

## **REGULAR MONTHLY MEETING**

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, August 7, 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, Community Development Director Chuck Taylor and Teresa Watson to record the minutes.

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

**II. INVOCATION – Commissioner Edward Goss, Jr.**

**III. PLEDGE TO FLAG – Led by Commissioner Gwen Flowers-Taylor**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Regina Abbott to provide an update on the proposed skate park.

Regina Abbott, 1129 Placid Road, Griffin, Georgia  
Kim Willis, 204 Westchester Drive, Griffin, Georgia

Ms. Abbott said she and Tony Rakestraw requested in June that the Board consider the possibility of a skate park. As directed, she approached the City of Griffin for assistance as well and will attend a workshop with them tomorrow morning. The fundraising committee is spearheaded by Kim Willis. They have currently received letters of support from the Board of Health, Rob Potter from Cloned BMX and Skate Park, and Ms. Melissa Wade of Adrenaline Power Sports. Supporters have invitations to speak at AMBUCS, Kiwanis Club and Rotary Club within the next three weeks. The project has experienced great community support, as well.

Ms. Abbott stated they want the Board to authorize the County Manager to meet with the City Manager and negotiate what needs to be done to bring about the skate park. After the fundraising efforts and meetings with youth groups, they'll return with a report and a request for specific funding, hopefully by the second meeting in September. Chairman Freeman requested that Mr. Wilson do as requested. Commissioner Davis supports the project, as well, and the family for whom Beck Field is named has no problem with that park being used for this purpose.

Mr. Willis stated he was excited and wants to assist. This sport is a new entry in the upcoming Olympics in Beijing, so it looks as though it's here to stay. The group has already raised several thousand dollars from various donors and several churches have pledged support and would like to help with tournaments and the park. More will certainly be added to the fundraising coffers, hopefully very quickly, and he urged the Board to support the skate park concept.

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

**VII. CITIZENS COMMENTS – N/A**

**VIII. PUBLIC COMMENT**

Police Chief Frank Strickland, City of Griffin, 232 Clark Road, Griffin, Georgia  
Chief Strickland thanked the Board for this opportunity to speak. He requested they consider supporting the agenda item to return the 800 MHz RFP to Project 25 standard compliance.

Ed Cole, 628 Jenkinsburg Road, Spalding County

Mr. Cole questioned whether an item on ballot at a legally called election can be altered or modified in any way without going back to the voters. He called on commissioners to provide what was specified to voters with regard to APCO 25 compliance.

Clarence Sanders, 49 Cato Street, Griffin, Georgia

With 25 years in fire service, Chief Sanders had been responsible for drawing specifications on equipment. The process then was to draw specifications that met the needs of the department. The request was then publicized and sent out to various vendors in an invitation to bid. If bidders cannot meet the stated requirements, they should just drop out of the bidding process. It appeared this RFP is being amended, juggled and moved around to meet the equipment of a certain vendor. They should be required to provide equipment to meet our needs and not the other way around. What is going on here is not what citizens voted for, and he felt the 800 MHz specifications voted on should be adhered to by the Board.

Jane Westmoreland, 105 Four Oaks Drive, Griffin, Georgia

She provided a handout with several documents such as the Fact Sheet distributed before the SPLOST referendum, a promotional brochure, an application form for the Homeland Security Grant, the SPLOST

Resolution, and Ga. Supreme Court websites in which boards attempted to use SPLOST funds in manners other than what was advertised for their respective referendums. The Georgia Supreme Court upheld both cases, and she said an injunction was going to be filed in Superior Court should the Board of Commissioners not uphold the original intent of the Spalding County SPLOST. Ms. Westmoreland's speaking time expired and she was not allowed to complete her statement as requested. Voters have the expectation of getting what they voted for, concluded Ms. Westmoreland.

Kathy Noble, 876 Musgrove Road, Griffin, Georgia

She appreciated the loyalty of those who trusted their commissioners to do the right thing, but she agreed with Ronald Reagan who advised "trust, but verify." She urged commissioners to adhere to the resolution signed by them all which supported the use of bonds or interest from bonds as intended and advertised. She was strongly opposed, as a taxpayer, to spending money on litigation that might be made necessary by all this political posturing, and would be further angered to lose the \$500,000 grant in the process. The community has the right to expect the commissioners to be held to a standard of law and not emotion.

