

# After Agenda

**Board of Commissioners of Spalding County  
Regular Meeting  
Monday, December 1, 2014  
6:00 PM  
119 E. Solomon St., Meeting Room 108**

**The Spalding County Board of Commissioners held their Regular Meeting in Room 108 of the Courthouse Annex, Monday, December 1, 2014, beginning at 6:00 p.m. with Chairman Samuel Gardner presiding. Commissioners Raymond Ray, Rita Johnson, Gwen Flowers-Taylor and Bart Miller were present. Also present were County Manager William P. Wilson Jr., Stephanie Windham for Jim Fortune, County Attorney, Administrative Services Director, Jinna Garrison, Parks Superintendent, Kelly Leger, Recreation Superintendent, T.J. Imberger, Human Resource Director, William Gay and Kathy Gibson, Executive Secretary to record the minutes.**

- I. OPENING (CALL TO ORDER)** led by Chairman Samuel Gardner.
- II. INVOCATION** – led by Commissioner Gwen Flowers-Taylor.
- III. PLEDGE TO FLAG** – led by Commissioner Raymond Ray.
- IV. PRESENTATIONS/PROCLAMATIONS**
  1. Carrie Zeiger, retiring Executive Director of the Flint River Regional Library System to introduce Natalie Marshall as Flint River Regional Library System Executive Director effective January 1, 2015.  
  
Carrie Zeigler stated that it has been a pleasure to serve the Spalding County Community for the past 4 ½ years. She stated that she appreciates the support she has received for the library. Ms. Zeigler then introduced Natalie Marshall who has worked at the Flint River Library for the last 9 years. Ms. Marshall graduated from Griffin High School, attended Agnes Scott College in Atlanta, Georgia and received her Master’s Degree in Library Science from the University of Tennessee in Knoxville in 2005.
  2. Recognition of the Spalding County Employees who completed the 2014 Griffin Leadership Development Institute.  
  
Miles Neville, Director of Human Resources, City of Griffin, and Fire Chief Tommy Jones, City of Griffin, presented Certificates of Completion to: Keith Bradford, Spalding County Animal Control, Lauren Brown, Spalding County Parks & Recreation, Wendy Law, Spalding County Human Resources, Latressia Ferguson, Spalding County 911, Robbie Milner, Spalding County Parks & Recreation and Lee Slaughter Spalding County Fire Department.
  3. Spalding County Fire Department to recognize the individuals who have completed the CERT (Community Emergency Response Team) Program hosted by the Spalding County Office of Homeland Security.

Glenn Polk stated that they had been working very hard since tornados in 2011 to get the CERT program up and running. The goal was to hold two CERT programs this year: 1-10 week program and 1- 8 week program. We had a total of 29 people who participated in the two classes. Assistant Chief Polk stated that they are proud of the program and wanted to thank the participants.

4. Recognize the Spalding County Parks & Recreation Department as 2014 State Agency of the Year serving population 50,001-80,000 as designated by the Georgia Recreation & Park Association.

Mr. Wilson stated that the presentation of the award was at Jekyll Island at the annual Georgia Recreation & Parks Association meeting. This is the 7<sup>th</sup> time Spalding County has received this recognition since 1991.

5. Commissioner Ray presented Chairman Gardner with the Gavel Plaque for his service as Chairman from January through December, 2014.

## V. PRESENTATIONS OF FINANCIAL STATEMENTS

1. Consider approval of financial statements for the four month period ended October 31, 2014.

Jinna Garrison, Administrative Services Director, was present to answer any questions.

William Wilson stated that the Tax Commissioner advised that she was at 85% of collections.

***Motion/Second by Ray/Johnson to approve the financial statements for the four month period ended October 31, 2014. 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.

**Ken Patton, 405 Bendview Road, Griffin.** Expressed his concerned over Vaughn Road being made a “No Thru Truck” road. Mr. Patton lives on Bendview Road just off of Vaughn Road. He is the owner/operator of K & G Patton Enterprises, Inc. and they provide roll off containers and transporting trash. He lives on Bendview Road and has a shop for his business located at his home. The road helps to save money and time for the local businesses. This is an important through way that is half way between Griffin and Senoia. He requested that the road be opened back up for thru truck traffic.

**Justin Wynne, 127 Central Lake Circle, Griffin.** Mr. Wynne is the owner of Mama's County Showcase in Griffin. He stated that he was charged with Commercial Gambling and keeping a Gambling place, the charges were reduced to violation of coin operated machines. All that has been taken care of. He stated that he currently employs 2 deputies and he is very proactive when it involves underage drinking.

