

## **EXTRAORDINARY SESSION**

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, April 20, 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., 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 Eddie Freeman**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – N/A**

**V. PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of Financial Statements for the Nine Months ended March 31, 2009.

*Motion to approve Financial Statements for the Nine Months ended March 31, 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.

Terry Cloffey, 590 Maloy Road, Griffin, Georgia

Mr. Cloffey moved here in 1994 from Texas and purchased land on Maloy Road. He has experienced many problems since that move, particularly with regard to destruction that is taking place on his property with water damage. He has met with commissioners, with Mr. Wilson, and

Public Works Department. He has contacted federal agencies, as well, concerning this water damage. He cited sections under Georgia law regarding diversion of surface water and its definition of continuing nuisance as it relates to stormwater runoff. His contention was that water on Maloy Road was being diverted through the water drainage system just to the south of Maloy Circle. A conduit put in underneath Maloy Road forced drainage to the west and onto his property, causing massive destruction. Much of his property has literally washed away. Public Works told him they would have to dig the ditch down another three feet, but he states he has dug just a few inches and found the water flowed freely around the corner when he dug just that shallow amount. He has lost some of his expensive koi fish because of the force of the water that flows onto his property. He has been patient but is tired of the constant issues since 1994 when the hurricane residual wrecked havoc on this area. He brought pictures at that time of the damage.

Mr. Wilson responded to Commissioner Gilreath that a drainage study by Paragon Consulting determined the drainage on the eastern side of Maloy Road could have, in no way, created this damage as described by Mr. Cloffey. Commissioner Gilreath said he would contact Mr. Cloffey further regarding this issue tomorrow.

### VIII. MINUTES

1. Consider approval of Minutes of the following: April 6, 2009 Regular Monthly Meeting.

*Motion to approve Minutes of the April 6, 2009 Regular Monthly Meeting, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.*

### IX. CONSENT AGENDA – N/A

### 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 and April 6, 2009 meetings.

*Motion to Lift from the Table approval of revised Spalding County Parks and Recreation Rules and Regulations to replace previous document in its entirety, tabled from the December 15, 2008 and April 6, 2009 meetings, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.*

RESOLUTION  
SPALDING COUNTY  
PARKS & RECREATION RULES & REGULATIONS  
(Revised April 2009)

WHEREAS, the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, is empowered under and by virtue of the Constitution and the Laws of the State of Georgia to enact, and to amend, the ordinances of Spalding County; and

WHEREAS, this Board of Commissioners now deems it appropriate and in the best interest of the County of Spalding to make certain revisions in the text of the resolution establishing the Spalding County Parks and Recreation Commission;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County, as follows:

Section 1

Purpose: A resolution providing for the establishment of the Spalding County Parks and Recreation Advisory Commission (hereinafter referred to as “Commission”) for the purpose of assisting with the organization, implementation and review of a county-wide parks and recreation program; to provide for the duties of the commission; to designate the powers and jurisdiction of said commission; to provide for the composition of said commission, the appointment of members thereof, their terms of office, and their replacement; to provide for the election of officers; to provide for general rules of conduct; to provide for an effective date; and for all other purposes contained herein.

Section 2

Duties:

- A. Spalding County Parks and Recreation Advisory Commission: The duties of said commission shall include responsibilities such as to initiate, plan, organize, implement, and coordinate public recreation programs and activities for Spalding County; to initiate, plan, design and recommend a system of parks, facilities and other spaces which will be necessary to accommodate the public’s need and demand for parks and

recreation activities; to prepare and develop rules and regulations by which parks and recreation programs may operate; to monitor and evaluate the effectiveness of parks and recreation programs; to advise and recommend ways and means by which parks and recreation programs may be improved or strengthened; to develop new programs and activities as public need may dictate; to develop a system of fees and charges for use of parks and recreation facilities or for participation in parks and recreation programs; and other duties and responsibilities as may be conferred by the Board of Commissioners from time to time.

- B. Spalding County Parks and Recreation Department: The primary responsibility for the enforcement of this chapter shall be vested in the Director of the Spalding County Parks and Recreation Department.

### Section 3

Powers and Jurisdiction: In order to perform the foregoing duties, the Commission shall have the following authority:

- A. To adjudicate complaints, disputes or other grievances from the public arising out of parks and recreation activities and to conduct such review hearings per resolution.
- B. To adopt by-laws and other rules of procedure to achieve its purpose and function.
- C. To establish rules governing participation in parks and recreation programs and the consequences for failure to follow aforementioned rules.
- D. To establish rules applicable to Youth League Associations.
- E. To establish rules governing the hours of operation and use of County parks and facilities.
- F. To evaluate programs and activities which are offered from year to year.
- G. To file an annual report with the Spalding County Board of Commissioners relative to program accomplishments for the preceding fiscal year.

### Section 4

Composition and Qualifications:

- A. The Commission shall be representative of the community and shall consist of eleven members who shall be voting residents of Spalding County and who shall serve without compensation. So long as Spalding County leases the public park from the City of Orchard Hill, one member of the Commission may be a resident of Orchard Hill, Georgia. Additionally, one member of the Commission shall be appointed by the Spalding County Board of Commissioners.
- B. At the conclusion of the term of the existing Commission members, subsequent Commission members will be recommended by the Department to the existing Commission. The Commission shall then present recommendations to the Spalding County Board of Commissioners for final approval.
- C. It is preferable that proposed appointees have a substantial record of involvement in recreation activities and/or knowledge of the sporting activities governed by the Commission. However, such qualifications are not a requirement for appointment to the Commission but are merely directive in nature.
- D. No member of the Commission shall be an elected officer of any youth association that has a contract with the Spalding County Parks and Recreation Department.

### Section 5

Term of Office of Commission Members:

- A. The terms of office of the members of the Commission shall be for two years, provided that the members who hold an odd-numbered seat shall serve terms which will expire on December 31, 1995, and the terms of those members who hold an even-numbered seat would expire on December 31, 1996. Thereafter, the terms of all members shall be for a period of two years. Members whose terms have expired shall continue to serve as members until their successors have been appointed.
- B. Reappointment shall be unrestricted.

### Section 6

Election of Officers:

- A. The Commission shall elect from its membership a Chairman and Vice-Chairman and other officers as may be desired. A Secretary shall be appointed by Commission from

membership or Parks and Recreation staff. Officers shall be elected on a calendar-year basis and may be re-elected for succeeding terms.

B. Duties and Responsibilities of Chairman:

1. The Chairman of the Committee shall be the presiding officer and conduct all meetings of the Commission.
2. The Chairman of the Commission shall only vote in the case of a tie.
3. The Chairman shall appoint committees as necessary to carry out the responsibilities of the Commission.
4. The Chairman shall present the findings and recommendations of the Commission to the Recreation Director of vacancies that may occur on the Commission.
5. The Chairman shall appoint a disciplinary committee for the purpose of hearing disciplinary cases or for the purposes of reviewing disciplinary recommendations presented to the Commission by the Director.

C. Duties and Responsibilities of Vice-Chairman:

1. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman.

D. Duties and Responsibilities of Secretary:

1. The Secretary shall keep a record of minutes of the meetings of the Commission, have custody of its books and records, which shall be housed at the office of the Director, give notices to members of meetings, and shall attend to such other duties as may be assigned by the Commission.