Dick Morrow, 263 Westchester Drive, Griffin, Georgia

He wanted to address Agenda item #15 to disband the committee. At this point, he was not sure where the issue was headed but urged commissioners to remember before considering the item that: 1) The County created the committee and it was a good idea with considerable merit. 2) The Committee has performed to date as charged, successfully. 3) Committee meetings have been open, honest and above board. Citizens have had their business done honestly and with integrity, and it has been open government at its best. 4) They have allowed free speech and dealt with disagreements as they have arisen with diplomacy. 5) There remains to be done the evaluation of vendors' proposals and interviews with a final recommendation to the Board of Commissioners. 6) The City must use this system for many years and is vitally concerned it be the right system. They must pay and want confidence that the right choice will be made, one on which personnel who save lives and property can rely. 7) The remaining work of the Committee is vitally important. Canceling will be the wrong thing to do and the wrong message to send, and he urged commissioners to let them continue their work. The Board shouldn't tell City, Ambulance, Hospital and School Board personnel that this open and honest system will be abolished. Let the process continue and the committee finish its work.

Dan Duncan, 541 Pine Ridge Road, Griffin, Georgia

He has lived here 73 years. Mr. Duncan inquired if commissioners have talked to their attorney to determine if their actions are legal. He was concerned that if they changed from what was presented originally, they will see a lawsuit. He requested the Board give the remainder of his speaking time to Jane Westmoreland to complete her statement.

Ms. Westmoreland continued with information on the Cobb County court case which came from a Floyd County case earlier. This was, she emphasized, a SPLOST criteria issue and not a vendor issue. She encouraged voting by commissioners tonight to make Project 25 mandatory. She felt commissioners should respect what they signed and respect what was advertised and promoted. She thanked Mr. Duncan for his consideration of time, and she thanked the Board and audience.

## IX. MINUTES

1. Consider approval of the minutes of the July 17, 2006 Extraordinary Session, the July 27, 2006 Special Called Meeting, the July 27, 2006 Special Called Meeting for Tax Levy and the July 27, 2006 Zoning Public Hearing.

*Commissioner Davis moved to approve the minutes of the July 17, 2006 Extraordinary Session, seconded by Commissioner McDaniel; motion carried unanimously at 5-0.*

*Commissioner McDaniel moved to approve the minutes of the July 27, 2006 Special Called Meeting, seconded by Commissioner Goss, and motion carried by a 3-0-2 vote with Commissioners Flowers-Taylor and Davis abstaining as they were not present at the meeting.*

*Commissioner Davis moved to approve the minutes of remaining two meetings, the July 27, 2006 Special Called Meeting for Tax Levy and the July 27, 2006 Zoning Public Hearing, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.*

## X. CONSENT AGENDA

1. Consider on second Amendment to the Official Zoning Ordinance the following: Amendment to UDO #A-06-11: Appendix J. Commercial/Industrial Development Ordinance – Article 3 – amend fee schedule for minor commercial/industrial developments.

RE: Text Amendment #A-06-11

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY  
RESOLUTION AMENDING  
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on July 27, 2006, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: That Appendix J, "Commercial / Industrial Development Ordinance", Article 3. FEES be deleted in its entirety and replaced with the following:

The following fees shall be assessed for submission, review and approval of construction plans for commercial/industrial development of real property. (#A-99-10 – 09/07/99; #A-00-13 – 07/17/00)

For development consisting of:

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| 1. less than 2 acres   | \$ 1,000.00  |
| 2. 2 – 4.99 acres  | \$ 1,500.00  |
| 3. 5 – 9.99 acres  | \$ 2,000.00  |
| 4. 10 or more acres  | \$ 2,000.00, plus \$50.00 per acre in excess of 10 |
| 4'. Additions to existing development where the total amount of impervious surface added is less than 5,000 square feet (#A-04-06, 05-03-04) | \$ 500.00  |
| 5. Additions to previously reviewed and approved sites (original site less than 2 acres)   | \$ 500.00  |
| 6. Construction or refurbishment of telecommunications antennas and towers   | \$ 100.00  |
| 7. Utility Installation (#A-04-14, 08-02-04)   | \$ 100.00  |

Section 2: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

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2. Consider on second reading an Ordinance to amend Part IV, Public Works, Section 4-1028 of the Spalding County Code of Ordinances to provide for changes to specifications for driveways.

