

REGULAR MONTHLY MEETING

The Regular Monthly Meeting was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, February 5, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., Johnie McDaniel, and David Phillips were present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, County Attorney James R. Fortune, Jr., Human Resources Director William D. Gay, and Executive Secretary Teresa Watson.

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

II. INVOCATION - Commissioner Johnie McDaniel

III. PLEDGE TO FLAG – Led by Commissioner Gwen Flowers-Taylor

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Griffin-Spalding County Board of Education Chair, Raymond Ray, Jr., would like to address the Board of Commissioners regarding continuation of the current Educational SPLOST.

Raymond Ray, Jr. provided the latest information to the Board regarding the School SPLOST approved by the Griffin-Spalding County Board of Education to be on the ballot March 20, 2007. This funding mechanism is to be the primary source of funds for capital building and renovations. The \$82,000,000 collected since 1997 from Educational SPLOSTs has been spent on elementary school renovations, construction of Futral Road Elementary School, renovating Griffin Auditorium, construction of Cowan Road Middle School, Spalding High School, and later the ROTC addition built to this school. Proposed continuation of the SPLOST will basically follow the information provided in the handout and he detailed individual projects as listed. The current SPLOST Passed in 2001 and, of course, the financial recession happened after the September 11 tragedies, and the situation had to be reevaluated. A brief listing of projects follows:

- a. Rehoboth Road Middle School construction
- b. Improvements to Memorial Stadium
- c. Addition of classrooms to Spalding High School
- d. Renovation of Griffin High School
- e. Griffin Auditorium/Memorial Stadium complex improvement
- f. Renovation of Cowan Road Elementary School and Jordan Hill Elementary School
- g. Instructional technology upgrades in every school
- h. Modifications to Taylor Street school property to meet future educational needs and opportunities
- i. Land purchases for future school sites/construction contingency

SPLOST Committee Chair is James Westbury, Jr. At \$20,000,000, the Griffin High School is the largest project on this SPLOST, with seven acres under one roof and major renovations are needed. Conservatively, \$50,367,000 is the total estimate of this Educational SPLOST that will be in effect for five years or until collection completes, based on a 2% growth rate. There are currently 1530 students at Griffin High School and 1300 at Spalding High approximately.

V. PRESENTATION OF FINANCIAL STATEMENTS – N/A

VI. CITIZENS COMMENTS

Regina Abbott, 1129 Placid Road, Griffin, GA

Over the last eight months several citizens have addressed the Board regarding the proposed skate park. Last year Parks & Recreation asked that it be funded in the budget process, but it was not. They have since presented their requests in an urgent manner because safety is of the essence. Recently a child was hit and thrown onto the hood of a car while skateboarding near Southside Baptist Church and airlifted to Atlanta. Children are being arrested while trying to find places to skate, one as young as eight years old. She urged the Board to please listen to those who have asked for years and years to have a safe place to skate. She realized it was not a budgeted item, but felt the County could do it out of fund balance. She implored their urgent consideration.

Michael Thurston, 1555 Williamson Road, Griffin, Georgia

As a youth pastor, he has seen very young people who now have an arrest record because of trying to find a safe place to skateboard. Although not viewed as a team sport, this popular extreme sports activity has grown in recent years. Skateboarding boasts fewer injuries than basketball, football, baseball or volleyball nationwide. He requested favorable consideration. His previous church had a small skate park and would sometimes have 300 or more participants at skateboarding events.

Tony Rakestraw, 669 Oak Grove Road, Griffin, Georgia

He addressed the Board a couple of months ago and he, along with others on the Parks and Recreation Advisory Board, has worked hard to research, plan, design, raise funds. He was sorry to come this close to realizing this dream and find that it now appears to be all about the money. He is 45 this year, and 30 years ago an article in the local paper highlighted his skateboarding activity. It didn't then, and this community still has no skate park. Kim Willis, he and others have raised about \$18,000 and he commended everyone for their efforts. He concluded he wants to see the County grow and keep abreast of new developments; he doesn't want to see Spalding County be perceived as being behind the times.

