

## MINUTES

**The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, May 15, 2017, beginning at 6:00 p.m. with Chairman Bart Miller presiding. Commissioners Rita Johnson, Raymond Ray, Gwen Flowers-Taylor and Donald Hawbaker were present. Also present were County Manager, William P. Wilson Jr., Assistant County Manager, Eric Mosley, County Attorney, Jim Fortune, and Executive Secretary, Kathy Gibson to record the minutes.**

**I. OPENING (CALL TO ORDER)** by Chairman Bart Miller

**II. INVOCATION** led by Commissioner Donald Hawbaker

**III. PLEDGE TO FLAG** led by Commissioner Rita Johnson

**IV. PRESENTATIONS/PROCLAMATIONS**

1. Wade Hutcheson, UGA Spalding County Extension Coordinator, would like to recognize those 4H members who presented at the Project Achievement competition.

Wade Hutcheson, UGA Spalding County Extension Coordinator, introduced the Junior and Senior 4H members who attended District Project Achievement. This year we carried 39 Juniors and Seniors to the District Project Competition and over 45% of these members placed in the top 3 at DPA. He stated that 15 of the Juniors and Seniors are here tonight and their project work is a culmination of a year's worth of research and preparation for their 9-12 minute presentation. They compete against their peers and at the Senior level if they win they will move on, they will compete at State Congress. He added that three of the seniors will be moving on to State Congress to compete in project work there.

He advised that Spalding County took 95 fifth and sixth graders to the Cloverleaf Project DPA and 95% of those 4H'ers finished in the top 3 in their competitions.

Chairman Miller stated that Spalding County would like to thank the members of 4H because they make Spalding County a better place to live and he thanked them for being a part of the organization and for participating in the competitions.

2. Consider approval of a Joint Proclamation nunc pro tunc honoring the Griffin Exchange Club's "2016 Man of the Year" the Mr. John P. Yates.

William Wilson, County Manager, stated that this was presented by Commissioner Johnson at the Exchanged Club's meeting on May 2<sup>nd</sup>. Unfortunately Mr. Yates was ill and could not attend the meeting.

### *Joint Proclamation*

**By the City of Griffin and Spalding County**

**Honoring**

*The Exchange Club "Man of the Year" for 2016*

**John P. Yates**

**WHEREAS,** Mr. John P. Yates was born in Griffin on Thanksgiving Day, November 21, 1921. After graduating from Spalding High School in 1938 and earning his BBA in accounting from Georgia State, he lived in various parts of the country as he moved up within the ranks of the Ford Motor Company, retiring after 35 years to the family farm in Spalding County in 1981.

**WHEREAS,** Mr. Yates served in World War II as a Piper Cub Pilot, fighting during the Battle of the Bulge and flying over 200 missions near or over enemy lines. In his distinguished military career, he was awarded 6 Air Medals and 4 Battle Stars, recalling one of his more colorful memories of the War when he had to resort to dropping a gas can on a German tank in order for the Allied troops to advance. John is an active member of the Voice of Veterans, often speaking at schools with an inspirational message about the honor of serving in our Country's military. Mr. Yates was the last World War II veteran to serve in the Georgia House of Representatives, where he served for 26 years. He was Chairman of the Defense and Veterans Affairs, and he would travel the state for military functions; and

**WHEREAS,** John's genuine concern for his fellow man was never more evident than in his service in the Georgia House where he often acted to assist people in difficult situations whether they were his "constituents" or not, and he has always been quick to point out that anyone living in the State of Georgia was indeed one of his constituents. His heart is anchored in helping people and families, and he has helped resolve many problems with people, even providing Christmas for children in need, aiding in a job search at times or assisting with housing during times of displacement; and

**WHEREAS,** Mr. Yates always made the advancement of education a major priority while serving in the Legislature, helping transition Griffin from a once-booming textile town to that of a learning-based community with an emphasis on higher education even in the face of difficult financial times. He spent many years working to ensure that Griffin and Spalding County were near the top in priority for State education funding. He was a member of the Appropriations Committee and the Subcommittee on Higher Education, and Mr. John was a member of the Gordon College Foundation for 22 years. No one has more faithfully and ardently secured funding for Southern Crescent Technical College, UGA Griffin Campus and Gordon College.

**WHEREAS,** John was one of those rare legislators who truly served his fellow Georgians all year long; he kept long and extended hours during session but, even in between sessions, he would drive to the Capitol two or three days a week because of his dedication, and he believed some of his most meaningful acts as a public servant happened during those times. It was his personal policy to answer every email and letter that he received, and he feels his political success was attributed to personal relationships. He always kept the people of his district informed with weekly reports and interviews in the media.

**WHEREAS,** Mr. Yates is very active in Pomona Methodist Church, serving on the finance committee and in other capacities, where they consider him a cornerstone. He has been a member of the Griffin-Spalding Chamber of Commerce for 30 years. He was married to his love, Annie, for 66 years and he truly cared for her in every sense of the word. He and Annie had three children, eight grandchildren and six great-grandchildren. During the "crop" growing seasons, he could often be seen taking fresh fruits and vegetables to friends, neighbors, and those in the halls of the State Capitol. All these attributes speak to his character and the great respect he garnered from all walks of life for "Mr. John."

**NOW THEREFORE** Be it proclaimed that we, the Boards of Commissioners of Spalding County and the City of Griffin, do hereby proudly and with great gratitude recognize and pay tribute to John P. Yates for the many decades of accomplishments and contributions he made to our citizenry. We, the Boards of Commissioners for Spalding County and the City of Griffin, have hereunto set our hands on the second day of May, in the year of our Lord two thousand and seventeen for

*"Griffin Exchange Club Man of the Year John P. Yates"*

**Spalding County**

**City of Griffin**

\_\_\_\_\_  
Bart Miller, Chairperson

\_\_\_\_\_  
Rodney C. McCord, Mayor

\_\_\_\_\_  
William P. Wilson, Jr., County Manager

\_\_\_\_\_  
Kenny L. Smith, City Manager

***Motion/Second by Flowers-Taylor/Ray to approve the joint proclamation nunc pro tunc honoring the Griffin Exchange Club's "2016 Man of the Year" the Mr. John P. Yates. Motion carried unanimously by all.***

3. Consider approval of a Joint Proclamation nunc pro tunc honoring Cherry Hovatter for her service a 4-H Agent on her retirement after seventeen years with Spalding County.

Mr. Wilson stated that the Proclamation was presented on Friday to Cherry Hovatter at her retirement party. Ms. Hovatter is here and Commissioner Flowers-Taylor is going to read the proclamation.

## *Joint Proclamation*

### **By the City of Griffin and Spalding County Honoring Ms. Cherry C. Hovatter**

- WHEREAS,** For more than thirty-five years, 4-H Agent Cherry C. Hovatter has served the youth of Alabama, Florida, and Georgia with more than seventeen of those years in Griffin and Spalding County where she always brought her best to the table ... the best in programs, competitions, awards, team and individual opportunities ... because to her, being a 4-H agent was not just a career; it became a way of life; and
- WHEREAS,** Cherry believes that 4-H doesn't just build blue ribbon winners but builds life winners and has nurtured 4-H youth in Griffin and Spalding County to achieve mastery in project achievement, judging teams, shooting sports, equine and drill teams, and food product development and has taught skills that will allow 4-H'ers to master in life; and
- WHEREAS,** Her vision, leadership, unselfish example, and guidance have resulted in her 4-H'ers earning: one hundred thirty-eight Master 4-H'ers, two Dean's Award winners, ten Junior District Board Officers, seven Senior Board Officers, five State Board Officers, one State President, eight Camp Counselors of which five were Rock Eagle Tribal Leaders and one was Fortson Lead Counselor, three Congressional Interns, one Georgia 4-H Representative to the National 4-H Youth Directions Council, one Georgia Representative to 4-H National Healthy Living Summit, two American Youth Foundation National Leadership Award recipients, and two Clovers and Company keyboardists; and her 4-H volunteers and Extension staff earning district and/or state awards: Agricultural Professional, Secretary Award, two Northwest District and three State Volunteer Awards; and
- WHEREAS,** Cherry's own District, State, and/or National honors include: William H. Booth Georgia 4-H Agent of the Year Award, Distinguished Service Award, Continued Excellence Award, Innovator Award, Achievement in Service Award, Excellence in Teamwork Award, Educational Package Team Award, Excellence in Teen Programming Award, Excellence in Global Citizenship Programming Award, World Citizenship in 4-H Youth Development Award, Diversity/Multicultural Individual Award; and
- WHEREAS,** Ms. Hovatter, during her seventeen years as Spalding County 4-H Agent and prior, has been a true inspiration to those many lives she has touched and has left a legacy within UGA Extension, Griffin and Spalding County, and many other entities in our community, state, and nation that is truly remarkable and has enriched the City of Griffin and Spalding County and the 4-H family she so obviously loves, through her participation, dedication and leadership. Join us as we wish her well on her retirement and as she embarks on the rest of what we know will be a continuation of her extraordinary journey.
- NOW  
THEREFORE,** Be it proclaimed that we, the Board of Commissioners of Spalding County and the City of Griffin, do hereby proudly and with great gratitude recognize and pay tribute to Ms. Cherry C. Hovatter for the many accomplishments and contributions she has made to our community and its citizenry.
- IN WITNESS  
WHEREOF,** We, the Boards of Commissioners for Spalding County and the City of Griffin, have hereunto set our hands on the twelfth day of May, in the year of our Lord two thousand and seventeen.

**Spalding County**

**City of Griffin**

---

Bart Miller, Chairperson

---

Rodney C. McCord, Mayor

---

William P. Wilson, Jr., County Manager

---

Kenny L. Smith, City Manager

***Motion/Second by Flowers-Taylor/Ray to approve the joint proclamation nunc pro tunc honoring Cherry Hovatter for her service a 4-H Agent on her retirement after seventeen years with Spalding County. Motion carried unanimously by all.***

4. Consider approval of Joint Proclamation nunc pro tunc honoring the Griffin Utility Club.

Mr. Wilson stated that there are several members of Griffin Utility Club here this evening to accept the Proclamation and Commissioner Johnson will read the proclamation.

Ms. Alice Blake stated that on behalf of the members of the Utility Club who are here tonight and those who are not, she thanked the Commissioners for recognizing the efforts and hard work of several generations of local women to benefit this community.

## *Joint Proclamation*

### **By the City of Griffin and Spalding County Honoring *The Griffin Utility Club***

- WHEREAS,** The final **Griffin Utility Club** general membership meeting was held Tuesday, April 4, 2017 at 7:00 p.m. at the First Baptist Church of Griffin, Georgia, after ninety years of service; and
- WHEREAS,** Club members embraced the **Griffin Utility Club Motto**, adopted in March 1927, that states, "To grow in Christian life by serving God, our country and our fellow man," and remembered all the meaningful and worthwhile contributions made over the past ninety years that fostered the social, educational, cultural and civic growth of Griffin and Spalding County, Georgia; and
- WHEREAS,** **Arts and Culture** activities included the first Community Concert Series in 1941; sponsoring Art in the Schools which included framed art from the High Museum taken into classrooms; and performances by the Atlanta Youth Symphony Orchestra; the Center for Puppetry Arts; the Atlanta Children's Theatre, and the Alabama Shakespeare Festival, and plays for the classrooms written and produced by members of the Club a.k.a. "The Popcorn Players", and the purchase of stage curtains on two occasions for the Griffin Auditorium.
- WHEREAS,** **Civic and Health** projects encompassed initial assistance with the Empty Stocking Fund in 1927; sewing for the Red Cross during World War II and working as nurses' aides to help maintain supplies and sustain a recreation room for servicemen; helping to form the Griffin and Spalding County Health and Welfare Council in 1937 which resulted in establishing the City/County Health Department and the first well-baby clinic; helping to launch a Girl Scout Troop in 1943 which led to the formation of the Spalding County Girl Scout Council; assisting with formation of the maternity and children's ward at the hospital; sponsoring Griffin's first horse show in 1946; operating a Thrift Shop from 1949-1969, holding numerous "Follies", musical review fundraisers involving the whole community; and later holding the Attic Sale; aiding with the Community Chest in 1957 which later became the United Fund; leading the effort to acquire the Flint River Library at its present location in 1970, donating \$31,295 toward the acquisition and supporting passage of the bond issue which funded the land acquisition, facility construction and furnishing with the new Library opening in 1975; and providing valuable transportation, volunteer and organizational assistance to both the Griffin Area Resource Center and the Club's Senior Citizens Placement, including serving lunch to the latter once a month.

