

EXTRAORDINARY SESSION

The Extraordinary Session was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, May 21, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Edward Goss, Jr. and Johnie McDaniel were present. Absent was Commissioner Gwen Flowers-Taylor and David Phillips arrived late. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Administrative Services Director Jinna L. Garrison, Human Resources Director William D. Gay, County Attorney James R. Fortune, Jr. and Executive Secretary Teresa Watson.

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

II. INVOCATION - Pastor Mike Freeman

III. PLEDGE TO FLAG – Led by Mr. Paul Van Haute

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – None

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Ten Months ended April 30, 2007.

Motion to approve by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

VI. CITIZENS COMMENTS – None

VII. PUBLIC COMMENT

Regina Abbott, 1129 Placid Road, Griffin, Georgia

Ms. Abbot issued a thank you to the Board for its support of the newly opened skate park, The Grind. A crowd has been evident every time she has visited the site except for Sunday evening when a fight had erupted. The fight it appears was not an incident with actual skateboarders but rather from others in City Park. She was thankful that most of the minor snafus have been worked out and the implementation of the skateboard park has gone smoothly so far. A youth association will address security and other issues.

On behalf of the Parks and Recreation Advisory Commission, Ms. Abbot also wanted the Board to consider in this year's budget funding for lights at Wyomia Tyus Olympic Park soccer fields in the amount of \$75,000 with a \$10,000-12,000 commitment from the Griffin Youth Soccer Association, as well. They have voiced a desire to participate in the cost of these lights which can serve to expand and enhance current and future programs. One other item for possible funding is a new position for a parks detail officer to maintain additional facilities acquired, as well as future acquisitions, which the Parks and Recreation Advisory Commission also recommended for approval.

VIII. MINUTES

1. Consider approval of the minutes of the May 7, 2007 Special Called Meeting, the May 7, 2007 Regular Monthly Meeting, and the May 14, 2007 Special Called Meeting of the Board of Commissioners.

Motion to approve the minutes of the May 7, 2007 Special Called Meeting, the May 7, 2007 Regular Monthly Meeting, and the May 14, 2007 Special Called Meeting, by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

IX. CONSENT AGENDA

1. Consider, on second reading, recommendation of Sheriff's Department to approve Ordinance to amend Part VII, Chapter 1, Section 7-1002, for reduction of speed limit on Sowell Road.

SPALDING COUNTY, GEORGIA TRAFFIC REGULATION ORDINANCE ORDINANCE NO. 2007-05

TO AMEND THE MOTOR VEHICLES AND TRAFFIC CODE OF SPALDING COUNTY, GEORGIA, SO AS TO PROVIDE FOR REDUCED SPEED LIMIT ON SOWELL ROAD AND AN EFFECTIVE DATE.

Hill Road and Teamon Road intersection by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

3. Consider recommendation of Parks and Recreation Advisory Commission to use facilities for the annual "Kids Explosion" program at City Park Gym July 16-21, 2007.

Motion to approve recommendation of Parks and Recreation Advisory Commission to use facilities for the annual "Kids Explosion" program at City Park Gym July 16-21, 2007, by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

4. Consider recommendation of Parks and Recreation Advisory Commission to use facilities at Dundee Park for Georgia Firefighters Burn Foundation fundraiser on May 26, 2007.

Mr. Wilson explained that the Griffin Fire and Rescue Department made this request and the letter indicates they would provide their own security.

Motion to approve recommendation of Parks and Recreation Advisory Commission to use facilities at Dundee Park for Georgia Firefighters Burn Foundation fundraiser on May 26, 2007, by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

5. Consider Parks and Recreation Advisory Commission request for approval to submit grant for funding for various programs.

This request is for the TEOYM (The Enrichment of Young Minds) program and the after school programs at City Park and Fairmont Park. This is the third successful year of these programs.

Motion to approve Parks and Recreation Advisory Commission request for approval to submit grant for funding for various programs by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

Commissioner Phillips arrived.

6. Consider approval of Capacity Agreement for FY 2008 with Georgia Department of Corrections for housing of state inmates in SCCI.

Mr. Wilson advised this was the annual agreement with the State which stipulates the number of inmates, 384 this year, and they will reimburse the sum of \$20 per day per inmate. About \$2.7 million in revenues were budgeted for this facility.

