

After Agenda

**Board of Commissioners of Spalding County
Regular Meeting
Monday, November 2, 2015
6:00 PM
Meeting Room 108, Courthouse Annex**

The Spalding County Board of Commissioners held their Regular Meeting in Room 108 in the Courthouse Annex, Monday, November 2, 2015, beginning at 6:00 p.m. with Chairperson Rita Johnson presiding. Commissioners Bart Miller, Raymond Ray, Gwen Flowers-Taylor and Donald F. Hawbaker were present. Also present were Assistant County Manager, Eric Mosley, County Attorney, Jim Fortune and Executive Secretary, Kathy Gibson to record the minutes.

- I. OPENING (CALL TO ORDER)** by Chairperson Rita Johnson.
- II. INVOCATION** led by Commissioner Donald Hawbaker.
- III. PLEDGE TO FLAG** led by Commissioner Bart Miller.
- IV. PRESENTATIONS/PROCLAMATIONS** – None.
- V. PRESENTATIONS OF FINANCIAL STATEMENTS** – None.
- VI. CITIZEN COMMENT**

Speakers must sign up prior to the meeting and provide their names, addresses and topic in which they will speak on. Speakers must direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

No citizens signed up to comment.

VII. MINUTES -

1. Consider approval of minutes of the October 19, 2015 Spalding County Board of Commissioners Extraordinary Session, the Spalding County Board of Commissioners Executive Session and the October 22, 2015 Spalding County Board of Commissioners Zoning Public Hearing.

Motion/Second by Ray/Flowers-Taylor to approve the minutes of the October 19, 2015 Spalding County Board of Commissioners Extraordinary Session, the Spalding County Board of Commissioners Executive Session and the October 22, 2015

Spalding County Board of Commissioners Zoning Public Hearing. Motion carried 4-0-1 (Commissioner Miller recused himself from voting since he did not attend the Zoning Public Hearing on October 22, 2015).

VIII. CONSENT AGENDA

IX. OLD BUSINESS

1. Lift from the table a request by the Parks & Recreation Advisory Commission to establish a community neighborhood passive-park at the Quilly Street Property. This request was tabled at the Board of Commissioners Extraordinary Session on September 21, 2015.

Motion/Second by Flowers-Taylor/Ray to lift from the table a request by the Parks and Recreation Advisory Commission to establish a community neighborhood passive park at the Quilly Street Property. Motion carried unanimously by all.

2. Consider recommendation from the Parks & Recreation Advisory Commission to establish a community neighborhood passive-park at the Quilly Street Property.

Eric Mosley, Assistant County Manager, stated that the concept of a passive park is to provide an opportunity to community groups to provide funding for the park. This opens up the park for groups within the neighborhood to raise funding for a pavilion or a park facility. Any group wishing to participate would come up with funding and present designs to the Board for approval, each stage of the project would have to be approved by the Board of Commissioners.

Commissioner Flowers-Taylor asked if we have had this type of park come to fruition anywhere inside of the county.

Mr. Mosley advised that he did not have a response to this specific question; however this type of park has been included in the Parks and Recreation Master Plan as was asked by Commissioner Flowers-Taylor at the meeting in September. A similar type community partnership would be the disc golf facility at Wyomia Tyus Park where a partnership was established to provide recreation for the citizens.

Commissioner Flowers-Taylor then asked for clarification as to whether the passive park was part of the master plan or the ability to let the citizens in that community decide if a passive park should be part of the master plan. That is the clarification that she is asking for.

Mr. Mosely stated that in his discussions with Parks and Recreation and Mr. Wilson last week, the park itself is part of the Master Plan, the passive community park is new in nature.

Commissioner Flowers-Taylor stated that she would like for us to engage the community because she does not feel the community is aware that there is a potential for a passive park. She added that for the Board to decide to place a passive park in the community and the citizens of the community are not aware of the nature of the park doesn't make any sense. She advised that there was a plan for a passive park on Ninth Street, but that park wound up being fully funded by the County. She just wants to make sure that it is understood that this has never been done and it wasn't originally established as such in the Master Plan.