**Don Hawbaker, 1121 Satilla Court, Griffin** as a district 5 resident he wanted to thank Chairman Gardner for his service to the County. Mr. Hawbaker stated that he was here to speak on the agenda item concerning RFP for Managed IT Services. He is concerned about the process that seems to have been questioned the way bids were solicited. The process was questioned because of Mr. Wilson's past relationship with Liberty and an unhappy non-bidder had questioned the way the RFP was written. Mr. Hawbaker stated that he didn't feel that the whole process should be disregarded for those reasons. Mr. Hawbaker urged that the process not be reopened and that the bids submitted in response to the Managed IT RFP be considered. Mr. Hawbaker also expressed his concerns as to what extent the City of Griffin can provide IT services. He does not feel it is wise from a confidentiality standpoint for the City of Griffin to provide IT services, have control over the data servers and email servers for the County.

## **VII. MINUTES -**

1. Consider approval of the Minutes for the November 3, 2014 Regular Meeting, November 3, 2014 Executive Session and the November 3, 2014 Zoning Public Hearing of the Board of Commissioners.

***Motion/Second by Ray/Johnson to approve the Minutes for the November 3, 2014 Regular Meeting, November 3, 2014 Executive Session and the November 3, 2014 Zoning Public Hearing of the Board of Commissioners . Motion carried unanimously by all.***

## **VIII. CONSENT AGENDA -**

1. Consider on second reading an Ordinance amending the Spalding County Code of Ordinances Division II, Part XII - Animals, Chapter 1 - Animal Control, Section 12-1006 - Maximum number of dogs and cats allowed without a kennel license.

***Motion/Second by Ray/Johnson to approve all eight items on the consent agenda.***

Commissioner Flowers-Taylor requested that the items be considered separately as she wanted to discuss several of the zoning items prior to voting on approval. Commissioner Flowers-Taylor stated that she had some concerns regarding Items 4-7 on the Consent Agenda.

***Motion failed by a vote of 2/3 (Flowers-Taylor/Johnson/Miller).***

***Motion/Second by Ray/Johnson to approve on second reading an Ordinance amending the Spalding County Code of Ordinances Division II, Part XII - Animals, Chapter 1 - Animal Control, Section***

**12-1006 - Maximum number of dogs and cats allowed without a kennel license. Motion carried unanimously by all.**

2. Consider approval on second reading an Ordinance amending the FY 2015 Budget Ordinance to provide for receipt of lease purchase proceeds.

**Motion/Second by Ray/Johnson to approve on second reading an Ordinance amending the FY 2015 Budget Ordinance to provide for receipt of lease purchase proceeds. Motion carried unanimously by all.**

**James Fortune, County Attorney, joined the meeting and Stephanie Windham left the meeting.**

3. Consider approval on second reading Application #14-02Z: Cecil O. and Dot S. McAdams, Owners - 1649 Carver Road (3.03 acres located in Land Lot 86 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

**Motion/Second by Ray/Johnson to approve on second reading Application #14-02Z: Cecil O. and Dot S. McAdams, Owners - 1649 Carver Road (3.03 acres located in Land Lot 86 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.**

Commissioner Flowers-Taylor stated that she is concerned because when the applicant came before the board she stated that she had been told that the rezoning was needed in order to remain eligible for land conservation. Commissioner Flowers-Taylor stated that she does not want to set a legal precedent that we will not be able to defend on future requests of this nature that would cause changes to the land use map.

Commissioner Miller stated that the 86 acres has horses, timber and they harvest the hay off that property. The other two parcels have houses on them and portions of both properties would be exempt from the land conservation because of the houses. He stated that he had no problem voting to approve the 86 acre tract, but he does have a problem approving the two tracts with houses.

**Motion failed by a vote of 2-3 (Flowers-Taylor/Johnson/Miller).**

4. Consider approval on second reading Application #14-02AZ: Dorothy S. McAdams, Trustee of the Dorothy S. McAdams Revocable Trust, Owner - 1663 Carver Road (2.06 acres located in Land Lot 86 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

Commissioner Ray stated that three commissioners present at the last Zoning Public Hearing reviewed the information provided by the applicant on this request and voted to approve the request on first reading. These items were approved based on the information presented that evening and he stated that

he is going to vote in favor of approval again.

***Motion/Second by Flowers-Taylor/Miller to deny on second reading Application #14-02AZ: Dorothy S. McAdams, Trustee of the Dorothy S. McAdams Revocable Trust, Owner - 1663 Carver Road (2.06 acres located in Land Lot 86 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential. Motion carried 3/2 (Ray/Gardner).***

5. Consider approval on second reading Application #14-02BZ: Dorothy S. McAdams, Trustee of the Dorothy S. McAdams Revocable Trust, Owner - 1725 Carver Road (86.532 acres located in Land Lot 86 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

***Motion/Second by Flowers-Taylor/Miller to approve on second reading Application #14-02BZ: Dorothy S. McAdams, Trustee of the Dorothy S. McAdams Revocable Trust, Owner - 1725 Carver Road (86.532 acres located in Land Lot 86 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential. Motion carried unanimously by all.***

6. Consider approval on second reading Application #14-04Z: Ed Jr. and Maria Johnson, Owners – 600 Hamil Road (40.87 acres located in Land Lot 228 of the 3rd Land District) - requesting a rezoning from R- 2, Single Family Residential, to AR-1, Agricultural and Residential.

