

EXTRAORDINARY SESSION

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, March 16, 2009, beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Eddie L. Freeman, and Bob Gilreath present. Absent was Commissioner David Phillips. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Community Development Chuck Taylor, County Attorney James R. Fortune, Jr. and Teresa Watson to record minutes.

- I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. INVOCATION – Teresa A. Watson**
- III. PLEDGE TO FLAG – Led by Commissioner Gwen Flowers-Taylor**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

- 1. Consider Proclamation declaring March 2009 to be National Professional Social Work Month.

Proclamation “National Professional Social Work Month 2009”

WHEREAS, The Spalding County Board of Commissioners does hereby recognize and appreciate that the journey of life is filled with many complex issues and choices that may require guidance and professional advice. Professional social workers utilize their education and experience to help millions of people facing social and psychological problems improve their lives; and

WHEREAS, Social workers connect individuals, families and communities to available resources. They develop and shape numerous programs and policies that make a genuine difference in the lives of countless people; and

WHEREAS, Professional social workers are employed in a variety of settings, including large corporations, employee assistance programs, law enforcement agencies, the court system, U.S. Senate and House of Representatives, the Georgia General Assembly, community service boards, elder centered agencies, public and private school systems, colleges and universities, children and family centered agencies, hospice, hospitals, health and mental health clinics, public and private agencies, and private practice; and

WHEREAS, Social workers work diligently to ensure that all people have access to the same basic rights, protections and opportunities. A social work career is one filled with purpose and possibilities, and the National Association of Social Workers, with over 150,000 members, has nearly 3,000 members who reside and work in Georgia.

THEREFORE, BE IT

RESOLVED that We, the Board of Commissioners of Spalding County on this, the sixteenth day of March 2009, do hereby declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, and publicly recognize the valuable work done by professional social workers. Further, we call on all our citizens to join the National Association of Social Workers in celebration and support of social workers and social work profession, hereby proclaiming March 2009 to be
National Professional Social Work Month.

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Motion to approve Proclamation declaring March 2009 to be National Professional Social Work Month by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

- V. PRESENTATION OF FINANCIAL STATEMENTS**

- 1. Consider approval of Financial Statements for the Eight Months ended February 28, 2009.

Motion to approve Financial Statements for the Eight Months ended February 28, 2009 by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.

VI. CITIZENS COMMENTS – NO REQUESTS

VII. PUBLIC COMMENT

Speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted 5 minutes to speak on topics pertinent to the Board’s jurisdiction. No speaker will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

Virginia Ballard, 1522 Louise Anderson Drive, Griffin, Georgia
Ms. Ballard wanted to readdress the issue of smoke from the Spalding County Fire Department which is harmful to the 24 families in the neighborhood. She spoke with Chief Gardner today and he was gracious, as others have been, but she really wanted to know if anything could be done.

VIII. MINUTES

1. Consider approval of Minutes of the following: March 2, 2009 Regular Monthly Meeting.

Motion to approve Minutes of the following: March 2, 2009 Regular Monthly Meeting by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 4-0.

IX. CONSENT AGENDA

1. Consider on second reading, Ordinance #2009-03 Motor Vehicles and Traffic, General Traffic Regulations – To Amend Part VII, Chapter 1, Section 7-1002 – For Reduction of Speed Limits on Various County Roads (Bethany, Rawls and West Williamson).

SPALDING COUNTY, GEORGIA
TRAFFIC REGULATION ORDINANCE
ORDINANCE NO. 2009-03

TO AMEND THE MOTOR VEHICLES AND TRAFFIC CODE OF SPALDING COUNTY, GEORGIA, PART VII, CHAPTER 1, SECTION 7-1002 – TO PROVIDE FOR REDUCTION OF SPEED LIMITS ON VARIOUS COUNTY ROADS, AND AN EFFECTIVE DATE.

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 7-1002, relating to speed limits on specific County Roads, by adding sub-sections as follows:

Road Name	From	To	(Miles) Length	Speed Limit
“Bethany Road”	Rover-Zetella Road	Pike County Line	2.8	25
“Rawls Road”	Williamson Road	Rover-Zetella Road	1.3	25
“West Williamson Road”	Pike County Line	Paved Section of West Williamson Road	1.4	25

Section 3. That the within ordinance shall be and become effective immediately upon its adoption on two presentations, as provided by Section 2-1005 of the Code of Spalding County, Georgia, and upon erection of speed limit signs as designated herein.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed.