**WHEREAS,** **Education** efforts included forming the Nurses' Scholarship in 1948 which will continue as an Endowed Scholarship at Southern Crescent Technical College and the Academic Scholarship in 1981 which continued until 2017; purchasing band uniforms, choir robes, and state-of-the-art sound and stage equipment for the Griffin Auditorium; partnering with the Griffin-Spalding County School System to establish the Elementary Science Enrichment Center in 1984 which is still in operation, raising over \$14,000 in the first year to purchase materials and equipment for the ESEC; and participating in a myriad of ways to continuously support education in Griffin and Spalding County.

**WHEREAS,** **Commemoration of the Griffin Utility Club's Golden Anniversary in 1976** saw the compilation of the iconic *Stuffed Griffin Cookbook* which quickly became a favorite among locals and beyond, having been featured in many articles, including *Southern Living* in July 2015, and thousands have been sold over the past forty-one years.

**WHEREAS,** Members of the Griffin Utility Club have averaged over 4,000 volunteer hours a year in service endeavors supported by the organization and donated thousands of dollars to the many community projects that have enriched the lives of Griffin and Spalding County residents.

**NOW,**  
**THEREFORE,** Be it proclaimed that we, the Boards of Commissioners of Spalding County and the City of Griffin, do hereby proudly and with great gratitude recognize and pay tribute to the Griffin Utility Club for the many decades of accomplishments, contributions and truly altruistic service made to our citizenry. The legacy of the Griffin Utility Club is one that will live forever, thanks to the foresight and fortitude of community-minded members with servants' hearts. We, the Boards of Commissioners for the City of Griffin and Spalding County, have hereunto set our hands on the ninth and fifteenth days of May respectively, in the year of our Lord two thousand and seventeen, to honor the driving force that was the Griffin Utility Club.

**Spalding County**

**City of Griffin**

\_\_\_\_\_  
Bart Miller, Chairperson

\_\_\_\_\_  
Rodney C. McCord, Mayor

\_\_\_\_\_  
William P. Wilson, Jr., County Manager

\_\_\_\_\_  
Kenny L. Smith, City Manager

***Motion/Second by Flowers-Taylor/Ray to approve the joint proclamation nunc pro tunc honoring the Griffin Utility Club. Motion carried unanimously by all.***

5. Consider approval of Proclamation nunc pro tunc honoring the men and women who work in correctional facilities and declaring the week of May 7-13 as Correctional Officers Week.

Mr. Wilson advised that he, Commissioner Hawbaker and Mr. Mosley attended breakfast at the CI on Thursday, May 11<sup>th</sup>, at 5:30 a.m., and Commissioner Hawbaker presented both of the proclamations the Correctional Officers Week and the Nurses Week there.

## **Proclamation**

### **A PROCLAMATION TO DESIGNATE, THE WEEK OF MAY 7-13, 2017 AS "CORRECTIONAL OFFICERS' WEEK"**

**WHEREAS:** Correctional Officers have the difficult and often dangerous assignment of ensuring the custody, safety and well-being of the inmates in our Nation's prisons and jails. Their position is essential to the day-to-day operations of these institutions; without them, it would be impossible to achieve the foremost institutional goals of security and control; and

**WHEREAS:** Correctional Officers are responsible for supervising offenders serving sentences in local, state, or federal correctional facilities; and

**WHEREAS:** Correctional Officers promote the safety of all Georgians by supervising offender conduct and behavior to avoid conflicts and escapes; and

**WHEREAS:** Correctional Officers are well trained and dedicated to promoting positive behaviors and outcomes, which improve offenders' post-release success; and

**WHEREAS:** Correctional Officers are crucial to the statewide re-entry initiative and reducing recidivism, as they play a critical role in preparing offenders for successful assimilation into their communities after release; and

**WHEREAS:** Correctional Officers strive to maintain a safe working and living environment in correctional facilities throughout the State, often in the face of significant challenges and dangers; and

**WHEREAS:** Correctional Officers' Week offers an opportunity to acknowledge and honor Spalding County's officers for the vital contributions they make each day and for the sacrifices they make to protect the citizens of our county; and

**NOW, THEREFORE  
BE IT RESOLVED** We, the Spalding County Board of Commissioners, do hereby proclaim the week of May 7-13, 2017 as

**“National Correctional Officers Week”**

and join in honoring the men and women whose diligence and professionalism keep our citizens safe.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the County to be affixed this, the 9th day of May, in the year of our Lord, two thousand seventeen.

\_\_\_\_\_  
Bart Miller, Chairman

\_\_\_\_\_  
William P. Wilson, Jr., County Clerk

***Motion/Second by Flowers-Taylor/Hawbaker to approve the Proclamation nunc pro tunc honoring the men and women who work in correctional facilities and declaring the week of May 7-13 as Correctional Officers Week. Motion carried unanimously by all.***

6. Consider approval of Proclamation nunc pro tunc honoring the men and women who have trained and are currently working in the nursing profession and declaring the week of May 7-13 as Nurses Week.

**Proclamation**

**A PROCLAMATION TO DESIGNATE, THE WEEK OF MAY 7-13, 2017 AS  
“NURSES WEEK”**

**WHEREAS:** There are 3.1 million registered nurses in the United States that comprise our nations' largest health care profession; and

**WHEREAS:** The depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American people in a wide range of settings; and

**WHEREAS:** The American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventative health care; and

**WHEREAS:** Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

**WHEREAS:** The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

**WHEREAS:** The more qualified registered nurses will be needed in the future to meet the increasing complex needs of health care consumers in this community; and

**WHEREAS:** The cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future; and

**NOW, THEREFORE  
BE IT RESOLVED**

We, the Spalding County Board of Commissioners, do hereby proclaim the week of May 7-13, 2017 as

### **“Nurses Week”**

and join in showing our appreciation for the nation’s registered nurses not just during this week, but at every opportunity throughout the year.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the County to be affixed this, the 9th day of May, in the year of our Lord, two thousand seventeen.

\_\_\_\_\_  
Bart Miller, Chairman

\_\_\_\_\_  
William P. Wilson, Jr., County Clerk

***Motion/Second by Hawbaker/Flowers-Taylor to approve the Proclamation nunc pro tunc honoring the men and women who have trained and are currently working in the nursing profession and declaring the week of May 7-13 as Nurses Week. Motion carried unanimously by all.***

7. Consider approval of Proclamation honoring Sergeant First Class Sammy Lee Davis Medal of Honor recipient and published author who served in the United States Army from 1967 until 1984.

Mr. Wilson stated that this is part of the KIA program and Mr. John Carlisle is here to receive the proclamation and Commissioner Ray will read the proclamation.

Mr. John Carlisle accepted the proclamation and thanked the Board for their support of this project has received from this group. The moral and financial support received has enabled us to accomplish what we feel is a wonderful project for this community.

# **Proclamation**

**SAMMY LEE DAVIS**

**WHEREAS:** Sergeant First Class, Sammy Lee Davis, served in the United States Army from 1967 until 1984. He is a recipient of the Silver Star, two Purple Hearts and is one of only 79 living recipients of our nations' highest honor, the Medal of Honor; and

**WHEREAS:** Sergeant First Class Davis was awarded the Medal of Honor by President Lyndon B. Johnson in 1968 for heroism during the Vietnam War where he "distinguished himself at the risk of his own life above and beyond the call of duty in action against an enemy of the United States." On November 18, 1967, the then 21 year old, PFC Davis' artillery unit came under heavy attack by an overwhelming force of Viet Cong soldiers near Cai Lay, South Vietnam. During the attack PFC Davis sustained a perforated kidney, crushed ribs, broken vertebra, shrapnel wounds to his back and legs, a bullet wound to one thigh and burns to his arm, neck and face. Despite these debilitating injuries, using an M16 rifle, an M60 machine gun and single-handedly manning a Howitzer, PFC Davis continued to battle waves of Viet Cong attackers until they were ultimately repulsed. While under heavy enemy fire, Davis crossed a deep canal to rescued three severely wounded Americans stranded on the other side; and

**WHEREAS:** Mr. Davis is a published author who has documented this life and service in a work entitled "*You Don't Lose 'til you Quit Trying: Lessons on Adversity and Victory from a Vietnam Veteran and Medal of Honor Recipient.*" He will be the distinguished speaker for an event hosted by the Honor Our KIA Committee on Sunday, May 28, at 2:00 p.m. at the Griffin Auditorium and he will participate in the community's annual Memorial Day Ceremony on Monday, May 29th; and,

**WHEREAS:** The Honor Our KIA Committee is a multi-faceted community consisting of local civic and political leaders who have come together to honor local men and women who died while serving in the Armed Services during time of war from WWI to the present. The Bronze Plaque Project of this Committee places individual bronze plaques on prominent downtown buildings memorializing each of our fallen heroes, and the Oral History Project, in which Sammy Lee Davis will participate, offers vignettes where families or friends video comments regarding their loved one or friend who died in service during one of America's wars that give us insight not only into their courage but into their lives beyond their military service; and

**WHEREAS:** the Spalding County and the City of Griffin have long been known for their patriotic honorariums and memorials and for their comprehensive, planned activities to honor our Hometown Heroes on and around Memorial Day each year, culminating in observances by civic clubs and veterans' organizations held on National Memorial Day; and

**NOW, THEREFORE**

**BE IT RESOLVED** I, Bart Miller, as Chairman of the Spalding County Board of Commissioners do hereby proclaim the twenty-eighth day of May, in the year of our Lord two thousand and seventeen to be

**"Sammy Lee Davis Day"**

In Spalding County, Georgia and urge all of its citizens to honor this true hero whose message will be remembered for years to come in our community.

\_\_\_\_\_  
Bart Miller, Chairman

\_\_\_\_\_  
William P. Wilson, Jr., County Clerk

***Motion/Second by Flowers-Taylor/Hawbaker to approve the Proclamation honoring Sergeant First Class Sammy Lee Davis Medal of Honor recipient and published author who served in the United States Army from 1967 until 1984. Motion carried unanimously by all.***

8. Presentation of the 2017 Bain Proctor Award for volunteerism by Leisure Services Manager Kelly Leger.

Kelly Leger, Leisure Services Manager, stated it a great honor and privilege to be here tonight to present the 2017 Bain Proctor of the Year Award. In 2004, the Spalding County Parks and Recreation Advisory Commission

recommended to the Spalding County Board of Commissioners that a Volunteer Award be established, recognizing citizens of Spalding County who have provided significant volunteer services to our community. The award was named in honor of one of Griffin and Spalding County's most well known and remembered volunteers, Bain Proctor.

A true volunteer is one who unselfishly shares their personal time and talents to improve the lives of others without compensation or personal gain. Often times the greatest volunteers are those who work behind the scenes and yet manage to leave a lasting imprint upon lives, thus changing them forever. Its people like this who make lasting changes in a community and make it better. This community is blessed with so many individuals who freely give of their time and talents.

