

EXTRAORDINARY SESSION

The Extraordinary Session was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, July 16, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Edward Goss, Jr., Johnie McDaniel, Gwen Flowers-Taylor and David Phillips were present. Also present were County Manager William P. Wilson, Jr., Administrative Services Director Jinna L. Garrison, County Attorney James R. Fortune, Jr. and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER) – Chairman Eddie Freeman**
- II. INVOCATION – Delivered by Commissioner McDaniel**
- III. PLEDGE TO FLAG – Led by Commissioner Phillips**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider Proclamation declaring July 17, 2007 as John James Flynt, Jr. Day.

Motion to approve Proclamation to declare July 17 as John James Flynt, Jr. Day by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

Proclamation

Commemorating the Contributions of John James Flynt, Jr.

WHEREAS The Spalding County Board of Commissioners would like to commemorate the life and contributions of former Georgia Congressman John James “Jack” Flynt, Jr., who was born November 8, 1914, the only son of John James Flynt, Sr. and Susan Winn Banks Flynt, and who died June 24, 2007 at his residence at the age of 92; and

WHEREAS Jack Flynt was educated in the Spalding County School System and graduated from Georgia Military Academy, the University of Georgia, Emory University and George Washington University Law School. In 1936 he received his commission in the United States Army Reserves and was assigned to the 6th Horse Cavalry Regiment at Fort Oglethorpe, Georgia, later graduating from the Air Corps Advanced Flying School in Brooks Field, Texas and the Command and General Staff College, as well. In World War II, he served as Aide-de-Camp for Brigadier General Robert W. Grow in the 3rd Armored Division in France and was awarded the Bronze Star Medal in 1944, later retiring as a Colonel in the U.S. Army Reserve; and

WHEREAS Mr. Flynt was appointed Assistant U.S. Attorney for the Northern District of Georgia from 1939 to 1941 and 1945 to 1946. He served in the Georgia House of Representatives from 1947 to 1949 when he was elected Solicitor General of the Griffin Judicial Circuit where he served until 1954. First elected to the U.S. House of Representatives from the 4th (later 6th) District of Georgia, he held this post for 13 consecutive terms. While in Congress, Jack Flynt served as ranking member of the Interstate and Foreign Commerce Committee and the powerful Appropriations Committee, as well as the Subcommittee for State, Justice, Commerce and the Judiciary. He also served as Chair of the Committee on Standards of Official Conduct, retiring from Congress in 1979; and

WHEREAS Jack Flynt returned home to Griffin in 1979 and joined Robert H. Smalley, Jr. and John M. Cogburn, Jr., creating the law firm of Smalley, Cogburn & Flynt. He was an organizer and director of the Bank of Spalding County until its merger with Premier Bank, now BB&T. He was a member of the American Bar Association and Georgia Bar Association for 67 years, serving as President in 1954. He also served in varying capacities with the American Legion, Veterans of Foreign Wars, Sons of Confederate Veterans, Georgia Farm Bureau, Sigma Alpha Epsilon, Phi Delta Phi, LaGrange College Board of Trustees, Georgia Methodist Children's Home and the Board of Visitors at the United States Air Force Academy where he was Chairman from 1963 until 1978. A lifelong member of the Griffin First United Methodist Church, John James Flynt, Jr. was also a Mason, Elk, Moose, Woodman of the World, Kiwanian and lifetime member of the National Rifle Association. He is survived by his wife of 65 years, Patricia; daughter, Susan Flynt Stirn of Arlington, Virginia; sons John J. Flynt, III of Augusta and Crisp B. Flynt of Griffin, four grandchildren and two great grandchildren.

NOW, THEREFORE BE IT RESOLVED by the Spalding County Board of Commissioners that, in honor of this gentleman who spent his entire life in unselfish service to others, this proclamation declaring our gratitude be spread upon the minutes of the proceedings of this Board, and that the Board hereby urges its citizenry to join with them in expressing great appreciation to the family of John James Flynt, Jr. for his many valuable and valued gifts to Spalding County. It is in loving memory and with the thanks of a grateful community that we do hereby proclaim the seventeenth day of July in the year of our Lord two thousand and seven in Spalding County be declared **"John James Flynt, Jr. Day"**

2. Consider Proclamation declaring July 31, 2007 as The Kids in Need Free Store for Teachers Day.

Proclamation

WHEREAS The Kids in Need Store of Metro Atlanta, part of a national network of 23 stores around the country, is housed year-round at the Atlanta Community Food Bank and is regularly open only to teachers at schools with 80% or more students at poverty level and Spalding County teachers at Anne Street Elementary School who just completed their shopping experience there agree it is a uniquely terrific experience; and

WHEREAS The national Kids In Need Foundation, with Griffin-based manufacturer of school supplies, Norcom, Inc., as a sponsor, has served 1.5 million students with free school supplies in 2006. According to Hal Rahn, president of Norcom, there is a tremendous need in this country with children the most often impacted by poverty, and teachers spend up to \$2000 supplying their own classrooms, so Norcom wants to ease that burden. Norcom, Inc. provides educators with much-needed items that either they manufacture themselves or provide through national affiliations with other manufacturers; and

WHEREAS Partner in Education, Norcom, Inc. and the Griffin-Spalding County School System are teaming with The Kids in Need Free Store for Teachers to provide a free, one-day classroom supply shopping experience for all teachers in the Griffin-Spalding County School System on Tuesday, July 31, from 8 a.m. until 4 p.m., in the Spalding High School Commons; and

WHEREAS Norcom, Inc., joined by Kroger and Georgia Banking Company both of Griffin, will also entertain educators and visitors with local performing arts students and provide gifts to contribute to this gala shopping day;

NOWTHEREFORE We, the Spalding County Board of Commissioners, do hereby declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, and that we do hereby proclaim Tuesday, July 31, 2007 as:

The Kids in Need Free Store for Teachers Day

FURTHER We call upon and encourage all Spalding County citizens and businesses to recognize and support Norcom, Inc., and their collaborating sponsors as they present The Kids in Need Free Store for Teachers, a project of the Atlanta Community Food Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal to be affixed on this sixteenth day of July 2007.

Motion to approve Proclamation to declare July 31, 2007 as The Kids in Need Free Store for Teachers Day by Commissioner McDaniel, seconded by Commissioner Phillips, carried 5-0.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Twelve Months ended June 30, 2007.

Ms. Garrison noted the Annual Audit begins July 30, 2007.