SPALDING COUNTY, GEORGIA  
AMENDMENTS TO SPECIFICATIONS FOR DRIVEWAYS  
ORDINANCE NO. 2006-04

AN ORDINANCE  
TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, PART IV, PUBLIC WORKS,  
SECTION 4-1028, TO PROVIDE FOR CHANGES TO SPECIFICATIONS TO DRIVEWAYS;  
TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

Section 1. That the Code of Spalding County, Georgia, be amended in Part IV, Chapter 1, Section 4-1028, relating to driveway specifications per the following:

- i. In Section 4-1028 (b)(2), *Driveway pipes or culverts*, the phrase “county roads superintendent” shall be deleted and replaced with the phrase “Public Works Director.”
- ii. In Section 4-1028 (c)(2), *Driveway permits*, the phrase “thirty-five-dollar reinspection fee” shall be deleted and replaced with the phrase “fifty-dollar reinspection fee” in sentences three and four of said paragraph.
- iii. In Section 4-1028 (c)(3), *Driveway permits*, the phrase “thirty-five dollars \$35.00)” shall be deleted and replaced with the phrase “fifty dollars (\$50.00)” in sentence three of said paragraph. The phrase “thirty-five-dollar fee” shall be deleted and replaced with the phrase “fifty-dollar fee” in sentence four of said paragraph.
- iv. In Section 4-1028 (c)(4), *Driveway permits*, in the last sentence of said paragraph the phrase “thirty-five dollars prior” shall be deleted and replaced with the phrase “fifty dollars prior” and the phrase “thirty-five (\$35.00) dollar fee” shall be deleted and replaced with the phrase “fifty (\$50.00) dollar fee”.
- v. In Section 4-1028 (d)(1), *Improperly installed driveways*, the phrase “three hundred fifty dollars (\$350.00) with the roads superintendent” shall be deleted and replaced with the phrase “a dollar amount commensurate to the pipe size required for driveway with the Public Works Director.”
- vi. In Section 4-1028 (e), *Temporary driveway*, the phrase “three hundred fifty dollars (\$350.00) with the roads superintendent” shall be deleted and replaced with the phrase “a dollar amount commensurate to the pipe size required for driveway with the Public Works Director” in the first sentence. In the third sentence of same section, the phrase “three hundred fifty dollars (\$350.00) was deposited so as to be eligible to make application to the roads superintendent” shall be deleted and replaced with the phrase “the dollar amount commensurate to the pipe size required for driveway was deposited so as to be eligible to make application to the Public Works Director.” In the fourth and final sentence of same section, the phrase “three hundred fifty dollars (\$350.00) deposit” shall be deleted and replaced with the phrase “deposit commensurate with the pipe size required for driveway.”

Section 2. The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia; and, upon the erection of signs as required herein by the public works forces of Spalding County, Georgia.

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

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

**XI. OLD BUSINESS**

**XII. NEW BUSINESS**

1. Consider District 3 appointment to Parks and Advisory Commission to fill the unexpired term of Penny Wise, resigned effective 7-13-06, for a term to expire 12-31-2006.

*Commissioner McDaniel said he was not prepared to make this district appointment and he moved to table until such time as he has a replacement. Motion was seconded by Commissioner Davis and carried by a unanimous vote of 5-0.*

2. Consider appointment to Spalding County Board of Health to fill the unexpired term of Ronnie Howard, resigned effective 7-31-06, for a term to expire 12-31-2010.

Ms. Merrilea Reeves and Dr. Charlotte King Eady were both placed in nomination.

*The first nomination for Ms. Merrilea Reeves was approved by a 3-2 vote with Commissioners Davis and Flowers-Taylor voting in opposition.*

3. Consider appointment to McIntosh Trail Community Service Board to fill the unexpired term of Virginia McClairen, resigned July 2006, for a term to expire 6-30-2007.

*Commissioner Davis will get a letter of recommendation from McIntosh Trail for a prospective appointee, and the appointment will be carried forth.*

4. Consider approval of Sketch Plan for a proposed Conservation Subdivision with 25 lots for John Wall located on Tomochichi Road.

Chuck Taylor detailed the plan submitted by John Wall for a proposed conservation subdivision on Tomochichi Road, along with aerial views. There will be 25 lots on 52 acres, with lots ranging from one acre up. This design includes a one-way drive-around that encircles a greenspace area. Staff will ensure the road is wide enough to facilitate good traffic flow and accessibility for emergency vehicles. There will be a one-way-in/one-way-out boulevard entrance with greenspace near the entrance to provide a vista from the road. He pointed out wooded areas and open fields for commissioners. Greenspace will be owned by the homeowners' association. Mr. Taylor said this design effectively utilized this type of narrow, deep lot. As far as house size is concerned, houses within the R-2 district will be 1750 square feet, and everything behind it would be 1500 square feet.

*Commissioner Davis moved to approve the Sketch Plan for Mr. Wall's conservation subdivision, seconded by Commissioner Flowers-Taylor. Motion carried by a 4-1 vote with Commissioner Goss opposing.*

5. Consider approval of Sketch Plan for a proposed Conservation Subdivision with 38 lots for Darrell Whatley located on High Falls Road and Musgrove Road.