Kathy Socia, 282 Fox Road, Griffin, Georgia

Ms. Socia asked about any hesitation the Board may have and inquired about any concerns. She was aware of positive reasons for the skate park but wondered about any problems. She offered to answer any questions commissioners may have.

VII. PUBLIC COMMENT

VIII. MINUTES

1. Consider approval of the minutes of the January 22, 2007 Extraordinary Session and the January 25, 2007 Zoning Public Hearing.

Minutes of the January 22, 2007 Extraordinary Session and the January 25, 2007 Zoning Public Hearing were approved 5-0 on motion and second by Commissioners McDaniel and Phillips.

IX. CONSENT AGENDA

1. Consider second reading of Amendment to UDO #A-06-09: Appendix A. Subdivision Ordinance – Section(s) 702, 703, 704, 706 and 710 – amend Conservation Subdivision regulations.

IN RE: Text Amendment #A-06-09

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING
THE ZONING ORDINANCE 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; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was

conducted by the Board of Commissioners of Spalding County, Georgia on January 25, 2007, 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; and

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 shall be and is hereby amended as follows:

Section 1: Delete Appendix A, Section 702.2 and 702.3 of the UDO and replace with the following:

2. **Site Suitability:** The tract shall be suitable for supporting development based on its size, configuration and environmental conditions. Tracts deemed unsuitable for promoting the purposes of this ordinance shall not be considered for development under the regulations of this Article.

Site unsuitable for conservation subdivision development shall include, but are not limited to:

- a. Tracts where 20% or more of the timber has been clear cut within 5 years prior to development approval.
- b. Tracts on which more than 40% of the soil has been disturbed by way of grading, root racking or surface mining within 5 years prior to development approval.
- c. Sites on which no natural or historic resources that further the intent of this ordinance can be identified.
- d. Lots or tracts from which road frontage has been stripped to create road frontage lots. This requirement shall not be applicable to road frontage lots which are lots of record.

The Spalding County Board of Commissioners shall make final determination as to whether or not a site is suitable for development of a Conservation Subdivision.

3. **Intersections and Access:** Driveways serving residences located within a conservation subdivision must provide access by intersections with roads developed within the subdivision. With the exception of greenspace or conservation lots, no lots may be accessed directly from existing public roads. New intersections between existing roads and roads within the conservation subdivision shall be minimized. Additional intersections may be required based upon the location and condition of existing roads, the size of the proposed development, the size of the tract, traffic flow, and management and public safety. Interconnectivity of roads is desired.

Section 2: Delete Appendix A, Section 703.A.8 and 703.A.9 of the UDO and replace with the following:

8. Minimum tract size required for development of Conservation Subdivisions: 25 acres. For Conservation Subdivisions with an equestrian component, the minimum required tract size is 50 acres.
9. Minimum aggregate green space total: 40% of the total acreage of the tract provided the following additional criteria is met:
 - a. Designated wetlands may be included in the green space in the amount not more than 10% of the total acreage of the tract.
 - b. Detention facilities may be included in the green space.
 - c. Retention ponds lakes and watercourses may be included within the green space to the extent of not more than 10% of the total acreage of the tract.
 - d. Floodplain may be included in the green space in the amount not more than 10% of the total acreage of the tract.

Section 3: Delete Appendix A, Section 704.A. in its entirety and replace with the following section:

A. Permitted Uses:

1. Conservation of open land in its natural state, such as woodland, fallow field, or managed meadow.
2. Agricultural activities, excluding commercial livestock operations involving feed lots or dairy/milking operations, swine, poultry and/or any other animals likely to produce offensive odors.
3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 25% of the required greenspace and all state requirements related to the keeping of such livestock shall be met.
4. Neighborhood open space uses such as village greens, common, picnic areas, community gardens, trails and similar low-impact recreational uses, but specifically excluding use of motorized off-road vehicles, rifle ranges or related shooting recreational activities.
5. Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such areas consume less than 1/2 of the greenspace or five acres, whichever is less. Playing fields shall not be located within 100 feet of abutting properties. Parking facilities for the same shall be permitted, provided they are gravel surfaces, unlighted and properly drained containing no more than ten (10) spaces.
6. Golf courses, excluding driving ranges and miniature golf, may constitute up to 1/2 of the greenspace. Parking and access ways to serve the golf course may be paved and lighted.
7. Easements for drainage, access, sewer or water lines or other public purposes.
8. Above ground utility rights of way and street rights of way may traverse Conservation areas but shall not count toward the minimum required greenspace.

Section 4: Delete Appendix A, Section 706 in its entirety and replace with the following section:

Section 706. Discretionary Density Bonuses

Additional density may be allowed at the discretion of the Board of Commissioners when one or more of the following public benefits are proposed:

- A. **Public Usage of Greenspace.** To encourage the dedication of conservation land for public use (including active or passive recreation areas, spray irrigation areas and other public facilities), a density bonus shall be computed on the basis of a maximum of one dwelling unit per five acres of greenspace or per 2,500 feet of trail that becomes publicly accessible. The decision to accept the dedication of greenspace to public usage within a conservation subdivision shall be at the discretion of the Board of Commissioners.
- B. **Endowment for Greenspace Maintenance.** If the greenspace is to be donated to a land trust or to Spalding County, a 10% density bonus may be allowed to generate additional income for the purpose of endowing a permanent fund to offset continuing costs of maintaining the greenspace (including such activities as mowing meadows, removing invasive vines, paying insurance premiums and local taxes, including costs associated with active or passive recreation facilities). Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. The amount required for contribution to the endowment shall be at least twenty (20) times the annual estimated maintenance costs. The applicant shall present an estimate prepared by an agency, firm or organization acceptable to Spalding County and with experience in managing conservation land and recreational facilities.
- C. **Increasing the minimum Heated Floor Area.** A 10% density bonus may be allowed if the minimum heated floor area for each home is raised a minimum of 250 sq. feet above the minimum heated floor area required by the zoning of that tract. For tracts that contain multiple zoning districts minimum floor area is determined by largest district on that tract.
- D. **Implementation.** The density bonus that may be allowed pursuant to this section shall reduce the amount of required greenspace by up to 10%, reducing the minimum lot area requirements by up to 10% or by a combination thereof (at the discretion of Spalding County). The reductions may be cumulative, if Spalding County is satisfied that the public purpose of preserving greenspace and conservation lands within Spalding County is best being served.

Section 5: Delete Appendix A, Section 710.D in its entirety and replace with the following section:

- D. **Separate Travel Lanes:** Where necessary, the directional travel lanes should split or curve apart to protect natural features. In cases where travel lanes are split or curve apart, the minimum width of each travel lane shall be 14 feet in paved width and shall require roll-type curbing.

Section 6: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

Section 7: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 8: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