Motion to approve Financial Statements for the Twelve Months ended June 30, 2007 by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

Commissioner Goss' motion to amend the agenda to add Item #16 under New Business to discuss Department Heads with regard to the Spalding County Personnel Policy, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

VI. CITIZENS COMMENTS – None

VII. PUBLIC COMMENT - None

VIII. MINUTES

1. Consider approval of the minutes of the June 18, 2007 Extraordinary Session, the June 28, 2007 Special Called Meeting, the June 28, 2007 Zoning Public Hearing, and the July 9, 2007 Special Called Meeting of the Board of Commissioners.

Motion to approve the minutes of the June 18, 2007 Extraordinary Session and the July 9, 2007 Special Called Meeting by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried 5-0.

Motion to approve the minutes of the June 28, 2007 Special Called Meeting and the June 28, 2007 Zoning Public Hearing was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and carried by a vote of 4-0-1 with Commissioner McDaniel abstaining since he was absent from the meetings.

IX. CONSENT AGENDA

1. Consider, on second reading, Ordinance Amendment #2007-08 to the Spalding County Code of Ordinances to Amend Part VI, Licensing and Regulation, Chapter 1, Businesses and Occupations, Article C, Sale of Alcoholic Beverages for Consumption on Premises, Section 6-1058.1, Location of Business to provide for prohibited location.

ORDINANCE TO AMEND PART VI. LICENSING AND REGULATION, CHAPTER 1. BUSINESSES AND OCCUPATIONS, ARTICLE C. SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES, SECTION 6-1058.1 LOCATION OF BUSINESS OF THE SPALDING COUNTY CODE OF ORDINANCES TO PROVIDE FOR PROHIBITED LOCATION

Resolution to Amend Section 6-1058.1 of the Spalding County Code of Ordinances by denominating the present section as sub-paragraph (A) and by adding a new sub-paragraph to be denominating as sub-paragraph (B), to read as follows:

(B) Prohibited Location.

- (1) No license shall be granted hereunder to any person for the sale of alcoholic beverages for consumption on premises for any premises (including for any other place of business on the property upon which such premises is located):

- (a) For which a license issued under this Chapter has been revoked or for which a license has been non-renewed during the twelve month period preceding the date the application is submitted. The twelve month period begins on the latter of:

- (i) the date that the County Commission revoked the license, or the date the County Commission voted to not renew the license; or
- (ii) the date of any stay, supersedeas or similar court order is lifted or terminated, thereby allowing enforcement of the revocation or the non-renewal.
- (b) For which a business is operated for which a license is required pursuant to Spalding County's Ordinance regulating an Adult Entertainment establishment, whether or not such business has applied for or received a license pursuant to Spalding County's Ordinance regulating an Adult Entertainment establishment;
- (c) For which a license issued pursuant to the Georgia Alcoholic Beverage Code has been revoked during the twelve months preceding the date the application is submitted;
- (d) For which there is a current license issued to a different licensee or for which an application is pending on behalf of another applicant.

Motion to approve, on second reading, Ordinance Amendment #2007-08 to the Spalding County Code of Ordinances to Amend Part VI, Licensing and Regulation, Chapter 1, Businesses and Occupations, Article C, Sale of Alcoholic Beverages for Consumption on Premises, Section 6-1058.1, Location of Business to provide for prohibited location by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

X. OLD BUSINESS

1. Consider, on second reading, Ordinance Amendment #2007-12 to Amend Part VII, Motor Vehicles and Traffic, Section 7-1007 to provide for four-way stop designation at Jordan Hill Road and Baptist Camp Road intersection.

**SPALDING COUNTY, GEORGIA
 NO PARKING ZONE
 ORDINANCE NO. 2007-12**

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR FOUR-WAY STOP INTERSECTION DESIGNATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

Section 1. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1007, relating to four-way stop intersection designations by inserting new paragraph (20), said new paragraph to read as follows:

“(21) Jordan Hill Road at Baptist Camp Road.”

Section 2. The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia; and, upon the erection of signs as required herein by the public works forces of Spalding County, Georgia.

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Motion to approve, on second reading, Ordinance Amendment #2007-12 to Amend Part VII, Motor Vehicles and Traffic, Section 7-1007 to provide for four-way stop designation at Jordan Hill Road and Baptist Camp Road intersection by Commissioner McDaniel, seconded by Commissioner, carried by a vote of 5-0.

2. Consider, on second reading, Amendment to the Official Zoning Map of the following: Application #07-08Z: Daphney Hayes Prewitt, Owner – 3919 North Expressway - .74 acre – C-1 to C-1B, Conditional.

APPLICATION FOR DAPHNEY HAYES PREWITT, OWNER
 FOR REZONING CERTAIN PROPERTY
 LOCATED WITHIN SPALDING COUNTY, GEORGIA;
 REZONING APPLICATION 07-08Z

RESOLUTION AMENDING
 THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA AND

THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that tract or parcel of land lying in Land Lot 107 of the Third Land District of Spalding County consisting of 0.74 acre and being more particularly described as follows:

BEGINNING at the intersection of the south boundary of School Road and the west boundary of U. S. Rt. 19&41; thence southerly along the west boundary of U. S. Rt. 19&41 470.00' to an iron pin and the true point of beginning; thence S01°30'00"W a distance of 112.93' to an iron pin; thence S88°09'38"W a distance of 291.35' to an iron pin; thence N00°42'27"W a distance of 107.14' to an iron pin; thence N87°05'45"E a distance of 145.65' to an iron pin; thence N87°05'45"E a distance of 63.37' to an iron pin; thence N87°09'30"E a distance of 86.85' to the TRUE POINT OF BEGINNING.

From "C-1, Highway Commercial" to "C-1B, Heavy Commercial" District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. A variance will be required for the front setback in C-1B of 15'.
- b. Site lighting shall be designed so as to not glare in adjacent residential areas or onto public streets.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On July 16, 2007, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying in Land Lot 107 of the Third Land District of Spalding County, Georgia, containing 0.74 acre, 3919 North Expressway, zoned C-1B, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

Motion to approve, on second reading, Amendment to the Official Zoning Map of the following: Application #07-08Z: Daphney Hayes Prewitt, Owner – 3919 North Expressway - .74 acre – C-1 to C-1B, Conditional by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0-1 with Commissioner McDaniel abstaining as he was absent for first reading.

- 3. Consider, on second reading, the following Amendments to the Official Zoning Ordinance:
 - Amendment to UDO #A-07-06: Article 14. C-1B Heavy Commercial, Section 1404:B(1) & Article 14A. C-1C Manufacturing – Light – Section 1404A:B(1) – amend unsewered areas.