Commissioner Goss asked if, by signing the agreement, the County was obligated to operate the facility for another year. Mr. Wilson stated that was correct, and if the County does not sign this agreement, we would have to notify the State and return the grant which was provided for construction of the facility. This grant was in excess of \$5 million. Cost analysis have indicated that the facility's operations are indeed cost effective. Mr. Wilson responded to Commissioner Goss that the County executed a twenty-year agreement with the State in the late 1990s when they received the grant. Several years remain on this agreement. Additionally, the County has a certificate of participation for lease/purchase financing on that building for the same period of time, twenty years, and payments would have to continue to be made on that agreement, as well.

Motion to approve Capacity Agreement for FY 2008 with Georgia Department of Corrections for housing of state inmates in SCCI, by Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 2-1-1 with Commissioner Goss opposing and Commissioner Phillips abstaining since he was not privy to the initial conversation surrounding the agreement.

7. Consider request of City of Griffin to co-fund the annual Fourth of July fireworks display at City Park.

This is an annual joint funding of the fireworks display and is paid out of the hotel/motel tax fund. Total cost is \$11,000 and is split with the City on a 50/50 basis, so the County's portion is \$5500.

Motion to approve request of City of Griffin to co-fund the annual Fourth of July fireworks display at City Park by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 4-0.

8. Consider request of City of Griffin to partner in funding cost of security for City Park.

Mr. Wilson stated the County currently provides security at City Park Gym and the two ball fields, Beck Field and Watkins Field, on Mondays, Tuesdays, Thursdays, and Fridays, from 6 to 10 p.m. and on Saturdays from 10 a.m. until 5 p.m. We pay a security firm that is primarily composed of police officers. We identified just what security we provide for the City, but Mr. Smith interpreted

the memo differently than it was intended. He thought the County provided security at City Park for those dates and times when, in fact, it is only for those above-mentioned specific facilities at the Park and not the entire City Park. Mr. Wilson has advised Mr. Smith of the misunderstanding, and Mr. Smith has responded that he hopes the Board will vote favorable to assist with the additional park security request which the City presented. The County will, of course, continue to fund security in the same manner that it has in the past, but the request as presented is for the entire park. The group with which the City has contracted, primarily composed of retired City policemen, no longer desires to provide this service. They propose to use overtime for the City's own law enforcement personnel, and they anticipate using approximately \$45,213, and the contract for the firm that no longer desires to provide service was for \$42,000 annually. They request that the Board consider pooling resources with the City in this endeavor on a 50/50 basis. Mr. Wilson said he had advised City Manager Smith that he did not feel this Board would be amenable to this funding request but that he would present it for consideration.

Commissioner Phillips stated he had no desire to participate, and Chairman Freeman continued that he felt the City should be able to find an interested party to provide service and that they were simply using the opportunity to get the County to fund half of the service. He was also not in favor of participating in funding this security.

Mr. Wilson informed Commissioner Phillips that the County maintained only those portions of the City Park that were used by the County, i.e. the Gym, Watkins Field and Beck Field, and now the Skate Park. The County uses and maintains approximately 7± acres of the 52± acres, but not the park in its entirety as many City Commissioners believe. The golf course area is an additional large acreage tract, but is leased and operated by a third party; the main park area is about 52 acres.

Motion to deny request of City of Griffin to partner in funding cost of security for City Park by Commissioner Goss, seconded by Commissioner Phillips, carried by a vote of 4-0.

9. Chairman Freeman would like to discuss landfill host fees.

Chairman Freeman said there were ongoing problems with Shoal Creek Road which is traversed heavily by large trucks frequenting the C & D Landfill. Vehicles originate from City, County and private haulers. He feels the City should do something to assist with this expense since no written contract or intergovernmental agreement has been executed for the landfill itself specifying that the City should derive all income. He feels the County is not getting a fair share of monies collected there, although the County is charged a slightly reduced rate for dumping. Commissioner Phillips asked how the agreement was implemented with no written contract, and Mr. Wilson provided a brief history of development of the property.

Mr. Fortune suggested that representatives from the County sit down with City personnel and review the situation. Then the County can decide what to do and begin negotiations. He reminded commissioners to look carefully at the numbers and the financial situation, researching thoroughly and not jumping to conclusions prematurely or reacting without due diligence.

Mr. Wilson explained the City and County are, in essence, tenants in common with the property being jointly owned. The 54 acres owned by the City is where the municipal solid waste facility was located. The remaining 200+ acres is jointly owned by City and County on a 50/50 basis. The C & D Landfill is on the jointly owned property. The County never participated in the operation of the C & D Landfill. Much discussion followed.