Removal of Commission Members:

A. Cause of Removal

1. Absence from three (3) consecutive meetings without prior two (2) hours notification to Parks and Recreation Department.
2. Violations of Section 9(A).

B. Procedure for Removal

1. In cases of excessive unexcused absences, such fact shall be noted in the minutes of the Commission and the minutes shall reflect the effective date of removal due to said absences.
2. In all other cases of removal, the cause of removal shall be presented to the Commission, at which time the member under review shall have the right to a hearing. The hearing shall be conducted in accordance with Section 9(C).
  - (a) Upon conclusion of the review hearing, a minimum of seven (7) commission members shall vote on removal by way of secret ballot.
  - (b) Removal of a member shall be upon the recommendation of a quorum. A minimum of seven (7) commission members shall vote on removal by way of secret ballot.

Section 7

Meetings:

- A. Regular meetings of the Commission shall be held on the second Thursday of the month at 6:00 p.m., or at such other time as the Chairman may elect.
- B. Special meetings of the Commission may be held at any time at the call of the Chairman of the Commission, or at the call of the Director, or by a majority of the members of the Commission.

Section 8

Quorum: A quorum shall consist of six members of the Commission. It shall be necessary that a quorum be present to conduct a hearing.

Section 9

Park Rules and Regulations: The Commission shall adhere to and enforce the following General Rules of Conduct as set out below as well as those Rules and Regulations contained in Appendices A, B, C and D attached hereto. It shall be a violation of this chapter for any person to violate the General Rule of Conduct or the Rules and Regulations as set out in the

attached Appendices A, B, C and D.

- A. It shall be a violation of this chapter for any person to engage in the following during the conduct of a Spalding County Parks and Recreation activity or while otherwise present on the property of the Department.

#### General Rules of Conduct

1. Disorderly Conduct: Scuffling, fighting, rowdy behavior, indecent, inappropriate or offensive language.
2. Intoxication:
  - (a) No person shall be in an intoxicated condition at any Spalding County Parks and Recreation activity.
  - (b) The possession and/or consumption of an alcoholic beverage is prohibited at recreation activities and its use by players, coaches, managers, league officials or spectators while on the Department property or engaged in Department activities is prohibited.
3. Disruptive Behavior:
  - (a) Disorderly or obscene conduct or breach of the peace on recreation department property or at any function sponsored or supervised by the Department.
  - (b) Conduct on Department property or at functions sponsored or supervised by the recreation department or any recognized recreation department organization which materially interferes with the operation of the recreation department or recognized organization.
  - (c) Conduct and/or expressions which are obscene or which are blatantly offensive to the prevailing standards of the recreation participation guidelines, as more particularly set forth in Appendix A attached hereto.
4. Destruction of Property: Malicious or willful destruction or attempted destruction to the property of the Department.

#### B. Complaints

1. Upon information made known to or complaint lodged with the Director or his staff that any manager, coach, league official, player or spectator is in violation of this chapter, then and in such event the Director or his appointed designee shall immediately conduct a probable cause investigation. If from the investigation the Director or his appointed designee determines that probable cause exists that a violation of this chapter has occurred, then the Director or his appointed designee may suspend said individual from the Department's parks and activities and shall immediately commence a thorough investigation of such information or complaint.
2. It shall be the duty of the Director to keep and maintain or to cause to be kept and maintained, accurate records of citizen complaints and of the investigation and disposition of all said complaints.
3. Upon receiving a report or complaint that a coach, player or spectator is in violation of this chapter, the Director shall make such investigation and inquiries with regard to such report or complaint as may be necessary to carry out the provisions of this chapter.
4. Upon completion of the investigation, the Director shall notify in writing the individual who is in violation of the Department rules and regulations. Such notice shall be complete upon mailing. The notice shall meet the following requirements:
  - (a) The notice shall be in writing and shall be hand delivered or mailed by certified mail to the individual's last known address.
  - (b) The notice shall include a summary of the Director's investigations and shall set forth the penalty for violating the general rules of conduct.
  - (c) The notice shall be dated and shall advise the individual of the right to request a hearing on the Director's determination within five (5) working days after receipt of notice.
  - (d) The notice shall state that the hearing, if requested, shall be before a duly appointed disciplinary committee.
  - (e) The notice shall state that if a hearing is not requested, the Directors

determination will become effective on a date specified in the notice, which shall be after the last day on which the individual has a right to request a hearing.

- (f) The notice shall include a form to request a hearing before the Commission or duly appointed disciplinary committee and shall provide instructions on mailing or delivering such instructions on mailing or delivering such request to the Commission.

## 5. Penalties

- (a) The minimum penalty for violation of General Rules of Conduct shall be a written reprimand. However, the Director may, in his discretion, impose punishment within the following guidelines:

- (1) Temporary or permanent restrictions from the activity involved and or from any or all Department activities as well as temporary or permanent banning from any or all Department facilities and property. For the purposes of these rules and regulations the term "Department Facilities and Property" shall mean any and all property both real and personal which is either owned or leased by the County or over which the County exercises lawful dominion and control.

- (2) Initiate criminal charges through the proper law enforcement agencies. At such time that a case is made against an individual the Director may, in his discretion, impose a temporary restriction from Department activities and banning from Department facilities which shall continue until such time as the case in question has been concluded. The individual charged may appeal the Director's determination to the Commission in accordance with the procedures set forth in Section 9C.

- (i) If the individual is found to be innocent of the charges then all such temporary restrictions and banning shall be immediately lifted.

- (ii) If, on the other hand, the individual is found to be guilty of the charges against him or enters the plea of guilty or nolo contendere, then the Director is to follow the guidelines set forth in this Section in imposing additional restrictions.

- (3) Any individual who is charged with a violation of a City or County Ordinance where it is alleged that the offense in question occurred while the individual was in a Recreation Department Facility or on Recreation Department Property may be restricted from any Department activities as well as banned from any Department facility and or property following a probable cause investigation by the Director. This restriction and banning may continue until such time as the case is concluded. The individual charged shall have the right of appeal to the Commission as set forth in Section 9C. Upon conclusion of the case, the procedure outlined in subparagraphs (i) and (ii) of Section 5 (a)(2) above shall be followed.

- (i) Any individual who is either restricted from Department activities or banned from Department of Recreation Department Property shall be given notice of that fact by certified mail – return receipt requested. In the discretion of the director, he may also conduct a meeting and/or inform the individual by telephone. However, service by certified mail – return receipt requested is all that is required by these regulations.

- (ii) An individual who is temporarily or permanently restricted from Department activities and/or banned from any Department Facility and Property may appeal decision of the Director to the Commission.

- (iii) Any individual who violates the terms of his restriction and/or banning shall be precluded from participating in any Department Activity and banned from Department Facilities and Property for a period of one year from the date of the violation.

- (iv) When a determination is made by the Director that an individual has violated Department rules and regulations a second time, said individual may receive penalties not greater than twice the prescribed penalty for the first offense. Upon the Director's determination that an individual has violated Department rules and regulations three or more times, the Director may suspend said individual from Department

activities and facilities indefinitely.