***Motion/Second by Flowers-Taylor/Miller to approve on second reading Application #14-04Z: Ed Jr. and Maria Johnson, Owners – 600 Hamil Road (40.87 acres located in Land Lot 228 of the 3rd Land District) - requesting a rezoning from R- 2, Single Family Residential, to AR-1, Agricultural and Residential. Motion carried unanimously by all.***

7. Consider approval on second reading Application #14-04AZ: Ed and Maria Johnson, Owners - Hamil Road (2.212 acres located in Land Lot 228 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

***Motion/Second by GFT/Johnson to deny on second reading Application #14-04AZ: Ed and Maria Johnson, Owners - Hamil Road (2.212 acres located in Land Lot 228 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.***

Commissioner Flowers-Taylor stated that this parcel has the residence on it and since two of the 2.212 acres would be exempt from consideration for conservation this parcel.

***Motion rescinded by Flowers-Taylor/Johnson.***

Mr. Wilson and Larry Lillard looked up the parcel on the tax records and the parcel does not appear to be two pieces of property. The property for tax purposes is one parcel containing 42.99 acres and could not ascertain which piece of property contained the residence.

***Motion/Second by Johnson/Ray to approve on second reading Application #14-04AZ: Ed and Maria Johnson, Owners - Hamil Road (2.212 acres located in Land Lot 228 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential. Motion carried by a vote of 4-1 (Flowers-Taylor).***

8. Consider approval on second reading Amendment to UDO #A-14-07: Appendix A. Subdivision Ordinance - Section 406:C - amend review of construction plans.

***Motion/Second by Ray/Flowers-Taylor to approve on second reading Amendment to UDO #A-14-07: Appendix A. Subdivision Ordinance - Section 406:C - amend review of construction plans. Motion carried unanimously by all.***

**IX. OLD BUSINESS -**

1. Consider recommendation from the Parks and Recreation Advisory Committee approving the use of Personal Trainers with approved background checks and current fitness certificates at \$75 per month at County parks.

Kelly Leger, Superintendent of Recreation, stated that presently there is no way to regulate personal trainers who utilize the county parks and facilities to conduct their business. Ms. Leger stated that they had made inquiries across the state to determine how other Parks and Recreation facilities handle this type of operation. Ms. Leger stated that Clayton County has had the same concerns and have had great success with the Personal Trainer Policy they have implemented.

She stated that currently personal trainers who use the parks and facilities do so without any background check, we do not have anything on file with regard to their credentials or certifications nor do we have on file any signed waivers releasing liability. They are regulated in no way by the county and Spalding County receives no revenues for the use of the parks and our facilities by personal trainers. These classes occur in the evenings and on weekends and the classes can move from park to park. One of the benefits of this is the change in location helps to motivate participants to keep fit.

Ms. Leger stated that Spalding County Parks are beautiful settings for these activities and they are increasing in popularity. Individuals visibly getting more fit together will attract more visitors to our Parks and will increase participation and quality of life in Spalding County. Ms. Leger stated that they are proposing to allow Personal Trainers to use the parks and facilities for their

classes, an application packet has been created which includes a SAVE affidavit, E-verify to make sure everyone is legal, a background check, the W-9, a release of liability as well as roster and sign in sheets. They are proposing a similar fee to that being charged in Clayton County \$75.00 per month regardless of the number of clients being served. Approval will be completed on an annual basis with these individuals. These individuals will also be able to use the fitness rooms at both the Senior Center and City Park.

Ms. Leger stated that upon approval the trainers will become partners with Parks and Recreation, we will promote their services in our parks and feature them on our website. This will help to promote and increase a culture of wellness within our parks and at our facilities. The trainers will also have to wear a badge, much like the ones the coaches for our teams wear, which will identify them as a legitimate trainer working with Spalding County Parks and Recreation. They are certified, they have been background checked and they are out there working with individuals.

Ms. Leger advised that Clayton County has experienced great success with this program. They have 13 personal trainers on file who service an average of 65 clients monthly. She stated that she feels this will increase the resources available to the county and will better enhance the programs currently being offered and will provide a safer environment for these programs.

Commissioner Flowers-Taylor expressed her concern over citizens who want to go to the park in groups to exercise.

Ms. Leger stated that this policy will only apply to Personal Trainers who are receiving a revenue for training individuals and utilize the park and facilities to do so.

***Motion/Second by Ray/Johnson to approve the recommendation from the Parks and Recreation Advisory Committee approving the use of Personal Trainers with approved background checks and current fitness certificates at \$75 per month at county parks. Motion carried 4-1 (Flowers-Taylor).***

2. Consider approval of purchase of three tablets and cases for use by the Spalding County Board of Assessors from the Commissioner's Contingency Fund.