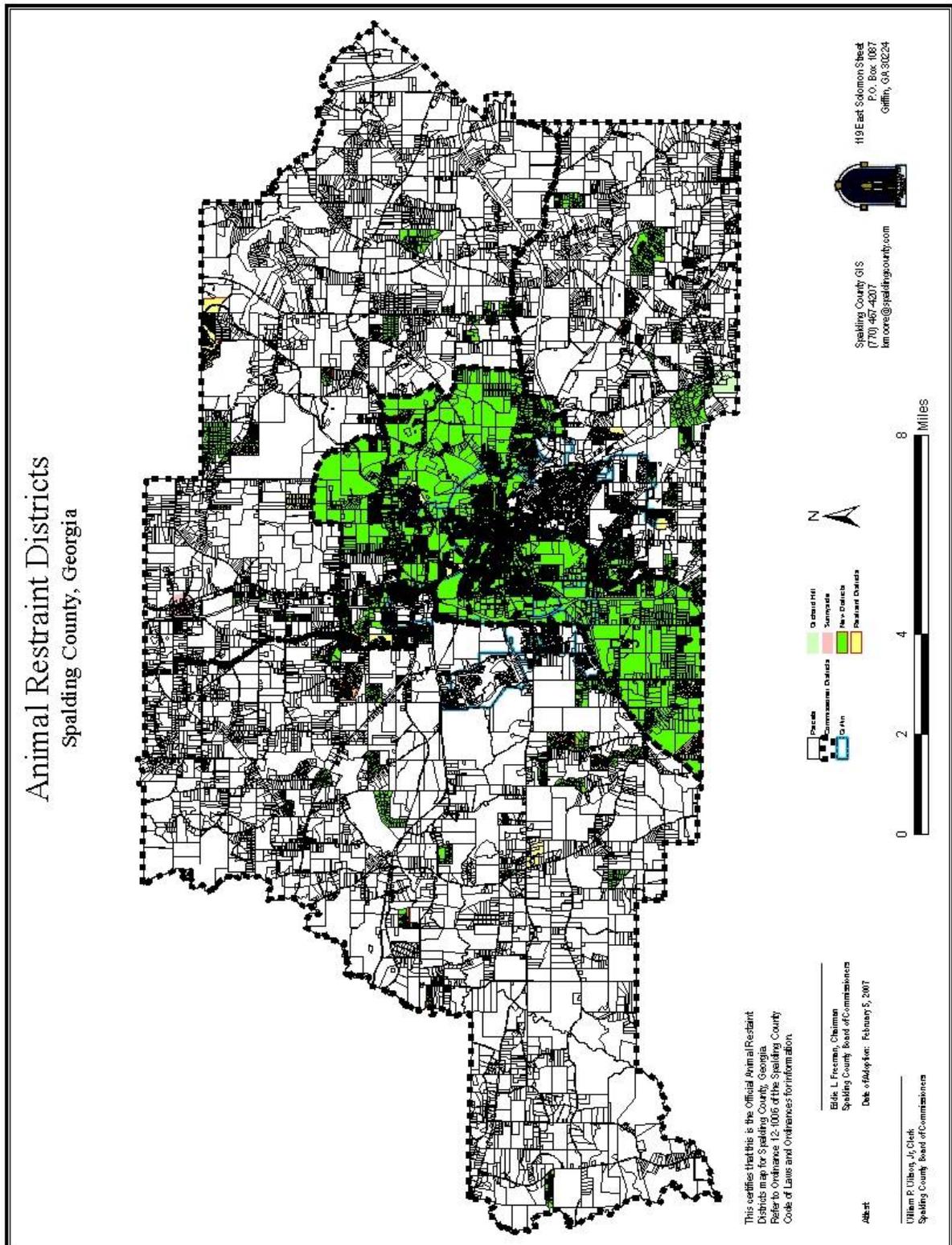
Section 9: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

Consent Agenda was approved, on motion and second by Commissioners McDaniel and Phillips, by a unanimous 5-0 vote.

X. OLD BUSINESS

1. Consider approval of the proposed Animal Restraint District (ARD) map and implementation plan.

Commissioners Flowers-Taylor and McDaniel advised they were identifying their entire districts, District 1 and District 3 respectively, as an ARD. Commissioner Goss asked about Longview Estate and Mr. Wilson noted he would ensure that the subdivision would be included. Chairman Freeman said he was pleased with this step in the right direction.



Motion and second to approve the map and implementation plan for Animal Restraint as presented, by Commissioners Flowers-Taylor and McDaniel respectively, carried by a vote of 5-0.

2. Lift from the table consideration of appointments to various Boards, Authorities and Commissioner for terms which expire 12-31-06 or previous tabled from several previous meetings:

Motion and second by Commissioners McDaniel and Phillips to lift from table carried 5-0.