C. Hearing.

1. Upon receiving a request for a hearing as provided hereinabove, the Commission shall set a date for the hearing within five (5) working days after receiving the request. The individual shall be notified by either hand delivery or certified mail - return receipt requested of the date, time and place of the hearing. The individual shall be given not less than five (5) working days notice prior to the date of the hearing. At the hearing the individual shall be afforded the opportunity to testify, present evidence and cross examine any witness called on behalf of the Director. The Commission may hear such testimony and receive any evidence that it deems reasonably necessary to review the Director's action. Upon the conclusion of the hearing the Commission shall either sustain, modify or overrule the Director's action.
2. Once the Commission has made its decision, the individual will be given written notice of the Commission's decision by either hand delivery or certified mail - return receipt requested. If the Commission has determined that the individual is in violation of this chapter, then said notice shall specify the date the determination becomes effective.

Section 10

Repeal of Conflicting Resolutions and Effective Date: That the within Resolution shall be and become effective upon its final adoption and that all other ordinances or resolutions in conflict herewith be, and the same are, hereby repealed.

The foregoing Resolution may be amended from time to time as may be deemed appropriate.

APPENDIX A

SPALDING COUNTY PARKS AND RECREATION DEPARTMENT RULES

Section 1

Players/Spectators.

1. No profanity is allowed by players or spectators while on Department property.
2. Tobacco products will be permitted only in the parking lot areas of all property/facilities controlled by the Spalding County Parks and Recreation Department.
3. Drinking alcohol will not be tolerated on Department property. A player or spectator who is in possession of alcoholic beverages or any controlled substance shall be immediately removed from the Department property and suspended from the Department property and/or activities indefinitely.
4. In cases of rowdy or unsportsmanlike conduct, a player's or spectator's action will be reviewed by the Department and appropriate discipline will be administered.
5. Unsportsmanlike behavior by a player may jeopardize a team's participation in Department programs and all individuals should conduct themselves accordingly.
6. Umpires, scorers and recreation staff shall not be subject to abuse from players, teams or their fans. Appropriate action will be taken against offenders.
7. Any player, coach, manager, team mother or game official listed on the game roster, and league officials, may not use tobacco products in any form and/or consume alcohol on the playing fields or playing courts belonging to, or leased by, the Spalding County Parks and Recreation Department. In the event of infraction of this rule, penalty shall be as follows:

First Offense: Ejection from the game.

Second Offense: Ejection from the game and recreation park plus an additional one (1) game suspension.

Third Offense: Ejection from the game and recreation park plus suspension for the balance of the season of that sport.

Section 2

Coaches and League Officials.

1. Only three (3) adults in dugout.
2. Only one (1) batboy/batgirl in dugout and he/she must wear a batting helmet when on the playing field.
3. Managers, coaches, league officials and scorekeepers must set an outstanding example of good behavior for the players under their charge/supervision. They should control their tempers and exercise self discipline.
4. Managers, coaches and league officials shall wear proper attire. Accordingly, no clothing endorsing or advocating profanity or other lewd language or alcoholic beverages shall be worn during team sponsored activities such as games, practices, awards ceremonies, etc.
5. There will be no smoking in the coaches' box or on the playing field during a game.
6. There will be no alcoholic beverages in the dugout, on the playing field, adjacent parking lots or streets. Violation of these standards may result in the coach losing the privilege of coaching the team. Consumption of or detection of alcohol by a manager, coach or scorekeeper's breath will result in immediate suspension from the Department property and/or activities for a period to be determined by the Director.

### Section 3

#### Miscellaneous.

1. Please help keep your parks clean; do not litter.
2. Physical or verbal abuse will not be tolerated. Players not adhering to this policy may subject themselves to game forfeiture and or removal from the league without refund.
3. The Commission is not responsible for any injuries to players or spectators before, during or after any games. Further, the Commission is not responsible for theft, fire, vandalism or damage to cars by softballs, baseballs or other sporting equipment whatsoever.
4. The Commission is responsible for providing playing time and fields for the number of games allotted. However, the Commission is not responsible for weather contingencies, acts of God or power failures.
5. Schedule requests will be discussed during organizational meetings.

### APPENDIX B SPALDING COUNTY RECREATION DEPARTMENT PARENT AND SPECTATOR CODE OF ETHICS

1. Parents and spectators should remember that the Department programs are for the children to learn fundamentals techniques, sportsmanship teamwork and have fun.
2. Parents should also remember they are out to support the children in the programs, not to draw attention to themselves. Parents should not be rude, arrogant, overbearing or undignified.
3. Do not assume a 'Win at all Cost' attitude. Through sports, a child can experience attitudes which lead to a happy, productive and well-adjusted life. By creating a healthy situation on the team, all children can be winners regardless of their won-loss record.
4. Children learn much from what parents and spectators say and do, so don't be sorry later for what you say and do now.
5. No parent or spectator shall possess or consume any alcoholic beverages at any practice or game.
6. Parents should remember to shape their character and conduct so as to be a worthy example of their children.
7. Any parent whose child is participating in Recreation Department activities and whose child is participating under a false name or age will be suspended from Department activities and banned from Department property indefinitely.
8. Any parent or spectator acting in an unsportsmanlike manner or in any way that could prove detrimental to any league, player, official, coach or another spectator, will be subject to the following disciplinary action by the Department and/or Commissioners.

### DISCIPLINARY ACTION

- a. Profane or intemperate language (Minimum suspension for seven (7) days plus suspension from next scheduled game.)
  - b. Touching or striking an official, coach, spectator, player, etc. (Suspension to be determined by Director.)
  - c. unsportsmanlike conduct at an athletic event (Minimum suspension for seven (7) days plus suspension from next scheduled game.)
  - d. Damage to Department property (Suspension to be determined by Director.)
  - e. Ejection from a game (Must leave Department property immediately and suspension for the following game.)
  - f. Fighting (Suspension may be for a twelve (12) month calendar period from the day of infraction from all activities.)
  - g. The above are minimum penalties. If circumstances warrant, Parks and Recreation may initiate criminal charges through the proper law enforcement agencies.
9. Parents and spectators should remember that coaches are volunteers and are giving their time to help boys and girls learn the game. Parents and spectators should not complain or offer advice from the stands.
10. Parents and spectators who attend sports activities should cheer for all the players on both teams.

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

APPENDIX C  
SPALDING COUNTY RECREATION DEPARTMENT  
ATHLETIC COACHES AND OFFICIALS POLICIES AND ETHICS

1. All coaches and officials must complete a coaches background check and be approved by the league coordinator. All coaches and officials must execute a full release allowing any law enforcement agency to run a complete criminal background check on them.
2. All coaches must attend the required coaches N.Y.S.C.A. certification classes each year in each sport he or she wishes to coach. Failure to attend will cause loss of his or her team. Coaches will not be allowed to conduct practices or games on Department facilities until certification is completed.
3. Coaches and officials should study the rules of the game, observe the rules, and attempt to improve him or her self through knowledge of the sport.
4. Coaches and officials should remember that they are out there for the children and not to draw attention to themselves but to the youth playing the game.
5. Coaches and officials should shape their character and conduct so as to be a worthy example to the youth under their instruction.
6. Coaches and officials should be fair and unbiased in their decisions, regarding the playing of children.
7. Coaches and officials should cooperate and be professional in their association with fellow coaches and officials and do nothing to cause them or the Department public embarrassment.
8. Coaches and officials should be dignified, courteous, positive, friendly, calm, and always alert; never rude, arrogant, and overbearing during practice and games.
9. Coaches and officials should keep in mind that the children are more important than the game or the ambitions of any player or parent.
10. Coaches and officials shall not smoke, dip, or chew tobacco or tobacco products on or in the vicinity of the playing field, or consume any alcoholic beverages before and/or during a game or practice.
11. Any coach or official acting in any unsportsmanlike manner or in any way that could prove detrimental to the league, players, umpires, or spectators may be subject to

disciplinary action by the Department and/or Commissioners as follows:

