

EXTRAORDINARY SESSION

The Extraordinary Session of the Spalding County Board of Commissioners was held in Room 108 in the Courthouse Annex, Monday, September 24, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Edward Goss, Jr. and Gwen Flowers-Taylor were present. Absent were Commissioners David Phillips and Johnie McDaniel. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, County Attorney James R. Fortune, Jr., Community Development Director Chuck Taylor, and Executive Secretary Teresa Watson.

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

II. INVOCATION - Pastor Will Doss

III. PLEDGE TO FLAG – Led by Commissioner Goss

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Representatives from Swerdlin & Company will present a post-retirement benefit report.

Tony Brizzolara stated the purpose of the presentation – to detail Statement No. 45 of the Governmental Accounting Standards Board (GASB Statement No. 45) which establishes standards of financial accounting and reporting for governmental employers who offer Other PostEmployment Benefits (OPEB) to their employees. The summary of the cost report and the obligations of Spalding County for same were discussed, along with development of the annual required contribution for FY ending June 30, 2007 and the net OPEB obligation as of June 30, 2007. The liability has always been in existence, but prior to GASB 45, there was no requirement for reporting and accounting on the books for the public sector. This will be recommended in a future budget for funding, noted County Manager William Wilson. The unfunded liability has to be on County statements, and if the liability increases it will adversely affect the County's credit rating for lenders.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Two Months Ended August 31, 2007.

Motion to approve Financial Statements for the Two Months Ended August 31, 2007 by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

VI. CITIZENS COMMENTS

1. David Hunicutt desires to address the Board regarding Griffin-Spalding County Youth Softball Association.

David Hunicutt, 463 Morgan Dairy Road, Milner, Georgia

Mr. Hunicutt was speaking on behalf of the Girls Softball Association. In his opinion, the recommended rule changes will hurt not only the girls' softball association but Spalding County, as well, and he wanted to see the association grow. He did not feel the recommended changes would be in their best interest, and further state that tournament ball would just go away if implemented.

VII. PUBLIC COMMENT

Margaret Luhrman, 121 Runnymede Road, Griffin, Georgia

Ms. Luhman, a resident of 35 years in this County, was in favor of elimination of the school tax for citizens over the age of 65. Taxes are a burden for everyone, but she stated there should be some relief for those who have attained a certain age with no children involved.

Mr. Jay Perkins, 128 Rehoboth Road, Griffin, Georgia

Mr. Perkins referenced the Parks and Recreation Advisory Commission's recommendations to change travel ball. He agreed with David Hunicutt that these changes would be detrimental to the program.

VIII. MINUTES

1. Consider approval of the minutes of the September 10, 2007 Regular Monthly Meeting.

Motion to approve the minutes of the September 10, 2007 Regular Monthly Meeting by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

IX. CONSENT AGENDA

X. OLD BUSINESS

1. Lift from the table a request for blanket outside amplification permit for Los Garanones rodeo events at 139 Rover-Zetella Road.

Motion to lift from the table a request for blanket outside amplification permit for Los Garanones rodeo events at 139 Rover-Zetella Road by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

Hector Garcia, 139 Rover-Zetella Road, Griffin, Georgia

Mr. Garcia, through his interpreter Miguel, said he was present to answer questions regarding this request. He responded he does have a business license to operate rodeos twice a month on Sundays. The request is for outside amplification that includes both talking and music. Mr. Garcia just got his license about a month ago. He has not been charging or filing sales tax monthly.

County Attorney Jim Fortune explained there was no need for a permit to charge admission, but rather just a business license. Current operating hours to 10:30 p.m. would have to be altered to the 9:00 p.m. noted in the County Ordinance with regard to noise regulation. Mr. Fortune said a neighbor came in two weeks ago at the last meeting to complain about the excess noise. Even if granted permission for outside amplification from 9 am until 9 pm, there still could be issues of excessive noise that might have to be resolved. Commissioner Flowers-Taylor urged the residents presenting the rodeo to be cognizant of surrounding neighbors' feelings regarding noise. The license holder said he had not retained a lawyer, which was suggested by Mr. Fortune. Spalding County does not require any liability coverage in conjunction with licensing.

Community Development Director Chuck Taylor said a rodeo was a permitted use in the AR-1 zoning district. They have fifteen acres with an entrance off Leach Road. Chairman Freeman said he had complaints earlier in the summer about the level of noise.