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|--------|----------|--|-----------------------------------|
| Reeves | Merrilea | West Central Georgia Regional MDHHAD Board (Res. 8-11-06) <i>Motion to appoint Paul Van Haute by Commissioner McDaniel, seconded by Commissioner Phillips, carried unanimously at 5-0.</i> | 6-30-08 Balance of 3-year term |
|--------|----------|--|-----------------------------------|

XI. NEW BUSINESS

1. Consider approval of Alcohol License for 2007 – Retail Sales – Beer & Wine for the following: Samaiya, Inc., d/b/a Petro Food Mart & Deli (a convenience store, 1639 North Hill Street, Griffin, Georgia, with Shelina Babwani as new owner of this existing business.

Mr. Wilson advised all criteria had been met and the application was in order.

Motion and second to approve by Commissioners Phillips and Goss carried by a vote of 4-1 with Commissioner McDaniel opposing.

2. Consider proposals for Spalding County Parks & Recreation Skateboard Park concrete bid and Spalding County Parks & Recreation Skateboard Park components bid.

Mr. Wilson said several bids had been received for both portions of construction: concrete and components. He detailed the low bidders for both elements as follows: Superior Concrete Finishing for the concrete portion at \$42,180.00, and Skatewave for the component portion at \$65,985.30.

Mr. Louis Greene stated his crew had never poured a concrete slab this large and concrete finishers really were needed to ensure quality. The major slab came in at \$21,000, and 70' x 120' is very large with 1% grade with sawed out expansion joints. The design was quite elaborate and a concrete finisher can do all aspects. The concrete would need to cure a minimum of 30 days before equipment can be installed, and it would take 60 days to get the equipment delivered, minimum.

Commissioner Flowers-Taylor felt individual funds should not be applied at all; if this project stands on its merit as a valid recreational project, the County should fund it. Citizens have collected monies in good faith. Some discussion was held regarding a cover for the skate park area. The \$17,000 collected was intended to be used for fencing and landscaping to help offset those type costs. The City is supplying power, lights and providing the land. Ms. Abbott said they raised the money in good faith to convey their support to commissioners, treating it as a catalyst for the project. They did not really earmark the funds but the purposes mentioned were some of the items discussed, along with a sound system. She felt they probably did not want the skate park to be covered. Application for the \$20,000 Tony Hawke grant was not successful. Just the concrete and components are \$109,000 not including fencing and landscaping, which is where the raised monies will probably be placed. Insurance does require fencing and landscaping will be highly desirable to make it look similar to other County parks. The fence would be around the concrete slab with only one gate for access with a rules sign beside the gate to ensure visibility of the regulations and posting. The skate area will not be manned and will be skate-at-your-own-risk. There will be no charge for use.

Mr. Wilson said he would prefer to put the project in the Capital Improvements Element (CIE) and paid for with impact fees but the timetable would be two years for completion. Mr. Greene is correct it that it was included in the budget request for Parks and Recreation this year but was not approved, so it was not included in the budget for this year. It could be approved in next year's budget which will mean it will complete three months after July implementation at the very earliest.

Commissioner Phillips agreed good kids were suffering the consequences of not having an adequate, safe place to skateboard.

Commissioner McDaniel had mixed feelings but felt that when the Board allowed the fundraising to get started, that created an expectation this project would materialize. Commissioner McDaniel stated although he was not real fond of taking this out of contingency, he felt with their actions the Board had created an expectation that this would move forward.

Consequently, he moved to approve the bid from Superior Concrete Finishing in the amount of \$42,180, amending his motion to include also the approval of Skatewave's bid for \$65,985.30, and Commissioner Phillips seconded the amended motion. Motion carried by a 4-1 vote with Chairman Freeman opposing.

3. Consider request of Minerva Properties to replace bridge over the relocated portion of Johnson Road with a newly constructed timber bridge.