IN RE: Text Amendment #A-07-06

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;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et.seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

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 to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on June 28, 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;

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;

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: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 14, "C-1B Heavy Commercial:" Section 1401:B(1).

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 14, "C-1B Heavy Commercial" to appear as Section 1404:B(1):

Section 1404: Development Standards for C-1B Districts.

B. Minimum Lot Area:

1. Unsewered Areas: As specified by the Spalding County Health Department.

Section 3: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 14, "C-1C Manufacturing-Light:" Section 1404A:B(1).

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 14A, "C-1C Manufacturing-Light" to appear as Section 1404A:B(1):

Section 1404A: Development Standards for C-1C District.

B. Minimum Lot Area:

1. Unsewered Areas: As specified by the Spalding County Health Department.

Section 5: 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 6: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 7: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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- Amendment to UDO #A-07-07: Article 5. AR-1 Agricultural and Residential – Section 503:A(8) and Article 11. R-5 Single Family Residential – Section 1103:A(8) – amend permitted uses to allow Class A Manufactured Home by right when replacing an existing manufactured home.

IN RE: Text Amendment #A-07-07

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 to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on June 28, 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: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5, “AR-1, Agricultural Residential:” to appear as Section 503(A)8:

Class A manufactured home with a heated floor area of at least 1,500 square feet when replacing an existing manufactured home.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11, “R-5, Single Family Residential:” Section 1103(A)8:

Class A manufactured home with a heated floor area of at least 1,250 square feet when replacing an existing manufactured home.

Section 3: 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 4: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 5: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- Amendment to UDO #A-07-08: Appendix A. Subdivision Ordinance – Section 410:C and Section 506 – amend surety for maintenance, repair and for completion of improvements.

RE: *Text Amendment #A-07-08*

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;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on June 28, 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;

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: Appendix A. Section 410(C) of the Spalding County Subdivision Regulation shall be deleted and replaced with the following:

C. Surety for Maintenance and Repair:

1. Maintenance Period: Upon the acceptance of the right-of-way deeds for streets, public spaces, and public utilities, the subdivider will perform any maintenance and/or repair work, due to substandard workmanship, needed to comply with the specifications and requirements of these regulations and the government authority for a period of thirty (30) months from the date of acceptance.
2. Requirements: To assure the construction and installation of required improvements to be maintained to County standards, the subdivider must deliver to the appropriate government authority a certified check, letter of credit, cash escrow, or bond in the amount estimated by government authority to be fifty (50) percent of the total cost of the construction and installation of the required improvements which are the responsibility of the subdivider.
3. Conditions: Bonds posted or other surety provided must run to the government authority having jurisdiction over the required improvements for which surety is made. The surety must provide that the subdivider, his heirs, successors, agents, and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and with other laws, regulations, and requirements as specified by the appropriate government authority. If a bond is offered, it must be executed by a surety and guaranty company

qualified to transact business in the State of Georgia.

4. Duration and Release: Bonds posted or other surety provided pursuant to these regulations must be released, returned, or otherwise disposed of by the holder forty-five (45) day after the expiration date of the bond. The County reserves the right to require that the bond expiration date exceed the maintenance period specified paragraph 1 above.
5. Default: The subdivider will be in default of his obligation to maintain the improvements of facilities if county required improvements and repairs are not made to County specifications and requirements within thirty (30) days after being notified by the county of said deficiencies. If the work is not completed within the specified amount of time, the government authority may complete the work using the proceeds from the surety deposits to pay for the work. Such work may be done under contract or by the local government authority. Any portion of the surety deposit not used by the government authority will be returned to the person making the deposit.
6. Save and Hold Harmless: Subdivider will execute a release and hold harmless agreement, in a form as required by the Board of Commissioners, by which the subdivider agrees to save and hold the County harmless in the event of any future discovery of environment conditions that were in existence at the time of the adoption of this Ordinance and/or which existed at the time of the subdivision for which any legal action is instituted or for which any clean-up is ordered by an

Section 2: Appendix A. Section 506 of the Spalding County Subdivision Regulation shall be deleted and replaced with the following:

Section 506: Surety for Completion of Improvements.

- A. When Allowed: Before seeking approval of the Final Plat and upon a finding by the Administrative Officer that the improvements within a subdivision are substantially completed, the subdivider may provide surety for completion of minor repairs to curb and gutters, landscaping, and erosion control. All such items must be completed to the satisfaction of the governing authority within the period of performance specified by the government authority or forfeit the surety. (#A-03-25, 09/15/03)
- B. Requirements: To assure the construction and installation of required improvements, the subdivider must deliver to the appropriate government authority a certified check, letter of credit, cash escrow, bond, or other acceptable surety--whichever is specified by Spalding County--in the amount estimated by government authority to be one hundred and fifty percent (150%) of the total cost of the construction and installation of the required improvements which are the responsibility of the subdivider.
- C. Conditions: Bonds posted or other surety provided must run to the government authority having jurisdiction over the required improvements for which surety is made. The surety must provide that the subdivider, his heirs, successors, agents, and servants will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and with other laws, regulations, and requirements as specified by the appropriate government authority. If bond is offered, it must be executed by a surety and guaranty company qualified to transact business in the State of Georgia.
- D. Duration and Release: Bonds posted or other surety provided pursuant to these regulations must be released, returned, or otherwise disposed of by the holder at the time facilities guaranteed have been installed and approved. Approval will be in writing and accurately describe the improvements covered. Facilities will not be accepted or approved unless they conform to the specifications and requirements of these regulations and the government authority. The duration of the bond's effective date shall not be less than thirty (30) days after the required completion date for improvements covered by the Bond.
- E. Default: The subdivider will be in default of the surety if the construction or installation of any improvements or facilities by the subdivider, for which the bond is posted or other surety is provided, is not completed within the period of performance specified by the public authority at the time the surety is provided or is not completed in accordance with applicable specifications and requirements of the appropriate authority. In such situations, the government authority may complete the construction or installation using the proceeds from the surety deposits to pay for the work. Such work may be done under contract or by the local government authority. It will be completed within six (6) months after the date that the offending construction or installation was determined to be in violation of this Ordinance. Any portion of the surety deposit not used by the government authority will be turned to the person making the deposit.

- F. Save and Hold Harmless: Subdivider will execute a release and hold harmless agreement, in a form as required by the Board of Commissioners, by which the subdivider agrees to save and hold the County harmless in the event of any future discovery of environmental conditions that were in existence at the time of the adoption of this Ordinance and/or which existed at the time of the subdivision for which any legal action is instituted or for which any clean-up is ordered by an appropriate governmental agency.
- G. Certification of Receipt for Surety for Required Improvements: A certificate or statement of receipt of surety by the government authority having jurisdiction will be inscribed on or attached to the Final Plat and executed by the appropriate government authority for the required improvement(s) for which separate surety is provided.