Motion to approve the request for blanket outside amplification permit for Los Garanones Rodeo at 139 Rover-Zetella Road for once weekly events by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

2. Consider, on second reading, Ordinance to Amend the FY 2008 Budget Ordinance to provide for end of year encumbrances.

AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET ORDINANCE SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2006 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2007, be amended as follows:

Section I. General Fund

A. Revenues					
Fund Balance Appropriated	From	\$	2,695,485	to	\$ 3,034,424
B. Expenditures					
Administration	From	\$	385,573	to	\$ 390,037
Information Systems	From	\$	132,819	to	\$ 144,864
Tax Commissioner	From	\$	810,713	to	\$ 811,015
Tax Assessors	From	\$	836,064	to	\$ 836,364
General Appropriations	From	\$	2,924,000	to	\$ 2,936,425
Clerk of Court	From	\$	850,350	to	\$ 863,002
Magistrate Court	From	\$	699,113	to	\$ 699,374
Public Defender Circuit	From	\$	1,390,351	to	\$ 1,390,396
Sheriff Administration	From	\$	1,148,405	to	\$ 1,151,878
Sheriff Warrant Division	From	\$	561,951	to	\$ 562,578
Sheriff Criminal Investigations	From	\$	878,459	to	\$ 879,020
Sheriff Uniform Patrol	From	\$	2,760,239	to	\$ 2,796,335
Sheriff Detention	From	\$	7,265,325	to	\$ 7,458,749
Sheriff Special Operations	From	\$	910,497	to	\$ 918,941
Correctional Institution	From	\$	6,515,859	to	\$ 6,528,515
Juvenile Probation	From	\$	488,689	to	\$ 488,711
Animal Control	From	\$	332,512	to	\$ 332,826
Homeland Security	From	\$	11,834	to	\$ 12,223
Public Works	From	\$	4,305,450	to	\$ 4,315,550
Solid Waste	From	\$	1,027,489	to	\$ 1,027,843
Recreation	From	\$	698,212	to	\$ 698,757
Parks	From	\$	2,051,536	to	\$ 2,055,228
Code Enforcement	From	\$	114,397	to	\$ 140,145

Section VI. Emergency 911 Fund

A. Revenue					
Fund Balance	From	\$	324,751	to	\$ 326,760
B. Expenditures					
Emergency 911	From	\$	1,554,706	to	\$ 1,556,715

Section X. Fire Fund

A. Revenue					
Fund Balance	From	\$	265,926	to	\$ 2,574,393
B. Expenditures					
Fire Department	From	\$	6,239,100	to	\$ 8,547,567

Section XVI. Water System Fund

A. Revenue					
Fund Balance	From	\$	245,497	to	\$ 981,416
B. Expenditures					
Water Department	From	\$	6,120,497	to	\$ 6,856,416

Approved on first reading this 10th day September 2007.

Approved, adopted and enacted on second reading this 24th day September 2007.

Motion to approve, on second reading, Ordinance to Amend the FY 2008 Budget Ordinance to provide for end of year encumbrances by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

XII. NEW BUSINESS

1. Consider Memorandum of Agreement to establish Partners for a Prosperous Griffin-Spalding County (PPG-SC) with representation from University of Georgia, Spalding Collaborative, G-S School System, City of Griffin, Spalding County, G-S Chamber of Commerce, Griffin Technical College and Spalding Regional Medical Center.

Dr. Jeff Jordan, 1120 Pine Valley, Griffin, Georgia and Will Doss, 120 Millwood Drive, Griffin, Georgia were present to address the Board on this grassroots effort to identify and resolve problems of poverty in the surrounding area. He detailed the process involved and the structure of the group who will be vital partners in this procedure. Athens' convening committee chose 10 recommendations from the identified list of 155 in this same effort. A successful Memorandum of Agreement between all the entities involved will help to ensure that final recommendations can and will be implemented rather than having the vast amount of work done over the year to eighteen months required for the process. October 17 at 4:30 p.m. at the Welcome Center will be the official signing ceremony.

Commissioner Flowers-Taylor said she was excited about this project and urged wholehearted support from the remaining commissioners. Commissioner Goss felt this was much needed in Spalding County.

