmates.
- b. In performing the work called for under this agreement, the Detail shall work an eight (8) hour day, Monday through Friday, this including transportation to and from the work site from Spalding County Correctional Institution, hereinafter referred to as "SCCI". The Detail may work outside of such hours due to inclement weather or other emergency conditions, if the Agency requests and the Warden at SCCI agrees.
- c. Spalding County shall be solely responsible for the custody, discipline and productivity of the Detail, and for providing clothing and health care to the Detail.
- d. Spalding County shall be responsible for transporting the Detail between SCCI and designated work sites.

2. RESPONSIBILITIES OF THE AGENCY.

- a. The Agency shall furnish all equipment, tools, safety equipment, and a transportation vehicle for the Detail between SCCI and designated work sites. The Agency shall further provide for or perform maintenance on all said equipment, tools and vehicle, and shall be solely responsible for replacement or repair of same. The agency shall provide, at its sole cost, automobile insurance for the transportation vehicle supplied to SCCI under this agreement. The vehicle shall be equipped with a mobile radio for the exclusive use of the Correction Officer, capable of communicating with law enforcement agencies and emergency medical personnel.
- b. The Agency shall provide general direction and supervision of the work to be performed under this Agreement, but no official or employee of the Agency shall exercise any immediate control, direction or supervision over any inmate of the Detail. The sole responsibility for directing, controlling and supervising said Detail shall be that of SCCI and its officials, Correctional Supervisors and employees. Directions as to work to be performed shall be communicated to the Correctional Officer for the Detail in question; who shall then direct the work of the Detail accordingly.

c. In consideration of the work to be performed by the Detail under this Agreement, the Agency shall pay to Spalding County the following:

- i. An amount equal to the salary, including fringe benefits, of one (1) Correctional Officer. Spalding County will provide the Agency with a schedule of said salary and fringe benefits. Spalding County will provide the Agency with a quarterly invoice for this cost, which shall name the Correctional Officer in question and the salary, including fringe benefits. Invoices will be mailed to:

Henry County, Georgia
Stormwater Department
140 Henry Parkway
McDonough, GA 30253

d. The Agency shall be solely responsible for, and shall hold harmless SCCI, Spalding County, its elected officials, officers, agents, employees and representatives from any and all damages or injuries caused to person or property and from suits, claims or damages of any nature whatsoever resulting from the execution of this contract, unless said suit or claim arises solely out of the negligence of Spalding County.

3. TERM; RENEWAL; TERMINATION.

a. This Agreement shall be for a term beginning the 1st day of July, 2006, and ending the 30th day of June, 2007, unless earlier terminated in accordance with Section 3.

b. This Agreement shall automatically renew for additional terms of one (1) year unless one party notifies the other in writing (given pursuant to Section 4.a herein) of their intent to terminate the Agreement. Said notice must be provided no less than thirty (30) days prior to the scheduled termination of the Agreement.

c. Either party may terminate this Agreement upon ten (10) days, written notice (given pursuant to Section 4.a herein) for the default of the other party.

d. Either party may terminate this Agreement without cause upon sixty days' written notice (given pursuant to Section 4.a herein) to the other party.

4. MISCELLANEOUS.

a. All notices, demands, and request which may or are required to be given hereunder shall be in writing and shall be deemed to have been properly given when sent postage pre-paid by registered or certified mail (with return receipt requested) addressed as follows:

If intended for Spalding County:
Spalding County Board of Commissioners
P.O. Box 1087
Griffin, Georgia 30224

If intended for SCCI:
Spalding County Correctional Institution
Warden Arsene Massac
295 Justice Boulevard
Griffin, Georgia 30224

If intended for the Agency:
Henry County, Georgia
Stormwater Department
140 Henry Parkway
McDonough, Georgia 30253

Either party may change the address and name of addressee to which subsequent notices are to be sent by notice to the other given as aforesaid.

b. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Georgia.

c. Entire Agreement; Amendment. This Agreement contains the entire agreement of the parties, and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect. No failure of either party to exercise any power given it hereunder, or to insist upon strict compliance by either party of any

obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of either party's right to demand exact compliance with the terms hereof This Agreement may not be amended except by a writing signed by both parties.