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2. Consider, on second reading, Amendment to the Official Zoning Ordinance of the following:
 - a. Amendment to UDO #A-09-01: Article 2. Definitions of Terms Used – Section 202:H’ & HH” – amend to add definition of bathroom.

IN RE: *Text Amendment #A-09-01*

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 4, Section 419, 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 February 26, 2009, 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 conforms with sound comprehensive planning principles and is 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 2, "General Definitions," Section 202(H').

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County to appear as Article 2, "Definitions of Terms Used," Section 202(H') and 202(H'').

Section 202: General Definitions.

H'. Bathroom: a room, with a door that closes and locks, which must contain a sink, toilet and tub or shower.

HH''. Bed and breakfast: A building other than a hotel, used for overnight accommodation for compensation, provided that:

1. Guests normally stay no longer than seven (7) days;
2. Breakfast is the only meal served, if any, on the premises;
3. The building is not to be used for residential occupancy any length of time, other than by the owner of the bed and breakfast and his family.

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 Consent Agenda by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

X. OLD BUSINESS

1. Lift from the table: Consider approval of revised Spalding County Parks and Recreation Rules and Regulations to replace previous document in its entirety, tabled from the December 15, 2008 meeting.

Motion to Lift from the Table by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

Motion to table consideration of this revision until April 6, 2009 by Commissioner Flowers-Taylor to accommodate for new recommendations voted on by the Parks and Recreation Advisory Commission at their most recent meeting last Thursday affecting the Association Agreement portion of the rules and regulations, seconded by Commissioner Freeman, carried by a vote of 4-0.

2. Consider, on second reading, Amendments to the Official Zoning Ordinance of the following:
 - a. Amendment to UDO #A-09-02: Article 5. AR-1, Agricultural and Residential – Section 503:C(8), Article 6. AR-2 Rural Reserve – Section 603:C(7), Article 7. R-1 Single Family Residential – Section 703:C(8), Article 7A. R-1A, Single Family Residential – Section 703A:C(8), Article 8. R-2, Single Family Residential – Section 803:C(8), Article 8A. R-2A, Single Family and Two Family Residential – Section 803A:C(8), Article 9. R-3, Multiple Family District – Section 903:C(8), Article 10. R-4, Single Family Residential – Section 1003:C(8), Article 11. R-5, Single Family Residential – Section 1103:C(8), Article 11A. R-6, Planned Residential Community District – Section 1103A:C(8), Article 17B. AAR, Active Adult Residential – Section 1703B:D(5) and Article 19. O & I, Office and Residential District – Section 1903:C(7) – amend to delete fence, wall, exterior lighting fixture, or other general landscaping and site development facility as accessory structures.

Mr. Taylor advised that Community Development had investigated about half of the fence complaints that were received under the old ordinance requirements last year.

IN RE: Text Amendment #A-09-02

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

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

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

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on February 26, 2009, 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 deleted from the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential:" Section 503(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 2: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 6, "AR-2 Rural Reserve:" Section 603(C)(7):

7. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 3: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 7, "R-1 Single Family Residential:" Section 703(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 4: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 7A, "R-1A Single Family Residential:" Section 703A(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 5: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 8, "R-2 Single Family Residential:" Section 803(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 6: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 8A, "R-2A Single Family and Two Residential:" to appear as Section 803A(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 7: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 9, "R-3 Multiple Family District:" to appear as Section 903(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 8: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 10, "R-4 Single Family Residential:" to appear as Section 1003(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 9: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 11, “R-5 Single Family Residential:” to appear as Section 1103(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 10: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 11A, “R-6 Planned Residential Community District:” to appear as Section 1103A(C)(8):

8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 11: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 17B, “AAR Active Adult Residential:” to appear as Section 1703B(D)(5):

5. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 12: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 19, “O&I Office and Residential District:” to appear as Section 1903(C)(7):

7. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.

Section 13: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 14: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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Motion to approve Amendment to UDO #A-09-02 by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 3-1 with Chairman Goss opposing.

- b. Amendment to UDO #A-09-04: Article 4. General Procedures – Section 404: Height of Fences and Walls in a Residential Zoning District – amend fence requirements, and Section 202: Definition of Terms Used – amend to add definition for fence.