Motion to approve the Memorandum of Agreement to establish Partners for a Prosperous Griffin-Spalding County (PPG-SC) with representation from University of Georgia, Spalding Collaborative, G-S School System, City of Griffin, Spalding County, G-S Chamber of Commerce, Griffin Technical College and Spalding Regional Medical Center by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

2. Consider clarification of facade elevation requirements for Teamon Village Estate Life Special Exception Subdivision.

Mr. Taylor presented a brief overview of the circumstance necessitating this clarification, and commissioners referenced their packets provided by Adams Homes. This was the very first estate life special exception subdivision in Spalding County. Elevations were presented and discussed. The assertion that commissioners originally meant that 50% of the elevation of the front façade should be brick was a correct one; however, this point needed to be clarified. In the original motion, the terminology was for “elevation” when the term should have been “façade.” This occurred in 2004 in an attempt to rectify some problems with developers. Mr. Wilson agreed the Board merely used the wrong term and the Ordinance developed a year later used the term façade. The developers have greatly upgraded interiors with the price point ranging from \$180,000 to \$280,000. They utilize hardy plank and stone but not vinyl and finished products are good quality.

Rick Rogers, 108 Century Park Place, Peachtree City, Georgia

Mr. Rogers said that Adams Homes purchased a number of GTR’s assets (the previous owner of this project), with this being one of the projects. They will try to incorporate as much 100% brick products as possible but some flexibility is necessary due to pricing factors. They don’t like vinyl siding and won’t ever use it unless compelled to in certain areas, and they use architectural shingles. They insist on presenting a good image with a good product for a project that is considered much more than a subdivision.

Commissioner Goss, since he was on the Board at the time, recalled that the original intent of the action was to address facades and not elevations and felt that the Board meant the front (or façade).

Motion to accept the assertion that the 50% requirement of elevations as stated by a previous Board should be construed to mean 50% of the façade or front of the home by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

3. Consider Resolution amending the Third Restated Defined Benefit Plan Adoption Agreement to clarify reduced early retirement.

RESOLUTION OF SPALDING COUNTY COMMISSIONERS

WHEREAS, Spalding County (the “Employer”) maintains the Association County Commissioners of Georgia Defined Benefit Plan for Spalding County Employees (the “Plan”) through an Adoption Agreement, for the benefit of its eligible employees;

WHEREAS, the Plan provides that the provisions of the Adoption Agreement may be amended at any time by the Employer;

WHEREAS, the Plan was amended in 1988 to provide for reduced early retirement at age 60 with 10 years of service;

WHEREAS, former participants who terminated employment with the Employer prior to the date the Plan was so amended were informed by letter that they were eligible for reduced early retirement after age 60 with 10 years of service; and

WHEREAS, the Employer desires to amend the provisions of the Adoption Agreement to allow these former participants to elect reduced early retirement at age 60 with 10 years of service.

NOW, THEREFORE, the Employer resolves as follows:

Effective September 1, 2007, former Plan participants who terminated prior to that date the Plan was amended in 1988, and have not yet commenced receiving benefit payments, shall be eligible for a reduced Early Retirement upon attainment of age 60 with 10 years of Vesting Service.

BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners of Spalding County, Georgia is hereby authorized, empowered, and directed to take all further actions to implement these resolutions.

BE IT FURTHER RESOLVED that any resolution in conflict with this resolution is hereby repealed.

AMENDMENT # 1 TO
ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA
3RD RESTATED DEFINED BENEFIT PLAN
FOR SPALDING COUNTY EMPLOYEES ADOPTION AGREEMENT

THIS AMENDMENT is made and entered into by Spalding County Board of Commissioners (the "Employer").

WITNESSETH:

WHEREAS, the Employer maintains the Association County Commissioners of Georgia Defined Benefit Plan (the "Plan") for Spalding County Employees for the benefit of its eligible employees;

WHEREAS, the Employer adopted the Plan through an Adoption Agreement;

WHEREAS, Section 17.02 of the Plan allows the Employer to amend the elective provisions of the Adoption Agreement; and

WHEREAS, the Employer desires to amend the Adoption Agreement to allow certain former participant to elect a reduced early retirement at age 60 with 10 years of vesting service.

NOW, THEREFORE, section 6.02 of the Adoption Agreement is hereby amended effective September 1, 2007 as follows:

Former Plan Participants who terminated employment with the Employer prior to 1988 and have not commenced benefit payments as of September 1, 2007, shall be eligible for a reduced early retirement at any time after the attainment of sixty (60) years of age and completion of ten (10) years of Vesting Service.

IN WITNESS WHEREOF, the Employer has caused its duly authorized officer to execute this Amendment on the date noted below.

Motion to approve Resolution amending the Third Restated Defined Benefit Plan Adoption Agreement to clarify reduced early retirement by Chairmen Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-0.