Section 3: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

Motion to approve above-noted text amendments by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0-1 with Commissioner McDaniel abstaining since he was absent from the meeting for first readings.

XI. NEW BUSINESS

- 1. Conduct Public Hearing regarding proposed property tax increase.

Motion to enter into Public Hearing by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

There was no public comment.

Motion to adjourn Public Hearing by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

- 2. Consider request to bond the landscaping design and amenity area for Hunt’s Mill Estates Subdivision located on Macon Road.

Mr. Taylor said this was a request to bond off on a portion of the landscaping design and amenity area for Hunt’s Mill Estates Subdivision located on Macon Road by developer Michael A.Byrd, of M & M Homes. They would like to delay installation for six months. He purchased this development from another developer and encountered immediate problems with a 25-foot buffer that experienced revisions. Amenities are walking trails, tennis courts and playground. They would like to get some residents in place before installing these amenities so they would not be damaged or vandalized. They are trying to relocate the tennis court because of problems encountered with a retention pond. They are willing to go ahead and put in a walking trail. Staff recommends denial as they normally do because they prefer to see a complete subdivision when streets are accepted.

Commissioner Flowers-Taylor said she felt the Board had only allowed such delays in instances of greenery and vegetations, but not for amenities and she did not want to set a dangerous precedent. Commissioner Phillips agreed.

Mr. Byrd said 32 homes would be built in this subdivision. His amenity area is behind the Deer Creek subdivision. He will have to get his engineer to assist in this area which will delay the process 3-4 months. Mr. Byrd cannot phase this project without resubmission of the plan, so that would be of no benefit to him.

Commissioner McDaniel said this issue may need to be addressed considering the slowdown in the housing industry. He was concerned it would set precedent on landscape bonding and amenities, as well.

After lengthy discussion, Commissioner McDaniel moved to approve the bonding for 180 days with 120-day performance period with a replacement bonding rate of 150% as noted in the most recent revision to the Code. Motion was seconded by Commissioner Phillips and carried 5-0.

- 3. Consider approval of final plat of Battle Springs Subdivision (minor subdivision), located off South Walkers Mill Road and Swint Road – 5 lots.

Commissioner Phillips noted a spring has become clogged that goes through the Garland property which feeds to other areas along South Walkers Mill and Swint Roads, and he would like to see the problem rectified.

Motion to approve final plat of Battle Springs Subdivision for five lots by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

4. Consider Health Services Agreement renewal with CorrectHealth Spalding, LLC, the current health care provider for the Spalding County Jail.

Mr. Wilson said Dr. Musso was in attendance. He has provided this service for the past couple of years. He came at a time when the County needed a provider rather quickly and has revamped the facility and services to a great degree. His contract is comprehensive for vision, dental, pharmacy, and medical service. The County is billed monthly for everything over cap. Mr. Wilson stated he is obtaining a quote for catastrophic coverage but additional information was requested today, so the quote is not ready. This contract is for three years and, if coverage is successful with catastrophic rates, the contract amount would stay the same as for the existing contract.

Dr. Musso, Vice President of Operations for CorrectHealth, and a Spalding County resident, agreed with Mr. Wilson. He started providing services in 2000 and provides to 32 facilities throughout state. He assumed service provision for Spalding County over 2 years ago and the facility was struggling. Successes noted by Dr. Musso included: 24-hour nursing where none existed; cleaned and overhauled a place to provide acute care in-house on medical/surgical floor where there was none; revamped the medical records system which consisted of scattered folders before which is not comparable to any clinic or hospital; replaced the previous practice of having various bottles loosely accounted for with a pharmacy streamlined in a systematic fashion that is accountable, trackable and auditable. Medical personnel are doing screening now. If an inmate is in the facility for 14 days, he or she gets a full comprehensive physical. In addition, they have an elaborate system of specialty medical care at the detention center, i.e. physicians assistant, psychiatrist, psychologist, psychiatrist, mental health physicians, midwife, etc. To summarize, he will send out an average of four patients per month to the hospital for urgent care or for services not provided. Most services are provided inside walls of facility and he is very proud of their record of service. In the 30+ facilities he serves, he is most proud of the work done here. They have come a long way and he desires to continue.

Commissioner Flowers-Taylor said she had received phone calls. With regard to his stated successes, the 24-hour nursing there consists of 24-hour LPN coverage along with an RN during the day and evening with EMTs and paramedics to help with an influx of new patients. EMTs are allowed to triage but only in the intake area and they do vitals and sugar readings for diabetics; so, they are support and not primary. Concerning acute care, IV fluids okay but service depends on the nature of problem, i.e. mild dehydration. A physician's assistant or mid-level nurse are there 3 to 4 days per week. They have subcontracted with Renal Care Partners to provide dialysis and they are experienced in dialysis for in-home patients, so Dr. Musso adequately prepares for this environment. Four patients sent per month on an urgent basis to a hospital is not a bad number. One phone call complaint said neither Dr. Musso nor other physicians were available to make medical decisions when needed and there was a time when physicians' assistant could not obtain help. Dr. Musso explained theirs is a fairly elaborate system for on-call personnel, filled with redundancies. They have 24-7/on-call service. To his knowledge there has been no significant lapse in availability of on-call staff. About 5-10 prisoners weekly have to be transported to other facilities to see other physicians for a myriad of issues. Dr. Musso said his practice was to utilize local medical staff, but there is the rare occasion when a service is not available locally. High-risk obstetrics is one such area, but he has had tremendous HIV support service on the other hand that is utilized sometimes by other counties (Caring Corners). He has had past problems with high-risk obstetrics, but this is the only recurring problem. However, an urgent consult may be needed on occasion, such as in the instance of a biopsy finding or urgent need to provide emergency care with limited time. They are currently trying to work out local services for this specialty area of high-risk obstetrics – this is the only specialty getting routine out-of-county trips.

Commissioner Flowers-Taylor stated whenever transport is required from the facility, they must also consider the time involved in transport for officers who do not need to be away from the jail.