Motion/Second by Flowers-Taylor/Hawbaker be sent back to Parks and Recreation Advisory Commission for clarification how the actual funding will happen and how they plan to engage the community on this project and request that they come back to the Board with a Plan of Action. Motion carried unanimously by all.

X. NEW BUSINESS –

1. Consider approval of 2016 Alcohol Beverage License Renewals for Retail Sale of Beer and Wine for:
 - Akber Jiwani d.b.a. 362 Express located at 1600 Williamson Road, Griffin, GA.
 - Mary Duffey on behalf of Circle K Stores, Inc. d.b.a. Circle K Store #2723331 located at 3420 Jackson Road, Griffin, GA.
 - Kacey Patel d.b.a. Coles Corner located at 7051 Newnan Road, Griffin, GA.
 - Jemini M. Amin d.b.a. Copeland Grocery located at 1578 Highfalls Road, Griffin, GA.
 - Tushar Patel d.b.a. Exxon Food Mart located at 2295 U.S. Hwy 41, Griffin, GA.
 - Amjad Abuzaidieh d.b.a. Fast Food Mart located at 1251 North Hill Street, Griffin, GA.
 - Yasmin Jiwani d.b.a. Food Station located at 1779 Zebulon Road, Griffin, GA.
 - Zubeida Zake d.b.a. Highfalls Country Store located at 2662 Highfalls Road, Griffin, GA.

- Richard Corbin d.b.a. Huckaby's located at 7652 Hwy 16 West, Brooks, GA.
- Christian Bush on behalf of Ingles Markets, Inc. d.b.a. Ingles Market #457 located at 1735 Zebulon Road, Griffin, GA.
- Kishan A. Patel d.b.a. JK Foods Valero located at 390 Airport Road, Griffin, GA.
- Yasmin Jiwani d.b.a. JV's Corner located at 1700 Zebulon Road, Griffin, GA.
- Badi Uz Zaman d.b.a. Lakeview Country Store located at 3970 North Expressway, Griffin, GA.
- Abul Khair Humain Kabir d.b.a. Petro South located at 1639 North Hill Street, Griffin, GA.

Jim Fortune, County Attorney, advised that all of the applications can be considered at the same time unless one of the board members would like to vote on one of the applications individually, and then that item can be considered independently.

2. Consider Approval of New 2015 Alcohol Beverage License for Retail Sale of Beer and Wine for Akber Ali d.b.a. SuperFood located at 2529 Old Atlanta Road, Griffin, GA.

Motion/Second by Miller/Flowers-Taylor to approve the applications as read under new business items #1 and #2. Motion carried 4-0-1 (Commissioner Ray recused himself from the vote due to his prior work relationship with some of the locations named).

3. Consider request from Republic Services for letter of approval for proposed major modifications to the Pine Ridge Landfill.

Mr. Mosely introduced Michael Carroll with Republic Services representing the Pine Ridge Landfill who will advise the modifications to the current permit they are hoping to implement.

Michael Carroll, Operations Manager Republic Services, Pine Ridge Landfill located at 105 Bailey Jester Road, just inside of Spalding County. The request for approval is for a major modification to the current landfill. This modification involves lowering the base grade for the landfill in cells 12-17. The original base grade for the landfill was established and permitted by the State of Georgia in 1997, they are proposing to lower the base grade by 3 to 5 feet in this section of the landfill. The modification would result in a gain of

approximately 250,000 of air space which would provide the landfill with approximately three months of additional space for each cell over the current requirements for this area.

He advised that although the landfill is located in Butts County, the EPD requires that approval has to be granted from the neighboring counties for this modification to occur. They have similar letters being requested from Butts County. The letter also includes a proposed composting application to be implemented inside of the landfill footprint.