William Wilson advised that the license that we purchased with Novus Agenda allows us to have multiple entities utilize the software and multiple users. So we can add the Board of Assessors, the Water Authority, the Board of Equalization, the Planning Commission, the Board of Appeals and others to this program. Mr. Wilson stated that he has talked with the Board of Assessors and they are anxiously awaiting this approval so they can use this for future meetings. Staff recommends approval in the amount of \$1,500.00.

***Motion/Second by Johnson/Ray to approve the purchase of three tables and cases for use by the Spalding County Board of Assessors from the Commissioner's Contingency Fund.***

Commissioner Miller asked if quotes had been received for the purchase of the tablets.

Mr. Wilson advised that the cost of an iPad is approximately \$499 no matter where you purchase it. He did advise that T.J. Imberger had found a supplier who could provide them for a little less and we would be exploring that avenue.

Commissioner Flowers-Taylor stated that when the board was discussing the purchases, we were also discussing iPads for Planning and Development to reduce the need for so many packets for the Planning Board and the Zoning Board of Appeals so she was surprised to see the recommendation for only three iPads for the Tax Assessors Office.

Mr. Wilson advised that the additional iPads had been discussed, but we still need to make sure that everyone on the other boards and committees are interested in using them. He stated that he had not polled the Planning Commission nor the Zoning Board of Appeals, he had only polled the Tax Assessors.

Commissioner Miller wanted to confirm that when the iPads are purchased for the Planning Commission and the Zoning Board of Appeals that it would be a total of five and they would rotate between the two groups.

Mr. Wilson confirmed that the three if approved tonight would be for the Board of Assessors and we would purchase five to be utilized by both the Planning Commission and the Zoning Board of Appeals and those two groups could swap because they meet on different days.

***Motion carried unanimously by all.***

3. Consider eliminating the Tobacco Surcharge for County Employees scheduled to go into effect on January 1, 2015.

Mr. Wilson advised that we had representatives from Blue Cross and Blue Shield and Matt Bidwell of MSI down recently for a work session. We discussed all of the programs currently available through Blue Cross and Blue Shield. This surcharge is scheduled to go into effect January 1 we do not vote to eliminate it tonight.

***Motion/Second by Ray/Miller to eliminate the Tobacco Surcharge for County Employees scheduled to go into effect on January 1, 2015. Motion carried 4-1 (Flowers-Taylor).***

## **X. NEW BUSINESS -**

1. Consider request from Mobley Construction for refund of 2009, 2010, and 2011 taxes on the Green space at The Meadows Subdivision and Walkers Mill Estates Subdivision.

Larry Lillard, Chief Appraiser, advised that the Spalding County Board of Assessors made a policy change that was effective for the 2012 Tax Digest.

Mr. Lillard advised that the Board of Assessors received a recommendation from Mr. Larry Griggers who was performing the revaluation and suggested that we value green space area at a nominal value of \$100 if the property is owned by a Home Owners Association. Because it is green space and valued on a plat as such. Green space can't be sold, it is usually deeded to a homeowners association. Prior to that time all of the subdivisions in Spalding County, including Mr. Mobley's, green space was being assessed at Fair Market Value. At that time the board could choose to put a nominal value on the property, or they could choose to leave it at Fair Market Value.

Mr. Lillard provided copies of the Georgia Department of Revenue Valuation of Common Areas subparagraph from the Appraiser's Procedure Manual regarding common areas and green space. He also provided a copy of the Minutes from the Spalding County Board of Assessors Special Called Meeting on July 9, 2012 and copies of the property cards for the two pieces of property before the board. As you can see the property cards reflect the fair market value of the two properties and how that value decreased in 2012.

Mr. Lillard further stated that most green space areas are odd shaped areas that cannot be built on and therefore are not marketable properties and for that reason the Board of Assessors decided to adopt the change in policy to charge a nominal fee of \$100 for those areas. This action was a policy change, it could have been left just like it was it would have been more revenue for the County, but since the Appraiser's Procedure Manual offered this as an option, we decided to go in that direction.

Mr. Lillard advised that he had consulted with Ellen Mills, Director with the Department of Revenue and she agreed that this was simply a policy change, there were no factual errors. Because this is a policy change the Board of Assessors cannot give any consideration to a refund. The Board of Assessors feels that since this is a policy change that was implemented throughout the county there is no refund due to anyone.

Chairman Gardner stated that at some time in the future the Board of Commissioners needs to meet with the Board of Assessors regarding this policy.

Gail Whitley, 2576 Beats Road, Williamson, GA, the secretary for Mobley Construction, stated that Mr. Mobley was handing out a time line of what has occurred since the request was made in April of 2014. She stated that when she talked with Ms. Mills, it was not a policy change, it was a difference in the way the property was being assessed from the beginning.

Alan Mobley, 262 Mobley Road, Griffin, GA, owner of Mobley Construction advised that he couldn't turn the property over to the association until there was a certain number of homeowners. He stated that he has turned the property over to the homeowners, but the association hasn't done the paperwork necessary to get the property into their name at this time.