4. Consider approval of Parks and Recreation Advisory Commission request to implement After School Program at AMBUCS Park.

Jacqueline Towns, 168 Vinings Way, Jenkinsburg, Georgia
Ms. Towns, representing Modern Woodmen, felt this would be a good addition to the community. They will work in the areas of exercise, tutoring, sports, nutrition, and others to help build leaders from the youth of today. Modern Woodmen of America is a sister organization to Woodmen of the World and both were established by the same family. They will support the program and costs will not have to be solicited from the families of the youth served (30 or fewer). Children will be referred and/or recruited from Parks and Recreation clientele already in the AMBUCS area, members of Modern Woodmen, etc. Transportation for local children may pose a problem that will need to be resolved. The demographic of this area is a little different from other locales. She supported this awesome idea but cautioned some aid might need to be developed for participants.

Ms. Towns stated she was familiar with the facility as she has coached at AMBUCS and knew the area. Each day there are children in the gym who could benefit from a program of this nature.

Motion to approve the Parks and Recreation Advisory Commission request to implement After School Program at AMBUCS Park by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

5. Consider request from Parks and Recreation Advisory Commission to revise the department's pavilion rentals and application forms.

Mr. Wilson advised this amendment stipulates rental rates and times with additional guidelines for use of the facilities' pavilions in response to problems that have been encountered in the past.

Motion to approve request as presented from Parks and Recreation Advisory Commission to revise the department's pavilion rentals and application forms by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

6. Consider request of Parks and Recreation Advisory Commission to consider recommendations of Travel Ball Sub-Committee.

Louis Greene, Director of Parks and Recreation, said travel ball has been discussed for quite some time and is a rather complex issue. A subcommittee was formed and they conducted extensive research to arrive at these recommendations. Football and cheerleading are the only two sports that don't have travel ball. Mr. Greene detailed the length of seasons for sports utilizing travel ball. Players for regular ball are generally separate from travel ball. Travel ball players usually are more experienced. It was noted that some children are limited and don't play travel ball because of the costs involved. Much of the debate in this subcommittee revolved around involving all children and options were discussed throughout the process. The subcommittee asked each association president why they didn't play longer. The school calendar was the greatest factor for scheduling all ball, both regular and travel. Some youth associations have managed well, but some operate on deficit budgets. Field maintenance is a large issue. All youth associations run travel ball in-house.

Motion to approve as presented Parks and Recreation Advisory Commission recommendations of the Travel Ball Sub-Committee by Commissioner Goss, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-0.

7. Consider bids for resurfacing Blalock, Cabin, Roberts and Woodroof recycling centers.

Motion to approve award of bid for resurfacing Blalock, Cabin, Roberts and Woodroof recycling centers to Spalding Concrete for an amount not to exceed \$71,060 was made by Chairman Freeman, seconded by Commissioner Flowers-Taylor, and carried by a vote of 3-0.

8. Consider Notice of Intent to Abandon a portion of Wild Plum Road.

This portion of Wild Plum Road is owned by the Crouch family on both sides. It has been relocated with the Arthur K. Bolton widening project. This old dirt section that currently exists cannot accommodate travel and there are no homes on this portion.

RESOLUTION OF INTENT TO CONSIDER THE ABANDONMENT
OF AN UNUSED PORTION OF WILD PLUM ROAD

WHEREAS, subsection 32-7-2(b)(1) of the Official Code of Georgia Annotated provides the procedure for abandonment of a section of the county road system when, for any reason, it has ceased to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia has been requested to determine whether an unused portion of Wild Plum Road located in Land Lot 243 of the Second District of original Monroe, now Spalding County, and more properly described as the abandoned portion of Wild Plum Road and shown on the attached plat or sketch, has ceased for any reason to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, a plat or sketch of said road, which is hereto attached, has been tendered to this Board for its use in making such determination; and

WHEREAS, the Board of Commissioners of Spalding County deems it prudent and in the best interest of the County to investigate this request and to make a determination as to whether or not such road should be abandoned;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that a copy of the within resolution, and a copy of such plat or sketch, be posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex, and further that a copy of this resolution and said plat or sketch be transmitted to the Postmaster of Griffin, Georgia for his review with the local mail carrier, and a copy hereof be transmitted to the Superintendent of Schools for his review with the person in charge of bus transportation for the students of the local school system, so that this Board may have any response from the public or from the local postmaster or from the Superintendent of the Griffin-Spalding County School System on or before October 12, 2007 that would aid and assist this Board in making, or declining to make, such determination; and

BE IT, AND IT IS, FURTHER RESOLVED that the within resolution shall become effective immediately and that all acts or resolutions, or parts thereof, in conflict herewith be, and the same are hereby repealed.