Motion/Second by Ray/Hawbaker to approve the request of a letter from Republic Services to approve the proposed major modifications to the Pine Ridge Landfill.

Commissioner Miller expressed his concern over approving this request prior to Butts County approving this modification.

Commissioner Ray withdrew his original motion and Commissioner Hawbaker withdrew his second.

Motion/Second by Ray/Flowers-Taylor to approve the proposed major modifications to the Pine Ridge Landfill contingent upon Butts County approving the same. Motion carried unanimously by all.

4. Consider approval of final plat for Sun City Peachtree Subdivision - Pod 37A.
5. Consider acceptance of Right-of-Way Deed for Pod 37A (Sun City Peachtree Subdivision).
6. Consider approval of final plat for Sun City Peachtree Subdivision - Pod 38A.
7. Consider acceptance of Right-of-Way Deed for Pod 38A (Sun City Peachtree Subdivision).

Motion/Second DH/Ray consider items 4, 5, 6 and 7 as a group since they relate to approval of final plats for Sun City Peachtree Subdivision Pods 37A and 38A and approval of the Right-of-Way Deeds for these locations as well. Motion carried unanimously by all.

Motion/Second by Hawbaker/Miller approve items 4, 5, 6 and 7 as stated. Motion carried unanimously by all.

8. Consider purchase of a used bucket truck for use by various departments.

Mr. Mosley advised that this is a budget item under Parks and Rec, Public Works and Construction and Maintenance in the FY16 Budget. The truck that the county currently has was purchased used from the City of Griffin Power that was sold as surplus. The truck is beyond repair and is now being surplused by the county and will be sold at auction. The County is in need of a bucket truck that will be utilized by the different departments.

Mr. Mosley further advised that the vehicle that we are looking to purchase is a used vehicle. It is a 2008 Ford F550 with a bucket boom. It is hoped this truck will last us another five to ten years.

Motion/Second by Flowers-Taylor/Ray to purchase a used bucket truck for use by various departments. Motion carried unanimously by all.

9. Consider on first reading an ordinance to amend Division II, Part I, Chapter 1, Section 1-1007, Subparagraph (c) Enforcement increasing penalty from \$500 to \$1,000.

Mr. Fortune advised that jurisdiction recently changed where a fine can be levied up to \$1,000 and this modification will bring our code into compliance with State law that was implemented in 2010, but never changed in our code.

Motion/Second by Ray/Flowers-Taylor to approve on first reading an ordinance to amend Division II, Part I, Chapter 1, Section 1-1007, Subparagraph (c) Enforcement increasing the penalty from \$500 to \$1000. Motion carried unanimously by all.

10. Commissioner Flowers-Taylor would like to discuss the possibility of allowing the Spalding County Parks and Recreation Department to continue as the facilitator for Youth Football in Spalding County for calendar year 2016.

Commissioner Flowers-Taylor stated that she had talked with Kelly Leger, T.J. Imberger and Robbie Milner at Parks and Recreation about the football program. They indicated that with the new Public Relations people that they have and some leads that they have in the community for possible sponsorships, that if they are allowed to run the program next year, they will be able to bring the cost of participation down. She added that many of the people who signed up with SAYA stated that they couldn't afford to pay the entire amount to play football with the County at one time. T. J. Imberger told Commissioner Flowers-Taylor that the Rec-One program could be utilized to accept partial payments for football registration fees over a period of time to where parents could have the fees paid by the time designated in order to play.

Consensus of the board is to allow the Parks and Recreation Department to go ahead with plans to retain the football program

at Parks and Recreation for 2016 and present plans for the program before the the end of this year.

11. Commissioner Flowers-Taylor requests a discussion regarding the use of County Equipment for off- duty private work by Law Enforcement Officials.

Commissioner Flowers-Taylor expressed her concern over Deputies who are working after hours, private duty jobs wearing county uniforms, driving county vehicles and using county equipment. She stated that Public works can't take county lawn mowers home to run a lawn service to earn extra money, the firemen can't take the fire trucks home to earn extra money and she doesn't feel it is fair to the citizens for the Deputies to be able to utilize county equipment while working on private duty jobs within the county.