Mr. Taylor explained this was a first time use of conservancy lots (there are two in the subdivision). These large tracts look very rural and greenspace is dispersed throughout subdivision. Perimeter greenspace is included in the design, as well. The Planning Commission recommendation for approval stipulates that greenspace will be connected at the north border of lot 38. The development surrounds the outparcels shown. There are 38 lots but only one (lot 36) has direct access to Musgrove Road. Both conservancy lots have access on High Falls Road. Zoning is R-2, so the minimum house size will be 1750 square feet. There is a minimum of one acre, but some tracts will be much larger, such as the conservancy lots. Total acreage is 81.68 acres, and the development does meet County standards.

Commissioner Flowers-Taylor was concerned that lots from #2 on, located along the top tier, lack greenspace. There is ample greenspace elsewhere, but it may not be readily accessible to these lots. Greenspace around the conservancy lots counts toward total requirement but is part of the conservancy lots. There is other greenspace for common areas, as well. Commissioner Flowers-Taylor didn't like the design. There is a house currently on Lot 38, and she would like to move this entire lot southerly to shift greenspace so as to make a buffer between Lots 38 and 19.

Commissioner McDaniel felt this design is a good use of greenspace and was not sure how to work more buffer into the upper section without losing a lot or two. With a great many breaks in the design of the conservation subdivision, it almost looks as though it came right out of Mr. Aaron's book. There is a rather large lake in the middle of the 7.45 acres just south of Lot 38. The only entrance comes off Musgrove Road, and access easements to greenspace areas are possible.

*Commissioner McDaniel moved to approve with a requirement to connect the greenspace from the western boundary to the northern boundary of Lot 38 and work with developer to see if more greenspace can be obtained along the top tier of lots in the development. Commissioner Davis seconded, and the motion carried by a 3-2 vote with Commissioners Flowers-Taylor and Goss opposing.*

6. Consider on first reading an Ordinance to amend the Motor Vehicles and Traffic Code of Spalding County to provide for School Zones and Speed Limits therein for Kennedy Road Middle School.

*Commissioner Davis moved to approve on second reading the Ordinance to amend the Motor Vehicles and Traffic Code to provide for School Zones and Speed Limits for Kennedy Road Middle School, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 5-0.*

7. Consider approval of 2006 LARP Contracts with the Georgia Department of Transportation LAR06-S009-00(087)C1, LAR06-S009-00(088)C1 and PR000-S009(616)C1.

Mr. Wilson said these contracts are for resurfacing scheduled for the fall.

*Commissioner McDaniel moved to approve the above-mentioned contracts as presented, seconded by Commissioner Davis, and motion carried by a vote of 5-0.*

8. Consider on first reading an Ordinance to amend the FY 2007 Budget Ordinance to provide for receipt of ACCG Health and Wellness Grant funds.

*Commissioner Davis moved to approve on first reading an Ordinance to amend the FY 2007 Budget Ordinance to provide for receipt of ACCG Health and Wellness Grant funds, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.*

9. Consider on first reading an Ordinance amending the FY 2007 Budget Ordinance to provide for reappropriation of unexpended Wellness Grant funds from FY 2006.

*Commissioner Davis moved to approve on first reading an Ordinance amending the FY 2007 Budget Ordinance to provide for reappropriation of unexpended Wellness Grant funds from FY 2006, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.*

10. Consider on first reading an Ordinance to amend the FY 2007 Budget Ordinance to provide for 2006 outstanding encumbrances.

*Commissioner Davis moved to approve on first reading an Ordinance to amend the FY 2007 Budget Ordinance to provide for 2006 outstanding encumbrances, seconded by Commissioner Flowers-Taylor, and motion carried by a unanimous 5-0 vote.*

11. Consider on first reading an Ordinance to amend the FY 2007 Budget Ordinance to provide for reappropriation of funds from the sale of property off Cowan Road to MEAG Power.

Mr. Wilson noted these funds would be for establishment of trails at Wyomia Tyus Olympic Park.

*Commissioner McDaniel moved to approve on first reading an Ordinance to amend the FY 2007 Budget Ordinance to provide for reappropriation of funds from the sale of property off Cowan Road to MEAG Power, seconded by Commissioner Davis, and motion carried by a unanimous 5-0 vote.*

12. Consider rescheduling September meetings due to observance of Labor Day holiday.

Extensive discussion was held with several alternatives being explored.