Motion to approve Notice of Intent to Abandon a portion of Wild Plum Road by Commissioner Goss, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-0.

9. Consider Notice of Intent to Abandon a portion of Cheatham Road.

Mr. Fortune said when Cheatham Road relocated in 1969, the roadbed moved slightly, leaving this portion abandoned. A recent survey identified the area as preventing road frontage for a resident and needs to be officially abandoned. It was actually abandoned 38 years ago but not formally.

**RESOLUTION OF INTENT TO CONSIDER THE ABANDONMENT
OF AN UNUSED PORTION OF CHEATHAM ROAD**

WHEREAS, subsection 32-7-2(b)(1) of the Official Code of Georgia Annotated provides the procedure for abandonment of a section of the county road system when, for any reason, it has ceased to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia has been requested to determine whether an unused portion of Cheatham Road located in Land Lots 4 and 29 of the Third District of original Henry, now Spalding County, and more properly described as the abandoned portion of Cheatham Road on as plat survey for Carole Cromartie and found in Plat Book 7, Page 386, has ceased for any reason to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, a plat or sketch of said road, which is hereto attached, has been tendered to this Board for its use in making such determination; and

WHEREAS, the Board of Commissioners of Spalding County deems it prudent and in the best interest of the County to investigate this request and to make a determination as to whether or not such road should be abandoned;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that a copy of the within resolution, and a copy of such plat or sketch, be posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex, and further that a copy of this resolution and said plat or sketch be transmitted to the Postmaster of Griffin, Georgia for his review with the local mail carrier, and a copy hereof be transmitted to the Superintendent of Schools for his review with the person in charge of bus transportation for the students of the local school system, so that this Board may have any response from the public or from the local postmaster or from the Superintendent of the Griffin-Spalding County School System on or before October 15, 2007 that would aid and assist this Board in making, or declining to make, such determination; and

BE IT, AND IT IS, FURTHER RESOLVED that the within resolution shall become effective immediately and that all acts or resolutions, or parts thereof, in conflict herewith be, and the same are hereby repealed.

Motion to approve Notice of Intent to Abandon a portion of Cheatham Road by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

10. Consider approval of request from Henry County Shrine Club for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for a charity event on November 17, 2007 at Math Field to benefit the Shrine Hospitals.

Motion to approve request from Henry County Shrine Club for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for a charity event on November 17, 2007 at Math Field to benefit the Shrine Hospitals by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

11. Consider approval of Agreement of Mutual Aid/Auto Aid Agreement with Butts County.

**AGREEMENT OF MUTUAL AID AND AUTOMATIC AID
SPALDING COUNTY / BUTTS COUNTY**

THIS AGREEMENT is made and entered into this 24th day of September 2007, by and between Spalding County, a political subdivision of the State of Georgia acting by and through its duly elected Board of Commissioners (herein after referred to as "Spalding"), and Butts County, Georgia,

organized and existing under the laws of the State of Georgia acting by and through its duly elected county officials (herein after referred to as "Butts");

WITNESSETH:

WHEREAS, Spalding and Butts are contiguous; and

WHEREAS, Spalding and Butts each maintain and staff a fire department for the purpose of fire suppression, protection, prevention, rescue; and

WHEREAS, Spalding and Butts have determined that it is to the mutual advantage and benefit of each of the parties hereto that they render supplemental fire suppression, protection, prevention and rescue to the other party in the event of a fire or other local emergency, and to take part in joint training exercises; and

WHEREAS, it is the desire of the signatories hereto to enter into this Agreement for mutual aid and automatic aid (first responder) pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph 3 and the Official Code of Georgia Annotated 36-69 "Georgia Mutual Aid Act"

NOW THEREFORE, in consideration of the mutual covenants herein, and for other good and valuable consideration, the parties hereunto agree as follows:

ARTICLE 1 – AUTOMATIC AID RESPONSE

Paragraph 1.0 The parties shall establish a mutually beneficial response district within and up to certain feasible boundary limits as designated and agreed upon by the Spalding County Fire Chief and the Butts County Fire Chief and attached and incorporated hereto as *Addendum A* hereinafter referred to as "response district". This response district may be changed to reflect additions or deletions of response areas with the approval of both parties.