Mr. Wilson noted information on timber bridges was placed in commissioners' boxes previously. Under the scenario proposed, the County would be the applicant for the stream crossing permit but Minerva will pay for all expenses. He recommended approval. This relocating of a portion of Johnson Road is part of the development of the Minerva Village Node. A timber bridge would be more aesthetically pleasing for this project. Commissioner Flowers-Taylor noted she would like to

see the final design, and commissioners agreed they would like to include a footbridge similar to that shown in the sample bridge designs from other areas.

Motion and second to approve the request of Minerva to replace the bridge over the relocated portion of Johnson Road with a newly constructed timber bridge, by Commissioners McDaniel and Phillips, carried by a vote of 5-0.

4. Consider Resolution to Amend the Resolution Relative to the Organization of, and the Procedures for, the Disposition of Business During the Meetings of the Spalding County Board of Commissioners with regard to Article 1, Section 1-14-05, Public Hearings.

Mr. Wilson advised the Chairman asked to review the procedures of the Board for Zoning Public Hearings and this proposed text is very similar to what the Chair read tonight that is used for regular Board meetings. He advised adoption.

Motion and second to approve on first reading this Resolution to Amend the Resolution Relative to the Organization of, and the Procedures for, the Disposition of Business During the Meetings of the Spalding County Board of Commissioners with regard to Article 1, Section 1-14-05, Public Hearings, by Commissioners McDaniel and Phillips, carried by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

- FY 2008 Budget calendar has been provided as it is time again to prepare budgets.
- The Board of Commissioners Retreat has been scheduled for Saturday, March 10, from 8:30 to 4:30, again at Clayton State but with a change in facilitator this year. The Carl Vinson Institute of Government is providing a new facilitator for this retreat.
- A Comprehensive Transportation Plan Work Session will be held at the Welcome Center in early April (7th or 14th), with the 14th considered preferable for the Board.
- The dedication plaque at Dundee Lake Park has been installed. The Master Plan for Dundee Lake Park there has planned a mini-terminal for the Roosevelt Railroad. The railroad helped with the master plan a great deal, as did Minerva and Sun City.
- The Chattahoochee Flint RDC is conducting a public hearing on senior services at Upson County Senior Center on February 13, 2007 at 1 p.m.
- Regarding the February 19, 2007 Board of Commissioners meeting - Governor Perdue will speak at a function that evening elsewhere in the community. The Board, for this and other reasons, voiced their desire to cancel the Extraordinary Session on February 19 with the provision that if any business needed to be transacted before the next regular meeting, they will call a special meeting prior to the Zoning Public Hearing on February 22, 2007 to accommodate any such request.
- There will be an 800 MHz work session on February 13 or 14, for 2 to 3 hours for an update and will not be for the Board to take a vote on a system. February 14 was the preferable date. Mr. Wilson will provide updated information prior to the 1:30 pm meeting, which he felt would be brief.

XIII. REPORT OF COMMISSIONERS

Goss:

Commissioner Goss wanted to get the Board's authorization to have the County Manager initiate an application for a variance for North Griffin Congregational Holiness Church, 106 LaPrade Road, Griffin, Georgia. The variance request is to include reducing the setback requirement for a church building from 50 feet to 0 feet, reducing the 25-foot buffer to 0 feet and allowing the expansion of a non-conforming use, Church, in the R-1 Zoning District. Some discussion followed. The building which necessitated the request for the variance is already there, and the Board agreed to have Staff move forward with application.

He wondered about the Spalding County impact fees set at \$1300 based on levels of service when Pike County's impact fee is set at \$2400. They evidently adopted a level of service higher than Spalding County. If we had charged 100% of the allowable impact fee, advised Mr. Wilson, the Spalding County fee would have approached \$3000. They will amend the schedule once the Comprehensive Transportation Plan is complete, and impact fees will then include transportation projects forthcoming, and those could prove to be considerable. The Capital Improvements Element (CIE) process updates yearly.