Mr. Taylor advised of the logistics regarding this second amendment to rectify the fencing issues recently brought to light.

IN RE: Text Amendment #A-09-04

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

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

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

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

on February 26, 2009, 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 deleted from the Zoning Ordinance of Spalding County, Article 4, "Height of Fences and Walls in a Residential Zoning District:" Section 404.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 4, "Fences:" to appear as Section 404:

No fence shall exceed six (6) feet in height above the adjoining ground level. No fence located in a front yard (as defined in Section 202.VVV) shall exceed four (4) feet in height above the ground level on property zoned AR-1, AR-2, R-1A, R-1, R-2A, R-2, R-3, R-4, R-5, R-6, C-1, C-1A, PDD, VN, AAR, PRRRD and O&I.

No fence shall encroach into the public right-of-way.

Barbed wire or other sharp, pointed fence material shall be allowed on property zoned AR-1 and AR-2 for purpose of livestock constraint.

Barbed wire or other sharp, pointed fence material shall be allowed on property zoned C-1B, C-1C, C-2 and C-3.

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2, to appear as Section 202.FF' :

FF'. Fence: A barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter.

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.

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Motion to approve Amendment to UDO #A-09-04: Article 4. General Procedures – Section 404: Height of Fences and Walls in a Residential Zoning District – amend fence requirements, and Section 202: Definition of Terms Used – amend to add definition for fence by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-1 with Chairman Goss opposing.

XI. NEW BUSINESS

1. Glattig, Jackson, Kercher, Anglin, Inc. and Community Development Director Chuck Taylor to present an update on the LCI Crossroads Study to the Board requesting permission to submit to ARC.

Mr. Taylor reported this is the result of the \$100,000 grant received for an LCI Study which focused on the tri-county crossroads area near Ingles, where Pike, Lamar and Spalding counties converge.

Mr. Ed McKinney of Glatting, Jackson, Kercher, Anglin, Inc. said this LCI provides the ability for Spalding County to receive real dollars to implement the projects defined in this study. The Atlanta Regional Commission (ARC) has mandated a deadline of March 20 to review the plan with them, so this presentation respectfully requests permission to proceed with that review process. He provided an overview of the area's development plans, the redevelopment approach, and the framework principles (such as connectivity, land use strategies, and the greenway/trails plan). Implementation could include mixed-use functions, such as big box retailers along with residential and retail with even some commercial components. Mr. McKinney highlighted the "Triangle" Phase I and Phase II mixed-use development aspects. National chains are, more and more, following architectural standards that are in place for such areas, which lends a more aesthetic quality to the development. Residential areas will be connected to other areas on several levels with trails, bike paths, frontage roads, etc. In summary, this project will actually encompass several projects combined and positioned to take advantage of monies available from ARC. ARC can direct the County, also, toward other funding sources for this defined area.

Motion to approve submission of the LCI Crossroads Study to ARC by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

2. Consider approval of new 2009 Alcoholic Beverage License – Retail Sales – Beer Only – For Inku Chung, Owner & President of Chung's Carcare Center, Inc. d/b/a Griffin Farmers Market located at 1650 North Hill Street, Griffin, Georgia.

Mr. Wilson advised all criteria has been met and approval is recommended.

Motion to approve new 2009 Alcoholic Beverage License – Retail Sales – Beer Only – For Inku Chung, Owner & President of Chung's Carcare Center, Inc. d/b/a Griffin Farmers Market located at 1650 North Hill Street, Griffin, Georgia by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

3. Consider approval of Transportation Planner Contract with McIntosh Trail Regional Development Center for FY 2010.

Mr. Wilson reported this was an annual contract for the services of Anthony Dukes, Transportation Planner, shared on a 50/50 basis with the City of Griffin.

GEORGIA X
SPALDING COUNTY X

AGREEMENT

THIS AGREEMENT, made and entered into July 1, 2009 by and between Spalding County, Georgia, (hereinafter referred to as the "County"), and the McIntosh Trail Regional Development Center (hereinafter referred to as the "RDC").

