

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their Extraordinary Session on Monday, November 20, 2006 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 Flowers-Taylor. Also present were County Manager William Wilson, Jr., Assistant to the County Manager Paul Van Haute, Administrative Services Director Jinna L. Garrison, Community Development Director Chuck Taylor, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

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

II. INVOCATION – Commissioner Johnie McDaniel

III. PLEDGE TO FLAG – Led by County Attorney James R. Fortune, Jr.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider Proclamation declaring November 17-23, 2006 as Farm-City Week in honor of all those who collectively work to achieve an abundance of quality agricultural products.

Commissioner McDaniel moved to approve Proclamation declaring November 17-23, 2006 as Farm-City Week in honor of all those who collectively work to achieve an abundance of quality agricultural products, seconded by Commissioner Davis. Motion carried by a unanimous 4-0 vote.

Chairman Freeman presented the Proclamation, provided by Farm Bureau, to Barbara Kreider, President of Farm Bureau of Spalding County.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider Financial Statements for the Four Months Ended October 31, 2006.

Commissioner Davis moved to approve the Financial Statements for the Four Months Ended October 31, 2006, seconded by Commissioner McDaniel. Motion carried unanimously at 4-0.

VI. CITIZENS COMMENTS

VII. PUBLIC COMMENT

Virginia Keller, Spay Georgia, 1555 Robin Hill Drive, Norcross, Georgia

People get somewhat squeamish about spaying and neutering, but this is a real problem. Ms. Keller advised that hoarding is becoming a real problem as a result of overpopulation, often with people who are least able to house large numbers of animals. There is a real need to stop large numbers of animals being destroyed. Animals are not just property and she urged the Board to realize these animals provide an enhanced quality of life and actually provide health benefits. Ms. Keller strongly urged commissioners to keep open minds to the seriousness of the problem. She pulls dogs from this facility and others, and she noted that 100,000 cats and dogs in the greater Atlanta area are killed each year, which is a tragic waste of animal life and taxpayer money.

Kathy Noble, 876 Musgrove Road, Griffin, Georgia

She supports the program but from a different perspective. Her daughter is a runner and needs protection from neighborhood dogs, and this has become a safety issue. Dogs are pack animals and tend to congregate when not restrained. She would like to see both restraint and spay/neuter issues addressed. From a practical standpoint, for those who properly restrain and/or alter their animals, the system and government would not become involved and would, in fact, never know the status of their animals. It is the irresponsible owners who have unrestrained dogs that become vicious and are the target of this program. She concluded that hers is a nice rural neighborhood and people should be able to walk or run in it.

Kelly Palmatier, 450 Malier Road, Griffin, Georgia

Ms. Palmatier presented revisions to the proposed spay/neuter proposal due to much feedback and professional input recently. One revision addressed lower pet licensing fees. Differential licensing has been successfully used elsewhere in various counties but some felt introduction of a license fee for altered pets was tantamount to punishing the responsible pet owners, so they elected to lower it to only \$8 per year which can easily be handled by most pet owners. Secondly, for unaltered pets, spaying and neutering is best and she felt they had dispelled some myths. Some still believe these myths and as a compromise, they suggest lowering the unaltered pet license to \$45 per year. This is still small enough to be absorbed by most pet owners for this important issue. Next, the sterilization fund aided by donations was still recommended – the Spay Spalding fund. She noted that funding options, i.e. grants, the already-offered Humane Society donations, etc., were also available.

Ms. Palmatier concluded that appropriate restraint, independent of the spay/neuter issue, was important and she understood the Board will address this matter soon. However, she did not want to see, as a result, the cruel practice of chaining which causes aggressive behavior and is inhumane. She hoped Spalding County will follow the lead of many other counties and add the notation that chaining or tethering can only be used as temporary measure. The Animal Welfare Act of 1997 disallows chaining/tethering. In an effort to ensure the public knows and understands these issues, she offered to record PSAs and promote the program free of charge. She has researched other counties' ordinances and there is much support with over 1100 signers to the petition. She and others in attendance united to encourage the Board to schedule a Spay/Neuter Public Hearing and consider an Ordinance.