Ms. Whitley stated that she had polled several counties in the surrounding area, Henry County, Clayton County and Lamar County all state that it is clear

in the Procedure Manual if it is considered green space or a common area the charge is \$100.00. Ms. Whitley contends that when the value of the same property in a one year period of time drops dramatically it is indication that an error was made at some point. She stated that she isn't saying that anything was done illegally, simply that a factual error was made.

Commissioner Flowers-Taylor advised that the policy change came about as part of a revaluation of the system that had been place in Spalding County for approximately 45 years. This policy change was recommended at the end of the revaluations, this is a policy specific to the county. Commissioner Flowers-Taylor stated that from the material she has read there doesn't appear to be an error, she feels that it was a policy change that was made to be effective with the next year's digest.

Mr. Fortune then researched the law of tax refunds and stated that the request for a refund can go back 3 years from the date of the last payment of taxes on the property. Therefore, it would be three years after the payment date of the tax in 2013, so the only year Mr. Mobley might be eligible for would be 2011 if the Board finds that there was an error made instead of a policy change based on the code section.

***Motion/Second by Ray/Johnson to deny the request from Mobley Construction for refund of 2009, 2010, and 2011 taxes on the green space at The Meadows Subdivision and Walkers Mill Estates Subdivision. Motion carried 3-2 (Johnson/Miller).***

2. Consider approval of renewal of 2015 Alcoholic Beverage License - Wholesale Distributors:
  - a) Donnie Spence for Jackson Beverages, LLC - 915 South Pine Hill Road - Wholesale Distribution of Beer.

***Motion/Second by Ray/Johnson to approve the renewal of 2015 Alcoholic Beverage License - Wholesale Distributors for Donnie Spence, Jackson Beverages, LLC - 915 South Pine Hill Road - Wholesale Distribution of Beer. Motion carried unanimously by all.***

3. Consider approval of renewal of 2015 Alcoholic Beverage License - Retail Package for the following:
  - a) Atulkumar K. Patel d/b/a Carver Package Store - 1557 D Williamson Road - Beer, Wine and Liquor.

***Motion/Second by Ray/Johnson to approve the renewal of 2015 Alcoholic Beverage License - Retail Package for Atulkumar K. Patel d/b/a Carver Package Store - 1557 D Williamson Road - Beer, Wine and Liquor. Motion carried unanimously by all.***

- b) Diand Suk Choi d/b/a Sam's Package Store - 1301 North Hill Street - Beer,

Wine and Liquor.

***Motion/Second by Johnson/Ray to approve the renewal of 2015 Alcoholic Beverage License - Retail Package for Diand Suk Choi d/b/a Sam's Package Store - 1301 North Hill Street - Beer, Wine and Liquor. Motion carried unanimously by all.***

- c) Sotetra Kong for Kong Enterprises, Inc. d/b/a The Liquor Gate - 1740 Zebulon Road - Beer, Wine and Liquor.

***Motion/Second by Ray/Miller to approve the renewal of 2015 Alcoholic Beverage License - Retail Package for Sotetra Kong for Kong Enterprises, Inc. d/b/a The Liquor Gate - 1740 Zebulon Road - Beer, Wine and Liquor. Motion carried unanimously by all.***

4. Consider approval of new 2015 Alcohol Beverage License for Retail Sale of Beer and Wine for the following:

- a) Abulkhair Humain Kabir - Rujave Enterprises, LLC d/b/a Petro South located at 1639 North Hill Street.

***Motion/Second by Johnson/Miller to approve a new 2015 Alcohol Beverage License for Retail Sale of Beer and Wine for Abulkhair Humain Kabir - Rujave Enterprises, LLC d/b/a Petro South located at 1639 North Hill Street. Motion carried 4-1 (Commissioner Ray recused himself from the vote due business relationship with Petro South).***

- b) Robert Fisher - RRF Tony's LLC d/b/a Tony's One Stop located at 4275 Highway 19/41 South.

***Motion/Second by Miller/Johnson to approve a new 2015 Alcohol Beverage License for Retail Sale of Beer and Wine for Robert Fisher - RRF Tony's LLC d/b/a Tony's One Stop located at 4275 Highway 19/41 South. Motion carried unanimously by all.***

- c) Robert Fisher - RRF Zetella, LLC d/b/a Zetella Express located at 4319 Newnan Road.

***Motion/Second by Miller/Ray to approve a new 2015 Alcohol Beverage License for Retail Sale of Beer and Wine for Robert Fisher - RRF Zetella, LLC d/b/a Zetella Express located at 4319 Newnan Road. Motion carried unanimously by all.***

5. Consider approval of new 2015 Alcohol Beverage License for Retail Sale of Beer for the following:

- a) Ju Hwan Bae - Triangle Amoco located at 3241 Jackson Road.