WHEREAS, Spalding County and the City of Griffin have a need for a transportation planner to provide assistance in complying with federal and state planning requirements for metropolitan transportation and air quality planning and;

WHEREAS, the RDC has an interest in coordinating activities for transportation planning for its member governments and;

WHEREAS, all parties agree to exert their best efforts toward accomplishment of the above-stated goal;

NOW THEREFORE, in consideration of the mutual promises hereinafter set out, both parties agree as follows:

Engagement. The County agrees to coordinate transportation planning activities relevant to the metropolitan and air quality planning process through the RDC. The RDC agrees to employ staff devoted to such transportation planning activities.

Compensation. The County agrees to pay the RDC actual costs of funding this activity up to a maximum of Sixty-seven Nine Hundred and Thirty-four Dollars (\$67,934.00) per year. This amount represents fifty percent (50%) of the total amount budgeted for this activity, the other

fifty percent (50%) of the funding will be due from the City of Griffin. Payments will be made no more than monthly and no less than quarterly, based on an invoice submitted by the RDC.

Working Facilities and Materials. The RDC will utilize its own facilities and provide its own materials; provided that the County agrees to supply, and hereby authorizes the RDC to utilize those facilities and source documents belonging to the County which are reasonably necessary to carry out the duties of the position.

Term. The initial term of this agreement is twelve months, beginning July 1, 2009 and concluding June 30, 2010, and shall be renewed annually beginning July 1, 2010 for as long as a need is expressed and mutual satisfaction is accomplished.

Relationship Between Parties. The RDC is retained and engaged by the County only for the purposes and to the extent set forth in the present agreement and exhibits attached thereto, and the relationship between the County and the RDC shall be free to utilize those employees, working materials and source materials that, in its opinion are necessary to perform the duties of the position..

Termination. This agreement shall not be terminated prior to expiration of the term hereinabove set forth except for cause and upon payment by the County of the pro-rata portion of this contract which is completed at the time of the early termination hereof.

Remedy. The parties hereto agree that specific performance shall be one of the remedies available for breach of this contract. Specific performance shall be cumulative of, and shall not limit the parties right to resort to, other remedies provided by law.

Entire Agreement. THIS AGREEMENT AND THE EXHIBITS ATTACHED HERETO CONSTITUTE THE SOLE AND ENTIRE AGREEMENT BETWEEN THE PARTIES AND NO MODIFICATION HEREOF SHALL BE BINDING UNLESS ATTACHED HERETO AND SIGNED BY BOTH OF THEM. NO REPRESENTATION, PROMISE OR INDUCEMENT NOT INCLUDED IN THIS AGREEMENT SHALL BE BINDING UPON EITHER PARTY HERETO.

IN WITNESS WHEREOF, the County and the RDC have caused this agreement to be executed as of the day and year first above written.

Motion to approve Transportation Planner Contract with McIntosh Trail Regional Development Center for FY 2010 by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

4. Consider request of McIntosh Trail Community Service Board to allow construction of a gazebo at the Williamson Road facility (formerly Katharos House) by Scout Brandon Holmes for an eagle project.

Mr. Wilson said he and Construction and Maintenance Director have reviewed the project and the particulars, and they recommend approval.

Motion to approve the request of McIntosh Trail Community Service Board to allow construction of a gazebo at the Williamson Road facility (formerly Katharos House) by Scout Brandon Holmes for an eagle project provided final inspection by the Spalding County Building Inspector is satisfactorily completed, by Commissioner Freeman and seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

5. Consider approval of Resolution and Order Appointing William G. Murray as a Tax Assessor of Spalding County, Georgia, confirming appointment of January 12, 2009.

**RESOLUTION AND ORDER APPOINTING WILLIAM G. MURRAY
AS A TAX ASSESSOR OF SPALDING COUNTY, GEORGIA**

WHEREAS, William G. Murray was heretofore appointed by the Board of Commissioners of Spalding County Georgia, at its January 12, 2009 meeting, as a member of the Board of Tax Assessors of Spalding County, Georgia, to serve for a term of six years ending on December 31, 2014; and

NOW, THEREFORE, BE IT, AND IT IS HEREBY RESOLVED AND ORDERED that William G. Murray be, and he is, hereby appointed as a Tax Assessor of

Spalding County, Georgia, and as a member of the Board of Tax Assessors of said County for a six year term thereof, ending December 31, 2014, and which said appointment shall be, and become effective on January 12, 2009, and the within order making and evidencing such appointment shall be transmitted to the Clerk of the Superior Court of Spalding County, Georgia, so that it may be regularly entered upon the records of the Superior Court of said County, and so that a certificate from said Clerk may be issued after the said appointee has taken the oath required by law, which shall constitute the commission of said appointee, William G. Murray, as a member of said Board of Tax Assessors, all as required by law. This the 16th day of March 2009.