Dr. Musso followed up with some comments. With the level of specialty care provided, he has markedly reduced number of transports and provided a much higher level of care on-site. There is a profound difference from the previous service, and many operations done in house are much more efficient, so it is not surprising that any transport out brings notice now. He's an emergency room doctor who has practiced in a dozen hospitals in states over an 11-year period. Because of emergency service abuse in many facilities, that experience instilled in him a culture of medical provider excellence. As an emergency room physician, when confronted with an emergency after hours, he believes the best disposition in very urgent situations is to get to your local emergency room department. About 50% of the time, after a quick trip, he is able to determine that transport back to the detention facility is feasible as opposed to admitting. So emergency room charges might be more, but getting them in and out in the long run is a cost windfall. If need be, he can admit to specific emergent or urgent care specialty facilities. He prefers to admit and manage patients on site, and a fallback is hospital admittance. Outpatient services are scheduled and direct admitting for

the patient can be done to the appropriate service, i.e. c-sections, surgery, dialysis, outpatient procedures, and even acute care cardiology. Judging from the numbers transported not requiring admittance, this doesn't impact system. In these situations, it a very uncommon practice to direct admit.

Regarding the letter received to terminate his contract, the Sheriff's Department responses versus those of Dr. Musso gave validity to the doctor's comments. Dr. Musso answered all the questions posed, and the hospital does, in fact, give Spalding County discounts. With the catastrophic health insurance profile the discounts were evident, and they have received these discounts for two years. Dr. Musso stated that within FY 2007 to date the County was billed \$303,648 and paid \$187,001 with discounts.

Commissioner Phillips said the Sheriff is a constitutional officer and he feels the Board has no right to tell them what provider they have to use. He did not feel it was his place to contract.

County Attorney Fortune clarified that the Sheriff is a constitutional officer as chief law enforcement officer. However, in budgetary process there is a balancing act. The Board has to enter the contract as the legal entity, as was the case in the last contract. The Sheriff technically cannot sign a contract or own property because he is not a legal entity but rather is a branch of Spalding County government. He can run the jail as he sees fit but has no unfettered right to encumber service providers. Spalding County is obligated to provide funding. The Sheriff can file a writ of mandamus and if superior court so directs, we will have to agree. Most of the time, they won't interfere given good faith efforts; so either party might win that fight. This is an unworkable situation where you have constitutional officer wanting to do one thing and the County holding the purse strings wanting to do something entirely different.

Chairman Freeman stated the Sheriff's Office wants a different vendor and entered into a new contract with Dr. Hall. He was the previous doctor who left the County in a precarious situation with an immediate termination, precipitating the need to contract with Dr. Musso. His bid is more expensive, even without the catastrophic insurance reduction, and the County must watch the budget. He's received no complaints from inmates not being treated well. If Dr. Musso has no admit rights but the emergency room can still provide testing, procedures, etc. for the small number who being held in-house who need this service, he does not perceive it as a great problem. The obvious goal is to treat at the jail whenever possible.

Commissioner Flowers-Taylor advised the whole reason for choosing Dr. Musso's group was to take care of those who can be handled in-house as much as possible, and this has improved under his tenure. He's done what he said he would do, brought care, gotten discounts, and kept personnel there at the facility as much as possible. If the Board is tasked with providing the best care for the jail's inmates, she believed that has been done with Dr. Musso. If Dr. Hall should become the provider, some transport will still have to take place because no one has entire capabilities for total care. Dr. Musso appears to be the best price for the best care.

Motion to renew Health Services Agreement with CorrectHealth Spalding, LLC, the current health care provider for the Spalding County Jail by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor. Motion and second subsequently withdrawn after extensive discussion.

When asked what happens if two contracts occur simultaneously, with the Sheriff and Dr. Hall contracting, then the Board contracting with Dr. Musso, Attorney Fortune stated that Spalding County Board of Commissioners can encumber for Spalding County, but the Sheriff cannot. The Contract previously with Dr. Musso correctly sets out between Spalding County, and only Spalding County or Dr. Musso can terminate. The new contract with Dr. Hall, dated July 15 (so probably signed then) was never entertained by the County. According to the existing contract, Dr. Musso's contract renewed June 1, 2007. The new Contract signed is ineffective; Sheriff's Department personnel don't have the authority to terminate or enter into a new contract, so it is null. Dr. Musso's new contract essentially is to waive an increase if catastrophic insurance is obtained, so it definitely gives Spalding County greater option.

Mr. Fortune advised there is still a contract in force with Dr. Musso, but a problem exists with the Sheriff's Office contract with Dr. Hall. Nothing needs to be done absolutely tonight, so he urged commissioners to take time and get everyone together to resolve the issue. Dr. Hall, given the fact that he was presented with a contract, probably thinks he's entitled to provide service, but Dr. Musso's is a valid contract and Dr. Musso will live up to the contract. He suggested they table the matter and then get together to hammer out a mutually agreeable resolution.

Dr. Musso asked can the Board could consider approving this contract in light of 60-day notice for an effective date of August 1, 2007.

Mr. Fortune and Mr. Wilson advised that the problem is that the catastrophic insurance provider has not gotten back with a final quote on catastrophic insurance coverage. He reiterated he felt the best thing is to table until the August 6, 2007 meeting to resolve several unknowns.

Commissioners McDaniel and Flowers-Taylor moved to withdraw their motion and second to renew the contract with Dr. Musso.

Commissioner McDaniel moved to table Health Services Agreement renewal with CorrectHealth Spalding, LLC, the current health care provider for the Spalding County Jail until August 6, 2007, seconded by Commissioner Flowers-Taylor, and motion carried by vote of 4-0-1 with Commissioner Phillips abstaining since he feels he has no standing to provide such direction to the Sheriff's Office.

5. Consider approval of a Change Order Request for the 800 MHz Radio System.

Mr. Wilson advised this change order was brought about by moving a tower site from the Wachovia building to the Williamson Road location and making Malier Road tower site improvements. The City objected to a tower site on the roof of the Wachovia building, citing possible damage. The effect of the Change Order on the budget, stated Paul Van Haute, was that allocated money is already extremely close. Distributing radios on an as-needed basis might help to control cost said Commissioner Phillips. There are still 18 months to implementation. If Dell laptops are considered, they will be over budget by a great deal. With semi-tough books from another vendor, the budget will still be extremely tight. The County has had some interest in purchasing old equipment, so the proceeds from such sale might help to alleviate the overage anticipated. The Hospital purchasing their own radios was a considered option, as well. Numbers have not changed for the three different types of radios based on usage, environment, etc.

Commissioner McDaniel asked if the County is we relocating because City said no to the tower. Mr. Van Haute stated there was not enough space and they did not want any anchoring to the façade of the building or the roof. This change allows for comparable coverage, and Mr. Van Haute did not know of other comparable expenses that might be anticipated.

