

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, October 2, 2006 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 p.m. Chairman Eddie Freeman presided and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss and Johnie McDaniel were present. Also present were County Attorney James Fortune, County Manager William Wilson, Assistant to the County Manager Paul Van Haute, and Teresa Watson to record the minutes.

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

II. INVOCATION – Commissioner Johnie McDaniel

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

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

Reese Simmons and Phillip Simmons were recognized by the Chairman and provided with Spalding County pins; they were attending as Boy Scouts for merit badge projects.

Lanier Boatwright, Executive Director of McIntosh Trail RDC presented an award from the National Association of Development Organizations, which represents all RDCs in the nation. This national award recognized the bacterial source tracking project on Potato Creek for innovation and excellence that the County had participated in over the past few years.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statement for two months ended August 31, 2006.

Motion to approve the Financial Statement for two months ended August 31, 2006, by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor. Motion carried by a 5-0 vote.

VI. CITIZENS COMMENTS – N/A

VII. PUBLIC COMMENT

Andy Harris, 45 Ellis Circle, Griffin, Georgia

Mr. Harris, who owns Beacon Security, advised he was told he won the bid for the Parks and Recreation alarm systems in March 2006 but could not say who told him he won. Now the department has rebid the project, canceling out the first bid. He inquired as to why this occurred and why he was not asked to bid on the recent change in the Courthouse Annex alarm system.

VIII. MINUTES

1. Consider approval of the minutes of the September 11, 2006 Regular Monthly Meeting and the September 28, 2006 Zoning Public Hearing.

Commissioner McDaniel moved to approve both the September 11, 2006 Regular Monthly Meeting and the September 28, 2006 Zoning Public Hearing, seconded by Commissioner Goss. Motion carried by a vote of 5-0.

IX. CONSENT AGENDA – N/A

X. OLD BUSINESS

XI. NEW BUSINESS

1. Consider approval of Memorandum of Agreement with Public Defender in lieu of Standard Contract for personnel.

Mr. Wilson advised this agreement incorporates the total budget for the Public Defenders Office; the agreement is merely a formality to confirm concurrence with all budgeted amounts noted in the FY 2007 budget process. Chairman Freeman asked about several issues. Mr. Wilson said he would convey to Ms. Garrison the need for more information and greater research prior to next year's budget negotiations for the Office of Public Defender. Discussion followed regarding indigent defense which is a major expense for the County.

Motion to approve Memorandum of Agreement with Public Defender in lieu of Standard Contract for personnel was made by Commissioner Davis, seconded by Commissioner McDaniel. More discussion followed. Motion carried by a vote of 3-2 with Chairman Freeman and Commissioner Goss opposing.

2. Consider approval of a new Alcohol License for 2006 – Retail Sale of Beer – for the following: Gerardo & Blanca E. Santos, d/b/a Los Maizales (a convenience store) opened March 15, 2006 at 48-A Malier Road.

Mr. Wilson advised all criteria have been met.

Commissioner Davis moved to approve a new Alcohol License for 2006 – Retail Sale of Beer – for the following: Gerardo & Blanca E. Santos, d/b/a Los Maizales (a convenience store), seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 4-1 with McDaniel opposing.

3. Consider approval of request from Henry County Shrine Club for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for a charity event on November 11, 2006 at Math Field.

Commissioner Davis moved to approve request from Henry County Shrine Club for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for a charity event on November 11, 2006 at Math Field, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 4-1 with Commissioner McDaniel opposing.

4. Consider approval of request from Humane Society Griffin-Spalding County, Inc. for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for a charity event on November 4, 2006 at The Pavilion.

Commissioner Davis moved to approve request from Humane Society Griffin-Spalding County, Inc. for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for a charity event on November 4, 2006 at The Pavilion, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 4-1 with Commissioner McDaniel opposing.

5. Consider approval of Agreement for Inmate Work Detail for Fayette County.

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

THIS AGREEMENT is entered into this 2nd day of October, 2006, by and between SPALDING COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as the "Spalding County"), and Fayette County, Georgia, a 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 public works projects of Fayette County, Georgia, Department of Public Works. 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:

Fayette County, Georgia
For: Public Works Department Work Detail
115 McDonough Road

Fayetteville, GA 30215

However, the Agency will not have to pay this amount for any day in excess of twenty-five (25) days per year that the Detail does not perform services for the Agency as required by this contract. That is to say, the Agency will pay for the first twenty-five (25) days that the Detail does not provide services to the Agency as required by the terms of this contract. Beginning with the twenty-sixth (26th) day that the Detail does not perform services for the Agency as required under this contract, there shall be no obligation for the Agency to pay for services not rendered.