Ms. Leger then advised that before presenting the Bain Proctor Award, she wanted to share the wonderful volunteer spirit and passions of two men who were also nominated for the award and whose notable efforts should not go unrecognized.

Mr. Carl E. Bynes, Jr. is a young man who is a people person, he is generous and kind and helps anyone in need. In the community where he lives, he often assists his neighbors by cooking for them, running errands and doing yard work. Ms. Leger stated that in a time when few people even know their neighbors, Mr. Bynes with his volunteer spirit and compassion has created a sense of closeness within his community where residents feel safer and are happy to call their neighborhood home.

Mr. William L. Taylor is a passionate man of service who has been deeply involved in this community for many years. Mr. Taylor is the voice of WKEU radio, has served on the Kiwanis Club and Griffin Tech Board of Trustees and has been a great proponent for making our community better by supporting SPLOST. Mr. Taylor strongly supports education and literacy and was instrumental in forming the SPLOST committee which helped to build the UGA Academics Building. He is well known for hosting the annual Bull Dog Hunts, where 100% of the proceeds go to support Adult Literacy. He is a strong supporter of law enforcement and personally served our county in the US Army as a Lieutenant Colonel.

Ms. Leger then introduced the Bain Proctor Award recipient:

Mr. Edward H. Reynolds is a wonderful community volunteer who is passionate in his love of history. He is known in local schools as the Voice of Veterans. Mr. Reynolds has devoted many years to this organization which goes into the classroom to teach our youth about patriotism, service, sacrifice and our military history. He and Bain Proctor worked countless hours together planning and executing the first appearance of the Traveling Vietnam Wall in Spalding County. Mr. Reynolds is an Army Veteran of the Vietnam War and a retired history teacher.

Mr. Reynolds is the favorite teacher at the Senior Center, where he and his wife, Sue, volunteer their time. Anywhere there is a need they are among the first to raise their hands to help. Recently, Mr. Reynolds has been working on a special project with a Gordon College intern at Camp Stephens in Griffin and soon this historic property will have improved exhibits so that guests of all ages can visit and learn from our history.

Mr. Reynolds is most deserving of this award because of his personal sacrifice and commitment to this community. He has dedicated countless

hours to teaching, celebrating and preserving the history of our local community and our country.

9. Representatives from Headley Construction and Paragon Consulting are present to update the Board of Commissioners on the progress of the Pickleball Complex.

Jeremie Buffington, Project Manager, Paragon Consulting, and Mitch Headley of Headley Construction to give an update on the progress of the Pickleball Complex.

Mr. Buffington stated that he is pleased to report that Headley Construction has made significant progress since the last meeting. All 18 courts are paved, lighting has been roughed in and completed under the 4 court cover and roughed in to all the remaining courts. The concessions pad is also complete and the methane venting that was incorporated underneath that and currently four sides of the concessions building have been blocked up substantially. Fence posts are going in on all of the courts on the south side of the facility and they have done some fine grading around the site. They have also started on the framework for the flat work going in between the courts in the rear.

Mitch Headley stated that they would be pouring the first sidewalks tomorrow. They are hoping to get about 12,000 square feet poured. The fencing around the pickleball courts should be completed by the end of the month. The next step will be to put the coatings and the coloring on the courts. 12 of the 18 courts get a cushioned surface and all of those should be complete by the middle of June so the courts should be playable by the end of June. Sidewalks are starting now that we have the fence posts in and we can pour the sidewalks up against them. The sidewalks should be complete by June 10<sup>th</sup>. The concrete block work is continuing as well. The trusses are scheduled to go up on June 10<sup>th</sup> and the roof should be going on by June 12<sup>th</sup>. The concession stand should be looking complete by the middle of June; however, it probably will not be complete on the inside until the end of June. He assured the board that they would continue to make every effort to get this project completed as quickly as possible.

10. Syntel Brown would like to update the Board on the Region VI DHBDD (Department of Behavioral Health and Developmental Disabilities) Planning Board activities.

Mr. Wilson stated that Mr. Brown is the County's most recent appointment to this Board and he would like to advise what has been happening during the last five months.

Mr. Brown advised that the Board had outlined four priorities for this fiscal year and plan to work with the legislators and state senators to improve the lives of Georgia citizens. He then outlined the four priorities for this fiscal year: (1) Adult Mental Health; (2) Increase the number of Ready Work programs for the consumers in Region VI; (3) Assure that they are Educating and dealing with emotional disorders and the addictive diseases of adolescents and children; (4) Individuals with Developmental Disabilities.

11. Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the 16th consecutive year to Jinna Garrison, Administrative Services Director.

Mr. Wilson stated that attached to the agenda is a Press Release that states

that Ms. Garrison for the 16<sup>th</sup> year in a row has presented an award winning CAFR (Comprehensive Annual Financial Report) for Spalding County. The CAFR is located on the website.

Ms. Garrison stated that she has a great staff and County Manager to work with and she has a great Board who is committed to excellence, so you make my job easy.

**V. PRESENTATIONS OF FINANCIAL STATEMENTS**

1. Consider approval of financial statements for the ten months ended April 30, 2017.

***Motion/Second by Hawbaker/Flowers-Taylor to approve the financial statements for the ten months ended April 30, 2017. Motion carried unanimously by all.***

**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.

**Spoke against Full Blown Firearms**

Debbie Daniel-Bryant – 282 N. Rover Road.

Bill Bryant, 282 N. Rover Road, thanked the Board for their continued interest in the impact this business is having on the community and he thanked the Board for the Skype presentation and the informative meeting that was held this morning.

**VII. MINUTES -**

1. Consider approval of minutes for the Spalding County Board of Commissioners Extraordinary Session on April 17, 2017.

***Motion/Second by Ray/Johnson to approve the minutes for the Spalding County Board of Commissioners Extraordinary Session on April 17, 2017. Motion carried unanimously by all.***

**VIII. CONSENT AGENDA-**

1. Consider approval on second reading: Application #17-01Z: Wayne K. Duncan, Owner - Owen D. Snow, Agent - 2870 North Expressway (10.435 acres located in Land Lot 103 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential to C-1B, Heavy Commercial.

Mr. Wilson stated that this is second reading the Board approved this application on first reading at the Public Hearing on April 17, 2017.

APPLICATION FOR WAYNE K. DUNCAN  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION #17-01Z

RESOLUTION AMENDING  
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

AND  
THE OFFICIAL ZONING MAP 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, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "C-1, Commercial;"

WHEREAS, Wayne K. Duncan, applicant, applied for a change in zoning classification to be applied to the within described property to "C-1B, Heavy Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on February 20, 2017;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on April 17, 2017, 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 and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that tract or parcel of land lying and being in Land Lot 103 of the 3<sup>rd</sup> District, originally Henry County, now Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a ½ inch rebar found on the easterly right-of-way of North Expressway – U.S. Hwy. 19/41 (200' R/W) 1,129.39 feet northerly from the intersection of said right-of-way and the south line of Land Lot 103; thence along said right-of-way North 01°25'14" East, a distance of 212.12 feet to a point; thence continuing along said right-of-way 615.72 feet along a curve to the right, said curve having a chord of North 03°32'55" East 615.64 feet and a radius of 11,081.25 feet to a 5/8 inch rebar found; thence leaving said right-of-way North 89°06'34" East, a distance of 507.37 feet to a ½ inch rebar set on the westerly right-of-way of Old Atlanta Road (60' R/W); thence along said right-of-way the following calls: 236.35 feet along a curve to the left, said curve having a chord of South 03°16'09" West 263.34 feet and a radius of 6,590.48 feet to a point; thence 110.98 feet

along a curve to the left, said curve having a chord of South 00°19'08" West 110.97 feet and a radius of 2,852.82 feet to a point; thence 225.10 feet along a curve to the left, said curve having a chord of South 02°34'59" East 225.08 feet and a radius of 4,934.34 feet to a point; thence South 03°53'23" East, a distance of 70.46 feet to a ½ inch rebar found; thence leaving said right-of-way South 89°12'10" West, a distance of 271.79 feet to a ½ inch rebar found; thence South 00°47'36" East, a distance of 157.47 feet to a ½ inch rebar found; thence South 89°09'23" West, a distance of 280.41 feet to a ½ inch rebar found, being the POINT OF BEGINNING.

Said parcel is shown as Tract A and contains 8.993 acres of land.

From "C-1, Commercial" to "C-1B, Heavy Commercial" District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. Future Land Use Map shall be amended to Commercial.
- b. All outdoor storage shall be neat and orderly at all times.
- c. Only the 8.993 acres pursuant to the metes and bounds submitted shall be rezoned to C-1B for a mini-warehouse facility.
- d. All site lighting shall be designed so as not to glare onto adjacent properties or roadways.
- e. Proposed ingress/egress on Old Atlanta Road shall be right in / right out only.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, Section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On May 1, 2017, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 103 of the 3<sup>rd</sup> District, originally Henry County, now Spalding County, Georgia, containing 8.933 acres, 2870 North Expressway, zoned C-1B, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

***Motion/Second by Ray/Flowers-Taylor to approve on second reading: Application #17-01Z: Wayne K. Duncan, Owner - Owen D. Snow, Agent - 2870 North Expressway (10.435 acres located in Land Lot 103 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential to C-1B, Heavy Commercial. Motion carried unanimously by all.***

**IX. OLD BUSINESS –**

1. Consider a Resolution to extend a moratorium on the approval of construction plans for improvements and the issuance of any permits or licenses for

equestrian and rodeo facilities on certain real property within Spalding County to June 30, 2017.

Mr. Wilson stated that the moratorium had been approved by the Board earlier this year and requested an extension of the moratorium to allow enough time for the Planning Commission to review as it will require a text amendment. It is scheduled to for consideration by the Planning Commission on April 25<sup>th</sup> and it will come before you on June 5<sup>th</sup> for final approval.

**RESOLUTION TO ENACT A  
MORATORIUM ON THE APPROVAL OF CONSTRUCTION PLANS FOR  
IMPROVEMENTS AND THE ISSUANCE OF ANY PERMITS OR LICENSES FOR  
EQUESTRIAN AND RODEO FACILITIES ON CERTAIN REAL PROPERTY  
WITHIN SPALDING COUNTY**

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 is empowered to consider and enact zoning and development regulations governing the development of property within Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County exercised its authority to enact zoning and development regulations by adopting the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County on January 4, 1994, and various other ordinances governing development thereunder (generally attached as Appendices) to such ordinance;

WHEREAS, the Board of Commissioners of Spalding County is also empowered with the authority and obligation to develop and prepare comprehensive land use planning within the boundaries of Spalding County, Georgia, and is currently engaged in the preparation of a new comprehensive land use map for such development;

WHEREAS, the Board of Commissioners has reviewed the existing Zoning Map of Spalding County and has noted thereon that certain real properties located in residential and agricultural areas permit equestrian events as a matter of right, which uses may be incompatible with the adjoining residential developments;

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the citizens of Spalding County for the adoption of appropriate zoning resolutions to which correct this problem; and

WHEREAS, the Board of Commissioners desires to briefly control and prohibit equestrian events, including, but not limited to, rodeos on such properties until such time as these zoning issues can be addressed which uses may adversely affect the implementation of the comprehensive land use map of Spalding County and negatively impact the reasonable enjoyment of adjoining residential property in Spalding County;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, and the following Resolution shall be and is hereby enacted, as follows:

**Section 1: Definition of Rodeo and Equestrian Facilities.** For purposes of this moratorium the terms "Rodeo and Equestrian Facilities" shall be inclusive, include the singular, and refer to any and all equestrian farms, equestrian pastures, riding academies and other facilities which host equestrian- or rodeo-like events, including, but not limited to, exhibitions or competitions where performers or competitors ride, rope, wrestle, display or corral horses, cattle, swine, or other livestock or any other exhibitions or competitions of any nature involving livestock.