- a. Profane or intemperate language (Minimum suspension for seven (7) days plus suspension from next scheduled game.)
  - b. Fighting (Suspension may be for a twelve (12) month calendar period from the day of infraction from all activities.)
  - c. Touching or striking an official, coach, spectator, player, etc. (Suspension to be determined by Director.)
  - d. Unsportsmanlike conduct at an athletic event (Minimum suspension for seven (7) days plus suspension from next scheduled game.)
  - e. Damage to Department property (Suspension to be determined by Director.)
  - f. Ejection from a game (Must leave Department property immediately and suspension for the following game.)
  - g. The above are minimum penalties. If circumstances warrant, Parks and Recreation may initiate criminal charges through the proper law enforcement agencies.
12. Any coach or official having knowledge of any player in the league or tournament who is participating under a false name or age, shall report same to the Department immediately.
13. All coaches, upon accepting the responsibility to coach, are required to accompany their team to all playoffs. In the event a coach cannot accompany his or her team to a playoff, he or she shall make arrangements to ensure a qualified coach accompanies the team to all playoff games. A coach's failure to either accompany his team to the playoffs or to make acceptable arrangements for a qualified coaching replacement to accompany the team will result in immediate suspension of the assigned coach for a period to be determined by the Director.
14. Any coach or official who is involved as a parent, coach, official or spectator participating in a Department activity must adhere to the regulations and ethics set forth herein. Failure to do so may result in the suspension or termination of coaching privileges for a period to be determined by the Department and/or Commissioners.

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

APPENDIX D  
SPALDING COUNTY PARKS AND RECREATION DEPARTMENT  
PLEASE HELP US TAKE CARE OF YOUR PARKS BY OBSERVING:

1. Enter the park at your own risk.
2. No motorized vehicles of any kind allowed on the track.
3. No pets or animals allowed in the park.
4. No golfing is allowed in the park.
5. No littering in the park.
6. No alcohol or controlled substances allowed in the park.
7. No bicycles or skateboards allowed on track.
8. No roller blading or roller-skating allowed in park.
9. No cleted shoes allowed on the track.
10. No activity is allowed on the track that may damage surface or track.

RULES TO BE POSTED (SIGNED) AT FACILITIES

1. Disorderly conduct, including scuffling, fighting, and rowdy behavior, is prohibited.
2. Spalding County Parks and Recreation Department is not responsible for any injuries which may occur to players, coaches, league officials or spectators before, during or after any department-sponsored activity.
3. Spalding County Parks and Recreation Department is not responsible for theft, fire, vandalism or damage to vehicles while on department property.
4. Alcoholic beverages are absolutely prohibited while engaged in department sponsored

activities or while on department property.

5. Use of profanity by players, coaches, league officials or spectators while on recreation department property or while engaged in any activity sponsored by the recreation department is prohibited.
6. Animals, vehicles, and golfing are not allowed on recreation fields, courts and arenas.
7. Proper attire (shirts, shoes, etc.) is required to enter and use all gym facilities. Any person using the gym floor must wear tennis shoes. Dunking is absolutely prohibited.
8. All players participating in department recreation activities do so at their own risk. Spalding County Parks and Recreation Department is not responsible for injuries to players, coaches, league officials and spectators which may occur before, during or after any department sponsored activities.

#### ASSOCIATION AGREEMENT

This agreement, made this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_\_, by and between Spalding County, a political subdivision of the State of Georgia, (hereinafter called "County") and \_\_\_\_\_, a nonprofit organization (hereinafter called "Association").

In consideration of the mutual agreements contained herein, County and Association agree as follows:

1. The County agrees to provide playing fields/recreation facilities to the Association in order that a youth sports program can be provided to the citizens of the County in accordance with Spalding County policies and procedures for Youth Sports Associations operating on Spalding County park property.
2. The County agrees to authorize Association to use the facilities as denoted on Facilities Drawing as attached and incorporated herein by reference, for a period of time beginning on \_\_\_\_\_, and continuing through \_\_\_\_\_. A new agreement must be signed annually. This agreement may be terminated by either party provided written notice is given thirty (30) days in advance without cause.
3. The County designates the Director of the Spalding County Parks and Recreation Department (hereinafter called "Director") as its point of contact, coordinator and liaison person with the Association in the execution of the terms of this agreement.
4. Association agrees that the Board of Commissioners has vested ownership in all financial assets, equipment, and property of the Association. This includes equipment rented or loaned to participants by the Association. A county employee must be named on all Association accounts for inquiry purposes only.
5. Failure of County to insist upon a strict performance of any term or condition of this agreement shall not be deemed a waiver of any right or remedy the County may have, and shall not be deemed necessary by the County.
6. If Association defaults on any obligation under this agreement or violates any term hereof, County may terminate the agreement immediately.
7. It is expressly agreed and understood that Association releases County, its agents and employees, from any and all damage or injury to persons or property arising out of the performance of this agreement and that Association shall indemnify and hold harmless the County against all damages, liabilities, expenses, and losses incurred by County as a result of Association's performance of this agreement. The Association shall provide comprehensive liability insurance coverage with minimum limits of coverage as follows: \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage each occurrence. A Certificate of Insurance will be issued showing Spalding County Board of Commissioners as an additional insured. No Association will be allowed to start season until proof of insurance has been submitted.
8. Additionally, the Association agrees to furnish the County with the following:
  - (1) Proof of 501(C)3 non profit status. (IRS Tax Status Determination Letter)
  - (2) Proof of annual filing/renewal of Articles of Incorporation with The Georgia Secretary of State.