***Motion/Second by Ray/Miller to approve a new 2015 Alcohol***

***Beverage License for Retail Sale of Beer Ju Hwan Bae - Triangle Amoco located at 3241 Jackson Road. Motion carried unanimously by all.***

6. Consider approval of new 2015 Alcohol Beverage License for Retail Package for the following:

a) Prakash I. Patel - 19-41 Package Store located at 2004 North Expressway.

***Motion/Second by Ray/Johnson to approve a new 2015 Alcohol Beverage License for Retail Package for Prakash I. Patel - 19-41 Package Store located at 2004 North Expressway.***

William Wilson advised that after an extended review of Mr. Patel's license it was discovered that he was convicted of a DUI in November 2013. Under the new ordinance approved by the Board of Commissioners, if you have a DUI you cannot be issued a license. However, Mr. Patel was sentenced on November 26, 2013, this ordinance was adopted in 2014. Mr. Patel's 2013 Alcohol license was issued on November 11, 2013 prior to his conviction on November 26. Under the prior ordinance that was in effect in 2013, it states that *"Any person convicted under any federal, state or local law of a misdemeanor, particularly, but not limited to, those involving alcoholic beverages, gambling or tax law violations, if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license hereunder in conformity with federal, state or local laws and regulations, and in the event that the governing authority does not deem such applicant to be a person of good moral character, the granting of such applicant's license may be denied."*

Mr. Wilson stated that in 2013 if Mr. Patel had been sentenced before the application for a new Alcohol License was presented to the Board, he may or may not have been granted a license for 2013, but because of the adoption and the way things worked the conviction came after the license was approved in 2013. The language adopted in 2014 specifically delineates DUI's.

Mr. Fortune stated that the new ordinance specifically states that you will not get a license if you have a DUI for a five year period from the date of conviction. The issue before the board on this license is termination needs to be made by the board *"...if such conviction tends to indicate to the board that the applicant will not maintain the operation for which he is seeking a license hereunder in conformity with federal, state or local laws and regulations, and in the event that the governing authority does not deem such applicant to be a person of good moral character, the granting of such applicant's license may be denied."* That is the issue before you, if you believe the applicant's conviction indicates to you that he is not going to operate his business in conformity with federal, state or local laws or he may not be deemed a person of good moral character then it is within in the board's discretion to grant the license or not. Since the new ordinance was

not in effect when the DUI occurred the ordinance that was in effect gives

you the discretion to make the choice.

***Motion carried unanimously by all.***

7. Consider approval of new 2015 Alcohol Beverage License for Retail Sales for Beer and Wine for the following:

- a) Christian A. Bush - Ingles Markets Incorporated #457 d/b/a/ Ingles Markets #457 located at 1735 Zebulon Road.

***Motion/Second by Ray/Miller to approve a new 2015 Alcohol Beverage License for Retail Sales for Beer and Wine for Christian A. Bush - Ingles Markets Incorporated #457 d/b/a/ Ingles Markets #457 located at 1735 Zebulon Road. Motion carried unanimously by all.***

8. Consider approval of renewal of 2015 Alcoholic Beverage License - Consumption on Premises of Beer, Wine and Liquor for the following:

- a) Jimmy Allen d/b/a Big Jim's Wing Shack/Badhorse Saloon - 1557 Williamson Road, Suite B - Beer, Wine and Liquor.

***Motion/Second by Miller/Ray to approve of renewal a 2015 Alcoholic Beverage License - Consumption on Premises of Beer, Wine and Liquor for Jimmy Allen d/b/a Big Jim's Wing Shack/Badhorse Saloon - 1557 Williamson Road, Suite B - Beer, Wine and Liquor. Motion carried unanimously by all.***

- b) Anthony Head d/b/a Griffin Moose Lodge - 1435 Zebulon Road - Beer, Wine and Liquor.

***Motion/Second by Ray/Miller to approve of renewal a 2015 Alcoholic Beverage License - Consumption on Premises of Beer, Wine and Liquor for Anthony Head d/b/a Griffin Moose Lodge - 1435 Zebulon Road - Beer, Wine and Liquor. Motion carried unanimously by all.***

- c) Justin Wynne d/b/a Mama's Country Showcase - 2700 North Expressway - Beer, Wine and Liquor.

***Motion/Second by Johnson/Miller to approve of renewal a 2015 Alcoholic Beverage License - Consumption on Premises of Beer, Wine and Liquor for Justin Wynne d/b/a Mama's Country Showcase - 2700 North Expressway - Beer, Wine and Liquor.***

Jim Fortune stated that in the agenda packet there is a sheriff's report filed by Sgt. Massengale charging Mr. Wynn with commercial gambling and keeping a gambling place. Mr. Wynn entered a plea in Superior Court on October 1<sup>st</sup> of this year to one count of gambling prohibition. Mr. Wynn received a sentence of 12 months, 40 hours of community service and there is a notation stating that the defendant owns a bar where alcohol is served and his being in the bar will not be a violation of his probation.