Motion to approve Resolution and Order Appointing William G. Murray as a Tax Assessor of Spalding County, Georgia, confirming appointment of January 12, 2009 by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-1 with Commissioner Gilreath opposing.

6. Consider approval of Change Order #4 in the amount of \$119,767.03 for M/A-Com for additional work that was out of scope but necessary to complete the 800 MHz Communications System.

Mr. Van Haute said this change order details at length the need for extra antennas and additional work done at the 911 Center to install hardware and running fiber due to space constraints. This added cost was mainly the result of the digital/analog issues with the government.

Motion to approve Change Order #4 in the amount of \$119,767.03 for M/A-Com for additional work that was out of scope but necessary to complete the 800 MHz Communications System by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

7. Consider resignation of Tim Crane from the Keep Griffin-Spalding Beautiful Committee and entertain nomination for replacement appointment, for a term set to expire December 31, 2009.

Motion/second to accept the resignation of Tim Crane from the Keep Griffin-Spalding Beautiful Committee and entertain nominations for replacement appointment for a term set to expire December 31, 2009 by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0. There were no nominations at this time.

8. Consider Contract Amendment with Communication Towers, LLC, to include a revised cost of new antenna due to frequency configuration.

This is a \$750 increase for the additional feed antenna necessary for Communication Towers, LLC due to frequency configuration.

TOWER LEASE ADDENDUM

COMES NOW COMMUNICATION TOWERS, LLD, (hereinafter "Landlord") and SPALDING COUNTY (hereinafter "Tenant") to amend the original Tower Lease Agreement which is dated the 16th day of June 2008.

Paragraph 10 of the original Lease contemplated that the Tenant may find it necessary to add additional equipment to Landlord's tower and that if the Tenant does desire to do so, the Parties will execute an Addendum to the original Lease providing for the additional equipment and increased monthly rental. Pursuant to those provisions, the Tenant shall place a receive/transmit antenna upon Landlord's tower and shall pay Landlord the sum of \$750 per monthly as additional monthly rental over and above the monthly rental provided for in the original Lease beginning on the 1st day of February, 2009, and continuing on the 1st day of each month thereafter until the termination of the original Lease as provided in the original Lease.

The placement and maintenance of the new equipment described herein shall be pursuant to the terms of the original Lease with the exception of the additional monthly rental as stated above. All other terms of the original Lease not in conflict herewith shall remain in full force and effect.

Executed this 16th day of March, 2009.

Motion to approve Contract Amendment with Communication Towers, LLC, to include a revised cost of new antenna due to frequency configuration by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

XII. REPORT OF COUNTY MANAGER

- An initial, organizational Land Bank Authority Meeting was held with all 4 members in attendance. Newton Galloway was elected President, Jim Smith as Treasurer, and Jennifer Freeman as Secretary.
- Mr. Wilson emailed to the Board earlier a letter of intent by the City to sell Volunteer Park to Griffin Technical College as detailed.
- Floating Homestead Exemption – Chairman Goss suggested a workshop. HB 480 passed today regarding taxation on vehicles will have a drastic negative affect on counties. ACCG called today and another conference call is scheduled for Friday to discuss both these issues. April 6 at 4 p.m. is the date desired for the commissioners’ workshop. Mr. Wilson will invite the Tax Commissioner and the Tax Assessor, as well.
- City of Griffin is proposing a redevelopment tax incentive program, and they have asked to provide copies to this Board that will effectively triple taxes on blighted property. They will consider at their April meeting and request that the County consider it, as well. Mr. Wilson will place this item on the workshop agenda. A determination of blight will rest with a judge or a panel charged with this task. Only areas within City limits will be affected by the City’s program.
- Mr. Wilson emailed commissioners previously regarding a request for reduction in rent for a Memorial Drive Plaza tenant. Per direction from the Board, Mr. Wilson will convey that the County would like to accommodate this request as times are difficult, but it cannot reduce an obligation for one and not for all.
- The 48th Brigade will depart for Afghanistan on Monday, 4-13 at 8 am from the Armory. Chairman Goss will address the group, and all are urged to attend.
- Kenny Smith, City Manager, visited today to discuss commuter rail station site recommended by the City for the block adjacent to Sixth Street Bridge where the landscaped City parking lot currently exists. This issue will surface at the Griffin-Spalding Area Transportation Committee meeting this coming Wednesday. Mr. Smith is looking for a County recommendation. No particulars were provided as yet on when, how much, and who will pay, but GDOT is pressing for a location identification. A second stop at UGA Griffin Campus is a possibility, also. Federal funding for the project will be in effect for three years and after that time, it will be left to local funding. Plans are for a platform with a cover and not a completely finished out facility. The City will collect fees from vending. Eventually a parking deck might be placed on the parking lot out back presently, depending on ridership numbers. A 3-tier parking deck is estimated to cost \$16,000,000 to \$20,000,000 with adequate spaces. Perhaps they could utilize stimulus funds as discussed at TPB, noted Commissioner Freeman.
- Lastly, as Mr. Van Haute and Commissioners Goss and Freeman alluded to earlier, the 800 MHz system is now operational, at least in its initial test stages which have been very satisfactory. Ten individuals have been set up for training as provided for by David Gerhard and Mr. Wilson will send a memo to the Board tomorrow.