- (3) Association financial statements will be required to be submitted mid-year and year-end. (Appendix I).
  - (4) At a minimum, the Association Treasurer and President are to be bonded with a fidelity bond in an amount equal to or exceeding the revenue generated in the previous year.
  - (5) Copy of Association's meeting minutes and treasurers report to be received no less than 10 days after business meeting.
  - (6) Copy of By-Laws.
  - (7) List of current board members with addresses and telephone numbers.
  - (8) Pre and post season inventory of all equipment. It is recommended that all equipment owned by the Association be labeled with Association logo.
  - (9) A list of all coaches' names, addresses, and telephone numbers.
  - (10) A completed and signed application from each coach, league official, umpire and referee which allows for a background check to be conducted by the local law enforcement, and which must be completed before the draft (Appendix II).
  - (11) Two months notice of each season schedule. Full season schedule two weeks in advance of start of season. Two months' notice of tournaments and clinics, etc.
  - (12) Youth Associations shall be required to notify Parks and Recreation no less than five (5) days prior to holding a regularly scheduled Board or general membership meeting and a twenty-four (24) hour notice prior to holding a called meeting of the Association Board.
  - (13) Youth Associations shall require that two (2) signatories be required on checks.
9. The Association agrees to provide Parks and Recreation with a copy of League play rules and draft rules. Proposals to change league affiliation, league rules and/or draft rules must be submitted to the Parks and Recreation Advisory Commission for approval before putting such changes into effect.
  10. The Association agrees to complete the "Team Roster" as shown as Appendix III, returning to the Director by the start of the regular season.
  11. In addition to the Team Roster, the names of all out of County participants must be documented with a check attached which amounts to the \$20.00 per participant surcharge.
  12. Each Association will provide its own procedure for registering players who cannot afford to pay and will provide written copy of procedure to be approved by the Advisory Commission. In return, the Association will not be required to participate in the scholarship fund. Parks and Recreation will keep fund for the football program. Each Association will have to demonstrate that its procedure is fair and equitable and that no one is denied an opportunity to play. Any Association not providing this information in its annual financial report, as required by the Association Agreement, will be required to pay \$2.00 per participant with the balance being included in the annual budget from the Board of Commissioners.
  13. Parks and Recreation Advisory Commission meets the 2<sup>nd</sup> Thursday of each month. It is recommended that Association Presidents and/or representatives attend. Any requested agenda items must be received by Parks and Recreation no less than 10 days prior to the scheduled meeting.
  14. Concessions equipped with a Quick and Crispy Greaseless Fryer are available at all sports complexes. This oven is the sole property of Spalding County and cannot be moved or used for individual personal use. It is the responsibility for the Association to operate and maintain the equipment to its optimal level and it must be cleaned per manufacturer instructions. If equipment is in need of repair it is the responsibility of the Association to contact Parks and Recreation during normal business hours. The Association is responsible for keeping the concession area clean and orderly and must meet county health code. No raw foods are to be cooked on County property. Concession areas are subject to unannounced inspections by Parks & Recreation staff.
  15. Youth Associations are required to follow the beverage agreement as established annually by Spalding County Parks and Recreation.
  16. The Youth Association agrees to abide by travel/tournament rules as specified below:
    - a. All Travel Ball programs (programs whereby teams are invited to play outside of the regular recreation program season) will be managed and accounted for by the respective association. The association participating in Travel Ball will be responsible

for managing the event and reporting funds according to the required financial statement provided by the Spalding County Parks and Recreation Department (SCPRD).

- b. There will be a limit of 10 Travel Ball tournaments per calendar year per sport. Those offered at multiple facilities will be counted as one. Calendar year is defined as January 1<sup>st</sup> to December 31<sup>st</sup>.
- c. It is the policy of SCPRD that individuals who utilize Spalding County property must pay Spalding County 30% of gross revenues for facility usage, therefore, the association is responsible for paying 30% of each tournament's set entry fee times the number of teams playing (regardless of team's origination).

In the case of no entry fee for local teams, the association is still responsible for 30% of the customary entry fee.

- d. Example: \$300.00 (entry fee) x 12 teams (even if from Spalding County) = \$3,600. Amount due to Spalding County is 30% x \$3,600 = \$1,080. All fees due to Spalding County must be paid no later than 10 days after the date that the tournament is completed. Checks should be made payable to: Spalding County Parks and Recreation Department.
- e. All Travel Ball programs must be coordinated by the association through the Athletic Supervisor of SCPRD for field scheduling and preparations. Travel Ball tournament schedules must be given to the Athletic Supervisor 30 days prior to the date of the first tournament game.
- f. The association is responsible for paying security officer(s) at all travel ball tournaments and must submit the request to the Parks and Recreation Athletic Supervisor. The department's Security Coordinator will be contacted to secure a certified police officer. Uniformed police officers must remain on site for the entire tournament. At least one security officer is required at all tournaments.
- g. When the association has scheduled an indoor tournament at a Parks and Recreation facility, they will be responsible for the cost of staff working past normal business hours of the facility.
- h. All tournaments will be played on the field dimensions as established and used during the regular recreation program season.
- i. The association is responsible for all clean-up to include emptying all trashcans, cleaning parking lot, and taking properly bagged trash to the dumpster.

- 17. This agreement may be modified only by an agreement in writing between the County and the Association.
- 18. It is the intent of the County and the Association that nothing contained herein shall be interpreted to assign to the Association any status under this agreement other than that of an independent Association and not a department of Spalding County.
- 19. Nothing contained herein shall be construed to be a waiver of governmental immunity by the County, its officers and employees.
- 20. For the purpose of this agreement, any notices required to be sent to the parties hereof shall be mailed to the following respective addresses:

Association:	County:
_____	Spalding County Parks & Recreation
_____	P.O. Box 1087
_____	Griffin, GA 30224

- 21. It is agreed between the County and the Association that this agreement shall be executed in an original (held by Spalding County) and one (1) copy, which may be used for any purpose for which the original may be used.
- 22. Association shall have the right to assign the interest it holds in this agreement only with the prior written approval of the County.
- 23. The parties agree that the laws of the State of Georgia shall govern this agreement.
- 24. The Association agrees to submit to the Director no later than two (2) weeks prior to season opener a written schedule of all games. Any changes in the submitted schedule must be made in writing at least forty-eight (48) hours in advance of any game(s); weekends not included.

25. The facilities shall not be used for any purpose except for those herein designated, without the written consent of the County.
26. The Association agrees to abide by the Key Procedure Agreement (Appendix IV).
27. Association agrees that all coaches and officials must be National Youth Sports Coaches Association (N.Y.S.C.A.) certified, and further agrees that a mandatory background check by the local law enforcement officials will be conducted.
28. Association agrees the facilities will be used in a safe manner and in compliance with all applicable federal and state laws and County ordinances, rules and regulations (Appendix A).
29. Association agrees that it is unlawful to possess or consume illegal drugs or alcoholic beverages on park property, and in the event of a violation, the authorities must be called.
30. Association shall not cause or permit damage or injury to the facilities. Association shall make no alteration, addition, or improvement to the facilities without County's prior written consent and any such alterations, additions, or improvements shall become and remain County property.
31. The County agrees to be responsible for field preparation for games; however, Associations with games on Saturdays, Sundays, and holidays will be responsible for preparing fields for play, including checking fields for safety hazards. Further, the County agrees to prepare fields for sub-district, district, and state tournaments with proper notification from Association and as overtime budget allows.
32. The County reserves the right, based on inclement weather conditions, to call games for the safety and well-being of the participants and spectators. If an Association uses the facilities after such an advisory by County, the Association will be in breach of this contract and hereby agrees to reimburse the County for additional cost to repair the field(s). The Association is responsible for communicating to its participants about the play of games during periods of inclement weather.
33. At the direction of the Director of Parks and Recreation, the County may enter the facilities at any time during the period of this agreement for such inspection or supervision as deemed necessary.
34. The Director may issue a special permit upon request by the Association to close one field in each park during the calendar year. Otherwise, all fields are open for public use except when the Association has scheduled games or practices or maintenance work is being performed.
35. Association agrees that all plans for improvements or alterations to facilities must be submitted to the Director for review and approval. The plans must meet all Federal, State and Local Building Codes and are subject to the approval of the County Building Inspection Department. Work may proceed only after receipt of written approval from the Director.
36. Association agrees that all work requests for general maintenance or special needs regarding existing facilities are to be made to the Parks and Recreation Department utilizing the work order request form and only when initiated by the President or his/her designated representative with the exception of emergencies. Emergency requests during evening and weekend hours should be handled through the On-Call Emergency System.
37. Association agrees that admission fees are prohibited for normal Youth Sports Association play. Admission fees may be collected by Youth Sports Associations for tournament play upon written approval of the Director.
38. Association agrees that the erection of any signs must be approved by the Director. This includes banners/signs attached to fences, buildings, and sponsor boards in the park. All signage in the parks must meet the requirements of the County sign ordinance. Further, all maintenance to the signs is the responsibility of the Association.
39. Association agrees that the Association is responsible for operating its programs in as safe an environment as possible. All sports equipment must meet national safety standards, and regular inspections as to the condition of the equipment should be performed. All fields should be inspected before each use to insure a safe atmosphere. The Association is responsible for immediately notifying the County of any damage or hazardous conditions. The Association understands that anyone it sub-contracts with is bound by obligations of the Youth Association Agreement.
40. The Association agrees, subject to appropriate classification for purposes of insuring the safety, health and welfare of participants that all persons shall be offered the opportunity to

participate regardless of race, color, national origin, religion, sex, age and handicap, unless such participation would create a risk to the participant.

