

## MINUTES

**The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 in the Courthouse Annex, Monday, February 8, 2016, beginning at 9:07 a.m. with Vice Chairman Bart Miller presiding. Commissioners Raymond Ray and Donald Hawbaker and Gwen Flowers-Taylor were present. Chairperson Johnson was absent from the meeting. Also present County Manager, William P. Wilson, Jr. and Assistant County Manager, Eric Mosley to record the minutes.**

- A. OPENING (CALL TO ORDER)** by Vice Chairman Bart Miller.
- B. INVOCATION** led by Commissioner Gwen Flowers-Taylor.
- C. PLEDGE TO FLAG** led by Commissioner Raymond Ray.
- D. AGENDA ITEMS**

1. Consider approval of Resolution creating and activating a Joint Development Authority of Butts County and Spalding County and for other purposes.

William Wilson, County Manager, advised that Jim Fortune, the County Attorney had reviewed the resolution and has advised that he has no problem with the wording. In November, the Board of Commissioners adopted a joint Intergovernmental Agreement with Butts County. As part of that agreement we are to create a Joint Development Authority between Butts County and Spalding County. This Resolution will create that Authority and names the Authority Members. He further advised that Butts County will be voting on this Resolution later this week.

Commissioner Flowers-Taylor asked who would be representing Spalding County on this Authority.

Mr. Wilson advised that the Joint Authority Members are the Chairman, Vice Chairman, Secretary/Treasurer, and the Executive Director of the Griffin-Spalding Development Authority. The same four positions for Butts County will be on the Authority.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF BUTTS COUNTY AND OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY CREATING AND ACTIVATING THE “JOINT DEVELOPMENT AUTHORITY OF BUTTS COUNTY AND SPALDING COUNTY”; PROVIDING FOR THE MEMBERSHIP OF THE AUTHORITY; APPOINTING INITIAL MEMBERS OF THE AUTHORITY; PROVIDING FOR THE MEMBERS’ TERMS OF OFFICE; PROVIDING FOR THE AREA OF OPERATION OF THE AUTHORITY AND RELATED MATTERS**

**WHEREAS**, O.C.G.A. § 36-62-5.1 authorizes any two or more counties, by concurrent resolutions of their respective local governing bodies, to create and activate a joint development authority; and

**WHEREAS**, this resolution is being presented for adoption by the Board of Commissioners of Butts County and by the Board of Commissioners of Spalding County and shall become effective when adopted by both such governing bodies.

**NOW, THEREFORE, BE IT RESOLVED**, that:

**CREATION OF JOINT AUTHORITY.** It is hereby declared that there is a need for a joint development authority to function in Butts County, and in Spalding County, Georgia, which counties are herein called “**Participating Jurisdictions.**” Pursuant to the provisions of O.C.G.A. § 36-62-5.1, such joint development authority is hereby created and activated. Such joint development authority shall be known as the “Joint Development Authority of Butts County and Spalding County” (the “**Authority**”). The Authority shall transact business pursuant to, and exercise the powers provided by, the provisions of, the Development Authorities Law, codified in the Official Code of Georgia Annotated Title 36, Chapter 62, as the same now exists and as it may be hereafter amended.

**MEMBERS.**

The number of members of the Authority shall be eight (8) and shall be constituted as follows:

Four (4) members shall be taxpayers residing in Butts County or Spalding County who hold, at the time of their appointment, the positions of Chairman, Vice Chairman, Secretary/Treasurer and Executive Director of the Development Authority of Butts County, and be initially appointed, as provided in this resolution and, thereafter, by the Board of Commissioners of Butts County, Georgia as their respective terms expire.

Four (4) members shall be taxpayers residing in Spalding County who hold, at the time of their appointment, the positions of Chairman, Vice Chairman, Secretary/Treasurer and Executive Director of the Griffin-Spalding County Development Authority, and be initially appointed, as provided in this resolution and, thereafter, by the Board of Commissioners of Spalding County as their respective terms expire.