Commissioner Flowers-Taylor stated that although she doesn't have a problem with these officers having the private duty jobs to earn extra money she does not see where the county taxpayer derives any benefit from them utilizing the county equipment in the performance of these private duty jobs.

Commissioner Flowers-Taylor advised that she had contacted ACCG regarding this matter and they advised that the Board could determine if county equipment could be utilized for personal use.

Commissioner Ray stated that he disagreed stating that whether a deputy is on duty or on private duty the increased presence in the community is of benefit. He added that there is a certain amount of caution taken when there is a deputy in uniform present or a department vehicle present because there is no way to determine if that individual is there in their official capacity or if they are on private duty. That presence can be a deterrent to unlawful activity. The presence says that law enforcement is present and in action whether they are on duty or off duty.

Commissioner Ray further stated that if you wear a badge, you are never off duty. It is part of the oath to protect and serve and if there is a need while performing a private duty function, the officer is required to leave that function to address the need. He stated that he does not have a problem with law enforcement in Spalding County wearing their uniform or using the equipment because it is his belief that the citizens of this county do derive a benefit from the increased presence of these individuals and their vehicles in the community.

Commissioner Flowers-Taylor further stated that although she understands where Commissioner Ray is coming from, no other County employee is allowed to utilize county equipment and uniforms for private gain.

Commissioner Hawbaker asked if the Deputies were not allowed to utilize county equipment, if this would deprive them of having the opportunity for off

duty employment.

Sheriff Beam stated that the reason that the employees work a part time job is to supplement their income. Any time these individuals are in the community working these part time jobs they are, in fact, representing the Sheriffs' Office and they are required to function as a law enforcement officer per the policy currently in use by the Sheriffs' Department. The officers are hired by these outside companies to perform a duty and in a lot of cases if an off duty deputy is not available, those companies are going to call us and request a deputy be placed at the location. At that point, I will have to take a deputy away from their assigned duties to work this location whether it be for traffic control or security. This is nothing new, it has been going on for years. Allowing the off duty deputies to work these jobs, allows the on duty deputies to perform their duties inside the county.

Sheriff Beam further stated that if any off duty officer is needed to function as law enforcement they are able to because they have their equipment with them. Sometimes additional reinforcement is required, but if they can handle a situation additional on-duty deputies are never called.

Chairperson Johnson stated that the Sheriff had answered her question, she needed to know that if something happened and an off duty officer was available that they would assist with the matter for the community.

Commissioner Hawbaker wanted to know if an on duty officer needed assistance and there was an off duty officer working private duty would they be required to assist.

Sheriff Beam assured the commissioners that should there be a need an off duty officer would be required to assist if their assistance is needed. He stated that the Deputies are going to make sure that they provide services to the community and that will always take precedence over any part time private duty position.

XI. REPORT OF COUNTY MANAGER

- ✓ ACG District Meeting is scheduled for Thursday, November 5th, at 10:00 a.m. in Carroll County, Commissioner Hawbaker is the only Commissioner who has signed up to attend. Mr. Mosley, Mr. Wilson and Sylvia Hollums have also registered to attend.
- ✓ Hazard Mitigation Plan Kick-off is planned for November 4th at 2:30 p.m. here at the Annex in the Meeting Room, we encourage all of the Commissioners and the Public to attend.
- ✓ The Festival of Lights is scheduled for November 24th at Airport Park.
- ✓ Commissioner Johnson and her team at State Farm have sponsored Christmas Trees for

this year's Festival of Lights.

- ✓ The Drive Thru Flu shots available at the Health Department were a great success, there were 1540 shots to be distributed and they ran out of shots around 3:00 p.m. on Thursday.
- ✓ We have received a letter from a resident within 100 feet of the Ringgold Grocery Store; therefore, their application for an Alcohol License is denied per the Spalding County Code.
- ✓ The Old Jail on Broad Street has been rented by a production company for the month of November.