**Section 2: Enactment of Permit and License Moratorium.** The Board of Commissioners of Spalding County hereby enacts and directs any and all applicable agencies of Spalding County to enforce a moratorium on issuance of any new permits or licenses for any Rodeo and Equestrian Facilities to be

located on any and all property which is presently classified and shown on the Zoning Map of Spalding County as lying within the Agricultural and Residential (“AR-1”) and Rural Reserve (“AR-2”) districts.

**Section 3: Enactment of Construction Plan Moratorium.** The Board of Commissioners of Spalding County hereby enacts and directs any and all applicable agencies of Spalding County to enforce a moratorium on acceptance and approval of any construction plans for any Rodeos or Equestrian Facilities to be located on any and all property which is presently classified and shown on the Zoning Map of Spalding County as lying within the Agricultural and Residential (“AR-1”) and Rural Reserve (“AR-2”) districts.

**Section 4: Duration.** The moratorium period shall commence on Monday, February 13, 2017 at 12:00 a.m. and shall terminate on Friday, June 30, 2017 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County.

**Section 5: Impact on Other Development Ordinances.** The provisions of this resolution shall not restrict or prohibit any other development of any real property except that specifically stated herein.

***Motion/Second by Flowers-Taylor/Johnson to approve a Resolution to extend a moratorium on the approval of construction plans for improvements and the issuance of any permits or licenses for equestrian and rodeo facilities on certain real property within Spalding County to June 30, 2017. Motion carried unanimously by all.***

#### **X. NEW BUSINESS-**

1. Consider approval of the following amplification permits as requested by Chris Smith of the Griffin Moose Lodge for various outdoor events to be held on the following dates at the Griffin Moose Lodge located at 1435 Zebulon Road:

1. May 29, 2017 Memorial Day Family Pool Event from 2:00 p.m. - 6:00 p.m.
2. June 24, 2017 Annual Pool Luau from 7:00 p.m. - 11:00 p.m.
3. July 4, 2017 4th of July Pool Event from 2:00 p.m. - 6:00 p.m.
4. Sept. 4, 2017 Labor Day Pool Event from 2:00 p.m. - 6:00 p.m.

Mr. Wilson stated that this is the annual request that is received from the Moose Lodge, the amplification request has been reviewed by Community Development and by the Sheriff’s Office and staff recommends approval.

***Motion/Second by Ray/Johnson the amplification permits for the Griffin Moose Lodge located at 1435 Zebulon Road, Griffin, as requested by Chris Smith for May 29, June 24, July 4 and September 4, 2017. Motion carried unanimously by all.***

2. Consider request for amplification permit from Kevin Davis who will be hosting a Graduation Party at 104 Huntington Terrace, Griffin, Georgia on May 20, 2017 from 6:00 p.m. until 11:00 p.m.

Mr. Wilson stated that this was amplification permit request has been reviewed by Community Development and by the Sheriff’s Office and staff recommends approval.

***Motion/Second by Ray/Johnson to approve the amplification permit from Kevin Davis who will be hosting a Graduation Party at 104 Huntington Terrace, Griffin, Georgia on May 20, 2017 from 6:00 p.m. until 11:00 p.m. Motion carried 4-1 (Flowers-Taylor)***

3. Consider approval of final plat for Sun City Peachtree Subdivision - Pod 37C.  
Mr. Wilson stated that the final plat has been reviewed by all departments

and staff recommends approval.

***Motion/Second by Flowers-Taylor/Hawbaker to approve the final plat for Sun City Peachtree Subdivision - Pod 37C. Motion carried unanimously by all.***

4. Consider acceptance of Right-of-Way Deed for Pod 37C (Sun City Peachtree Subdivision).

The right of way has been inspected by the Public Works Department, the Community Development Department and the Water Department and they recommend approval.

***Motion/Second by Hawbaker/Ray accept the Right-Of-Way Deed for Pod 37C (Sun City Peachtree Subdivision). Motion carried unanimously by all.***

5. Set a date for a Public Hearing to establish a street lighting district for Sun City Peachtree - Pod 37C.

Mr. Wilson advised that Sun City Peachtree-Pod 37C have petition the County for a street light district. Staff recommends the June 5<sup>th</sup>, 2017 meeting for the public hearing. We will accept comments during the public hearing and consider approval of the street light district at that same meeting.

Consensus of the Board is to hold a Public Hearing on establishing a street light district for Sun City Peachtree – Pod 37C at the June 5<sup>th</sup>, 2017 meeting.

6. Consider approval of the 2018 Spalding County Leisure Services Department fee schedule as recommended by the Parks & Recreation Advisory Board.

Mr. Wilson stated that the Parks and Recreation Advisory Board recommended, as discussed last week during the budget hearings, some reductions for pavilion rentals and some slight increases in a few areas. The fee schedule comes as a recommendation from the Park and Recreation Advisory Board for consideration.

***Motion/Second by Flowers-Taylor/Ray to approve the 2018 Spalding County Leisure Services Department fee schedule as recommended by the Parks & Recreation Advisory Board. Motion carried unanimously by all.***

7. Consider renewal of a Memorandum of Understanding (MOU) with the University of Georgia to provide County Extension Services to Spalding County.

Mr. Wilson advised that this is the annual agreement with the Board of Regents/University of Georgia Cooperative Extension Service for personnel at the Spalding County Cooperative Extension Office. This is budgeted in the FY18 budget and staff requests approval.

COUNTY EXTENSION PERSONNEL CONTRACT/MEMORANDUM OF UNDERSTANDING  
Between  
THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA  
On Behalf of

**THE UNIVERSITY OF GEORGIA COOPERATIVE EXTENSION**  
**And the**  
**Spalding COUNTY BOARD OF COMMISSIONERS**

In accordance with the Smith-Lever Act of the U.S. Congress of 1914, an agreement between The Board of Regents of the University of Georgia system on behalf of the University of Georgia Cooperative Extension and the U.S. Department of Agriculture to conduct Extension work in Georgia, and by virtue of the authority conferred upon the governing authority of the county under Article 9, Section 4, Paragraph 2, of the Constitution as amended in 1983, as implemented in the O.C.G.A. #20-2-62 and O.C.G.A. #48-5-220, 10, the Spalding County Board of Commissioners hereinafter referred to as the **COUNTY** and the Board of Regents of the University of Georgia by and on behalf of the University of Georgia Cooperative Extension hereinafter referred to as the **UGA EXTENSION** do hereby agree to cooperate in the operation of an Extension education program in agriculture, natural resources and environmental management, family and consumer science, 4-H/youth work, and subjects related thereto in Spalding County.

**SECTION I**

**The UGA EXTENSION shall:**

1. - employ and supervise County Extension personnel. It shall be the responsibility of the UGA EXTENSION to establish minimum qualifications for County Extension personnel, certify the qualifications of all applicants, and to determine the total salary applicants are to be paid.
2. - appoint County Extension personnel in compliance with Equal Employment Opportunity regulations and subject to the approval of the COUNTY.
3. - in the event the work of any County Extension staff member becomes unsatisfactory to the COUNTY, it shall be the responsibility of the COUNTY to communicate this dissatisfaction to the District Extension Director of the UGA EXTENSION. It shall then be the responsibility of the UGA EXTENSION to appropriately deal with the dissatisfaction and advise the COUNTY of action taken, if any. The UGA EXTENSION shall have the right to terminate or transfer personnel from the county. In either case, UGA Extension will select a replacement for the county, following the procedure described above.
4. - keep at all times an accurate record of all funds received and disbursed under this agreement including all support documents. The UGA EXTENSION shall retain such records for a period of three (3) years unless an audit has begun but not been completed or if the audit findings have not been resolved at the end of three (3) year period. In such cases, the records shall be retained until the audit is complete or until the resolution of the audit findings.
5. - carry out all work under this agreement in accordance with the administrative and other requirements, including personnel matters, established by the University of Georgia, federal and state laws, regulations, and standards.
6. - provide County Extension personnel with the necessary stationery, envelopes, publications and other educational materials needed for an effective program. The UGA EXTENSION also agrees to plan, implement and conduct training as necessary to keep County Extension personnel adequately prepared to conduct effective, relevant Extension programs.
7. - pay a portion of the salary and associated benefits of County Extension personnel at a rate in compliance with the Board of Regents and the UGA EXTENSION salary administration policies.
8. - reimburse all County Extension personnel directly for expenses incurred on behalf of the UGA EXTENSION for officially designated travel outside Spalding County as authorized by the District Extension Director.
9. - support County Extension personnel and the Extension program in Spalding County with necessary assistance of district and state subject matter and supervisory personnel and other resources as available from the University of Georgia, the University System of Georgia, and other agencies and organizations with whom the UGA EXTENSION cooperates.
10. - report to the Spalding County Board of Commissioners at regular intervals on the nature of the County Extension program and progress being made.

**SECTION II**

**The COUNTY shall:**

1. - provide a suitable County Extension office; the suitability of the office to be agreed on by all parties. The COUNTY further agrees to provide sufficient funds to pay for necessary office supplies, office equipment, telephone, utilities, data communication/networking (including broadband internet connectivity), postage, demonstration materials, janitorial service and other items necessary for the operation of an effective Extension education program.
  - a. coordinate with UGA Extension IT personnel prior to the removal or modification of county office network infrastructure deployed and/or managed by UGA Extension. The county shall also coordinate with UGA Extension IT personnel prior to the addition of new network infrastructure where the existing network infrastructure has been deployed or is managed by UGA Extension.
  - b. coordinate with UGA Extension IT personnel in planning for the relocation of an existing or establishment of a new Extension office where the network infrastructure and/or computing resources will be managed by UGA Extension.
  - c. allow the installation and use of client software and unrestricted access to online resources deemed necessary by UGA Extension to conduct Extension business operations and program delivery.

2. - provide a portion of the salaries and associated benefits of County Extension personnel as shall be agreed upon by UGA EXTENSION and the COUNTY. Salary and benefits, including leave, shall be calculated according to policies established by the Board of Regents. The UGA EXTENSION will provide monthly statements to the COUNTY reflecting the COUNTY portion of benefits and/or salary. COUNTY reimbursement for county portion of benefits will be made to the UGA EXTENSION in the full amount upon receipt of the statement. COUNTY reimbursement for county portion of salary shall be paid monthly by the COUNTY directly to County Extension personnel unless some other method is agreed upon in writing by the UGA EXTENSION and the COUNTY.
3. - when an individual terminates employment through resignation or retirement, and chooses to take a lump-sum payment for accumulated annual leave, the COUNTY agrees to pay their share of the annual leave payment in accordance with UGA leave policy.
4. - reimburse the travel expenses of County Extension personnel for official travel on behalf of Spalding County. The reimbursement shall be paid monthly by the COUNTY directly to County Extension personnel unless some other method is agreed upon in writing by the UGA EXTENSION and the COUNTY.
5. - approve or disapprove appointment recommendations of County Extension personnel.
6. -notify the District Extension Director of the UGA EXTENSION if the work of any County Extension staff member is unsatisfactory to the COUNTY.
7. - evaluate financial support to the UGA EXTENSION annually, make adjustments as necessary for continued effective support, and to notify the UGA EXTENSION of these adjustments. The evaluation should include salary dollars for cost-of-living and/or merit increases.