James Potter, of M/A-COM, was present to address the change order. This is to move the site from Wachovia to Williamson Road. Radio system parts already in price. This change order is not due to any part they manufacture themselves. This may not be the last change order, but he doesn't anticipate coming back to the County. This cost is due to construction, not technology.

Commissioner Flowers-Taylor asked about the level of contingency funds available. Budgetarily, there was \$350,000 in contingency funding allocated and this will more or less be absorbed by the move. Mr. Macke, consultant, felt that the County can possibly reclaim about \$300,000 with equipment sales.

Commissioner Phillips stated the Wild Plum Road site will more than cover downtown, but Mr. Potter stated it would not. That site is mainly to cover East Griffin. The change from Wachovia to Williamson Road will result in greatly improved in-building coverage.

Motion to approve Change Order Request for the 800 MHz Radio System by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

6. Consider approval of Amendment of Service Agreement for Grice & Associates, Inc. as Consultant for the Spalding County Comprehensive Transportation Plan.

The ARC agreement approved a couple of months ago by this Board was for the traffic model, stated Mr. Wilson. That same language is incorporated here. The cost is built into the budget (\$100,000 from ARC and \$20,000 from Spalding County).

Motion to approve Amendment of Service Agreement for Grice & Associates, Inc. as Consultant for the Spalding County Comprehensive Transportation Plan by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

7. Consider approval of Public Defender's Office Indigent Defense Memorandum of Agreement in lieu of Standard Contract for FY 2008.

The counties in our four-county area remit directly to us as noted in the agreement schedule, stated Mr. Wilson.

Motion to approve Public Defender's Office Indigent Defense Memorandum of Agreement in lieu of Standard Contract for FY 2008 by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

8. Consider, on first reading, Ordinance Amendment #2007-11, Specifications for Driveway to Amend Part IV, Public Works, Chapter 1, Street Improvements and Assessments, Section 4-1028, to provide for changes to Specifications for Driveways, Driveway Standard.

Two changes are incorporated in this revision. First, it provides a new diagram for the code book as the previous one was confusing, and it notes the increased reinspection fees that were approved earlier last year.

Motion to approve, on first reading, Ordinance Amendment #2007-11, Specifications for Driveway to Amend Part IV, Public Works, Chapter 1, Street Improvements and Assessments, Section 4-1028, to provide for changes to Specifications for Driveways, Driveway Standard by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

9. Consider appointment to the Region One MHDDAD Planning Board to fill the term of Richard Faulkner, whose term expires September 29, 2007, for a new term to expire September 29, 2010.

Motion to table appointment to the Region One MHDDAD Planning Board to fill the term of Richard Faulkner, whose term expires September 29, 2007, for a new term to expire September 29, 2010 by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried by a vote of 5-0.

10. Consider appointment to the Region IV Emergency Medical Services Advisory Council for the term of Zachery Holmes, Spalding County EMS, which expired 7-1-2007, for a new term to expire 7-1-2009.

Motion to reappoint Zachery Holmes, Spalding County EMS for a new term to expire 7-1-2009, to the Region IV Emergency Medical Services Advisory Council by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

11. Set a date for a Public Hearing to establish street lighting districts for Kingston Estates Subdivision and Holliday Pass Subdivision.

Motion to set the date for a Public Hearing to establish street lighting districts for Kingston Estates Subdivision and Holliday Pass Subdivision for August 6 by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

12. Consider approval of Banking Financing Resolution with BB&T for the Motorized Fire Apparatus purchase in the amount of \$2,510,000.

This resolution authorizes the Chairman to execute all documentation for the purchase of fire trucks to be financed by BB&T, who qualified with a lower rate than ACCG in this instance.

Motion to approve the Banking Financing Resolution with BB&T for the Motorized Fire Apparatus purchase in the amount of \$2,510,000 by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried by a vote of 5-0.

13. Consider Ordinance Amendment #2007-13, to Amend Part VI, Licensing and Regulation, Chapter 1, Article D, General Business and Occupation Tax, Sections 6-1089 and 6-1109 of the Spalding County Code of Ordinances to provide for modified business application fees and penalty fees.

Mr. Wilson said this amendment was as discussed during budget planning. Currently the fee for business and occupation license is \$20 and is recommended to increase to \$50. The current penalty of 10% is recommended to increase to \$100. The County is presently experiencing a 17% delinquency rate on business licensing. Out of 1600 businesses licensed, 350 were late.

Motion to approve, on first reading, Ordinance Amendment #2007-13, to Amend Part VI, Licensing and Regulation, Chapter 1, Article D, General Business and Occupation Tax, Sections 6-1089 and 6-1109 of the Spalding County Code of Ordinances to provide for modified business application fees to \$50, except with a penalty fee modification to set the late fee to \$50 and not the recommended \$100 as a penalty, by Commissioner Phillips, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 3-2 with Commissioners McDaniel and Flowers-Taylor opposing.

14. Consider acceptance of Right-of-Way Deeds for North Second Street cul-de-sac and Seven Forks cul-de-sac from Minerva Properties.

Mr. Wilson advised all inspections were complete and satisfactory recommendations received.

Motion to accept Right-of-Way Deeds for North Second Street cul-de-sac and Seven Forks cul-de-sac from Minerva Properties by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

15. Discuss possible changes to the Spalding County take-home vehicle policy.

Mr. Wilson said currently there is no written policy as is the case with most Georgia counties. Nine non-emergency personnel take home vehicles and nine emergency personnel take cars home, as

well. The nine Fire Department (5), Code Enforcement (2), and the CI (2) vehicles are emergency and marked. Non-emergency, take-home vehicles are utilized by: Parks and Recreation Director and Superintendent; Public Works Director and Assistant Director; Water Superintendent; Construction & Maintenance Director and Officer; Animal Shelter Supervisor (on occasion, although he has ceased to take home a vehicle effective 7-1-07); and Law Enforcement Complex Maintenance Director. Cost of fuel for these nine, based on an average fuel cost of \$2.69 for regular unleaded, is \$9,571.14 annually. Very seldom do these vehicles use premium gasoline, although the Sheriff's Department utilizes premium for its deputy cars. All are subject to being called out after hours, even the non-emergency personnel, and Mr. Wilson detailed commonly occurring situations.

Code Enforcement personnel using take-home vehicles appeared to be a big contention with commissioners. When asked, Mr. Wilson responded that one officer lives in Spalding County and the other one in Pike. When queried about their extended hours' schedule, Mr. Wilson advised that department has one of them working late on couple of days per week and one on Saturday, on a rotating basis. Commissioner Goss maintained that Code Enforcement officers don't work for the Sheriff's Department, regardless of their status as mandated law enforcement officers, stating that these two officers do, in fact, work for the Board of Commissioners and not the Sheriff's Department. It was noted that the Sheriff could, in fact, call on either or both Code Enforcement officers during an emergency situation or time of need. They can perform all the duties of a road patrol deputy. Commissioner Goss and Chairman Freeman want to receive specific information about their extended hours. Questions regarding the Fire Department revealed that all personnel live in Spalding County except for the mechanic.