*Commissioner Goss moved to reschedule September meetings as follows: the September 4<sup>th</sup> meeting will be rescheduled to September 11<sup>th</sup>, and the September 18<sup>th</sup> meeting will be canceled. Commissioner Davis seconded the motion which carried by a vote of 5-0.*

13. Consider recommendation that the U.S. Board on Geographic Names approve the proposed naming of a 2.5 mile tributary of Buck Creek as "Rehoboth Baptism Branch."

*Commissioner Davis moved to approve the proposed naming of a 2.5 mile unnamed tributary of Buck Creek as "Rehoboth Baptism Branch," seconded by Commissioner Flowers-Taylor, and motion carried by a unanimous 5-0 vote.*

14. Discuss correspondence from the City of Griffin regarding East Griffin street lighting.

Mr. Wilson said he had been notified by Hugo Hodge, Director of MEAG/City of Griffin Power, that security lights on fourteen streets will be disconnected if the expense for same is not assumed. The County can treat this section of streets as a streetlight district with the cost being assessed to property owners on their tax bills, which would require 66% approval from residents. If approved, the City would install brand new high pressure sodium lights. If not approved, the lights will be disconnected if the County does not want to assume payment. The lights were previously paid by Springs Industries, and the City cannot continue to fund them, so they are requesting assistance. Mr. Wilson recommended contacting property owners to see if there is an interest in establishing a streetlight district.

*Commissioner Davis moved to proceed with contacting property owners to explore the possibility of establishing a streetlight district for these 14 identified streets, seconded by Commissioner Flowers-Taylor. The motion carried by a unanimous 5-0 vote.*

15. Chairman Freeman desires the Board consider disbanding the 800 MHz Communications Study Committee and establish in its stead a Task Force.

Chairman Freeman thanked the 17-member Communications Study Committee for their hard work to date in developing an RFP for the 800 MHz Radio System, and he read a prepared statement. He appreciated their keeping an aggressive timeline with meetings and activities, as well as taking a considerable amount of time to educate themselves in the process. He expressed gratitude for their recommendation of a knowledgeable consultant to assist. Chairman Freeman then noted that, with the important preliminary work completed by the Communications Study Committee, and considering the upcoming difficult task of reviewing and understanding the responses from vendors, the Board should dissolve the Communications Study Committee and create a Communications Task Force. This Task Force would be made up of individuals who have expertise in the communications and public safety fields, and he recommended members as follows: Edward Goss, Jr., County Commissioner; Sheriff Dee Stewart; County Fire Chief Chipper Gardner; James Campbell, County At-Large Appointee to the Communications Study Committee; City Fire Chief Tommy Jones; City Police Chief Frank Strickland; and Brett Lavender, City At-Large Appointee to the Communications Study Committee. These individuals have the type expertise needed on this Task Force, and Chairman Freeman was sure the County would respect their collective judgment and recommendations. The Task Force should be charged with working through the selection, implementation, testing and final acceptance processes. The Board should receive from them recommendations for action in all the mentioned areas. Also, the Communications Task Force should make recommendations regarding the communications system's management and maintenance, as well as standard operating procedures. He noted the County might find it beneficial to keep this Communications Task Force in place to monitor the communications system's long-term use and to make recommendations on issues that arise regarding the communications system.

*Commissioner Goss made a motion to disband the 800 MHz Communications Study Committee as detailed and establish a task force with the names identified by Chairman Freeman: Edward Goss, Jr., Dee Stewart, Chipper Gardner, James Campbell, Tommy Jones, Frank Strickland, and Brett Lavender. Commissioner Flowers-Taylor seconded the motion for discussion.*

Commissioner Flowers-Taylor stated that, while it was true the committee is too large and has been somewhat destructive, they have done some good work. She was not sure that leaving those out who have been stakeholders since the beginning of the process would be beneficial, and she was not certain what that would accomplish. The Communications Study Committee made recommendations to the Board for the RFP, and the Board of Commissioners didn't like some aspects and changed some criteria. To make such changes is the right of this Board, whether the recommendations are made by a committee or a task force. At this point, with only two vendors remaining, this issue appears to her to be a moot point. To disband and reappoint a Task Force would simply make the County go through much more trouble for nothing and cause more delays. She was not in favor of delaying the process any longer when it appeared to serve no purpose.

Commissioner Davis agreed and read the opinion from County Attorney James Fortune, Jr. stating that dissolution of the Communications Study Committee, established by the Board of Commissioners to define the 800 MHz radio system standards and make recommendations throughout the process. It was Mr. Fortune's opinion that the Committee would serve until the completion of their term or the completion of their duties. From reviewing the resolution that created the committee and established the timetable for their activities, it was clear the committee was expected to remain in existence up until the time the committee had reviewed all the responses received from the Request for Proposal and reached a consensus as to which radio system would be the best. Once the committee has made a recommendation to the County Commission, that would signal the end of duties for which they were appointed. Anyone on the committee would be entitled to a hearing prior to being removed, even if they were being removed for malfeasance. Mr. Fortune further opined that any removal would have to be for cause.