WHEREFORE, the parties have set their hands and seals as of the date first above written.

THE AGENCY: Henry County, Georgia
Stormwater Department

BY: _____
Typed Name: _____
Witness: _____

SCCI WARDEN:
By: _____
Typed Name: _____
Witness: _____

SPALDING COUNTY
By: _____
Typed Name: _____
Witness: _____

Exhibit "A"

In consideration of the work to be performed by the Detail under this Agreement, the charge from Spalding County to the Agency shall be estimated as follows (subject to change when actual officer's pay/benefits is assigned to detail):

An amount equal to the salary, including fringe benefits, of one (1) Correctional Officer per quarter

\$ 10,450.00

Spalding County will provide the Agency with a quarterly invoice showing the actual rate schedule of said salary and fringe benefits as officer is assigned, which shall name the Correctional Officer in question and the salary, including fringe benefits.

Commissioner Davis moved to approve the work detail for Henry County Stormwater Department, seconded by Commissioner McDaniel. Motion carried unanimously at 4-0.

- 9. Consider approval of Contract for Services with Webb, Lindsey and Wade, LLC for legal services rendered to the Spalding County Solicitor's Office.

Mr. Wilson said this would simply move this item from salaries to contractual services. The County has been paying a salary and benefits to an employee of this firm for several years, but the law firm requested a contract instead which actually will save the County money, as well.

Commissioner Davis moved to approve the Contract for Services with Webb, Lindsey and Wade, LLC, as presented, seconded by Commissioner McDaniel. Motion carried unanimously at 4-0.

- 10. Consider approval of Capacity Agreement between Spalding County and the Georgia Department of Corrections for the care and custody of State inmates at the Correctional Institution.

Mr. Wilson explained this was a yearly letter requiring signatures by which the State Department of Corrections agrees to pay a monthly fee for housing inmates as specified. This has been incorporated into the FY 2007 budget.

Commissioner McDaniel moved to approve the Capacity Agreement between Spalding County and the Georgia Department of Corrections as presented, seconded by Commissioner Davis. Motion carried by a unanimous 4-0 vote.

Commissioner Goss asked how many inmates get out every day and actually work or do something productive. Mr. Wilson replied there are about 384 housed there; about 260 with the addition of the new work details and another 75-80 work around institution itself. The County could contract out another 3-5 work detail crews with the remainder.

11. Consider approval of Conflict Office Lease Agreement with Georgia Public Defender Standards Council for 141 West Solomon Street.

The Public Defender Office is now in the old post office building at 141 West Solomon Street. They are on first floor, and the State wants to rent office space for three offices on the second floor. They may be there slightly longer than this year's lease as there are a large number of conflict cases in this circuit.

Commissioner Davis moved to approve this Conflict Office Lease Agreement as presented, seconded by Commissioner McDaniel. Motion carried by a unanimous vote of 4-0.

12. Consider request of City of Griffin to waive delinquent Spalding County taxes, prorated interest and penalties on two parcels purchased by the City.

Mr. Fortune asked commissioners to table this issue. The County needs quid pro quo with the City on tax forgiveness. A unilateral approach where only one party benefits is not good and there needs to be some reciprocity.

Commissioner Davis moved to table this issue for further study, seconded by Commissioner McDaniel. Motion carried by a unanimous vote of 4-0.

13. Consider approval of an easement for a water line and water meter for Jack Evans Construction Company at 53 Helen Drive, Griffin, Georgia. This property does not have road frontage and the building would like access to county water for this lot (Tract C) only.