Each of the members initially appointed shall serve an initial term commencing on the date of the creation of the Authority and expiring as set forth in (d), below. After expiration of the initial term of each such appointed member, the terms of office of his or her respective successor shall be terms of one (1) calendar year and each such term of office shall be filled by appointment of the governing body that appointed the member whose term expired in accordance with the above requirements. If, at the end of any term of any such appointed member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until his or her successor is appointed, which appointment shall be for the balance of the term being filled. If a vacancy occurs in the case of any such appointed member,

the governing body of the Participating Jurisdiction that appointed such member shall appoint a successor to serve for the balance of the term being filled in accordance with the above requirements.

<u>NAME</u>	<u>EXPIRATION DATE</u>	<u>PARTICIPATING JURISDICTION</u>
Bryan Bush	Dec. 31, 2016	Butts County
Bart White	Dec. 31, 2016	Butts County
Alicia Washington	Dec. 31, 2016	Butts County
Laura Hale Sistrunk	Dec. 31, 2016	Butts County
Charles Copeland	Dec. 31, 2016	Spalding County
Tom Gardner	Dec. 31, 2016	Spalding County
Robert Parker	Dec. 31, 2016	Spalding County
David Luckie	Dec. 31, 2016	Spalding County

The members of the Authority shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties.

(i) The following persons, each of whom meet the criteria for members set forth in Section 2(a) hereof, have been, and are hereby, so appointed by the respective governing bodies of the Participating Jurisdictions as shown by their names below for terms beginning with the creation of the Authority and continuing for a term expiring on the specified expiration date subject to (ii) below:

(ii) If at any time a member of the Authority shall cease to be qualified for appointment as such because such member no longer occupies one of the positions stipulated as a qualification in Section 2(a)(i) or Section 2(a)(ii), above, then such member's term as a member of this Authority shall simultaneously and automatically expire.

The members of the Authority shall constitute its board of directors. A majority of the members of the Authority shall constitute a quorum, but no action may be taken by the Authority without the affirmative vote of a majority of the full membership of the Authority.

**OFFICERS.** The directors shall elect one (1) of their members as Chair and another as Vice Chair and shall also elect a Secretary and a Treasurer or a Secretary-Treasurer, either of whom may, but need not be, a director. The Authority may have such other officers as it may determine.

**AREA OF OPERATION.** The Participating Jurisdictions agree that the Authority shall only undertake projects otherwise authorized by law within the area of operation set forth in the attached Exhibit "A," which is incorporated herein by reference. Further, the Authority may also undertake any portion of a project related to utilities, road access, or related infrastructure improvements which may extend outside the said area, so long as those portions extending beyond the area of operation defined herein directly benefit a project located within the within-specified area. The members of the Authority may determine by resolution whether or not any particular project is within its area of operation, and any such determination shall be final and not subject to review.

**INTERGOVERNMENTAL AGREEMENT.** The qualifications for members of the Authority set forth in Section 2 hereof and the definition of the area of operation set forth in Section 4 hereof are collectively intended to be an intergovernmental agreement between the Participating Jurisdictions, and among them and the Authority upon its creation, pursuant to Art. IX, Sec. III, Para I(a) of the Georgia Constitution, and upon its creation the members of the Authority shall by resolution expressly join in and be bound by such agreement. The term of such intergovernmental agreement shall expire fifty (50) years from the effective date of this Resolution, or upon the dissolution of this Authority, whichever first occurs.

**FILING WITH SECRETARY OF STATE.** A copy of this Resolution shall be filed with the Secretary of State of Georgia.

**COUNTERPARTS.** This Resolution may be executed by the Participating Jurisdictions in multiple counterparts and signature pages, but the same shall be considered one document.

**EFFECTIVE DATE.** This resolution shall become effective on the date of its adoption by the last of the governing bodies of the Participating Jurisdictions to adopt the same.

*[the remainder of this page left intentionally blank – signatures begin on next page]*

Passed and Adopted by the Board of Commissioners of Butts County this \_\_\_\_\_ day of February, 2016.

\_\_\_\_\_  
Chair of the Board of Commissioners  
of Butts County

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board of Commissioners  
of Butts County

[SEAL]

Passed and Adopted by the Board of Commissioners of Spalding County this 1st day of February, 2016.