**SECTION III**

1. This Contract/Memorandum shall take effect when it is executed by the Spalding COUNTY BOARD OF COMMISSIONERS and the UGA EXTENSION.
2. The term of this Agreement shall be from July 1, 2017 until rescinded. It may be terminated by either party by written notice of such intent provided ninety (90) days in advance.
3. This Agreement may be modified by mutual written agreement of the parties hereto.
4. This Agreement may be renewed annually by letter of agreement signed by the parties hereto.
5. Neither party to this agreement will discriminate against any employee or applicant for employment or against any applicant for enrollment at any school or college or against any student in his/her course of study or training because of race, color, sex, creed, national origin, age, disability, or veteran status.

May 15, 2017

Date

\_\_\_\_\_  
Bart Miller, Chairman, Board of Commissioners, Spalding County

Date

\_\_\_\_\_  
County Extension Coordinator, \_\_\_\_\_ County

Date

\_\_\_\_\_  
Vice President for Public Service and Outreach, University of Georgia

***Motion/Second by Flowers-Taylor/Ray to approve renewal of a Memorandum of Understanding (MOU) with the University of Georgia to provide County Extension Services to Spalding County. Motion carried unanimously by all.***

8. Consider approval of contact with the University of Georgia Cooperative Extension Service to provide for one FACS (Family & Consumer Sciences) Agent for FY 2018.

Mr. Wilson stated that this was a new position that was added to the budget in FY17. Cynthia Sweda is the Family & Consumer Sciences Agent for Spalding County the contract reflects the portion of her salary that the County is responsible for along with the associated Social Security and Medicare costs.

***Motion/Second by Ray/Johnson to approve the contact with the University of Georgia Cooperative Extension Service to provide for one FACS (Family & Consumer Sciences) Agent for FY 2018. Motion carried unanimously by all.***

9. Consider approval of FY 2017 year end budget amendments.

Mr. Wilson stated that these are the annual, end of the year, budget amendments. As stated during the budget hearings, we purchase vehicles, equipment, etc. all during the year and at the end of the year we reimburse ourselves for lease purchase agreements and set up those lease purchase agreements. This represents a bulk of these amendments, there are also items that are required at the end of the year that we do not budget during the year as was brought up in budget review earlier this month. This is where we move the money out of one single line item to the additional line items as are appropriate at the end of the year.

***Motion/Second by Flowers-Taylor/Ray to approve the FY 2017 year end budget amendments. Motion carried unanimously by all.***

10. Consider approval of an Intergovernmental Agreement with the Georgia Department of Corrections for the contracted care and custody of State Offenders at the Correctional Institute in Spalding County for FY 2018.

Mr. Wilson advised that this is the annual agreement with the Georgia Department of Corrections for the care and custody of the 384 inmates that we maintain at the Spalding County CI. This is budgeted in FY2018, it is roughly \$2.8 million in revenues. They pay us \$20 per day for each inmate that is housed at the CI.

## **INTERGOVERNMENTAL AGREEMENT COUNTY CAPACITY**

THIS AGREEMENT is entered into the 1st day of July, 2017, by and between the GEORGIA DEPARTMENT OF CORRECTIONS, an agency of the State of Georgia ("Department"), and Spalding County, a political subdivision of the State of Georgia ("County"), acting by and through its Board of County Commissioners, referred to individually as "Party" or together as "Parties."

WHEREAS, Department desires to contract with County for appropriate care and custody of certain offenders for which Department is responsible, ("State Offenders"); and

County desires to provide appropriate care and custody of State Offenders at a correctional institution operated by County ("Services").

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

1. Care and Custody. County agrees to provide complete care and custody of up to 384 State Offenders daily, for the Term of this Agreement and in accordance with all applicable state and federal laws, rules, and regulations. Without limiting the generality of the foregoing, County specifically agrees that no State Offender labor shall benefit private persons or corporations.

2. Recording Offender Movement in SCRIBE. County agrees to record any and all movement of State Offenders transferred in and out of the County facility by entering the movement in Department's SCRIBE system on the same day the movement occurs. Movements that are not entered in SCRIBE on the day the movement occurs will not show as an adjustment and result in an inaccurate daily count. County is solely responsible for implementing procedures to ensure that SCRIBE entries are made accurately and in a timely manner. County is responsible for verifying the State Offender count and all movements in and out of the County facility in SCRIBE on a daily basis to ensure that the count is accurate. County understands that the count reflected in SCRIBE is the official count for purposes of calculating payment under this Agreement. Late documentation, lack of documentation, or inaccurate documentation may result in delayed payment or non-payment under this Agreement. County agrees to grant Department access to County's records, documentation procedure, and personnel for purposes of auditing SCRIBE entries and verifying State Offender count at any time upon Department's request.

3. Notification of Medical Treatment. County shall notify Department of any State Offender that the County transfers to a hospital for treatment that will require an overnight stay or for whom treatment is likely to cost in excess of One Thousand Dollars (\$1,000.00). Said notification shall be provided via telephone contact within Twenty-Four (24) hours of offender being admitted for treatment on an outpatient or inpatient basis. County shall notify Department pursuant to this paragraph by calling the Department's "On Call Utilization Management Nurse" at 404-863-3079 at any time of day or night.

4. Employee or Offender Misconduct. The County agrees that it will notify the Department within ten (10) business days after terminating an employee of the County correctional institution for misconduct or of the resignation of any employee in connection with an allegation or investigation of misconduct. The County further agrees that it will notify the Department within ten (10) business days if it, one of its employees, or any other law enforcement officer secures a criminal warrant for the arrest or otherwise pursues the prosecution of an offender being housed at the County CI for criminal conduct allegedly committed at the County CI. County agrees that it will not hire any employee terminated by Department for misconduct or who resigns from Department in connection with an allegation or investigation of misconduct.

5. Compensation. Department agrees to pay County the sum of Twenty Dollars (\$20.00) per State Offender per day for the duration of this Agreement. County agrees to invoice Department monthly, in compliance with all billing procedures established by Department. Department shall endeavor to pay County for Services within Forty-Five (45) days of invoice receipt in approved form. County acknowledges and agrees that the Commissioner of Corrections shall have sole authority with respect to the transfer of State Offenders to and from the County correctional institution and Department shall not incur charges for State Offenders not under the care and custody of County. A State Offender is not under the care and custody of County when a State Offender is not housed at the County facility including when a State Offender is out to court or sent to a Department facility for medical or mental health evaluation.

6. Term of Agreement. The term of this Agreement shall be from July 1, 2017 until 11:59 p.m. on June 30, 2018 (the "Term"). The Parties may, by mutual agreement in writing, extend the Term for additional time periods.

7. Termination. Department may at any time and for any reason terminate this Agreement by providing written notice in advance of such termination to County. In the event of termination under this paragraph, Department shall pay County for Services performed prior to the effective date of termination; provided, however, that payments otherwise due County may be applied by Department against amounts due or claimed to be due to Department. In the event that County fails to comply with the provisions of this Agreement, Department may terminate this Agreement for cause and without notice. If termination is for cause, payments may be withheld by Department on account of the Services being deemed deficient and not remedied by County prior to the effective date of termination. County shall be liable to Department for any additional cost incurred by Department as a result of deficiencies in the Services to be provided hereunder.

8. Prison Rape Elimination Act. County agrees that it will adopt and comply with 28 C.F.R. 115, entitled the Prison Rape Elimination Act ("PREA"). As required in 28 C.F.R. 155.12, County further agrees to cooperate with Department in any audit, inspection, or investigation by Department or other entity relating to County's compliance with PREA. Department shall monitor the County's compliance with PREA, and shall have the right to inspect any documents or records relating to such audit, inspection or investigation and County will provide such documents or records at Department's request. County acknowledges that failure to comply with PREA is a material breach of this Agreement and is cause for termination of this Agreement.

9. Notices. Any notice under this Agreement, other than those referenced in Paragraph 3, "Notification of Medical Treatment," shall be deemed duly given if delivered by hand (against receipt) or if sent by registered or certified mail, return receipt requested, to a Party hereto at the address set forth below or to such other address as the Parties may designate by notice from time to time in accordance with this Agreement.

If to the County:

Spalding County Board of Commissioners  
Chairman  
P.O. Box 1087

Griffin, GA 30224

With a copy to: Spalding County Prison  
Warden, Carl Humphrey  
295 Justice Boulevard  
Griffin, GA 30224

If to the Department: Jennifer Ammons  
General Counsel  
Georgia Department of Corrections  
State Office South, Gibson Hall, 3<sup>rd</sup> Floor  
P.O. Box 1529  
Forsyth, Georgia 31029

With a copy to: Steve Upton  
Facilities Director  
Georgia Department of Corrections  
State Office South, Gibson Hall, 1<sup>st</sup> Floor  
P.O. Box 1529  
Forsyth, Georgia 31029

10. Reimbursement of Medical Costs.

- a. Department agrees to reimburse County for certain costs of medical services required for medical conditions which: (1) pose an immediate threat to life or limb, and (2) occur under circumstances in which the State Offender cannot reasonably be placed in a state institution for the receipt of this care ("Emergency Medical Services"). Department's obligation to reimburse County for the cost of any medical services, to include Emergency Medical Services, arises only when the cost per State Offender per incident exceeds One Thousand Dollars (\$1,000.00), and Department shall only be liable for the amount in excess of One Thousand Dollars (\$1,000.00), subject to the limitations of this paragraph and other applicable laws and regulations.
- b. County agrees to invoice Department monthly for the actual cost of Emergency Medical Services paid by County. If there existed any rate agreement between County and the hospital or hospital authority at the time Emergency Medical Services were rendered, the invoice must reflect such rate. All invoices from County must include an invoice or receipt from the hospital that clearly shows the actual cost of Emergency Medical Services paid by County.
- c. Department is not liable to County for any late fees or charges imposed by the hospital, hospital authority (collectively, "Late Fees"), or other service provider, for late or nonpayment by the County. County agrees to exclude Late Fees from its invoices to Department.
- d. If Department reasonably determines that there is a difference between the actual cost incurred by County and the invoice sent to Department, Department may assess an administrative fee of one-half (1/2) of the difference to cover the administrative costs incurred by the Department. Department shall send County written notice of any administrative fees, and County shall have Thirty (30) days to make payment or to dispute the fee in writing. If County does not make payment of undisputed administrative fees by the due date, Department is entitled to a setoff of the same amount against future payments owing to County.
- e. Pursuant to O.C.G.A. § 42-5-2(c), Department shall reimburse County no more than the applicable Georgia Medicaid Rate for Emergency Medical Services provided to a State Offender by a hospital, hospital authority, or other service provider. Department shall not be liable to County for any amount paid by County to a hospital, hospital authority, or other service provider, in excess of the Medicaid Rate for emergency services provided to a State Offender.

11. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties hereto and replaces, cancels and supersedes any prior agreements and understandings relating to the subject matter hereof, and all prior representations, agreements,

understandings and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

12. Sole Benefit. Department and County enter into this Agreement for their sole benefit. Department and County do not intend to give any rights pursuant to this Agreement to any other parties.

13. Choice of Law and Venue. The Contract shall be governed in all respects by the laws of the State of Georgia. Any lawsuit or other action brought against the Department and the State based upon or arising from this Agreement shall be brought in the Superior Court of Fulton County, Georgia.

14. Amendment. The Parties recognize and agree that it may be necessary or convenient for the Parties to amend this Agreement and the Parties agree to cooperate fully in connection with such amendments if and as necessary. However, no change, modification or amendment to this Agreement shall be effective unless the same is reduced to writing and signed by the Parties.

15. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement. No Party shall be bound by this Agreement until all Parties have executed it.

IN WITNESS WHEREOF, the parties have caused the authorized representatives of each to execute this Agreement on the day and year first above written.