- 41. Association will be responsible for taking all precautions to prevent litter, noise, traffic and parking problems, etc., which would be a nuisance to residents around County parks.
- 42. Youth Associations agree to have all parents/guardians sign the Parent and Spectator Code of Ethics (Appendix B) and have all coaches and officials sign the Athletic Coaches and Officials Policies and Ethics (Appendix C).

Signatures

\_\_\_\_\_  
Signature - Association

\_\_\_\_\_  
Signature - Director Parks & Recreation

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Typed/Printed Name

\_\_\_\_\_  
Title

-----  
-

As President of \_\_\_\_\_

I acknowledge that I have read and hereby agree that I will abide by and insure compliance by the Association of all terms and conditions of this Facility Use Agreement. I understand that failure to comply could result in revocation of the Association Agreement and that legal action could be taken against me as President of the Association.

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed/Printed Name

## Appendix I -- Income & Expense Report

Association \_\_\_\_\_ Period: \_\_\_\_\_ to \_\_\_\_\_

Bank \_\_\_\_\_ Acct. # \_\_\_\_\_ Balance \_\_\_\_\_  
 Other, CD's, etc. \_\_\_\_\_ Bank \_\_\_\_\_ Acct. # \_\_\_\_\_ Balance \_\_\_\_\_

Revenue / Income	Budget		Actual	Difference
Registrations				
Sponsors				
Concessions				
Fundraisers				
Tournaments				
Other				
Other				
Other				
<b>Total</b>				

Expenses / Concession Items	Budget		Actual	Difference
Specify: _____				
<b>Total Concession Expenses:</b>				

All Other Expenses	Budget		Actual	Difference
Uniforms				
Awards				
Officials				
Scholarships given # _____				
Staff contracted				
Insurance				
Equipment				
Phone				
Web service				
Office supplies				
Other, specify: _____				
Other, specify: _____				
Other, specify: _____				
Other, specify: _____				
Other, specify: _____				
<b>Total All Other Expenses:</b>				

<b>Total Expenses (Concession + All Other Exp.)</b>				
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<b>Total (Revenue - Expenses)</b>	0			
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(Balanced Budget Total should = 0)

**I certify that all of the above is accurate and true:** \_\_\_\_\_  
**Treasurer's Signature/Date**

APPENDIX II  
CONSENT TO CONDUCT BACKGROUND CHECK

FULL LEGAL NAME: \_\_\_\_\_  
DATE OF BIRTH: \_\_\_\_\_ SEX: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
SOCIAL SECURITY #: \_\_\_\_\_  
HOME PHONE #: \_\_\_\_\_ CELL PHONE #: \_\_\_\_\_  
SPORT/PROGRAM: \_\_\_\_\_  
AGE GROUP/TEAM: \_\_\_\_\_ (If Known)

By executing this document, I hereby authorize the Spalding County Parks and Recreation Department to make any inquires deemed appropriate into my background in order to complete the application process. I realize this inquiry will include a criminal background check that will reveal any crime I have ever been convicted of or entered a plea of nolo contendere to, whether misdemeanor or a felony. This will include criminal conduct involving domestic abuse, alcohol and controlled substances as defined by Georgia law. I specifically authorize the Spalding County Parks and Recreation Department to conduct a criminal background check on me.

I WILL BE SUBJECT TO THE FOLLOWING CONDITIONS AND PENALTIES REGARDING COACHING AND OFFICIATING IN SPALDING COUNTY PARKS AND RECREATION ASSOCIATIONS AND PROGRAMS. I DO HEREBY ACKNOWLEDGE MY UNDERSTANDING THAT MY PRIVILEGE TO COACH AND/OR OFFICIATE IN THE YOUTH PROGRAMS WITH THE SPALDING COUNTY PARKS AND RECREATION IS SUBJECT TO THE FOLLOWING LIMITATIONS:

1. Anyone convicted of a criminal offense involving child abuse, child molestation, statutory rape, or any other offense against children, may not coach or officiate. Penalty: Subject shall never be allowed to participate in recreation associations and programs in any capacity.
2. Misdemeanors: Anyone who has been convicted or pled nolo contendere to the following (not including traffic citations) five years prior to the date this document is signed.
  - A. One (1) misdemeanor: No Penalty.
  - B. Two (2) to four (4) misdemeanors: Penalty — Will not be allowed to participate until five (5) years after the last conviction.
  - C. For more than four (4) misdemeanors: Penalty — Will not be allowed to participate until eight (8) years after the last conviction,
3. Felonies: Anyone who has been convicted or pled nolo contendere to a felony will not be allowed to coach or officiate for a period of three (3) years from the date the person is released from probation or parole for the conviction. Proof of release from parole or probation is required.
4. If a person has any criminal charge pending against him or her, except a pending traffic violation not involving drugs or alcohol (such as a speeding ticket), that person may not coach or officiate. Upon completion of the case, results may be presented to the Director of Parks and Recreation for a final decision.

I understand that I have a right to request and to (1) obtain a copy of any background check report, and (2) challenge the accuracy and completeness of any information contained in any such report. I also understand that I may be required to submit a classifiable fingerprint card should an initial records check reveal that I have been arrested or convicted or that I am currently charged with any of the above enumerated offenses.

I acknowledge that the Spalding County Parks and Recreation Department may choose to deny me unsupervised access to a child or children pending the completion of the background check; and I further agree to release and hold the Spalding County Parks and Recreation Department and/or Spalding County harmless regarding any liability for defamation, invasion of privacy, or any other claim based upon good faith action taken pursuant to the provisions of this consent.

By signing this document, I do hereby certify to the Spalding County Parks and Recreation Department that I am not subject to any of the rules as stated above. I further understand that I am subject to the rules as stated above irrespective of whether a conviction or plea fails to appear on my background check report.

This \_\_\_\_\_ day of \_\_\_\_, \_\_\_\_\_.