- 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 16th day of October, 2006, and ending the 15th day of October, 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:

Fayette County, Georgia
Board of Commissioners
115 McDonough Road
Fayetteville, GA 30215

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: Fayette County, Georgia
SCCI WARDEN:
SPALDING COUNTY:

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
\$ 11,175.00

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 Agreement with Fayette County, seconded by Commissioner McDaniel. Motion carried by a vote of 4-1 with Flowers-Taylor opposing.

6. Consider approval of final plat for Flint Mill Estates located off South Sixth Street Extension.

Mr. Wilson advised all criteria have been met.

Commissioner McDaniel moved to approve the final plat for Flint Mill Estates, seconded by Commissioner Davis. Motion carried by a vote of 5-0.

7. Consider acceptance of right-of-way (ROW) deed for Waverly Drive, Millstream Court and Greystone Court located in Flint Mill Estates Subdivision off South Sixth Street Extension.

Commissioner Davis moved to accept the right-of-way deed for Waverly Drive, Millstream Court and Greystone Court, seconded by Commissioner McDaniel. Motion carried by a vote of 5-0.

8. Consider District 2 appointment to Spalding County Parks and Recreation Advisory Commission to fill the unexpired term of David English, who resigned September 15, effective immediately, for a term to expire December 31, 2006.

Commissioner Davis said he would normally make this district appointment but since the appointee would only serve for two meetings until December 2006, and because Commissioner Davis' term is almost expired as well, he moved to table this appointment until January 2007 when the new commissioner would be in office for this district. Commissioner McDaniel seconded, and motion carried by a vote of 5-0.

9. Consider approval of Memorandums of Agreement between Parks and Recreation and: 1) Spalding County Board of Health for School Break Program, and 2) Spalding County Board of Health for After School Academic Enrichment Program.

Mr. Wilson advised these were the same programs as proposed and executed last year.

Commissioner McDaniel moved to approve both Memorandums of Agreement between Parks and Recreation and: 1) Spalding County Board of Health for School Break Program, and 2) Spalding County Board of Health for After School Academic Enrichment Program, seconded by Commissioner Goss. Motion carried by a 5-0 vote.

10. Consider bids for relocation of approximately 7385 linear feet of water main for the SR 155 passing lane improvements.

Mr. Wilson said three bids were received and detailed the bids for each.

Commissioner McDaniel moved to approve the low bid of TLC Lawn Care for relocation of approximately 7385 linear feet of water main for the SR 155 passing lane improvements not to exceed \$518,239, seconded by Commissioner Davis. Motion carried by a vote of 5-0.

11. Consider, on first reading, Resolution amending § 2-1005 of the Spalding County Code of Ordinances.

Mr. Fortune stated this proposed amendment will bring policies and procedures in line with Spalding County Code. It simply reconciles the two which have heretofore provided for differing positions.

Commissioner McDaniel moved to approve on first reading Resolution amending § 2-1005 of the Spalding County Code of Ordinances, seconded by Commissioner Goss. Motion carried by a vote of 5-0.

12. Commissioner Flowers-Taylor desires to discuss rezoning of East Griffin area surrounding old mills from predominately C-2 Industrial to Residential.

A constituent in her district has a store on her property but failed to get her business license renewed. Her grandfathering status for the store lapsed when she did not renew during her illness. All this area around the mill there is zoned commercial but it is, in fact nothing but residential. Commissioner Flowers-Taylor feels it is inappropriately zoned and inquired if something could be done to bring the zoning in line with the residential nature of the area. The Board can initiate a rezoning request to begin process of bringing properties in line with other residential areas. Mr. Wilson will get Community Development to work with Commissioner Flowers-Taylor and get more detailed maps to view of the area, as well.