The nine non-emergency personnel with take-home vehicles first have to pay for taking the vehicle home, based on the IRS ruling of \$1.50 commuter cost per day. They pay taxes on this amount calculated into their pay. They pay because they are non-emergency, or not mandated, so they have to pay for the value of taking that car home. They pay federal, state and FICA taxes on that benefit to them and keep a daily log, turning it in with their time sheets. Such is not the case with mandated personnel who do not have to pay for or justify their vehicles.

Commissioner McDaniel said although there is no written policy, the unwritten policy is understood that the employee must drive to and from their residence only. No other trips for incidentals are allowed. They can stop for non-County business only if on the way home with no provision for going out of the way, and then not at alcoholic sites or questionable areas. It is a reasonable expectation of the County that the employee, in his or her use of the vehicle, will represent Spalding County with integrity.

Commissioner Goss said a couple of years ago many citizen calls to him regarding personnel with County vehicles at places like Wal-Mart, liquor stores, etc. prompted him to request that identification stickers be placed on all vehicles. The stickers seem to have stopped these type complaints but employees still need to be aware of their responsibility for a positive image.

Commissioner Flowers-Taylor referenced the letter from Tim Crane and understood his logic and passion, but she had problems with many of the other auxiliary people. She did not feel that the Water Superintendent and others really needed to be taking vehicles home.

Commissioner Goss had no problem with the Fire Department and Sheriff's Department, but he was adamant that no one else should be allowed to take home vehicles, not even the CI and Code Enforcement who are classified as emergency, mandated personnel.

Some question arose as to whether or not, should take-home vehicles be eliminated, non-emergency personnel could be required to return after hours if called, and whether or not the County would need to pay them mileage to return to work beyond regular work hours. Many times in the event of extremely inclement weather, many are called to come in and assess and clean up storm damage.

Commissioner McDaniel inquired as to how many take-home vehicles are allowed due to being a condition of employment per a verbal contract. Mr. Wilson advised that to his knowledge that was probably the case with Water Superintendent, Parks and Recreation Director, and Public Works Director for certain, and perhaps was the case with others who were told by Mike Ruffin, then County Manager, that take-home vehicles would be a part of their employment package.

Commissioner McDaniel stated the very sporadic nature of emergencies made planning difficult. One could take home a vehicle should he or she know when one will occur, but when emergencies do occur, County personnel are needed there and in a hurry. Many times the emergency is not where the employee may work but elsewhere in the County, so to make them go to their place of work before going to the emergency site is not cost effective or time efficient and not practical in a true emergent or urgent situation.

Commissioner McDaniel felt the Board was compelled, in the absence of a written policy, to develop one rather than trying to vote on the issue tonight. Mr. Wilson said he could develop a draft and discuss at the Retreat with Department Heads.

Commissioner Goss stated he felt the fact that this was taxpayer money being used to enable employees to take vehicles home was being overlooked. That was foremost in his thinking.

Commissioner Flowers-Taylor agreed, saying they must be better stewards of taxpayer money, and she was disappointed to see that Mr. Wilson provided information about the cost of take-home vehicles for non-emergency personnel which was, in her opinion, misleading and a disservice to the Board. She felt the actual cost of the practice of taking vehicles home was much more than just the cost of fuel; it should also be noted that there is normal wear and tear on the vehicle, maintenance costs, tire wear, etc.

16. Discuss Spalding County Personnel Policy with regard to Department Heads, as requested by Commissioner Goss.

Commissioner Goss made a motion to table since he was through talking for the night. Motion did not receive a second.

Commissioner Phillips said the issue at hand is that the Board has no oversight with regard to employees or department heads, and he felt that should be the case. They find out some pretty horrible things in Executive Session, things of which they were previously unaware. There needs to be a better balance because even though employees work under Human Resources, they are working under the names of the Board of Commissioners. At the retreat he would like to look at the possibility of finding something similar to what the School System uses where their Board has input into hiring and firing. The Board could implement that practice for department heads.

Commissioner Flowers-Taylor said she, too, has concern over this matter and wants to discuss it. She doesn't want to see the Board deal with everyone who gets hired or fired, but when the Board has questions about department heads or with things going on with personnel, they must go through Mr. Wilson. They have nothing to do with new hires, as was the case when Paul Van Haute was hired. Commissioners would like to have had input, particularly since he is Mr. Wilson's second in command and would serve the Board in Mr. Wilson's absence; yet, the Board had none. She and other commissioners feel powerless and castrated from the process. At the very least, there is not enough weight on their input.

Commissioner Flowers-Taylor said a better understanding is needed of the process for hires and fires. They would like to know about and be a part of the process for new hires. She wondered why there was a problem with the Board being a part of the process and failed to understand why their requests could not be accommodated.

Commissioner McDaniel was not sure if the Board's input on candidates they hadn't had the opportunity to interview would serve any practical purpose.

Commissioner Goss said their intention was to know who they were and maybe meet with them. Commissioner Goss said both he and the Chairman went to Mr. Wilson and asked to be apprised of who the top three candidates were for the Assistant to the County Manager position were, but his response was non-committal. Before they knew anything further, Mr. Van Haute was introduced to them in a meeting as a new hire. Commissioner Goss knew when the process was changed in the 1990s, at the request of the former County Manager and executed through the Board at that time; however, times change. That County Manager did not want the Board of Commissioners to have anything to do with what went on in the County except as it was noted on official agendas. He did not feel he was elected to be a "policy maker" to sit and rubber stamp everything that comes along. He felt he was elected to be involved in decisions.

Commissioner McDaniel said Commissioner Goss had made a lot of decisions tonight, and Commissioner Goss said he voted on things as he believed.

Commissioner Phillips said most of the time Mr. Wilson's recommendations are dead on but perhaps a more formal policy is warranted.

Commissioner McDaniel asked how far down commissioners were willing to drill for this policy change.

Chairman Freeman said he had no problem with the County Manager making such decisions since that is the system under which the County is presently operating. The Board would have to make changes if this is no longer satisfactory. If he would let the Chairman know such things, though, the Board would feel much more informed and a part of the process because he could convey the information to commissioners.