Commissioners directed Mr. Fortune to research the matter further and prepare to negotiate with the City for a more equitable arrangement.

XII. REPORT OF COUNTY MANAGER

- On May 22, the traffic signal will be fully operational for the Macon/Futral/College intersection. This multi-year project is finally complete.
- June Jam will be held June 9, 2007 at 8 p.m. This is cosponsored by City, County, and Downtown Council. He urged everyone to reserve a spot and enjoy.
- A Press Release regarding the Animal Shelter being closed for a parvo outbreak was issued this week. It will reopen on May 23 if all is acceptable during the State Department of Agriculture visit tomorrow.
- Chairman Freeman said there was a great turnout for the recent 4-H Program and many kids received awards. Instructors were excellent and he was very impressed with the program. He shared the plaque received in thanks for support of the event.
- Retreat dates for department heads have been explored with Catherine Bennett. Chairman Freeman asked if this was for a second Board Retreat, and Mr. Wilson explained this was for the retreat with

department heads that was requested by the Board of Commissioners. Mr. Wilson said he could arrange for the retreat to be held in Spalding County in deference to Commissioner Phillips' wishes. After much discussion, there was Board consensus for July 30, 2007, with a time range of probably 9 am until 4 pm.

- Discussions have been held recently but no formal direction received yet on whether or not the County should allow a Class A manufactured home to be replaced as matter of right. This has been discussed at several meetings and applies to R-5 and AR-1 zoning classifications. The Chair would like to get formal direction for this issue if the applicant is simply replacing an existing mobile home. If installation is for a new mobile home placement, the applicant will still have to get the special exception. Commissioner Phillips said he always liked to see an upgrade. Commissioner Goss saw no problem with this practice. His intentions were to not have people spend a great deal of money and time before Board of Appeals just to get to the point of a final decision before the Board of Commissioners. Fees would remain the same, advised Mr. Wilson. Mr. Wilson stated he still has a call in to Zoning Attorney Galloway to determine if applicants can come straight to the Board of Commissioners and bypass the Board of Appeals for special exceptions. But this matter being discussed tonight would do away with special exception status for all instances of replacement for R-5 and AR-1 zoning classifications, and the applicant could just go get a building permit. Applicants must still meet all requirements for moving a manufactured home into the County. All requirements would apply but just would not require special exception status. This is a change in the policy implemented several years ago. Mr. Wilson advised he could only remember two applications that were denied for such requests over the years, one of which was for a brand new mobile home. On consensus from the Board to begin the process, Mr. Wilson advised he would write up the policy change and put on Planning Commission agenda for May, after which it can hopefully come to fruition in June and July.

XIII.REPORT OF COMMISSIONERS

Goss:

No comment.

Phillips:

No comment.

McDaniel:

Some discussion was held regarding the historically designated house at Hwy 16/Vaughn Road so that GDOT could proceed with engineering and the project at Hwy 362/Moreland Road/Rover-Zetella. GDOT has released full drawings of plans and Mr. Fortune is researching titles for right-of-way acquisition on 16 parcels, one of which is the gas station. Personnel getting acquisitions will be made aware that no funding will be available from SPLOST for these efforts. Over \$600,000 was used for r-o-w acquisition and utility relocation on the Macon/Futral/College intersection improvement project.

Freeman:

No comment.

XIV. CLOSED MEETING

1. County Manager requests a Closed Meeting to discuss personnel matters.

Motion to enter Closed Meeting, by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 4-0 at 7:00 p.m.

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 May 21, 2007.

2.

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

3.

The executive session was called to order at 7:00 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:

No 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);

No 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 21st day of May 2007

Spalding County Board of Commissioners

Sworn to and subscribed

Eddie L. Freeman, Chairman (L.S.)

Before me this 21st day of May 2007

David Phillips (L.S.)

Gwen Flowers-Taylor (L.S.)

Notary Public – Teresa A. Watson (L.S.)

Edward Goss, Jr. (L.S.)

My commission expires: March 1, 2011

Johnie A. McDaniel (L.S.)

Motion to adjourn Closed Meeting and reconvene to Open Meeting, by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 4-0 at 8:34 p.m.

XV. ADJOURNMENT

Motion to adjourn, by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 4-0 at 8:35 p.m.

County Clerk

Chairman

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