Commissioners Goss and Flowers-Taylor asked how Mr. Fortune ascertained the functions of the committee, and Mr. Fortune produced the initial memo from Mr. Wilson which detailed the makeup of the committee, its duties, and a timeline for completion of duties. There followed extensive discussion about their duties and the politics of the process in general.

Chairman Freeman said he had talked with ACCG, who advised him the Board created the committee and could, therefore, disband it.

Commissioner McDaniel felt the Board might have had the power to change the criteria of the RFP when they altered the two issues of coverage requirement and Project 25 compliance, but they also had the responsibility to do the right thing which was to leave the requirements as presented when citizens voted on the referendum. Commissioner McDaniel felt the Board did not act with that responsibility in mind and had stepped over the line. He further felt it was improper to present a slate of recommended people for a new task force without opportunity for input from other commissioners, even if the disbanding should occur. Commissioner McDaniel felt County Attorney

Fortune, who worked for the County and not ACCG, has advised this would not be proper, and he urged fellow commissioners to leave the committee alone and allow it to follow its due course to completion of its responsibilities.

Chairman Freeman said this committee's process, unlike most committees, had not run smoothly, due primarily to the fact that one or two people were disruptive. Politics certainly played a part.

Commissioner McDaniel said this issue basically could be boiled down to personalities. He said there were obviously some people on this committee that do not do things the way Chairman Freeman wants them done, so he would like to take them out of the picture.

Chairman Freeman said the City Commissioner on this committee was a politician, but others were not. There were three members of the committee who wanted to vote to control everything, and he asked what that sounded like.

Commissioner McDaniel replied it sounded like the Board of Commissioners.

Commissioner Flowers-Taylor said the minority in split decisions would always feel resentful, but this should not be a factor in this decision. She reminded commissioners to stay on task. Obviously there was a personality conflict, and probably something more, but she felt the Board was proper in making some changes themselves to the RFP in the process. The committee is a recommending board, but the final decision rests with the Board of Commissioners. She did feel, however, that the stakeholders in the process – the Committee members – were not only valuable parts of the process but taxpayers, as well, and should not be looked over.

Commissioner Davis called the question.

Commissioner Goss continued, stating that when the vote was 3-2 a couple of years ago with different alliances, that seemed fine at the time but not now with this board's makeup. He wondered why it was acceptable for Mr. Morrow to come before this Board and criticize Mr. Macke, then state he had no proof of the allegations he made. He and Commissioner Flowers-Taylor had spoken with many of the committee members and none of them had complained about Mr. Macke. He asked if they were in attendance tonight to please stand and state their objections. He felt the committee needed to be disbanded and replaced with people not interested in politics, and he again said he was not sure the duties of the committee were not already complete.

Mr. Fortune again reiterated the initial memo from Mr. Wilson which detailed the makeup of the committee, its duties, and a timeline for completion of duties, all of which were approved at the January 23, 2006 Board of Commissioners meeting along with the County Commissioner appointee, Mr. Goss, and the County At-Large appointee, Mr. Campbell. He felt it was the responsibility of the committee to do the initial legwork and make a recommendation to the Board.

Chairman Freeman said he would have no problem with that as long as there was not all this disruption and misinformation. The newspaper and radio constantly had information about the process and the problems.

Commissioner Flowers-Taylor said she was very disappointed because the members of the committee seemed to make a big effort to discredit the consultant the Board chose. Obviously, this has been counterproductive to the process to make allegations against the consultant and not let the process work. As a result, this Board has been accused of making bad decisions before the process has even been completed. She used the analogy of the City's computer system debacle and said the County hasn't even gotten to that point, but the County Commissioners are being ravaged. If disruptive members of the committee cannot stay on task, she urged them to get off the committee. She felt they had already wasted too much time on this issue, and she called the question.

Chairman Freeman continued, saying they would end up with the same problems as now.

Commissioner Davis noted for the Chairman that the question had been called.

Chairman Freeman said he would do that when he finished talking.

Mr. Fortune said the Board had to take a vote when the question was called.

Chairman Freeman said Commissioner Davis interrupted when he was talking, and he was going to finish.

Commissioner Goss told Mr. Freeman he was the chairman.

Mr. Fortune said he could do that but when the question was called, a vote had to be taken.

Chairman Freeman said no one who was disruptive was going to voluntarily get off the committee. Mr. Morrow certainly would not because he was the kingpin.