XII. REPORT OF COMMISSIONERS

Commissioner Hawbaker

SPLOST final day for the election is tomorrow, there are 1722 individual who early voted. He encouraged every registered voter to show up and be heard. If you don't vote you can't legitimately complain.

Someone put out some disgusting anti SPLOST signs, he stated that he wished whoever put them out had the courage to raise their hand and state just what they were thinking. "Don't Kill a Child, Vote No on SPLOST", he stated that evidently it has something to do with pools becoming cesspools or something like that, but it was disgusting and frankly he hopes that it backfires on the group or individual responsible.

Commissioner Flowers-Taylor

Stated that there was a grant that the animal shelter received that allowed this group to go out and target certain street to have their animals spayed or neutered for free. There was a large group who came to this event and she feels that this is a step in the right direction we have been working on spay and neuter for almost seven years and little by little we are educating the community.

She also wanted to add to the comment that Commissioner Hawbaker made regarding the anti SPLOST signs in the community. One of the opinions regarding pools are cesspools came from someone in her community who stated there is only one pool and the majority of the people who use it are of the African American population, so are they saying that anytime African Americans are in it, it makes it a cesspool. If you have a concern you should claim what you are talking about. She stated that she hopes that everyone who has supported the SPLOST will show their support by voting.

Commissioner Flowers-Taylor then stated that she wanted to mention a police bust that happened in her district on Springview Drive, it involved the Spalding

County Sheriff's Department, some members of the Griffin Police Department and the quick response team. A cache of weapons were confiscated in this bust. She was surprised at the ages of the individuals at this location and the number of weapons that these teenagers had. It is obvious that we have a gang problem, many of the people arrested, according to the newspaper, were not even from Spalding County.

She stated that she has nothing personal against the Sheriff's Department or against law enforcement, but she does have a problem when she feels that the citizens of Spalding County are not receiving the services they should be receiving. She stated that these are concerns that have been expressed in the community and she would not be doing her job if she did not bring these concerns to the forefront to be addressed on behalf of the citizens in the county.

Commissioner Ray – Nothing.

Commissioner Miller

Wanted to thank Public Works for the job they have done over the last few weeks. He stated that they have a hard job over the last few weeks due to the weather and they have gone above and beyond in accommodating the citizens who have had flooding problems with all of the rain we have had lately.

He stated that he had received an email regarding Pickleball, if we are going to pay \$160,000 per year for the debt we are going to incur by bonding the Pickleball facility. He stated that he has a real problem with that much money coming out of the SPLOST annually to fund one project. He stated that he didn't know if it was true or not, but he would like an answer to that question.

He added that he wants everyone to get out and vote tomorrow, whether they vote yes or no they need to participate in the process.

Commissioner Miller stated that he has a problem with the email he received regarding Pineview Road. He has no problem with the paving of Pineview Road, but you are looking at over a \$1 million to pave this road and there are roads in his area that need to be paved and these people were promised in 2008 that they would have their roads paved. We have already acquired the right of way on these roads and we need to start making these roads a priority.

Chairperson Johnson

Wanted to remind everyone of the Toxic Charity event to be held at the Stuckey building from 1:00-4:00 p.m. on Wednesday, November 4th. It is supposed to be a very good program and all of the Commissioners are encouraged to attend.

Tomorrow is Election Day, we encouraging everyone to get out and vote. Wanted to thank the SPLOST committee and representatives who have taken their time to

educate the community on the SPLOST. There have been numerous presentations regarding the SPLOST that have been educational and informative.

Commissioner Hawbaker advised that the County's home page includes not only the PowerPoint, but a you-tube presentation that was done at Sun City.

XIII. CLOSED SESSION

XIV. ADJOURNMENT

Motion/Second by Ray/Miller to adjourn the meeting at 7:12 p.m. Motion carried unanimously by all.