Our ordinance states that grounds for suspension or revocation of license is the performance of any act prohibited by this chapter or the failure to perform any act required by this chapter as well as a violation of any law state or federal relating to the business of the licensee. The entry of a plea of guilty with respect to a charge or violation of any of the laws of the United States or of the State of Georgia relating to alcohol control. Two cases still pending against two employees of the establishment who were alleged to have been engaged in paying off cash on poker machines those individuals are Tiffany Schafer and Summer Simmons.

Mr. Fortune stated that he had received an email from Mr. Wynne's attorney, Edward Bullard, stating that Mr. Wynn had entered a plea to a misdemeanor and the plea was to a violation of the Georgia Redemption Act, there are no longer any games located in the establishment and it had nothing to do with alcohol. Mr. Bullard also stated that when Judge Crawford ruled on the matter he specifically mentioned several times that he did not want this to have an impact on Mr. Wynne's ability to operate his business and maintain a business license. Mr. Wynne has already renewed his state license and has it with him tonight.

Mr. Fortune advised that the only mention of Mr. Wynne's business in the official record was where the court stated that his being around alcohol would not be a violation of his probation, there are no other notations in the official record.

Commissioner Miller asked if the two individuals who were charged and have pending cases are still working at the establishment.

Mr. Wynne stated that it was his understand that since he had pled to the keeping a gambling place charge and the commercial gambling charge would be dropped. Mr. Wynne stated that the Judge Crawford told him that this charge would not impact his license. The two people mentioned are currently working at the establishment and he had been advised by his attorney that those charges would be dropped because he had taken responsibility for the gambling on the premises.

Captain Ranieri stated that Mr. Wynn cooperated with the investigation. No other problems have been noted with the establishment. They have been cooperative with any problems experienced at the establishment.

***Motion failed for lack of support.***

***Motion/Second Flowers-Taylor/Ray to deny the renewal for a 2015 Alcoholic Beverage License - Consumption on Premises of Beer, Wine and Liquor for Justin Wynne d/b/a Mama's Country Showcase - 2700 North Expressway - Beer, Wine and Liquor.***

Commissioner Flowers-Taylor stated that as a business owner, Mr. Wynn

needs to be more cognizant of the laws and regulations for his business and be more aware of his employees and their actions.

Mr. Wynne then asked if there was a probationary period or consideration.

Mr. Fortune advised that if Mr. Wynne feels this is an incorrect decision, he has a right to appeal the decision.

***Motion carried unanimously by all.***

- d) Sequoia Golf Peachtree, LLC d/b/a Sun City Peachtree Golf Club - 250 Del Webb Blvd. - Beer, Wine and Liquor.

***Motion/Second by Miller/Flowers-Taylor to approve of renewal a 2015 Alcoholic Beverage License - Consumption on Premises of Beer, Wine and Liquor for Sequoia Golf Peachtree, LLC d/b/a Sun City Peachtree Golf Club - 250 Del Webb Blvd. - Beer, Wine and Liquor. Motion carried unanimously by all.***

9. Consider appointment to McIntosh Trail Community Services Board to fill the unexpired term of Megan Oliver which expires December 31, 2016.

***Motion/Second GFT/Ray to table appointment to McIntosh Trail Community Services Board to fill the unexpired term of Megan Oliver which expires December 31, 2016 until January 5, 2015 meeting. Motion carried unanimously by all.***

10. Consider reappointment of Theresa Buchanan to the Spalding County Board of Family and Children Services for a five year term ending June 30, 2019. Mrs. Buchanan has expressed her willingness to serve another term.

***Motion/Second by Ray/Johnson approve the reappointment of Theresa Buchanan to the Spalding County Board of Family and Children Services for a five year term ending June 30, 2019. Mrs. Buchanan has expressed her willingness to serve another term. Motion carried unanimously by all.***

11. Consider approval of amendment to Part VI, Chapter 2, Article A, Section 6-2004, Item (e), relating to no through trucks on streets, by deleting paragraph (63) - Vaughn Road from Georgia Highway 16 to Georgia Highway 92 - in its entirety.

***Motion/Second by GFT/Miller to approve an amendment to Part VI, Chapter 2, Article A, Section 6-2004, Item (e), relating to no through trucks on streets, by deleting paragraph (63) - Vaughn Road from Georgia Highway 16 to Georgia Highway 92 - in its entirety.***

Commissioner Flowers-Taylor expressed her concern over the condition of the

roads and the fact that it isn't fair to the residents to have trucks using the road as a short cut from Hwy 16 to Hwy 92. She stated that if Mr. Patton has a home business that he would be able to travel on the road because he has business on the road either coming from his home or going to his home business. It is the responsibility of the county to provide a safe road for the residents, not to provide a highway for all traffic from Hwy 16 to Hwy 92.

***Motion failed 2-3 (Ray/Johnson/Flowers-Taylor).***

12. Consider approval of request from the Spalding County Fire Department to apply for the F Y 2015 Assistance to FireFighter Grant.