XIII. REPORT OF COMMISSIONERS

Freeman:

No comments

Flowers-Taylor:

At the Parks and Recreation Advisory Commission meetings, some have pointed out that users may feel deterred from using the field because of a feeling that damage is done to fields, but this is what the recreational areas are there for. Perhaps some wells might help with irrigation in the economic crisis. She wants to encourage families to use the parks. She also stated she feels for the ladies from Summerwoods but the training fire facility has been there for a long period of time. Their issue is with the City of Griffin and the developer. She is sympathetic, but the answer does not lie with the County. This Board talked recently about getting together with the Board of Appeals. They tabled the AFLAC application for variance at their most recent meeting. They would like to have a meeting, as well, so direction was provided to Mr. Taylor to set up a joint meeting.

Gilreath:

Regarding rent to the City for space for elections, Mr. Wilson has been working with Terry Colling on this matter. She charges for some services but not for the building itself. We have not used Memorial Drive Plaza for them previously, but if it is used this year then the County will charge

them six weeks' rent. But if the Annex is used, never have we charged for this space. Ms. Colling would like to see elections uniform and have them each year at Memorial Drive Plaza for early voting. Mr. Wilson said he had issues with letting a building that can produce revenue sit idle for 75% of the year in order to preserve it for elections during the remaining 25%, should a tenant be interested. April 20 was set as the date for another workshop at 4:30 p.m. to discuss this issue and others, since the April 6 workshop agenda has been filled.

Johnson Controls – Mr. Gilreath wants this Board to review the contract. Mr. Wilson is to provide copies for commissioners.

Goss:

News states that the crossover date in the House has passed. This Board had asked that the City and School concur to reduce taxes for seniors and disabled to raise the ceiling (for the Kyle Cobb exemption). This won't happen this year, which he felt was a shame. Mr. Goss concurred that is was good, indeed, to hear radios talking. This radio system passed on the 2005 SPLOST and it has been a long time coming.

XIV. CLOSED SESSION

1. County Manager requests a Closed Meeting to discuss acquisition of real estate.

Motion to Adjourn to Closed Meeting at 7:19 p.m. by Commissioner Freeman, seconded by Commissioner Goss, carried 4-0.

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 March 16, 2009.

2.

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

3.

The executive session was called to order at 7:19 p.m.

4.

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

No Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

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

Yes 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 as provided in O.C.G.A. § 50-14-3(6);

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

This the 16th day of March 2009 .Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 16th day of March 2009 .

Edward Goss, Jr. L.S.
Bob Gilreath L.S.
Eddie Freeman L.S.
Gwen Flowers-Taylor L.S.

Notary Public – Teresa A. Watson
My commission expires: 3-1-2011

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Motion to Adjourn Closed Meeting and Reconvene to Open Meeting at 8:02 p.m. by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.

XV. ADJOURNMENT

Motion to Adjourn at 8:03 p.m. by Commissioner Freeman, seconded by Commissioner Gilreath, carried by a vote of 4-0.