*Chairman Freeman called for the vote, and the motion failed by a vote of 2-3 with Commissioners Flowers-Taylor, McDaniel and Davis opposing.*

16. Consider request of Commissioner McDaniel to amend the Multi-Site 800 MHz Trunked Radio System RFP #06-02 to require as mandatory APCO Project 25 CAI (Common Air Interface) Standard compliance with migration to Phase Two standards when implemented.

Commissioner McDaniel said he had asked to be put on the agenda for two reasons. First, he wanted to honor Chief Strickland's request and honor his commitment to voters in that APCO 25 be a requirement. The object of making Project 25 desirable instead of mandatory was to open up the bidding process but we are now down to 2 vendors anyway. To return to making APCO 25 mandatory with a Common Air Interface (CAI) just provides a standard to hold the vendors to and does not lock the County into one vendor. Voters have the perception this should be mandatory because it was mentioned in pre-referendum documentation relative to the SPLOST. He signed the resolution as did other commissioners, and he personally considers it a matter of his honor and integrity to uphold the document he signed. Secondly, without APCO 25 compliance, it was clear the County could lose the \$500,000 grant from Homeland Security. This criteria needs to go back in as mandatory, and it doesn't hurt anyone in the process. His recommendation would include a provision to migrate to Phase 2 standards when implemented.

*Commissioner McDaniel moved to amend the Multi-Site 800 MHz Trunked Radio System RFP #06-02 to require as mandatory APCO Project 25 CAI (Common Air Interface) Standard compliance with migration to Phase 2 standards when implemented. Commissioner McDaniel amended his motion to reflect this should be designated as a minimum standard. Commissioner Davis seconded the motion.*

Some discussion was held regarding changing technology. The County could certainly not wait for technology to stop changing to purchase a system. Chairman Freeman responded they were just going to make sure they got the right system. The consultant would ensure the vendors supplied whatever the County needed in the RFP.

Then why not put this criteria in as a minimum, surmised Commissioner McDaniel. This would cover all bases for responsibility to what was represented to voters in the SPLOST approval process. This would serve to clear up the confusion that currently exists, and both vendors can still compete on a level playing field. The County won't lock itself into one proprietary system by any vendor. Personally, he would have to see a good argument not to reinstate this compliance as a minimum. More discussion followed.

Commissioner Flowers-Taylor said the ballot she voted made no mention of coverage percentages or mandatory APCO 25 standards. Commissioner Davis noted the commissioners all signed an agreement for proper use of the SPLOST funds collected that did reflect those standards which were contained in pre-referendum literature.

Commissioner Flowers-Taylor said she made the motion herself to make these changes to the RFP in hopes of engaging more vendors, but now the County is in the position of having all drop out of the bidding process except for two. If both have the capability of bidding APCO 25 compliant systems with migration to Phase 2 options, then she has no problem with this motion.

Commissioner Freeman read, for the record, a statement taken from an email from the consultant: "The first priority of federal funding for improving public safety communications is to provide basic, operable communication within a department with safety as an overriding consideration. Funding requests by agencies to replace or add radio equipment to an existing, non-P 25 system will be considered if there is an explanation as to how the radio system will allow for improving interoperability or eventual migration to interoperable systems. SAFCOM guidelines do not preclude funding of non-Project 25 equipment when there are compelling reasons for using other solutions. Absent these compelling reasons, SAFCOM contends that Project 25 equipment will be preferred for digital systems to which the standard applies. The LETTP Project does not provide improved interoperability, as well as a new ISSI standard compliance, which will ensure future interoperability and allow the other counties to purchase whatever system they decide, allowing future innovations to serve the public safety communities." Chairman Freeman felt the County owed it to the vendors to see what they had to offer before making a judgment. In order to do this, he felt they should wait on the consultant to do what he is paid to do.

Commissioner Goss said the consultant was presently at a conference for APCO to see what was coming out that might be new. He felt the County should wait for him to return and listen to his report from the conference. To vote tonight, in his opinion, would be jumping the gun. The consultant had told the Board he preferred to see the standard made desirable, and he was not present tonight when they might change it again. The County hired him to do a consulting job, but the Board is trying to do exactly what some members of the committee have done, and that is to do the consultant's job for him. Commissioner Goss felt this would be a mistake.

Commissioner McDaniel said he could not imagine that the people at an APCO conference would instruct the County to not make their standard a mandatory minimum and direct us elsewhere, so why not go ahead and approve this return to the original standard.

Commissioner Goss said Commissioner McDaniel was trying to turn everything around.