GEORGIA DEPARTMENT OF  
CORRECTIONS:

COUNTY:

By: \_\_\_\_\_  
Jennifer Ammons, General Counsel

By: \_\_\_\_\_  
Bart Miller, Chairman  
Board of Commissioners

FACILITY WARDEN/SUPERINTENDENT

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

***Motion/Second by Hawbaker/Ray to approve an an Intergovernmental Agreement with the Georgia Department of Corrections for the contracted care and custody of State Offenders at the Correctional Institute in Spalding County for FY 2018. Motion carried unanimously by all.***

- 11. Consider recommendation from the Board of Elections to increase the salary for Poll Workers effective July 1, 2017.

Mr. Wilson advised that Marcia Ridley, Elections Supervisor and Helen Grayson our Board of Elections Chair are her to answer any questions the Board may have. These increases in election expenses were included in the recommended FY 2018 budget. The total is estimated at \$12,000 in FY18 if we have the 3 elections that we are anticipating. This is a request from the Board of Elections, is has been 10-15 years since the County has increased the poll workers pay.

Ms. Grayson advised that there will be a reduction in the number of precincts that will help to reduce the impact of the increase because staffing for those three precincts will not be necessary. Ms. Grayson advised that they are consolidating several precincts. The one that was at the Third Ward School will be consolidated with the existing precinct at the Senior Center. The precinct at the Community Church will be consolidated with the precinct at

Gary Reid Fire Station. The precinct that was at the Blalock Fire Station will come in and be at Liberty Church.

Ms. Grayson stated that the reason for the consolidations is due to early voting, some of the precincts only have about 100 people and many of them are early voting. Additionally, the State of Georgia is encouraging Counties to consolidate their precincts. Spalding County currently has 21 precincts, we will consolidate that down to 18.

***Motion/Second by Ray/Johnson to approve the recommendation from the Board of Elections to increase the salary of Poll Workers effective July 1, 2017. Motion carried unanimously by all.***

12. Consider approval of an agreement with Expert Discovery, LLC to perform a forensic audit to detect, document and arrange for collection of unpaid 911 and/or E911 fees that should have been remitted by telecommunication providers.

James Fortune, County Attorney, advised that this is part of the class action lawsuit that Roy Barnes law firm initiated. Commissioner Hawbaker brought this matter to our attention. We have met with their representative and have reviewed their documents. The bottom line is they are recovering quite a bit of money for other counties and municipalities who have been short changed for 911 services. Telecommunication providers have only been claiming a small number lines when, in fact, they are having many more lines than is reported. He advised that the total amount that Spalding County could recover is approximately \$800,000 less a 35% fee.

Mr. Fortune advised that this company will be funding all of the expenses, there will be no out of pocket for Spalding County, if they recover funds then they will get their money from the recovered funds. It is recommended after review of the documents that this would be a good thing for Spalding County.

***Motion/Second by Flower-Taylor/Hawbaker to approve an agreement with Expert Discovery, LLC to perform a forensic audit to detect, document and arrange for collection of unpaid 911 and/or E911 fees that should have been remitted by telecommunication providers. Motion carried unanimously by all.***

13. Consider approval of resolution authorizing declaration of taking for the following properties as requested by the Griffin-Spalding County Airport Authority: 200 Banks Road, 193 Sapelo Road and 237 Sapelo Road.

Mr. Fortune stated that the Airport Authority does not have condemnation powers and as part of the intergovernmental agreement the County would handle the condemnation of any parcels that are necessary. There will be no expense for the County, everything will be paid by the Airport Authority. We are requesting resolution authorizing declaration of taking for these three parcels. One of the properties we will probably have to file the declaration of taking on; however, the company who is acquiring the right of way is still working with two of the land owners. They are asking that these resolutions be adopted tonight because this has to be done before they can do a declaration of taking. This is the first step in that process. If we are able to come to terms with the land owners then we will not need to utilize these declarations.

R2017-09

**RESOLUTION AUTHORIZING CONDEMNATION OF FEE SIMPLE PROPERTY RIGHTS FOR THE DEVELOPMENT AND IMPROVEMENT OF AVIATION AND TRANSPORTATION FACILITIES**

WHEREAS, the Spalding County Board of Commissioners, hereinafter referred to as “the County”, though its employees and/or agents have determined and recommended to Spalding County that the County should develop and improve an aviation facility to provide for the transportation needs of Spalding County; and

WHEREAS, the County has chosen and approved the location of the aviation facilities so that it will benefit the property owners of Spalding County with minimal disruption and inconvenience to the property owners affected thereby; and

WHEREAS, the County finds that there is a public necessity that said aviation facilities be installed on, over, or under the property described in Exhibit A (the “Property”) attached hereto and made a part hereof; and

WHEREAS, the owner of the Property is Janet B. Knapp (Singer) (the “Owner”); and

WHEREAS, the County has further determined that it is necessary to purchase a fee simple interest of the Property in order to construct, operate and maintain said aviation facilities.

WHEREAS, the County has diligently pursued and will continue to pursue purchasing the necessary property rights from the Owner through a negotiated purchase; and

WHEREAS, pursuant to O.C.G.A. § 32-3-20 and O.C.G.A. § 22-1-9, the County through its employees and/or agents has attempted in good faith to negotiate a settlement regarding the property rights it needs to acquire. The County has had the property appraised and provided the property owner (or its designated representatives) with the opportunity to accompany the appraiser on his/her inspection. The County has provided each property owner with a written offer to purchase the property rights to be acquired as set forth herein, such written offer being not less than the full amount of the independent appraisal obtained by the County. Each written offer has described the property rights being acquired, including a drawing that depicted the owner’s property, and included a statement of the amount of just compensation and detailed the basis thereof. The written offer has further described the potentially available relocation assistance benefits available under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Where appropriate, any consequential damages have been stated separately; and

WHEREAS, the County has determined that the circumstances surrounding the acquisition of the property described in Exhibit A necessitates the use of its power of condemnation and the use of the condemnation procedures provided by O.C.G.A. Sections 32-3-4 through 32-3-20.

**NOW, THEREFORE, UPON MOTION BEING DULY MADE AND SECONDED, THE FOLLOWING RESOLUTIONS ARE HEREBY UNANIMOUSLY ADOPTED:**

**BE IT RESOLVED AS FOLLOWS:**

1. The County does hereby declare that there is a public necessity that the County acquire a fee simple interest from the property of the Owner, with the description of said property shown in Exhibit A, attached hereto, being incorporated herein by reference.
2. The County does hereby exercise its power of condemnation and authorizes the acquisition of the fee simple interest in the property described in Exhibit A attached hereto.
3. That the public purposes for which said property is being acquired are the development and improvement of aviation facilities for the public transportation uses of the citizens of Spalding County, Georgia.
4. That the County’s employees or agents have or shall make a written offer of settlement for the property rights as described above to the Owner of the property based upon the appraisal of the property.
5. That due to the exigent circumstances that have been found to exist, and the Owner’s refusal to accept a written offer of settlement, the County’s attorney is hereby authorized to file condemnation proceedings pursuant to O.C.G.A. Sections 32-3-4 through 32-3-20 to acquire said fee simple interest from the Owner, as well as any and all lienholders, and any unknown owners, unborn remaindermen, minors, insane persons, or others who may have any title, interest, claim, or demand in or against the property described in Exhibit A, upon which said interests may be located. The presently known persons or entities that may have any title, interest, claim, or demand in or against the property described in Exhibit A are set forth in Exhibit B, attached hereto.

6. In the event that the title to the property described in Exhibit A is transferred to a person or legal entity that is not listed in Exhibit B prior to the date of the filing of condemnation proceedings, this Resolution shall apply to all Owners of interest in the property described in Exhibit A on the date of filing of the Petition for condemnation.

7. That the County stands ready to pay just and adequate compensation for said property rights, as well as any consequential damages to which the Owner is legally entitled.

THEREFORE, IT IS HEREBY RESOLVED THIS 15<sup>TH</sup> DAY OF MAY, 2017.

Signed: \_\_\_\_\_

Chairman, Board of Commissioners of Spalding County

Attest: \_\_\_\_\_

#### **EXHIBIT A**

All that tract or parcel of land lying and being in Land Lot 240 & 241 of the 2<sup>nd</sup> District of originally Monroe, now Spalding County, Georgia, and being more particularly shown and designated as 10.00 acres, on a plat of survey entitled "Survey for Larry Keith Evans & Dianna Evans," prepared by Robert S. Mitchell, registered land surveyor, dated September 9, 1988, a copy of which said plat is recorded in Plat Book 18, Page 3 of the Superior Court records of Spalding County, Georgia, and which said plat, together with the metes, bounds, courses and distances shown thereon with respect to said property, is incorporated herein and made a part hereof as fully as if set out herein.

#### **EXHIBIT B**

- 1) Janet B. Knapp (Springer)
- 2) Wells Fargo Home Mortgage, Inc., a division of Wells Fargo Bank NA
- 3) Mortgage Electronic Registration Systems, Inc.
- 4) Wachovia Bank, NA
- 5) The Central Georgia Electric Membership Corporation
- 6) American Express Travel Related Services Co. Inc.
- 7) Portfolio Recovery Associates, assignee of FIA Card Services, NA
- 8) Midland Funding LLC
- 9) Sylvia Hollums, Tax Commissioner of Spalding County, Georgia
- 10) William B. Norris, Chairman of the Board of Assessors of Spalding County, Georgia
- 11) The Honorable Jan Hunt, Probate Court Judge of Spalding County Georgia

R2017-10

#### **RESOLUTION AUTHORIZING CONDEMNATION OF FEE SIMPLE PROPERTY RIGHTS FOR THE DEVELOPMENT AND IMPROVEMENT OF AVIATION AND TRANSPORTATION FACILITIES**

WHEREAS, the Spalding County Board of Commissioners, hereinafter referred to as "the County", though its employees and/or agents have determined and recommended to Spalding County that the County should develop and improve an aviation facility to provide for the transportation needs of Spalding County; and

WHEREAS, the County has chosen and approved the location of the aviation facilities so that it will benefit the property owners of Spalding County with minimal disruption and inconvenience to the property owners affected thereby; and

WHEREAS, the County finds that there is a public necessity that said aviation facilities be installed on, over, or under the property described in Exhibit A (the "Property") attached hereto and made a part hereof; and

WHEREAS, the owners of the Property are Bert E. Newsome and Christy L. Newsome (the "Owners"); and

WHEREAS, the County has further determined that it is necessary to purchase a fee simple interest of the Property in order to construct, operate and maintain said aviation facilities.

WHEREAS, the County has diligently pursued and will continue to pursue purchasing the necessary property rights from the Owners through a negotiated purchase; and

WHEREAS, pursuant to O.C.G.A. § 32-3-20 and O.C.G.A. § 22-1-9, the County through its employees and/or agents has attempted in good faith to negotiate a settlement regarding the property rights it needs to acquire. The County has had the property appraised and provided the property owners (or their designated representatives) with the opportunity to accompany the appraiser on his/her inspection. The County has provided each property owner with a written offer to purchase the property rights to be acquired as set forth herein, such written offer being not less than the full amount of the independent appraisal obtained by the County. Each written offer has described the property rights being acquired, including a drawing that depicted the owner's property, and included a statement of the amount of just compensation and detailed the basis therefor. The written offer has further described the potentially available relocation assistance benefits available under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Where appropriate, any consequential damages have been stated separately; and

WHEREAS, the County has determined that the circumstances surrounding the acquisition of the property described in Exhibit A necessitates the use of its power of condemnation and the use of the condemnation procedures provided by O.C.G.A. Sections 32-3-4 through 32-3-20.