VIII. MINUTES

1. Consider approval of the minutes of the November 6, 2006 Regular Monthly Meeting.

Commissioner McDaniel moved to approve the minutes of the November 6, 2006 Regular Monthly Meeting, seconded by Commissioner Davis, and motion carried by a 4-0 vote.

IX. CONSENT AGENDA

- a. Consider approval, on second reading, Ordinances amending the FY 2007 Budget Ordinance for the following: 1) To provide for receipt of donation to Animal Control, and 2) To provide for allocation of reimbursement for Public Defender Circuit Salaries.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2007 BUDGET ORDINANCE
FOR SPALDING COUNTY, GEORGIA**

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

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 22, 2006, be amended as follows:

Section 1: General Fund

A. Revenues

Miscellaneous Revenues	From	\$	1,377,425	to	\$	1,400,279
------------------------	------	----	-----------	----	----	-----------

B. Expenditures

Public Defender Circuit	From	\$	1,282,047	to	\$	1,304,901
-------------------------	------	----	-----------	----	----	-----------

Approved on first reading this 6th day of November, 2006.

Approved, adopted and enacted on second reading this 20th day of November, 2006.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2007 BUDGET ORDINANCE
FOR SPALDING COUNTY, GEORGIA**

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

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 22, 2006, be amended as follows:

- e. Valerie Hurst & Victoria McDaniel, d/b/a V&V Bar-N-Grill, 1647 N. Hill Street – Beer and Wine

Commissioner Davis moved to approve, seconded by Commissioner Goss, and motion carried by a 3-1 vote with Commissioner McDaniel voting in opposition.

- 3. Consider approval of 2007 renewal of Alcoholic Beverage License – Wholesale Distributor for:

J & L Ventures, d/b/a Jackson Beverages, LLC, 915 South Pine Hill Road – Beer Only.

Commissioner Davis moved to approve, seconded by Commissioner Goss, and motion carried by a 3-1 vote with Commissioner McDaniel voting in opposition.

- 4. Consider approval of Spalding County Stormwater Manual.

Mr. Taylor said EPD required adoption of this Stormwater Manual, and he recommended that with adoption of this manual, construction plans submitted after 1-1-07 will require this criteria.

Commissioner McDaniel moved to adopt the Spalding County Stormwater Manual, seconded by Commissioner Davis, and motion carried by a unanimous 4-0 vote.

- 5. Consider bids for Solomon East Complex roof.

Commissioner Davis moved to award the Solomon East Complex roof project to the low bidder of Coatings Application & Waterproofing Company for an amount not to exceed \$79,911, seconded by Commissioner McDaniel. Motion carried by a vote of 4-0.

- 6. Consider approval of an Intergovernmental Agreement between City of Griffin and Spalding County regarding solid waste collection.

Mr. Fortune said this agreement gives the City a non-exclusive right to offer curbside pickup of household waste to residents in certain areas of unincorporated Spalding County. Residents can elect to subscribe to the service and give a 30-day notice to discontinue. Mr. Fortune recommended approval of the agreement which pertains to areas contiguous to the City where trucks must route through unincorporated area anyway to get to City sites for pickup. The City cannot feasibly pickup in the entire unincorporated County because of economics; it simply would not be viable at this point.

STATE OF GEORGIA,
SPALDING COUNTY:

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF GRIFFIN, GEORGIA,
AND THE COUNTY OF SPALDING, GEORGIA

THIS AGREEMENT, made and entered this 20th day of November 2006 by and between the CITY OF GRIFFIN, GEORGIA, a municipal corporation (hereafter referred to as "Griffin"), and the COUNTY OF SPALDING, a political subdivision of the State of Georgia (hereafter referred to as "Spalding"), provides as follows:

WHEREAS, Griffin, pursuant to its Charter, the Constitution and general laws of Georgia is empowered to provide garbage and solid waste collection and disposal services; provided, however, unless otherwise authorized by law, such services shall not be provided outside the City's boundaries except by contract with the county or municipality affected; and

WHEREAS, the Spalding County Service Delivery Strategy, entered between the parties and other municipalities within Spalding County in 1999, recognizes and permits the City to provide curbside garbage collection services in unincorporated Spalding County, pursuant to intergovernmental agreement; and