\_\_\_\_\_  
Chair of the Board of Commissioners  
of Spalding County

**ATTEST:**

\_\_\_\_\_  
Clerk of the Board of Commissioners  
of Spalding County

**EXHIBIT A**

Area of Operation

ALL that tract or parcel of land lying and being in Land Lots 38, 39, 26 and 27, Second District, Butts County and Land Lots 38, 39 and 26, Second District, Spalding County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin set (#4 rebar) where the county line of Butts and Spalding County intersect the northeasterly right of way margin of Jackson Road (100' Right of Way), said iron pin set (#4 rebar) being the TRUE POINT OF BEGINNING;

THENCE North 47 degrees 17 minutes 08 seconds West for a distance of 207.67 feet along the northeasterly right of margin of Jackson Road to an iron pin found (#6 rebar);

THENCE continuing along the northeasterly right of way margin of Jackson Road North 49 degrees 24 minutes 44 seconds West for a distance of 99.47 feet to a point;

THENCE continuing along the northeasterly right of way margin of Jackson Road along an arc to the left an arc distance of 343.53 feet, having a radius of 1966.05 feet, and being subtended by a chord of North 54 degree 25 minutes 04 seconds West for a distance of 343.09 feet to an iron pin set (#4 rebar);

THENCE departing the northeasterly right of way margin of Jackson Road (100' Right of Way), North 24 degrees 09 minutes 19 seconds East 1892.21 feet to an iron pin set (#4 rebar);

THENCE North 90 degrees 00 minutes 00 seconds East for a distance of 1497.65 feet to an iron pin set (#4 rebar) on the southwesterly right of way margin of Interstate 75 (Variable Right of Way);

THENCE along the southwesterly right of way margin of Interstate 75 (Variable Right of Way), South 29 degrees 46 minutes 06 seconds East for a distance of 5.66 feet to an iron pin found (#4 rebar) on the Land Lot line of Land Lots 38 and 39 in Spalding County;

THENCE continuing along the southwesterly right of way margin of Interstate 75 (Variable Right of Way), South 29 degrees 48 minutes 59 seconds East for a distance of 373.14 feet to an iron pin set (#4 rebar);

THENCE departing the southwesterly right of way margin of Interstate 75 (Variable Right of Way), South 55 degrees 05 minutes 17 seconds West for a distance of 126.89 feet to an iron pin set (#4 rebar);

THENCE South 34 degrees 54 minutes 43 seconds East for a distance of 422.92 feet to an iron pin set (#4 rebar);

THENCE South 21 degrees 45 minutes 24 seconds East for a distance of 361.88 feet to an iron pin set (#4 rebar);