**NOW, THEREFORE, UPON MOTION BEING DULY MADE AND SECONDED, THE FOLLOWING RESOLUTIONS ARE HEREBY UNANIMOUSLY ADOPTED:**

**BE IT RESOLVED AS FOLLOWS:**

1. The County does hereby declare that there is a public necessity that the County acquire a fee simple interest from the property of the Owners, with the description of said property shown in Exhibit A, attached hereto, being incorporated herein by reference.
2. The County does hereby exercise its power of condemnation and authorizes the acquisition of the fee simple interest in the property described in Exhibit A attached hereto.
3. That the public purposes for which said property is being acquired are the development and improvement of aviation facilities for the public transportation uses of the citizens of Spalding County, Georgia.
4. That the County's employees or agents have or shall make a written offer of settlement for a fee simple interest as described above to the Owners of the property based upon the appraisal of the property.
5. That due to the exigent circumstances that have been found to exist, and the Owners refusal to accept a written offer of settlement, the County's attorney is hereby authorized to file condemnation proceedings pursuant to O.C.G.A. Sections 32-3-4 through 32-3-20 to acquire said fee simple interest from the Owners, as well as any and all lienholders, and any unknown owners, unborn remaindermen, minors, insane persons, or others who may have any title, interest, claim, or demand in or against the property described in Exhibit A, upon which said interests may be located. The presently known persons or entities that may have any title, interest, claim, or demand in or against the property described in Exhibit A are set forth in Exhibit B, attached hereto.
6. In the event that the title to the property described in Exhibit A is transferred to a person or legal entity that is not listed in Exhibit B prior to the date of the filing of condemnation proceedings, this Resolution shall apply to all Owners of interest in the property described in Exhibit A on the date of filing of the Petition for condemnation.
7. That the County stands ready to pay just and adequate compensation for said property rights, as well as any consequential damages to which the Owners are legally entitled.

THEREFORE, IT IS HEREBY RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

Signed: \_\_\_\_\_  
Chairman, Board of Commissioners of Spalding County

Attest: \_\_\_\_\_

**EXHIBIT A**

All that lot, tract or parcel of land situated, lying and being in Land Lots 240 and 241 of the Second Land District of originally Henry, now Spalding County, Georgia and shown as 30.26 acres on a plat of survey entitled "Survey for Burt E. Newsome & Christy L. Newsome" prepared by Robert S. Mitchell, R.L.S., dated November 11, 1993 and recorded in Plat Book 20, Page 778, Spalding County records, which plat, together with the metes and bounds, courses and distances shown thereon, is incorporated herein by reference as if fully set forth herein.

**EXHIBIT B**

- 1) Bert E. Newsome
- 2) Christy L. Newsome
- 3) Mortgage Electronic Registration Systems, Inc., as nominee for Branch Banking & Trust Company
- 4) Branch Banking & Trust Company
- 5) Regions Bank (INC.) (ALABAMA)
- 6) The Central Georgia Electric Membership Corporation
- 7) Sylvia Hollums, Tax Commissioner of Spalding County, Georgia
- 8) William B. Norris, Chairman of the Board of Assessors of Spalding County, Georgia
- 9) The Honorable Jan Hunt, Probate Court Judge of Spalding County Georgia

R 2017-11

**RESOLUTION AUTHORIZING CONDEMNATION OF FEE SIMPLE PROPERTY RIGHTS FOR THE DEVELOPMENT AND IMPROVEMENT OF AVIATION AND TRANSPORTATION FACILITIES**

WHEREAS, the Spalding County Board of Commissioners, hereinafter referred to as "the County", though its employees and/or agents have determined and recommended to Spalding County that the County should develop and improve an aviation facility to provide for the transportation needs of Spalding County; and

WHEREAS, the County has chosen and approved the location of the aviation facilities so that it will benefit the property owners of Spalding County with minimal disruption and inconvenience to the property owners affected thereby; and

WHEREAS, the County finds that there is a public necessity that said aviation facilities be installed on, over, or under the property described in Exhibit A (the "Property") attached hereto and made a part hereof; and

WHEREAS, the owner of the Property is Land Headquarters, Inc. (ATLANTA) (the "Owner"); and

WHEREAS, the County has further determined that it is necessary to purchase a fee simple interest of the Property in order to construct, operate and maintain said aviation facilities.

WHEREAS, the County has diligently pursued and will continue to pursue purchasing the necessary property rights from the Owner through a negotiated purchase; and

WHEREAS, pursuant to O.C.G.A. § 32-3-20 and O.C.G.A. § 22-1-9, the County through its employees and/or agents has attempted in good faith to negotiate a settlement regarding the property rights it needs to acquire. The County has had the property appraised and provided the property owner (or its designated representatives) with the opportunity to accompany the appraiser on his/her inspection. The County has provided each property owner with a written offer to purchase the property rights to be acquired as set forth herein, such written offer being not less than the full amount of the independent appraisal obtained by the County. Each written offer has described the property rights being acquired, including a drawing that depicted the owner's property, and included a statement of the amount of just compensation and detailed the basis thereof. The written offer has further described the potentially available relocation assistance benefits available under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Where appropriate, any consequential damages have been stated separately; and

WHEREAS, the County has determined that the circumstances surrounding the acquisition of the property described in Exhibit A necessitates the use of its power of condemnation and the use of the condemnation procedures provided by O.C.G.A. Sections 32-3-4 through 32-3-20.

**NOW, THEREFORE, UPON MOTION BEING DULY MADE AND SECONDED, THE FOLLOWING RESOLUTIONS ARE HEREBY UNANIMOUSLY ADOPTED:**

**BE IT RESOLVED AS FOLLOWS:**

1. The County does hereby declare that there is a public necessity that the County acquire a fee simple interest from the property of the Owner, with the description of said property shown in Exhibit A, attached hereto, being incorporated herein by reference.
2. The County does hereby exercise its power of condemnation and authorizes the acquisition of the fee simple interest in the property described in Exhibit A attached hereto.
3. That the public purposes for which said property is being acquired are the development and improvement of aviation facilities for the public transportation uses of the citizens of Spalding County, Georgia.
4. That the County's employees or agents have or shall make a written offer of settlement for the property rights as described above to the Owner of the property based upon the appraisal of the property.
5. That due to the exigent circumstances that have been found to exist, and the Owner's refusal to accept a written offer of settlement, the County's attorney is hereby authorized to file condemnation proceedings pursuant to O.C.G.A. Sections 32-3-4 through 32-3-20 to acquire said fee simple interest from the Owner, as well as any and all lienholders, and any unknown owners, unborn remaindermen, minors, insane persons, or others who may have any title, interest, claim, or demand in or against the property described in Exhibit A, upon which said interests may be located. The presently known persons or entities that may have any title, interest, claim, or demand in or against the property described in Exhibit A are set forth in Exhibit B, attached hereto.
6. In the event that the title to the property described in Exhibit A is transferred to a person or legal entity that is not listed in Exhibit B prior to the date of the filing of condemnation proceedings, this Resolution shall apply to all Owners of interest in the property described in Exhibit A on the date of filing of the Petition for condemnation.
7. That the County stands ready to pay just and adequate compensation for said property rights, as well as any consequential damages to which the Owner is legally entitled.

**THEREFORE, IT IS HEREBY RESOLVED THIS 15th DAY OF MAY, 2017.**

Signed: \_\_\_\_\_  
Chairman, Board of Commissioners of Spalding County

Attest: \_\_\_\_\_

**EXHIBIT A**

All that tract or parcel of land situated, lying and being in Land Lot 240 of the Second Land District of originally Monroe, now Spalding County, Georgia and being more particularly described as follows: BEGINNING at the intersection of the south boundary of Land Lot 240 with the east right-of-way of Banks Road and running thence north 1 degree 17 minutes west a

distance of 2200.0 feet to an iron stake and point of beginning; thence north 88 degrees 57 minutes east a distance of 687.3 feet to an iron stake; thence north 0 degrees 57 minutes 48 seconds west a distance of 200 feet to an iron stake; thence south 88 degrees 57 minutes west a distance of 688.4 feet to an iron stake located on the east right of way of said Banks Road; thence south 1 degree 17 minutes east along said east right of way of Banks Road a distance of 200.0 feet to the point of beginning.

This is the same property conveyed in deeds of records in Deed Book 1887, Page 206 and Deed Book 1887, Page 205, Clerk's Office, Spalding Superior Court.

#### EXHIBIT B

- 1) Land Headquarters, Inc. (ATLANTA)
- 2) The Central Georgia Electric Membership
- 3) Sylvia Hollums, Tax Commissioner of Spalding County, Georgia
- 4) William B. Norris, Chairman of the Board of Assessors of Spalding County, Georgia
- 5) The Honorable Jan Hunt, Probate Court Judge of Spalding County Georgia

***Motion/Second by Ray/Johnson to approve the resolution authorizing declaration of taking for the following properties as requested by the Griffin-Spalding County Airport Authority: 200 Banks Road, 193 Sapelo Road and 237 Sapelo Road. Motion carried unanimously by all.***

14. Consider adoption of resolution authorizing declaration of taking on Parcel No. 7- Right Of Way for the North Hill Street at Northside Drive and Tuskegee Avenue intersection improvements and bridge projects.

Mr. Fortune advised that this is a very small piece of property, approximately 567 square feet, what has complicated matters is we are having to deal with a bank in California who has been very unresponsive. After numerous attempts we have decided that it would be best to file the declaration of taking as the project is due to start on Wednesday.

R2017-12

#### RESOLUTION AUTHORIZING CONDEMNATION OF EASEMENT RIGHTS FOR THE CONSTRUCTION AND DEVELOPMENT OF PUBLIC TRANSPORTATION FACILITIES FOR SPALDING COUNTY

WHEREAS, the Spalding County Board of Commissioners, hereinafter referred to as "the County", though its employees and/or agents have determined and recommended to Spalding County that Spalding County should improve a portion of North Hill Street at Northside Drive and Tuskegee Avenue to provide for the transportation needs of Spalding County; and

WHEREAS, the County has chosen and approved the location of the easement areas as described in Exhibit A and Exhibit B attached hereto, so that it will benefit the motoring public of Spalding County with minimal disruption and inconvenience to the property owners affected thereby; and

WHEREAS, the County finds that there is a public necessity that said improvements be installed on, over, across, under, and through the easement areas described in Exhibit A and Exhibit B attached and made a part hereof; and

WHEREAS, the presently known owner of the Property upon which the easements are located, as described in Exhibit A and Exhibit B, are listed in Exhibit C attached hereto (hereinafter called "Owner"); and

WHEREAS, the County has further determined that it is necessary to purchase certain temporary and permanent easements rights through the easement areas shown in Exhibit A and Exhibit B in order to construct, operate and maintain North Hill Street at Northside Drive and Tuskegee Avenue.

WHEREAS, the County has diligently pursued and will continue to pursue purchasing the necessary easement rights from the Owner through a negotiated purchase; and

WHEREAS, pursuant to O.C.G.A. § 32-3-20 and O.C.G.A. § 22-1-9, the County through its employees and/or agents has attempted in good faith to negotiate a settlement regarding the property rights it needs to acquire. The County has had the property appraised and provided the property owner (or his designated representatives) with the opportunity to accompany the appraiser on his/her inspection. The County has provided the property owner with a written offer to purchase the property rights to be acquired as set forth herein, such written offer being not less than the full amount of the independent appraisal obtained by the County. Each written offer has described the property rights being acquired, including a drawing that depicted the owner's property, and included a statement of the amount of just compensation and detailed the basis therefore. Where appropriate, any consequential damages has been stated separately; and

WHEREAS, the County has determined that the circumstances surrounding the acquisition of the property described in Exhibit A and Exhibit B necessitates the use of its power of condemnation and the use of the condemnation procedures provided by O.C.G.A. Sections 32-3-4 through 32-3-20.