Paragraph 1.1 In the event of any fire rescue, disturbance, or other fire related local emergency occurring in the response district, Spalding and Butts shall furnish such fire suppression, protection, and rescue services as may be reasonably required to cope with such emergency, in addition to the first response assignment, subject to the limitations hereinafter set forth in this Agreement.

Paragraph 1.2 The level of automatic aid shall be extended to a level agreed upon by the Spalding County Fire Chief and the Butts County Fire Chief and included herein as *Addendum B*.

ARTICLE 2- MUTUAL AID

Paragraph 2.0 The level of mutual aid shall be extended to a level agreed upon by the Spalding County Fire Chief and the Butts County Fire Chief or their designee and included herein as *Addendum B*. Upon approval of the Fire Chief or their designee, the party furnishing aid shall determine the actual amount of equipment and staff it will request or extend in each instance of emergency based on the available personnel and equipment and of local conditions at the time of emergency.

Paragraph 2.1 It is expressly agreed that the aid actually furnished may be recalled at the discretion of the Fire Chief or Commissioner/Director of Public Safety or their designee of the furnishing jurisdiction.

Paragraph 2.2 It is further agreed that the parties will participate in joint training exercises in order to promote a basic standardization of operations and philosophy to the extent necessary as determined and agreed upon by the Fire Chief for each party.

ARTICLE 3 – SUPERVISION

Paragraph 3.0 The furnishing jurisdiction shall dispatch a Chief Officer. The Chief Officer shall coordinate resources of the furnishing jurisdiction and shall report to the IC (Incident Commander) of the jurisdiction having authority.

Paragraph 3.1 When furnishing jurisdiction is receiving aid, then that officer shall Coordinate and give the general directions as to the work to be done. This officer will be in command until properly relieved by the Chief Officer of the jurisdiction receiving aid.

Paragraph 3.2 Personnel who are furnished will work as far as possible under their own supervisors and with their own equipment except as provided in Paragraph 3.1.

Paragraph 3.3 All general directions relative to the work will be given the appropriate officers of the jurisdiction receiving the aid except as provided in Paragraph 3.1.

ARTICLE 4 – LIABILITY

Paragraph 4.0 There shall be no liability imposed on any party or its personnel for failure to respond for the purpose of extinguishing or controlling fire or other immediate response emergency.

Paragraph 4.1 Every employee shall be deemed to be the employee and agent of their regular employer, and under no circumstances shall any employee be deemed to be an employee or agent of any entity other than their regular employer.

Paragraph 4.2 All damages or repairs to any equipment or apparatus shall be the responsibility of the owner jurisdiction.

ARTICLE 5 – CONSIDERATION

Paragraph 5.0 No party under this Agreement will be required to pay any compensation to the other party under this Agreement for services rendered pursuant to this Agreement.

Paragraph 5.1 It is expressly agreed that the mutual advantage and protection afforded by this Agreement is adequate consideration to both parties.

Paragraph 5.2 Each part pursuant to this Agreement shall comply with the workers compensation laws of the State of Georgia without any cost to the other party.

Paragraph 5.3 Each party shall pay the salaries, benefits, and all other compensation for its own personnel without cost to the other party.

Paragraph 5.4 The receiving jurisdiction will be responsible for providing gasoline, diesel fuel, oil and other materials as needed for use of equipment at scene of emergency or, in the alternative, may submit receipts for such materials after the emergency for reimbursement, when possible.

ARTICLE 6 – RELEASE OF CLAIMS

Paragraph 6.0 Each of the parties agree to release the other party from any and all liabilities, claims, judgments, costs or demands for damage to its property whether directly arising or indirectly arising out of the use of any vehicle, equipment or apparatus by the other party during the provision of service pursuant to this Agreement.

ARTICLE 7 – INJURIES TO PERSONNEL

Paragraph 7.0 Any damage or other compensation which is required to be paid to any fire employee by reason of an injury occurring while their services are being utilized pursuant to this Agreement shall be the sole liability and responsibility of the party regularly employing that person.

ARTICLE 8 – NO THIRD PARTY BENEFICIARIES

Paragraph 8.0 This Agreement shall not be construed as, or deemed to be an agreement for the benefit of any third party to parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever.

ARTICLE 9 – TERM OF AGREEMENT

Paragraph 9.0 This Agreement shall commence upon its approval by the respective governing bodies of Spalding and Butts and shall continue until December 31, 2007. This Agreement shall stand automatically renewed by the parties on January 1, 2008 and each year thereafter on January 1st, until such time as written notice of termination or modification is received by either party at least ninety (90) days prior to the expiration of the first term or any term thereafter.