***Motion/Second by Ray/Johnson to approve the request from the Spalding County Fire Department to apply for the FY 2015 Assistance to FireFighter Grant.***

Mr. Wilson stated that \$25,000 has been budgeted for matching grants.

***Motion carried unanimously by all.***

13. Consider authorizing the Spalding County Fire Department to apply for a Georgia Power Grant to acquire a fire extinguisher training system.

***Motion/Second by Flowers-Taylor/Miller authorizing the Spalding County Fire Department to apply for a Georgia Power Grant to acquire a fire extinguisher training system. Motion carried unanimously by all.***

14. Consider approval on first reading of an amendment to the Spalding County Code of Ordinances Division II, Part IX Public Health, Chapter 3A, Spalding County Minimum Housing Code Enforcement.

***Motion/Second by GFT/Ray to approve on first reading of an amendment to the Spalding County Code of Ordinances Division II, Part IX Public Health, Chapter 3A, Spalding County Minimum Housing Code Enforcement.***

Mr. Wilson stated that the changes from the zoning meeting were incorporated into the ordinance. Deals with grass and items in the yard and on the porches of homes.

***Vote carried unanimously by all.***

15. Consider approval of the 2015 LMIG (Local Maintenance & Improvement Grant) request.

Mr. Wilson advised that the funding for the match would come out of the 2008 SPOST funds.

***Motion/Second by Ray/Miller to approve the 2015 LMIG (Local Maintenance & Improvement Grant) request. Motion carried***

***unanimously by all.***

16. Consider rejecting all bids received for Managed IT Services RFP issued received to date.

***Motion/Second by Ray/Miller to reject all bids received for the Managed IT Services RFP.***

Commissioner Flowers-Taylor wanted to address concerns expressed by Mr. Hawbaker earlier. When there is a question of not only with the board of commissioners but also by residents that the matter needs to be dealt with.

***Motion carried 4-1 (Gardner).***

17. Consider approval of the calendar year 2015 Holiday Schedule.

***Motion/Second by Ray/Flowers-Taylor to approve the calendar year 2015 Holiday Schedule. Motion carried unanimously by all.***

18. Consider cancellation of the January 19, 2015 Board of Commissioner's meeting due to observance of the Martin Luther King, Jr. holiday.

***Motion/Second by Ray/Flowers-Taylor to cancel the January 19, 2015 Board of Commissioner's meeting due to observance of the Martin Luther King, Jr. holiday. Motion carried unanimously by all.***

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

- Fire Department received the Go Forth and Apply letter from GEMA concerning request for a grant for the addition of 2 weather sirens.
- Recycling Centers will be Open on Friday, December 26<sup>th</sup>, to accommodate the heavy amount of disposables and recyclables that people collect over the Christmas holiday.
- Spalding County Parks and recreation will host Free Breakfast with Santa at City Park, Fairmont Park and AMBUCS Park on Saturday, December 20, from 10:00 a.m. until 12:00 p.m.
- The annual Christmas Parade is scheduled for Saturday, December 6 at 6:00 p.m. (Commissioner Johnson will attend)
- Ribbon Cutting for Shane's Rib Shack in the Spalding Village Shopping Center on Monday, December 8 @ 10:30.
- Chamber of Commerce 102<sup>nd</sup> Annual Dinner on January 15, 2015.
- Received notification from Probate Judge Jan Hunt's office today that the swearing in for newly elected officials is scheduled for Wednesday,

December 10, 2014 at 9:00 a.m. in the State Court Room.

- 2015 Summer GCIP Intern Program Application. The deadline for counties to apply for the 2015 Internship Grants is Wednesday, January 7, 2015. Consensus of the Board was to authorize the application.

## **XII. REPORT OF COMMISSIONERS**

Commissioner Miller – need telephone number for Jack Reed at GDOT regarding Malloy Road entering Hwy 16.

Commissioner Flowers-Taylor– regarding the tornado sirens. May want to look at putting sirens on the eastern side of the county since the latest storm came in from that direction.

Commissioner Flowers-Taylor stated that she has enjoyed working with Chairman Gardner. She stated that she appreciates the insight and expertise in having been a county director for all those years and your ability to explain items from that side of the county.

Commissioner Johnson asked for an update on Mr. Ramos. Wishes everyone a Merry Christmas

Commissioner Ray stated that the Festival of Lights was tremendous at least 12-1800 kids out there. It was done up very well wanted to congratulate the staff of Parks and Rec and everyone who worked on that event

We may need to have a workshop with the Board of Assessors and Planning and Zoning on Green spaces vs Common area definitions.

Wished everyone a joyous holiday.

Commissioner Gardner thanked everyone for their patience over the last four years as they have worked to service the citizens of this county it is never an easy thing, but you get in there and do the best you can to move forward. Thanked the staff for the job they have done. Wished everyone a safe and Merry Christmas

## **XIII. CLOSED SESSION - None**

## **XIV. ADJOURNMENT**

***Motion/Second by Ray/Johnson to adjourn. Time: 9:20 p.m. Motion carried unanimously by all.***