Flowers-Taylor:

She inquired as to what happened regarding information on McIntosh Trail RDC Board of Directors appointment made by the City. County Attorney Fortune said McIntosh Trail Executive Director Lanier Boatwright checked the history and found that the City and County had operated loosely on a verbal agreement that provided for certain appointments on alternating years. This was the year when the rotating appointments were to be made by the City, and this third elected official was included in their board appointments. Commissioners said they had no problem with Billy Slaughter as this appointment and don't want to argue, but Commissioner Goss said it was the intent that the County have two elected officials and the City to have one when the By-Laws Committee made this required change. The spirit of what was intended was not followed. Commissioner Flowers-Taylor said nothing definitive had happened yet to clarify the issue as far as she was concerned. Commissioner Goss has talked with City Commissioners and relayed what the By-Laws Committee had in mind but the City decided it was their appointment. He and others did not want to remove Mr. Slaughter but they did want to clarify the situation. The By-Laws Committee stated clearly it was the County's appointment. Commissioner Goss is to get a copy of the By-Laws change for Mr. Fortune who will attempt to clarify. Commissioners noted it was a matter of principle.

Two years ago the Board decided to hire a new Code Enforcement officer so someone could work extended hours. Mr. Wilson said the second officer was not yet finished with mandate school and will complete the end of March or early April. When completed, schedules for rotation will be worked out.

Two meetings ago the Board had wanted a letter to the City drafted regarding the Fairmont School property. Mr. Wilson advised there was a memo in her box asking for convenient dates and times to meet with her to ensure everything is the way she wants before such a letter is drafted. When she can check availability of her schedule, the process will move forward.

Commissioner Flowers-Taylor asked when the County had put in walking trails at Dundee Lake Park. A gentleman had advised her that trails were there and he had used them, but Mr. Wilson noted he was not aware of any such trails. He will check with Parks and Recreation on the matter, however.

She requested that the County look at reimbursing Commissioner Phillips for the expense of his new chair. Commissioner Phillips advised he hasn't paid for it yet, but said he just needed a wider chair. Chairman Freeman said he had already told Commissioner Phillips the County would assume the expense. Mr. Fortune noted that if the County paid for the chair, it would become the property of Spalding County.

Phillips:

He has received repeated complaints of residents on Oak Grove Road in the 800 block (872, he thought) for diminished water pressure. Mr. Wilson will have Mr. Kenway check on the matter.

McDaniel:

No comments.

Freeman:

Chairman Freeman said Mr. Wilson, Mr. Dukes, Mr. Van Haute and he had visited GDOT Commissioner Lindenhohl and received some concessions for funds and the speeding up of some intersection improvement projects. In addition to the '08 LARP, an additional \$250,000 in state aid for resurfacing twelve roads during FY 2008 was approved by the Commissioner.

XIV. CLOSED MEETING

1. County Attorney desires a Closed Meeting to discuss potential and pending litigation and acquisition of real estate.

Commissioner Phillips moved to amend the agenda to add consideration of a personnel item to the stated reasons for a Closed Meeting. Commissioner Goss seconded and motion carried 5-0.

Motion and second to Adjourn to Closed Meeting at 7:50 p.m., by Commissioners McDaniel and Goss, carried by a unanimous 5-0 vote.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on February 5, 2007.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 7:50 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____ (insert the citation to the legal authority making the tax matter confidential);

Yes Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Yes Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law): _____ as provided in _____ (insert the citation to the legal authority exempting the topic).

This the 5th day of February 2007

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 5th day of February 2007

Eddie L. Freeman, Chairman (L.S.)
David Phillips (L.S.)
Gwen Flowers-Taylor (L.S.)
Edward Goss, Jr. (L.S.)
Johnie A. McDaniel (L.S.)

Notary Public – Teresa A. Watson (L.S.)
My commission expires: March 3, 2007

Motion and second to Adjourn Closed Meeting and Reconvene to Open Meeting at 8:47 p.m., by Commissioners McDaniel and Goss, carried by a unanimous 5-0 vote.

XV. ADJOURNMENT

Motion and second to Adjourn at 8:48 pm by Commissioners McDaniel and Goss carried 5-0.

County Clerk

Chairman