XII. REPORT OF COUNTY MANAGER

- Bill Beck advises that on Sunday, October 22, from 2-5 p.m. at 515 West Poplar Street there will be an Open House for the Spalding County Athletic Hall of Fame.
- Not enough affirmative responses for the East Griffin streetlight district have been received, so Mr. Wilson will notify the City for disconnection of the streetlights that were identified in the City's correspondence to the County previously. Discussion followed. Commissioner Flowers-Taylor requested, and Ms. Watson provided, a copy of all correspondence and mailing list regarding same.
- The Tony Hawk Grant for \$20,000 has been applied for, and a copy provided to commissioners, for assistance with partial funding for construction of the proposed skate park.
- The Middle Georgia Community Action Agency needs space for a program determining eligibility for utility assistance. Nothing is available at the Senior Center, Parks and Recreation or City Park. They had heard the County owned a shopping center and wondered if the Board would like to donate nine months rent and utilities for program. County Attorney advised this would probably constitute a gratuity and would, therefore, be inappropriate. Last year the closest office was in Pike County for providing both heating and cooling assistance on a regular work week basis of five days a week for nine months. Mr. Wilson will email City Manager Kenny Smith to get his input, as well, considering that Commissioner Flowers-Taylor felt the City Police Department building on West Poplar Street might be a viable option.
- Mandated training for about 60 people is being planned with Two Rivers R C & D for November. A memo was placed in commissioners' boxes regarding this fundamentals course for certification of persons involved in land disturbing activity.
- East Maddox Road. Alan Mobley will be paving his portion of the road to his development, and two other property owners would like permission to pave in front of their homes to the same County specs at current width. Commissioners consented, and Mr. Wilson will follow up with the property owners.
- The next Board of Commissioners meeting is on October 16, 2006. Chairman and Ms. Watson will both be absent next week, as will other commissioners, so preagenda cannot be executed for that meeting. Commissioners elected to move the October 16, 2006 meeting to October 23, 2006 to accommodate scheduling.

XIII. REPORT OF COMMISSIONERS

Goss – No comments.

Flowers-Taylor – She inquired if anyone other than she would like to see the County Attorney draft a spay/neuter ordinance. Commissioner Davis said he had no objection. Commissioner Goss favors restraint zones but hasn't had favorable comment on spay/neuter program from anyone in his district. He feels it will be hard to enforce but has no problem with the County Attorney creating a draft; however, he is not ready to commit to it currently. Chairman Freeman concurred with Commissioner Goss that restraint districts should be the focus now and the spay/neuter program later – he felt they should do one thing at a time. Commissioner Davis said he would like to see a draft ordinance and they could proceed from there. Commissioner McDaniel reminded they should look at something beyond an ordinance – implementation of the plan is important, and the County doesn't have staffing personnel currently in place. Commissioner Flowers-Taylor said she didn't want to encumber Mr. Fortune if there is not a serious intent to review on the part of other commissioners. Next, she agreed with residents last week that zoning signs are not reader friendly. The print is too small – maybe a bigger sign or one more legible without having to pull your car off road would be safer and more accepted. Commissioner Goss said many residents in the rezoning issue on Teamon Road were unaware of the application, so perhaps a larger sign or maybe notification of residents other than just those adjacent to the property would be

appropriate. Mr. Wilson advised the County has gone through this sign and notification issue many times in years past. The current sign meets the minimum criteria of the zoning procedures act and are easily erected and taken down. The County has run the gamut over the years to fine tune the process. The zoning procedures act requires notification of all contiguous parcels, so only the two so affected by the Teamon Road request were notified.

Davis – No comments.

McDaniel – Animals on Parks and Recreation property are posing a problem. All public parks are declared animal restraint districts. The problem is with dogs on the walking track. Our Ordinance says no animal shall be within 15 feet of playing boundaries. If the playing field is enclosed by a fence, the animal cannot be inside the fence. This is enforceable, but rules adopted by Parks and Recreation are not as enforceable by law enforcement personnel. He would like the Board to consider restricting animals from parks which would provide for easier, more definitive enforcement. Animals can pose a hazard to pedestrian traffic and also pose a health risk. Some discussion followed. The rules and ordinance are in conflict, and he would like to see the issue resolved.

Freeman – No comments.

XIV. CLOSED SESSION

1. County Manager requests a Closed Session to discuss the acquisition of real estate.

Commissioner Davis moved to enter closed session, seconded by Commissioner McDaniel. Motion carried by a vote of 5-0 at 7:31 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. Spalding County Board of Commissioners met in a duly advertised meeting on October 2, 2006.

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

3. The executive session was called to order at 7:31 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 2nd day of October 2006

Spalding County Board of Commissioners

Sworn to and subscribed

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

Before me this 2nd day of October 2006

Cecil L. Davis (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.)

Commissioner McDaniel moved to adjourn closed session and reconvene to open session, Second by Commissioner Flowers-Taylor at 7:55 p.m.

XV. ADJOURNMENT

Commissioner McDaniel moved to adjourn, seconded by Commissioner Flowers-Taylor, at 7:56 p.m. Motion carried by a unanimous 5-0 vote.

County Clerk

Chairman

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