**NOW, THEREFORE, UPON MOTION BEING DULY MADE AND SECONDED, THE FOLLOWING RESOLUTIONS ARE HEREBY UNANIMOUSLY ADOPTED:**

**BE IT RESOLVED AS FOLLOWS:**

1. The County does hereby declare that there is a public necessity that the County acquires certain easement rights on, over, across, under and through the property of the Owner, at the widths and lengths shown in Exhibit B, with the description of each said easement shown in Exhibit A being incorporated herein by reference.
2. The County does hereby exercise its power of condemnation and authorizes the acquisition of the permanent and temporary easement rights in the property described in Exhibit A and Exhibit B attached hereto.
3. That the public purposes for which said easements are as follows:
  - a. A non-exclusive easement for ingress and egress for construction, operating, and maintaining a roadway and all appurtenances thereto;
  - b. A temporary construction easement for ingress and egress during the period of construction, which becomes effective at the beginning of construction of the project and will expire upon completion and final acceptance of said project by Spalding County; and
  - c. A temporary driveway easement for ingress and egress, which becomes effective at the beginning of construction of the project and will expire upon completion and final acceptance of said project by Spalding County.
4. That the County's employees or agents have or shall make a written offer of settlement for certain easement rights as described above to the Owner of the property based upon the appraisal of the property.
5. That due to the exigent circumstances that have been found to exist, and the Owner's refusal to accept a written offer of settlement, the County's attorney is hereby authorized to file condemnation proceedings pursuant to a Declaration of Taking under O.C.G.A. Sections 32-3-4 through 32-3-20 to acquire said permanent and temporary easement rights from the Owner named in Exhibit C, as well as any and all lienholders, and any unknown owners, unborn remaindermen, minors, insane persons, or others who may have any title, interest, claim, or demand in or against the property described in Exhibit A and Exhibit B, upon which said interests may be located.
6. In the event that the title to the property described in Exhibit A and Exhibit B is transferred to a person or legal entity that is not listed in Exhibit C prior to the date of the filing of condemnation proceedings, this Resolution shall apply to all owners of interest in the property described in Exhibit A and Exhibit B on the date of filing of the Petition for condemnation.

7. That the County stands ready to pay just and adequate compensation for said easement rights, as well as any consequential damages to which the Owner is legally entitled. THEREFORE, IT IS HEREBY RESOLVED THIS 15<sup>TH</sup> DAY OF MAY, 2017.

Signed: \_\_\_\_\_  
Chairman, Board of Commissioners of Spalding County

Attest: \_\_\_\_\_

**EXHIBIT A**  
**EXHIBIT B**  
**EXHIBIT C**

- 1) Choi Diand Suk d/b/a Sam's Package

***Motion/Second by Johnson/Ray to adopt the resolution authorizing declaration of taking on Parcel No. 7- Right Of Way for the North Hill Street at Northside Drive and Tuskegee Avenue intersection improvements and bridge projects. Motion carried unanimously by all.***

15. Consider request for payment from Geraco Grocery 1245 N Hill St for lost income due to construction of roundabout and bridge on North Hill Street.

Mr. Wilson stated that this is the little Grocery Store going north on North Hill Street, that is closest to the creek. We had approached the owner about the possibility of purchasing this property and the owner advised he was not interested in selling. Initially the owner had expressed a desire to utilize the time that access to the store would not be available to renovate the structure; however, that has now changed and we have been presented with an estimate of potential income and inventory loss.

Mr. Wilson advised that there are approximately \$1,500 in perishable goods that the owner is asking the County to purchase.

Mr. Fortune advised that the owner had supplied his office with tax returns which indicate that the loss of income for the store would be approximately \$5,439.83 per month. It is recommended that the County pay loss of income for two months and pro-rate any additional time according to actual construction completion and his not being able to open his store. With regard to the perishable items it is requested that the County purchase from the owner the items that he is unable to sale and distribute these items to the CI and the Jail where they can be used.

***Motion/Second by Flowers-Taylor/Johnson to approve the request for payment from Geraco Grocery, 1245 N. Hill Street, for loss of income of \$5,439.83 for two months with any remaining time being prorated to the actual construction completion and that he be reimbursed up to \$1,500 for perishable goods that will***

***be turned over to the County for distribution to the CI and the Spalding County Jail. Motion carried unanimously by all.***

16. Consider approval on first reading an amendment to the Spalding County Code of Ordinances, Part VII - Animals Sections 12-1001 - 12-1020 to bring ordinance into compliance with state law with regard to dangerous dogs.

Mr. Fortune stated that we have been asked to review our Animal Control Ordinance because there have been significant changes in State law that are not reflected in our ordinance. Mr. Fortune advised that due to the number of changes the Board will have to review the Ordinance in its entirety and if they have specific questions we will answer those. The proposed Ordinance has been designed to mirror state law as closely as possible.

Mr. Wilson stated that this came about because we found out there were changes to the Animal Control laws in 2016 that were never incorporated into our Ordinance making the Ordinance not current with state law. Commissioner Ray still has questions and Mr. Wilson asked that he address those questions.

Commissioner Ray stated that the law does not require that an affidavit be signed or executed. The law states that an animal control officer can determine if an animal is vicious or dangerous and at that time action is taken against the animal and the owner.

Brent Foster, Animal Control Supervisor, stated that the Affidavit is not required by State Law; however, it was implemented in Spalding County due to the number of complainants who would file a complaint and then not show up for court. By getting a complainant to sign an Affidavit, we can force them to be at the hearing. As time goes by the people who are initially upset that they were bit by the neighbor's dog and over a period of time they talk with the neighbor and they choose not to pursue the complaint and they will not show up at the hearing to have the animal declared.

Commissioner Flowers-Taylor asked what happens if a dog bites another dog, the ordinance addresses if a dog bites a human, but what about when a dog bites another dog.

Mr. Foster advised that that would be a civil matter where the owner of the dog that was attacked would have to address the issue in a civil court, not a criminal court.

Eric Mosley, Assistant County Manager, stated that this is the first reading for the Ordinance, additional changes can be made to the final Ordinance prior to second reading so if we want to further enhance this Ordinance this would be the time to do so.

Commissioner Ray asked that the Ordinance include that if a dog kills another animal that it be considered a dangerous dog be included in the ordinance.

***Motion/Second by Flowers-Taylor/Ray to approve approval on first reading an amendment to the Spalding County Code of Ordinances, Part VII - Animals Sections 12-1001 - 12-1020 to bring ordinance into compliance with state law with regard to dangerous dogs and incorporate the changes to include if a dog kills another dog or another owner's pet be consider a dangerous dog. Motion carried unanimously by all.***

17. Establish dates for public input/hearings/listening sessions for the possible implementation of a T- SPLOST.

Mr. Wilson stated that attached to the agenda is a calendar prepared by King & Spalding with regard to what has to be done for a TSPLOST. The first thing that needs to be done is a date needs to be set with the municipalities and this has to be done before June, then we have to meet before July.

Consensus of the Board is to set up a Work Session for Wednesday, May 31<sup>st</sup> at 10:00 a.m. to finalize projects for consideration and set a meeting for June 5<sup>th</sup> or 6<sup>th</sup> at 5:00p.m. for a meeting with the Cities.

## **XI. REPORT OF COUNTY MANAGER**

- June 5<sup>th</sup> is 4-H Youth in Governance Day we will be meeting in the Board Room beginning at 9:30 a.m. if any Commissioner would like to attend.
- Honor Our KIA Ceremony, Sunday May 28<sup>th</sup>, 2017 at 2:00 p.m. at the Griffin Auditorium.
- The Memorial Day Ceremony will be Monday, May 29<sup>th</sup>, 2017 at 11:00 a.m.
- Construction on the North Hill Street Intersection #2 and the Bridge over Cabin Creek will begin on Wednesday, May 17<sup>th</sup> the intersection will be closed beginning on Wednesday for approximately four months. This is a 2008 and 2016 SPLOST project.
- Archway Young Professionals will be holding a “Calling All Young Professionals” at The Lewis Mills House at 406 North Hill Street in Griffin. Sponsored by Galloway & Lyndall on May 23<sup>rd</sup> from 5-7 p.m.
- Dollar General Distribution Center will be hosting a Hiring Event on Saturday, May 20<sup>th</sup> from 10:00 a.m-1:00 p.m. at 300 Franklin Street, Jackson, GA 30233
- Business After Hours will be on Tuesday, May 16<sup>th</sup> from 5-7 p.m. at CareMaster Medical Services, 240 O’Dell Road, Griffin.
- The CAD system went on line May 5<sup>th</sup>. It is up and running and is operational.
- Change of assessment notices were mailed last Friday. Don Long provided with information there are 31,548 parcels in all classes for Spalding County. 4,910 parcels increased in value, 2,130 parcels decreased in value and 24,508 parcels had no change.
- Over the past two weeks Mr. Wilson has interviewed candidates for Human Resource Director, as you know, Bill Gay will be retiring on June 2<sup>nd</sup>. I am proud to announce that we are going to do a promotion from within and Ms. Wendy Law will become the new Human Resource Director effective May 23<sup>rd</sup>.
- He thanked the Commissioners for the meeting this morning, it went very well. He commended both Steven Jones and Chad Jacobs for the outstanding job that they did this morning. We will be taking public comment on the 25<sup>th</sup> which will be a long meeting. We do have a Zoning Public Hearing on the 25<sup>th</sup> as well.
- Over the next few weeks he will be interviewing candidates for a permanent Public Works Director and he hopes at the next meeting to present the Board with the appointment of the Public Works Director.

## **XII. REPORT OF COMMISSIONERS**

**Commissioner Donald Hawbaker** –

- Asked if B.J. Martin has everything that he needs to submit the TIP projects.

Mr. Wilson advised that to his knowledge Mr. Martin does have everything that he needs. We will be submitting two projects for the TIP. Jointly with the City of Griffin we will be submitting the rerouting of SR155 down McDonough Road to 16. Additionally, the County will be submitting an interchange justification/truck route study for the Jenkinsburg Road Intersection.

- HB434 was enacted and will provide additional tools for Counties to address blight. Powers of condemnation and eminent can now be utilized.
- He wanted to say congratulations and thank you to our Correctional Officers, Police Officers and Nurses.

**Commissioner Gwen Flowers-Taylor** – None.

**Commissioner Raymond Ray**

- He wanted to congratulate the 4H'ers that were here this evening for doing such a great job representing Spalding County and to Cherry Hovatter on her retirement.
- Sad to hear that Code Enforcement Officer Jim Green is retiring this week and he wanted to thank him on behalf of Spalding County for his diligent efforts on behalf of Spalding County. He did want to say Great Job and Thank you for your service to Spalding County.

**Commissioner Rita Johnson**

- Wanted to thank the Consultants for their report and staff for the meeting this morning.
- Congratulated everyone receiving a proclamation this evening.

**Chairman Bart Miller**

- Officer Green has been an asset to the County and he will be missed when he retires and he is going to be hard to replace.
- He wanted to thank Chad for the job that was done earlier today.

Mr. Wilson expressed his condolences from the Board and the staff on the death of Chairman Miller's brother in law and asked to let him know if there is anything we can do.

**XIII. CLOSED SESSION** – None.

**XIV. ADJOURNMENT**

***Motion/Second by Ray/Johnson to adjourn the meeting at 8:13 p.m.  
Motion carried unanimously by all.***

/s/ \_\_\_\_\_  
Bart Miller, Chairman

/s/ \_\_\_\_\_  
William P. Wilson, Jr., Clerk