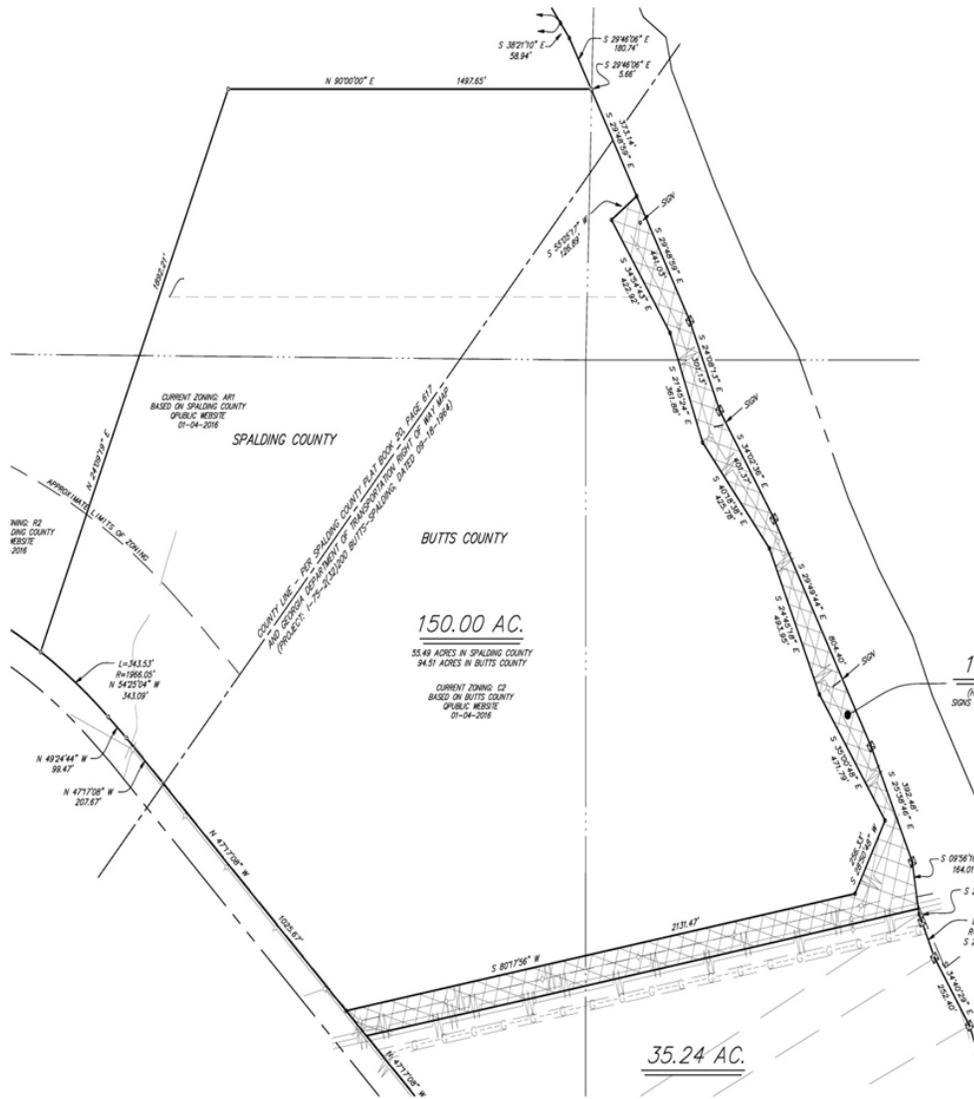
THENCE South 40 degrees 18 minutes 38 seconds East for a distance of 425.78 feet to an iron pin set (#4 rebar);

THENCE South 24 degrees 45 minutes 18 seconds East for a distance of 493.95 feet to an iron pin set (#4 rebar);

THENCE South 35 degrees 00 minutes 48 seconds East for a distance of 471.79 feet to an iron pin set (#4 rebar);

THENCE South 28 degrees 50 minutes 48 seconds West for a distance of 256.33 feet to an iron pin set (#4 rebar);

THENCE South 80 degrees 17 minutes 56 seconds West for a distance of 2131.47 feet to an iron pin set (#4 rebar) on the northeasterly right of way margin of Jackson Road (100' Right of Way);



THENCE North 47 degrees 17 minutes 08 seconds West for a distance of 1025.67 feet along the northeasterly right of way margin of Jackson Road (100' Right of Way) to an iron pin set (#4 rebar) where the county line of Butts and Spalding County intersect the northeasterly right of way margin of Jackson Road (100' Right of Way), said iron pin set (#4 rebar) being the TRUE POINT OF BEGINNING.

Said tract of land contain 55.49 acres in Spalding County and 94.51 acres in Butts County and an aggregate of 150.00 acres total.

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Butts County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Butts County creating and activating the "Joint Development Authority of Butts County and Spalding County," and containing provisions relating to the members and directors of the Authority, in a public meeting assembled on February \_\_\_\_, 2016, an original of which resolution has been entered in the official records of said County under my supervision and is in my official possession, custody and control.

\_\_\_\_\_  
 Clerk of Board of Commissioners  
 of Butts County

SEAL

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Spalding County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Spalding County creating and activating the "Joint Development Authority of Butts County and Spalding County," and containing provisions relating to the members and directors of the Authority, in a public meeting assembled on February \_\_\_\_, 2016, an original of which resolution has been entered in the official records of said County under my supervision and is in my official possession, custody and control.

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Clerk of Board of Commissioners  
of Spalding County

***Motion/Second Hawbaker/Flowers-Taylor to approve a Resolution creating and activating a Joint Development Authority of Butts County and Spalding County. Motion carried unanimously by all.***

**E. ADJOURNMENT**

***Motion/Second by Ray/Flowers-Taylor to adjourn the meeting at 10:11 p.m. Motion carried unanimously by all..***

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

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