Applicant's Signature

**APPENDIX III  
S.C.P.R.D. TEAM ROSTER**

TEAM \_\_\_\_\_ HEAD COACH \_\_\_\_\_  
 LEAGUE \_\_\_\_\_ ADDRESS \_\_\_\_\_  
 SPORT \_\_\_\_\_ CITY \_\_\_\_\_  
 YEAR \_\_\_\_\_ PHONE # \_\_\_\_\_

#	PLAYERS	UNIFORM NUMBER	ADDRESS	FOOTBALL WEIGHT	DATE OF BIRTH	AGE	PHONE #
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							

ASST. COACH \_\_\_\_\_ PHONE # \_\_\_\_\_  
 ASST. COACH \_\_\_\_\_ PHONE # \_\_\_\_\_  
 ASST. COACH \_\_\_\_\_ PHONE # \_\_\_\_\_  
 TEAM MOTHER \_\_\_\_\_ PHONE # \_\_\_\_\_

AGE	RETURN	DRAFT

STOP AT \_\_\_\_\_

**APPENDIX IV  
KEY PROCEDURE AGREEMENT  
ADDENDUM TO YOUTH ASSOCIATION AGREEMENT**

- The Association agrees to be responsible for the Key Procedure Agreement including the related cost of lost keys, lock damage, core changing, key re-making, or any other cost associated with the responsibility of holding a SCPRD key. The Association also agrees to be responsible for any keys that are signed out and/or used by its president and/or designee(s) of the Association. The Association will be required to sign and keep on file a new lock procedure key agreement two (2) weeks preceding each annual election.

- The Association, or the president of the Association, agrees to collect and turn in all keys within two (2) weeks preceding each annual election. At this time, the keys will be reassigned to the appropriate individual(s).
- An Association may receive up to four (4) sets of keys per appropriate facility (park as a whole). This may include any combination of masters and/or single door keys not to exceed a total of four (4) keys per any one door in that facility. The president will be issued a master set of appropriate keys. This set will be in addition to the four (4) sets. One set of appropriate keys will be issued for a private concession contractor. These keys will be directly signed out to the contractor operating the concession stand. Associations will not have access to privately contracted concessions keys.
- The president will sign out all of the keys for the association. The president will be required to fill out a supplemental sheet designating the names of those receiving the keys at the time of signing out the keys.
- All locking system requests must be submitted in writing and be approved by the SCPRD Director, and must be made 10 working days in advance. Appropriate forms can be obtained through the Athletic Supervisor.
- Sign-out keys are available for special events for a specified period of time with approval of the SCPRD Director. Sign-out keys will only be assigned to an Association board member and that board member must be present when sign-out keys are used.
- The following fees will be charged to the Association when appropriate:
  - Replacing a key - \$2.50 each
  - Replacing and/or re-keying a core - \$15.00 per core
  - Damage to door, keys or locks caused by the Association or an Association member, will be billed appropriately.

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 County Attorney Jim Fortune referenced the request of Parks and Recreation dated March 13, item by item. The first item concerns the time frame for financial statements, changing to mid-year and year-end from pre-season and post-season. The second item needs to be referred to as a fidelity bond to be bonded with the amount of the bond determined by the revenue generated from the previous year. The balance of the second item is not problematic, and the third and fourth items present no problem, as well.

***Motion to approve revised Spalding County Parks and Recreation Rules and Regulations to replace previous document in its entirety, tabled from the December 15, 2008 and April 6, 2009 meetings, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.***

2. Lift from the table: Consider recommendation of Parks & Recreation Advisory Commission to alter the opening/closing times of City Park, Fairmont and Ambucs Park gyms, effective May 1, 2009.

***Motion to Lift from the Table consideration of the recommendation of Parks & Recreation Advisory Commission to alter the opening/closing times of City Park, Fairmont and Ambucs Park gyms, effective May 1, 2009, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.***

Mr. Wilson advised this is one of the recommendations that resulted from a discussion about cost-saving measures. Usage of these parks at these times is extremely limited, and these adjustments should not be problematic. Louis Greene, Director of Parks and Recreation, noted that some savings should be realized from reduced utilities and the vacating of two full-time positions with benefits. They will tentatively have one full-time position and two part-time positions. No one will lose their jobs as a direct result, and no one new will have to be hired. The gyms will be run with part-time personnel. The gyms will still be open for the summer park programs, i.e. day camp and food programs, as noted by Parks and Recreation Advisory Commissioner member Zachery Holmes. The gym simply would not be open for free play and, therefore, would not have to be monitored. Discussion followed. The Athletic Supervisor will oversee the part-time workers designated to monitor the gyms.

***Motion to approve the recommendation of Parks & Recreation Advisory Commission to alter the opening/closing times of City Park, Fairmont and Ambucs Park gyms as noted below, as requested by Parks and Recreation Advisory Commission, except with an effective date of***

*September 1, 2009 after school begins, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.*

*City Park and Fairmont Parks Hours: Closed Wednesdays and Fridays. From 2:00 to 10:00 p.m. on Mondays, Tuesdays, and Thursdays, as well as 10:00 a.m. to 5:00 p.m. on Saturdays.*

*Ambucs Park Hours: Closed Wednesdays and Fridays. From 5:00 to 10:00 p.m. on Mondays, Tuesdays and Thursdays, as well as 10:00 a.m. to 5:00 p.m. on Saturdays.*

3. Lift from the table: Consider approval of official statement for Georgia Department of Transportation confirming desired location for Commuter Rail Station.

*Motion to lift from the table: Consideration of official statement for GDOT confirming desired location for Commuter Rail Station by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.*

Discussion followed after Commissioner Freeman explained the rationale for placement of the Commuter Rail Station (intermodal transfer station) adjacent to the Sixth Street Bridge behind the Courthouse Annex, noting this could be a starting point for discussions on the station even though he would prefer a platform at the UGA Griffin Campus, as well. It is imperative that some action be taken in a timely fashion so as not to lose the \$87 million federal grant money that has been targeted for the rail line. Most commissioners agreed it would be more important to have either a secondary platform at the UGA Griffin Campus at the very least or, at best, consider a UGA Griffin Campus as the primary platform location for this area. This would compliment the new Student Learning Center, for which an increased number of students is expected in the coming years and for which the Campus received \$10 million in SPLOST funding. Commissioner Freeman noted the difference between commuter rail and passenger rail, and noted this area has the potential for passenger rail, which changes the complexion of the matter somewhat. GDOT wants a recommendation. However, commissioners felt that having students of the UGA Griffin Campus, for whom this option was a great selling point, having to then find additional means of transportation back up to the Griffin Campus from this downtown platform, defeated the purpose as originally discussed. Commissioner Flowers-Taylor noted the idea for the rail station started at the Welcome Center and then changed to the UGA Griffin Campus and now this location. She felt there would be more parking available near the Griffin Campus of UGA than at this downtown location and greater opportunity for shopping on the north end of town as opposed to the downtown area. Commissioner Freeman reported this identified location was satisfactory on several levels, among them being developmentally attractive to peripheral businesses, favorable site grade issues, suitable historical and environmental clearances, etc. Mr. Wilson confirmed, saying this site was approved on all these levels, whereas the other sites considered demonstrated problems in some areas. To change to an identified area that did not satisfy all the criteria for GDOT would only mean the process would be delayed while all these clearances are being obtained, thereby deferring for an indefinite period of time and possibly jeopardizing the project.

Commissioner Flowers-Taylor had a problem with the County not being a part of the initial discussions between GDOT and the City. She realized that action was imperative, but the decision needs to be right and beneficial to Spalding County.

*Motion to approve an official statement for Georgia Department of Transportation confirming the County's desired locations for Commuter Rail Stations to be primarily adjacent to the Sixth Street Bridge with a secondary platform at the UGA Griffin Campus in the future, by Commissioner Freeman, failed for lack of second.*

*Commissioner Flowers-Taylor moved to recommend to GDOT that the primary platform be located at UGA Griffin Campus with a secondary platform at the site adjacent to the North Sixth Street bridge, seconded by Commissioner Gilreath, and motion carried by a vote of 3-1 with Commissioner Freeman opposing.*

## **XI. NEW BUSINESS**

1. Consider approval of new 2009 Alcoholic Beverage License – Retail Sales – Beer Only – for John Rory Brown, owner of JRB Grocery, LLC, d/b/a Minit Man, located at 3981 N. Expressway, Griffin.