WHEREAS, Griffin and Spalding, through their respective governing authorities, agree that it is in the best interest of each party to execute an Agreement whereby the City may provide curbside garbage collection and disposal services to customers residing in unincorporated Spalding;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES HEREIN MADE, THE RECEIPT, ADEQUACY AND SUFFICIENCY OF WHICH ARE MUTUALLY ACKNOWLEDGED, THE PARTIES AGREE TO BE BOUND, EACH UNTO THE OTHER, AS FOLLOWS:

ARTICLE 1
LEGAL AUTHORITY AND DEFINITIONS

1.1 This instrument shall constitute a binding, legal contract by and between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia, for the provision of services, i.e. garbage and solid waste collection and disposal, which either government is authorized to provide. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the functions, and otherwise do all things necessary, convenient, and expedient to carry out the obligations and responsibilities herein set forth, either expressly or by reasonable implication.

1.2 For the term of this agreement, the City agrees to exercise good faith and best efforts to adequately and properly fund such undertaking, including the exercise of power to establish, levy and enforce reasonable rates, fees and charges for services provided. The parties further covenant and agree to cooperate fully with one another in the joint undertakings required to further the spirit and intent of the contract hereby made including defending the validity and enforceability of this contract in any proceeding, including future revenue bond validations, in which it may be brought into issue.

1.3 For purposes of interpretation, all terms used in this contract shall have their common and usual meaning or significance, unless such term is specifically defined herein or is a term of art within the field of professional engineering, in which event it shall have such technical meaning as may be assigned thereto.

ARTICLE 2
TERM OF AGREEMENT

The term of this agreement shall be fifty (50) years from its date of execution by the last party to sign. It is the intent of the parties that the services to be provided by the City to solid waste customers located within the unincorporated areas of the County shall be for as long a duration as the Constitution and law allows.

ARTICLE 3
AUTHORITY GRANTED

3.1 The City is granted the non-exclusive right to provide curbside solid waste collection and disposal services to customers situated in unincorporated Spalding County on a contractual basis. The rates, fees and charges to be imposed by the City for its services may equal, but shall not exceed the rates, fees and charges imposed on customers within the City's municipal limits, as from time to time adjusted. The City shall be under no obligation to provide service to any customer and may deny request(s) for service to potential customers whenever it deems its ability to serve such customer(s) not to be feasible. All service delivery, customer service and billing practices shall be uniform to those policies and practices in force for customers of the City.

3.2 Nothing herein shall be construed to require any resident of unincorporated Spalding County to contract with the City of Griffin for curbside garbage collection services. Whether or not a resident of the unincorporated area desires to contract with the City of Griffin shall be voluntary. In the event an unincorporated area resident should contract with the City for curbside collection services, the resident shall have the right to terminate such contract upon giving not less than thirty (30) days written notice to the City.

ARTICLE 4
INDEMNITY AND HOLD HARMLESS

By granting authority to the City to provide solid waste collection and disposal services in the unincorporated area of the County, the County assumes no responsibility for the services provided. The City agrees to hold the County harmless from any claim, suit, demand, or judgment imposed upon the County arising out of the provision of services pursuant to this Agreement.

ARTICLE 5
GOVERNING LAW; MODIFICATIONS; OTHER PROVISIONS

5.1 This Agreement shall be governed by the laws of Georgia.

5.2 Upon execution of this contract by both parties, in duplicate, a fully-executed original shall be spread upon the minutes of the governing bodies of each party as evidence of its existence. A certified copy by the designated officer of either party shall be fully admissible in lieu of an original in any legal proceeding at which the existence and enforceability of said contract is in issue.

5.3 No modification or amendment of this contract shall be effective unless issued in writing, approved by all parties, executed by their duly-authorized officers, and spread upon the minutes of the respective governing bodies.

5.4 When statutes or regulations require specific acts to be performed, or dictate the manner of performance, such specifications shall be deemed the minimum standard governing such performance.

5.5 This writing supersedes any prior negotiations between the parties concerning the subject matter, and upon its formal execution, this shall be the sole and controlling agreement defining said relationship.