Mr. Wilson said this matter dates back to the issue with Mr. Pruitt a few months ago. Previously it had been a long-standing policy of the Water Authority to allow a property owner to get water run across one parcel to reach one other parcel for water service. The Board of Commissioners suspended that policy until a replacement could be implemented, but one has yet to be put forth. Each case is being considered on an individual basis. Essentially, this is the same application as the long-term policy that was suspended. This application was the original intent of the policy, and no harm should come from approval of this application for easement. Mr. Wilson recommended approval.

Commissioner McDaniel moved to approve easement for a water line and water meter for Jack Evans Construction Company at 53 Helen Drive, seconded by Commissioner Davis. Motion carried by a unanimous vote of 4-0.

14. Discuss consideration of July 3, 2006 as an additional holiday to July 4, 2006.

Mr. Wilson said there is a precedent for an action of this nature, most often done in conjunction with the Christmas holiday. Chairman Freeman requested that this item be placed on the agenda.

Commissioner Goss moved to approve the addition of July 3, 2006 as a holiday in conjunction with the existing July 4, 2006, seconded by Commissioner Davis. Motion carried by a unanimous vote of 4-0.

XII. REPORT OF COUNTY MANAGER

- There will be a Special Called Meeting on Thursday, June 22, 2006 at 5:45 for second reading of the FY 2007 Budget Ordinance, two FY 2006 budget amendments and a CIE/STWP element revision to the Development Impact Fee Ordinance.
- The Spalding County Water Authority and Board of Commissioners have been made aware of the public notification regarding the sampling violation in July/August 2005. The mailing will be done over next two weeks to all County water customers, with notices posted in the Courthouse and Annex. An ad will run in the Griffin Daily News on June 23, 2006, also.
- Spalding County was successful in obtaining the ACCG Health and Wellness Grant for a second time. Bill Gay applied for this grant, and \$2500 again will be received. The grant last year sponsored the Spalding County Health Fair held in this room.
- Chairman Freeman and Mr. Wilson have explored resurfacing assistance from GDOT. Last year Blanton Mill Road was only paved partially through LARP. GDOT will

grant a county state aid contract for the following roads: Cowan Road, Hollonville Road remainder, Barnesville Road, Sapelo Road, Bent Creek Drive, Branch Creek Drive. The estimated \$275,000 will be DOT's portion ,or 60% of the cost of resurfacing these roads.

- Mr. Fortune is recommending ongoing outside amplification permits for event venues whose business requirements are constant and frequent. Normally, outside amplification permits are granted on an individual basis, but that process would be cumbersome for facilities who handle numerous events monthly. Mr. Fortune said he represents Mr. Jay Averett, the property owner of a large acreage tract on Highway 16 West, and this enterprise will be similar to The Pavilion on Aerodrome Way in scope and activities allowed. Specific time parameters can be incorporated, facilities can be required to be permanent and have a business license, and permits will be conditioned upon not causing any unnecessary or unusual amount of noise. Mr. Fortune said he would bring back a proposed change to the ordinance for approval. If problems do arise, the Board can opt to pull such approval. Commissioners concurred this might be a good idea but wanted to see the Ordinance be very specific about the types of businesses who can qualify for these blanket permits.

XIII. REPORT OF COMMISSIONERS

Goss:

- He wondered about the status of A & B Salvage. Mr. Wilson was unsure but will check.
- Roads for water line extension – Commissioner Goss needs another copy.

Davis:

- He needs someone to steal his campaign signs to ensure front page newspaper coverage.

McDaniel:

- No comments.

Freeman:

- County entrances need to be more attractive. He wondered if perhaps they could investigate using entrance signs composed of stacked stone or other attractive materials to make these corridors more attractive for state routes as they enter Spalding County. He has seen such signs in other counties. Mr. Wilson said he would look into the matter.

XIV. ADJOURNMENT

Commissioner Davis moved to adjourn at 7:07, seconded by Commissioner McDaniel, and motion carried by a unanimous vote of 4-0.

County Clerk

Chairman

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