Paragraph 9.1 Nothing in this Article shall preclude termination pursuant to Article 15.

ARTICLE 10 – DISPATCHING OF ALARM – AUTOMATIC AID

Paragraph 10.0 The dispatcher of the party having control over the emergency scene will dispatch his or her departments' pre-assigned apparatus first.

Paragraph 10.1 The dispatcher will then contact the fire department providing automatic aid apparatus to the alarm and advise them of the request.

Paragraph 10.2 When dispatching apparatus to a location involving automatic aid, each party's dispatcher will announce that automatic aid is responding. This will enable the Incident Commander to know precisely what equipment is expected to arrive on the scene.

ARTICLE 11 – FIRE SCENE COMMUNICATIONS

Paragraph 11.0 The Incident Commander of the jurisdiction having control shall provide specific instructions to the automatic or mutual aid officer arriving on the emergency scene unless

and until a more sophisticated fire scene communications system can be provided for the automatic aid system.

Paragraph 11.1 Whenever possible, the Incident Commander in charge of the emergency scene should provide the automatic or mutual aid officer with a portable radio for use during the emergency.

Paragraph 11.2 Upon arriving on scene, the automatic or mutual aid officer shall keep his or her department informed of the state of the operation. If it appears the automatic or mutual aid equipment will be needed at the emergency scene for an extended period of time, the automatic or mutual aid officer should so advise his or her dispatcher.

ARTICLE 12 – MOVE UP EQUIPMENT – MUTUAL AID

Paragraph 12.0 Each party agrees and acknowledges that it will be the responsibility of each party to provide the backup coverage necessary of its own department.

Paragraph 12.1 In the event that a jurisdiction had dedicated a major amount of fire suppression or specialized equipment to an incident, the jurisdiction may request aid to cover vacant areas by “moving up” mutual aid units into the affected jurisdiction.

ARTICLE 13 – ADMINISTRATION

Paragraph 13.0 It is agreed by each of the parties that for purposes of liaison and administration, the Spalding County Fire Chief and the Butts County Fire Chief shall be jointly responsible.

ARTICLE 14 – ENTIRE AGREEMENT

Paragraph 14.0 This Agreement shall constitute the entire agreement between the parties and no modification thereof shall be binding unless evidenced by a subsequent a signed written agreement.

Paragraph 14.1 This Agreement shall be the sole instrument for the provision of emergency fire service mutual aid and automatic aid between the parties.

ARTICLE 15 – TERMINATION

Paragraph 15.0 Either party to this Agreement may terminate the Agreement by giving not less than ninety (90) days advance written notice to the other party.

ARTICLE 16 – SEVERABILITY OF TERMS

Paragraph 16.0 In the event that any part or provision of this Agreement is held to be invalid, the remainder of this Agreement shall not be affected thereby and shall continue in full force and effect.

ARTICLE 17 – GOVERNING LAW

Paragraph 17.0 This Agreement shall be governed in all respects by the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties hereto set their hands and seals.

Motion to approve Agreement of Mutual Aid/Auto Aid Agreement with Butts County by Chairman Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-0.

12. Consider, on first reading, Ordinance #2007-20 to Amend Part VII, Motor Vehicles and Traffic, Chapter 1, Section 7-1002, to provide for reduction of speed limits on Baptist Camp Road, Jordan Hill Road, Farmington Road and Rock Mill Court as recommended by the Spalding County Sheriff's Department.

Motion to approve with an amendment to add speed limit change on North Hill Street Extension from East McIntosh to Dobbins Mill to 35 mph, as well, by Commissioner Flowers-Taylor , seconded by Commissioner Goss, carried by a vote of 3-0.

13. Consider request of KAMCO Property Company for controlled access for Spalding Heights Apartments in order to facilitate the proposed extensive renovation of the complex.

Mr. Taylor and staff contacted the School System, the City, emergency personnel, law enforcement and others regarding the gates, with the recommendation that gates be siren-activated. The positioning of the gates is an issue.

Motion to postpone for an indefinite period of time for further study the request of KAMCO Property Company for controlled access for Spalding Heights Apartments in order to facilitate

the proposed extensive renovation of the complex by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

14. Consider rescheduling the following meetings as noted to accommodate 2007 holiday observances:

- The November 19, 2007 Extraordinary Session - cancel.
- The November 22, 2007 Zoning Public Hearing - reschedule to November 29, 2007.
- The December 17, 2007 Extraordinary Session - cancel.
- The December 27, 2007 Zoning Public Hearing - reschedule to December 20, 2007.