5.6 Time is of the essence for this contract.

5.7 The provisions of this contract are hereby deemed and declared to be severable. If any provisions of this contract, or the application of any provisions to any circumstances is held to be unconstitutional, unenforceable or invalid for any reason, the remaining terms, conditions and obligations contained herein shall not be affected thereby and this contract shall otherwise remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, acting through the duly authorized and empowered Chairman or Chairperson of the respective governing body, as attested to by its respective Clerk or Secretary, have executed this Agreement, in duplicate originals, under their respective seals, the day and year first above written.

Commissioner McDaniel moved to approve the Intergovernmental Agreement between City of Griffin and Spalding County regarding solid waste collection, seconded by Commissioner Davis, and motion carried by vote of 4-0.

7. Consider, nunc pro tunc, a Resolution to support making application for the Livable Centers Initiative (LCI) Grant from the Atlanta Regional Commission.

RESOLUTION

**SPALDING COUNTY
STATE OF GEORGIA**

WHEREAS, The Spalding County Board of Commissioners have approved support for making application for the Livable Centers Initiative Grant from the Atlanta Regional Commission, AND

WHEREAS, The Board of Commissioners further agree that, should said grant be awarded, Spalding County shall commit to provide twenty percent of the total project cost, not to exceed \$20,000,

NOW, THEREFORE be it resolved that the Board of Commissioners of Spalding County herewith resolve to apply for the 2007 Livable Centers Initiative Grant.

Approved this the 17th day of November, 2006.

Commissioner McDaniel moved to approve, nunc pro tunc, a Resolution to support making application for the Livable Centers Initiative (LCI) Grant from the Atlanta Regional Commission, seconded by Commissioner Davis, and motion carried by a unanimous 4-0 vote.

8. Consider issuance of a letter of intent to utilize Federal Transit Administration Urbanized Funding.

Mr. Wilson advised the County must notify by December 1 if it intends to utilize its five-year allocation. Messrs. Paul Van Haute and Anthony Dukes have identified a couple of projects that will be eligible, so they would like to go forward with this letter of intent.

Commissioner Davis moved to authorize issuance of a letter of intent to utilize Federal Transit Administration Urbanized Funding, seconded by Commissioner McDaniel, and motion carried by a vote of 4-0.

XII. REPORT OF COUNTY MANAGER

- Mr. Wilson reminded all about the Spalding County Parks and Recreation tree lighting ceremony at Airport Road Park on November 28, 2006 at 6:30 p.m.
- December 3, 2006 will be the Christmas Parade and he will need to know how many commissioners plan to participate.
- County personnel have been successful in getting the roof repaired at Griffin Flea Market and reinspections during recent heavy rains revealed no leaks.
- A runoff election will be held on December 5 for a Public Service Commissioner post.
- The Zoning Public Hearing will be November 30, 2006 due to holiday observance.
- The Parks and Recreation Advisory Commission wanted to request permission to apply for the Club Hero Grant, which will be a reimbursable grant. The Board agreed.
- The County has been notified by the City of Griffin that the new wholesale water rate will be \$4.17 per thousand (a 48% increase over current rate). The Water Authority will meet in December to set a new water rate.

- Chairman Freeman has requested adding a couple of roads in his district for resurfacing while DOT is in the area: Pine Hill Road and Charlotte Circle. The estimated cost is \$17,000 to do both. The City has done their portion of Pine Hill Road and this would finish up the portion that is in the County. The Board concurred.
- County officials met with legislators last week, City officials and School Board members, as well as hosted the ACCG District Four Meeting at the Stuckey Auditorium, on the UGA Griffin Campus on Friday, November 17, 2006.
- There has been some talk of reviewing commissioners' salaries, and a note will be placed in commissioners' boxes regarding same.
- Spalding County will be closed Thursday and Friday, November 23 and 24, 2006, in observance of the Thanksgiving holiday.

XIII. REPORT OF COMMISSIONERS

Goss – No comment.

Davis – No comment.

McDaniel – He wished all a Happy Thanksgiving.

Freeman – No comment.

XIV. ADJOURNMENT

Commissioner Davis moved to adjourn at 6:37 p.m., seconded by Commissioner McDaniel, and motion carried by a unanimous vote of 4-0.

County Clerk

Chairman

.....