Commissioner Flowers-Taylor said things have been divulged in Closed Session that are just wrong. Situations have occurred and subjective decisions have been made. The Board trusts William's judgment but he as a human has character defects and flaws, as does everyone. Now there are things are going on over which they have no control because personnel issues have been and are removed from the Board at those levels. This is an issue with several commissioners.

Chairman Freeman perceived that a lack of information provided is the problem.

Commissioner Phillips said information was revealed at the last meeting's Closed Session and had he known that situation existed, he would have demanded that the person be terminated.

Commissioner Flowers-Taylor said it wouldn't have mattered how much he recommended any action; the decision would still have been Mr. Wilson's to make.

Commissioner Phillips said the situation to which he referred puts Spalding County in a bad spot. This precedent means that if it happens again, it could be said that Spalding County condoned it.

Commissioner Goss noted that absolutely nothing has changed since the Closed Session where problem was identified, even though there were recommendations made on certain items.

Commissioner Phillips said he would like to discuss this further at some point but the County Attorney has pointed out we should move ahead.

Commissioner McDaniel stated there were people who came to that table in Closed Session who already had their minds made up. One cannot do that when dealing with personnel decisions. One should be emotionally detached, objective, open and willing to be educated, and prepared to wait until all the information has been gathered before making a decision. That did not happen, based on what he witnessed at that meeting. The emotion he saw was not good for personnel issues.

Commissioner Flowers-Taylor took exception to Commissioner McDaniel's statement, noting that his perception was inaccurate and would vary according to which side of the table one was sitting. She resented the comment and said if parties were already investigating something, and there is already information about it, then a group can make some decisions. The fact of the matter is that if information is available but not disseminated to those making decisions, you make as well not have the information if that is the case.

Commissioner Phillips stated he came to the table with an open mind.

Chairman Freeman noted they should move the meeting forward since they are delving too deeply into actual personnel matters rather than changes to the policy.

Commissioner Flowers-Taylor said whether it be at the Retreat or at the next meeting, she wanted to definitely look at our personnel policy with regard to the hiring and selection of department heads.

XII. REPORT OF COUNTY MANAGER

- 800 Mhz groundbreaking will be held on July 23, 2007 at 10 a.m. at the tower site on Williamson Road. Parks & Recreation and Public Works have done a great job with preparations.
- The Board of Commissioners/Department Head Retreat will be July 30, 2007 from 9 a.m. to 4 p.m. at the Welcome Center.
- On July 25, 2007 there will be a Regional MHDDAD board meeting in the Annex Meeting Room at 2:00 p.m.
- The County will contact the City of Griffin and Spalding Regional EMS about an intergovernmental agreement for operation of the 800 MHz system. Two press releases, for the 800 MHz groundbreaking and the MHDDAD meeting, will be sent tonight.
- Parks and Recreation thanked commissioners for support at the National Senior Games. We sent several participants and had great success. Gil Lovell placed 6th in the men's 100-yard freestyle swimming event (70 year-old men's division) and 10th in the 50-yard freestyle (70 year-old men's division). Mary Zaeger placed 6th in the women's 50-yard backstroke and the 50-yard freestyle (80 year-old division). Fred Crawford and Richard Rowan placed 9th in the men's shuffleboard doubles in the 70-year-old division.
- Chairman Freeman stated he cannot make the July 30 date scheduled for the Retreat. He has changed his doctor's appointment once already to accommodate another conflict with the groundbreaking on July 23. If the retreat cannot be rescheduled, he won't be in attendance. Some discussion followed and commissioners felt the Chairman needed to be there. Mr. Wilson said he would contact the facilitator and the facilities person at the Welcome Center to try to reschedule, preferably in early August but not on a regular meeting day, and get back with a date for commissioners.

XIII. REPORT OF COMMISSIONERS

Goss

Mr. Wilson told him the County has sent a letter to the City and the School Board on assisting with the reval process. The City has said no since their motion to assist failed for lack of a second. No word has been received yet from the School Board.

Flowers-Taylor

She asked when commissioners could discuss changing the ceiling cap for tax exemptions for older disabled citizens who, because of increases in Social Security and Medicare, exceed that ceiling limit. She would like to see about changing that limit to help these citizens. Additionally, at the last training

she went to, there was some discussion about what counties do for employees on some type of limited disability. Perhaps some program could be arranged where injured and/or recovering employees could do lighter duty tasks until they are back up to par for their normal tasks. Mr. Wilson advised that Spalding County already does transitional employment (such as light duty tasks, etc.) with a program administered through Human Resources. We look for transitional employment in any area, and it may be in a different department from normal, but it is designed to be non-stressful for their injury or malady. It has met with great success. Mr. Wilson stated he would get a copy of this policy to her.

Phillips

He commented it was his privilege to help work the multijurisdictional task force on the July 4th weekend, where 14 different law enforcement agencies cooperated, filled the jail to capacity, bulged at the seams and got dangerous folks off road. This effort was organized by Damon Riggins, Commander of GSP Post One and he commended him on a job well done in this tremendous effort.

McDaniel

He referenced an Article in the Georgia/County Government magazine. HB 900 was introduced by the Speaker and others, and it would effectively eliminate the taxing powers of counties and local governments, i.e. property taxes, sales and use taxes, SPLOSTs, LOSTs, HOSTs, motor fuel taxes, etc. All taxing power would go to gold dome. All monies would be collected through the income tax system. The plan is to get your taxable income off Form 1040 less deductions for charitable contributions, mortgage interest, Social Security, unemployment benefits, etc, then rental payments made for primary shelter. After that, everyone would pay a flat 5.75% income tax. The State would then redistribute this money according to the bucket of taxes collected by a governmental entity in 2006. They would divide all the tax money collected by the State by how much one puts in, which would determine how much money you got back in the next tax year. If one's collected amount was equal to 1/2% of the total, then you would get 1/2% redistributed to you. Also, there would be a business value added tax that would ultimately work out to a 5.75% rate, as well. He urged commissioners to keep this issue on their radar. Read the article carefully but remember that ACCG's perspective probably has some slant. This bill, if successful, would eliminate the offices of Tax Commissioner and Tax Assessors, and Spalding Countians would basically get what they deemed to be our fair share.

Freeman

He had previously requested the formula that is used by the Clerk on collecting monies and the prioritization for probations, etc., with regard to fine money. He wants to know how much fine money is in the bank and how much/how often do we receive fine money from probation.

XIII. ADJOURNMENT

Motion to Adjourn at 9:45 p.m. by Commissioner Goss, seconded by Commissioner McDaniel, carried by a vote of 5-0.

County Clerk
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Chairman
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