Commissioner Flowers-Taylor said the bid process has been extended for two weeks, so any addendums should be made quickly before the process is concluded. If the County continues to wait and doesn't amend the RFP until too late, the whole process will be delayed and probably started all over again unless they just want to choose from whatever is submitted. She asked when Chairman Freeman and Commissioner Goss proposed to hear something from the consultant. Vendors bidding on this \$10 million project would have to exist in a vacuum to not know about all the confusion and problems over this issue. If all is left is two vendors, they can both bid APCO 25 compliant systems, so she felt this did not hurt the process at all. Perhaps some of the fighting and bickering will cease. Further, if it will guarantee some assurance in the future when Phase 2 is implemented, she saw no need to fight it.

Commissioner Goss noted that to make it mandatory would mean the County would get that type system even though something better may be available.

Commissioner McDaniel noted this would be noted as a minimum standard.

Commissioner Goss noted it would be a mandatory minimum standard.

Commissioner McDaniel called the question.

*The motion carried by a vote of 3-2 with Chairman Freeman and Commissioner Goss opposing.*

17. Commissioner Flowers-Taylor would like to discuss substandard housing in areas east and north of Griffin.

Commissioner Flowers-Taylor said she wants to charge Community Development with finding the most stringent ordinance they can locate as a beginning point, and then work backward if they so desire, to deal with substandard housing in the County. The County needs to do more to encourage a healthy, clean, standard of living, particularly with the influx of new residents and growth in the County. She elaborated on instances of substandard housing as Community Development Director Chuck Taylor showed slides of pictures that she has taken recently.

Commissioners Davis and McDaniel saw no problem with looking at developing such an ordinance. There is an unsafe building ordinance in place but there is a definite need to do more. Perhaps they can also look at redefining the term unsafe. Chairman Freeman, also in favor, said there will need to be some teeth in the ordinance for landlords to comply since a great deal of these properties are occupied by tenants renting rather than owning the dwellings. Commissioner Flowers-Taylor suggested they look at the City of Griffin's ordinance as they have some very specific language contained in their ordinance.

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

- The tax digest has been approved and bills will be mailed out on September 15, 2006 with a due date of November 15, 2006.
- The Wastewater Management Plan will be up for adoption at the next meeting.
- The County was approached by Alan Mobley earlier this year about the possibility of paving East Maddox Road to the site of his development. The County has obtained cost estimates for paving, utility relocation, etc. Mr. Mobley will be asking that the Board consider allowing him to pave the road at its current width at their September meeting.
- The Boy Scouts of America have an annual event at Cherokee Rose. APAC provides directional temporary signs for the weekend event each year, and the group needs permission from the Board to place the signs on the right of way, as they have in years previous. The general consensus of the Board was to grant permission again this year.

## **XIII. REPORT OF COMMISSIONERS**

### **Goss:**

No comments.

### **Davis:**

No comments.

### **Flowers-Taylor:**

No comments.

**McDaniel:**

His concern over the last 2-3 meetings where developers are requesting approval for conservation subdivisions is that perhaps they are starting to migrate to the lowest common denominator. Mr. Taylor advised that an ordinance amendment should make its way up through the system in September that may place more stringent requirements to help in this area.

Commissioner McDaniel inquired about the status of the animal restraint districts. The draft map is still in the Chairman's office for review. Mr. Wilson said he would bring it back up but encouraged commissioners to provide any input they desired. Mr. Wilson advised he would ask Bill Moore to print out full size maps of each district so that the streets would be more legible for commissioners, as well.

**Freeman:**

No comments.

**XIV. CLOSED SESSION**

- 1. Commissioner Flowers-Taylor requests a Closed Session to discuss the acquisition of real estate.

*Commissioner McDaniel moved to adjourn to Closed Session, seconded by Commissioner Davis, and motion carried by a unanimous 5-0 vote at 8:42 p.m.*

**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 August 7, 2006.

2.

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

3.

The executive session was called to order at 8:42 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:

Yes 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);

No 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 7<sup>th</sup> day of August 2006.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 7<sup>th</sup> day of August 2006.

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

Gwen Flowers-Taylor (L.S.)

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

Edward Goss, Jr. (L.S.)

My commission expires:  
March 3, 2007

Johnie A. McDaniel (L.S.)  
Cecil L. Davis (L.S.)

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*Commissioner Flowers-Taylor moved to adjourn Closed Session and reconvene to Open Session, seconded by Commissioner Davis, and motion carried unanimously at 5-0 at 8:59 p.m.*

**XV. ADJOURNMENT**

*Commissioner Davis moved to adjourn, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote at 9:00 p.m.*

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

\_\_\_\_\_  
Chairman