Chairman Freeman moved to amend the agenda for this item to insert another holiday, December 31, 2007, for employees since the New Year holiday for 2008 falls on Tuesday, as this would provide a long weekend for County employees. Commissioner Goss seconded, and the motion carried by a vote of 3-0.

Motion to rescheduling the following meetings as noted to accommodate the holiday observances for 2007 by Chairman Freeman, seconded by Commissioner Goss, carried 3-0.

- *The November 19, 2007 Extraordinary Session - cancel.*
- *The November 22, 2007 Zoning Public Hearing - reschedule to November 29, 2007.*
- *The December 17, 2007 Extraordinary Session - cancel.*
- *The December 27, 2007 Zoning Public Hearing - reschedule to December 20, 2007.*
- *December 31, 2007 shall be considered an additional holiday for 2007.*

XII. REPORT OF COUNTY MANAGER

- Griffin Baptist Church is interested in 879 Memorial Drive Plaza and would like to go ahead and execute a lease to facilitate moving in before the next Board of Commissioners meeting. The Board gave a general consensus to allowing execution of the lease and putting it as an item for official business on the October 15, 2007 agenda.
- General Griffin statue committee is proceeding with plans and donations are being accepted.
- The Griffin-Spalding Airport Site Selection Phase One presentation will be October 16, 2007 at 4 p.m. at One Griffin Center. Chairman Freeman, Mr. Taylor and Mr. Wilson met with the City, Development Authority and the Airport Advisory Board, and a joint meeting is recommended.
- He reminded of the Parks & Recreation Advisory Commission Appreciation Dinner, to which all commissioners are invited, to be held on October 18, 2007 at 6 p.m.
- ACCG is holding the 4th District Meeting on October 24, 2007 at the Coweta County Justice Center in Newnan. We hosted this event last year.
- The Georgia National Emergency Number Association has invited all to Athens on October 10, 2007 from 9 a.m. to 5 p.m. for a presentation.
- The Department of Community Affairs is hosting a Region4 Customer Service Town Hall Meeting on October 11, 2007 at 3 p.m. at the Coweta County fairgrounds.
- ACCG Fall Policy conference will be October 1-3, 2007, and Commissioner Gwen Flowers-Taylor will be receiving her CCAP Certification in the closing ceremonies.
- Grice & Associates, our Comprehensive Transportation Plan Consultant, is trying to complete the Comprehensive Transportation Plan and plans to meet on October 15 from 9 a.m. to 3 p.m. with commissioners individually to discuss each district.
- On October 17, the Griffin-Spalding Area Transportation Committee G-SATC will meet and the Comprehensive Transportation Plan needs assessment will be presented at 1:30 p.m. Then, later at 6:00 p.m. on October 17, 2007, there will be a public meeting for same.
- On November 28, 2007, a public meeting on this Comprehensive Transportation Plan draft plan will be held, with the completed final draft presented on December 20, 2007.
- A workshop with the Board of Commissioners and the Tax Commissioner regarding exemptions needs to be scheduled. Participants will talk about all types of exemptions. He asked that commissioners review their calendars and provide available dates. Chairman Freeman and Mr. Wilson will then coordinate with Tax Commissioner Sylvia Hollums.

XIII. REPORT OF COMMISSIONERS

Goss:

No comments.

Flowers-Taylor:

No comments.

Phillips:
Not present.

McDaniel:
Not present.

Freeman:
No comments.

XIV. CLOSED MEETING

- 1. County Attorney desires a Closed Meeting to discuss pending or potential litigation as provided in O.C.G.A. § 50-14-2(1).

Motion to Adjourn to Closed Meeting at 8:28 p.m. by Commissioner Goss, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-0.

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 September 24, 2007.

2.
During such meeting, the Board voted to go into closed session.

3.
The executive session was called to order at 8:28 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);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee ;

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 24th day of September 2007. Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 24th day of September 2007. Eddie L. Freeman, Chairman (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

Motion to Adjourn Closed Meeting and Reconvene to Open Meeting at 8:33 p.m. by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0.

XV.ADJOURNMENT

Motion and second to Adjourn at 8:34 p.m. by Commissioners Flowers-Taylor and Goss carried 3-0.

County Clerk

Chairman