Mr. Wilson recommended approval for this new owner of the existing Minit Man Mart.

***Motion to approve new 2009 Alcoholic Beverage License – Retail Sales – Beer Only – for John Rory Brown, new owner of JRB Grocery, LLC, d/b/a Minit Man, located at 3981 N. Expressway, Griffin, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 4-0.***

2. Consider approval of Modification No. 2 for 800 MHz Communication Project Deployment Oversight with Georgia Tech Research Corporation to change the end date to April 30, 2009.

Mr. Wilson reported this request from Georgia Tech would simply like to end their contract as of April 30, with an extension to be executed if desired on an individual basis with Mr. Macke.

***Motion to approve Modification No. 2 for 800 MHz Communication Project Deployment Oversight with Georgia Tech Research Corporation to change the end date to April 30, 2009, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.***

3. Consider request of April Freeman of Sheriff's Department Victim Service Unit to apply for a Federal JAG grant in the amount of \$77,000 through four years with no required match.

***Motion to approve request of April Freeman of Sheriff's Department Victim Service Unit to apply for a Federal JAG grant in the amount of \$77,000 through four years with no required match, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0 after some discussion.***

4. Consider request of CASA (Court Appointed Special Advocates) for office space in the old post office building located at 141 West Solomon Street as requested by Judge Ben Miller, Juvenile Court.

Mr. Wilson noted the Georgia Public Defenders Council Conflict Office will be soon vacating space in the old Post Office Building at 141 West Solomon Street on the second floor. The basement of this building is used for storage and the Public Defender offices occupy the first floor. There will be no rental charged per the request of Judge Ben Miller. They will provide their own phones and equipment.

***Motion to approve request of CASA (Court Appointed Special Advocates) for office space in the old post office building located at 141 West Solomon Street as requested by Judge Ben Miller, Juvenile Court, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0 after some discussion.***

5. Consider approval to request that the Atlanta Regional Commission designate funds for the study and implementation of the 5307 transportation allocation.

Mr. Wilson advised this letter is received annually regarding estimated Federal Transit Administration Urbanized Area Formula Funding. There is currently about \$800,000 in accumulated funds. Last week, a representative notified Paul Van Haute that, with recent changes, 5307 monies can be used for passenger rail, but we have yet to receive this clarification in writing. This money can be banked for up to seven years, and this is year four of that time frame. If the money is not utilized by FY 2013, it will revert to other counties. Use is somewhat limited because it is transit money, so it would be very beneficial if it could be deemed as usable for passenger rail.

***Motion to approve a request that the Atlanta Regional Commission designate funds for the study and implementation of the 5307 transportation allocation, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0 after some discussion.***

6. Consider approval, on first reading, Ordinance #2009-04 regarding distance requirements for the sale of alcoholic beverages, specifically related to Village Node zoning districts, to amend Part VI, Licensing and Regulation, Chapter 1: Article C, Section 6-1058.1(1).

Mr. Wilson noted that Minerva asked the Board of Commissioners, a few months ago, to consider exempting premises located within the Village Node zoning district from minimum distance requirements for alcoholic beverages. This request is necessary because of the very nature of placement of businesses and mixed uses within the Village Node concept. The Village Node at Heron Bay will be proceeding this summer and this will assist with development as it was designed, to prevent sprawl and encourage condensing of uses for residents. The Village Node concept is really urbanizing concepts that Spalding County has not experienced to date. This would allow consumption of alcohol on the premises at any distance from any other land use within the VN zoning class. Extensive discussion followed.

*Motion/second to approve, on first reading, Ordinance #2009-04 regarding distance requirements for the sale of alcoholic beverages, specifically related to Village Node zoning districts, to amend Part VI, Licensing and Regulation, Chapter 1: Article C, Section 6-1058.1(1), by Commissioners Freeman and Flowers-Taylor, were subsequently withdrawn.*

*Motion to table Ordinance #2009-04 regarding distance requirements for the sale of alcoholic beverages, specifically related to Village Node zoning districts, to amend Part VI, Licensing and Regulation, Chapter 1: Article C, Section 6-1058.1(1), until further information can be obtained and provided by Commissioner Flowers-Taylor and seconded by Commissioner Freeman, and motion carried by a vote of 4-0.*

## **XII. REPORT OF COUNTY MANAGER**

- Reminder: Man of the Year Proclamation will be presented at the Exchange Club Meeting at noon on Tuesday, April 21, 2009 at the Griffin Elks Lodge.
- Senior Games will be held April 30 at 9 am at City Park.
- The County started 800 MHz training today in this meeting room and will be ongoing all week.
- Reminder: One Town/One Goal Community Build Day will be held May 2, at 8 a.m. The County is providing a tent, snacks and personnel to assist. Most of the effort is being put forth by Kiwanis and the City of Griffin.
- Correspondence from GDOT for a bridge just north of the entrance to Sun City will qualify under stimulus money. Minerva asked for a bridge side-by-side with the old one while construction is ongoing, but that won't happen unless they are willing to fund the \$500,000 price tag to keep the roadway open, to utilize an offsite detour. Major marketing efforts for Sun City come off Rocky Creek Road, so this will be a major inconvenience.
- The County has been notified that Henry County Water & Sewer is notifying property owners along Troublesome Creek of a possible project for that authority.

## **XIII. REPORT OF COMMISSIONERS**

### **Freeman:**

No comments.

### **Flowers-Taylor:**

No comments.

### **Gilreath:**

He recognized Tootsie Powers in attendance tonight, and he encouraged all to visit the Mayfling on April 25/26. He asked Mr. Wilson about the Johnson Controls contract and rent for County buildings to be charged to the City for voting expenses. Mr. Wilson advised the scheduled meeting today to discuss City voting was cancelled, and something would be placed in their boxes within the next two weeks regarding same. Mr. Wilson has also just received the new Johnson Control contracts, so he will apprise commissioners of same. Several weeks ago, discussed at great length was the issue of removing vehicles from certain county officials. Commissioner Gilreath questioned the change to that policy, authorizing the Warden at the CI to again carry his vehicle home after take-home cars had been removed from all but essential emergency personnel. Mr. Wilson noted that Warden Sikes reimburses the County for the gasoline used. Chairman Goss stated a consensus of the Board, as polled by him at the time, agreed to reverse the initial decision on Warden Sikes' use. The Department of Corrections recommended he be given the car back with the stipulations described by Mr. Wilson. Commissioner Gilreath asked to remove the car from the Warden's use tonight, and said he would not tolerate this Board going behind his back to play favorites with government. Mr. Wilson advised Commissioner Gilreath that the Board never voted on any cars at all. The Chairman came to Mr. Wilson and said these were the wishes of the Board and that the County Manager could remove the cars himself or have it brought before the Board. Mr. Wilson stated he chose to remove the cars and the issue with the Warden's vehicle was subsequent to that discussion. This, as a matter of day-to-day operations, is a function of his area of responsibility. Then, requested Commissioner Gilreath, give all the affected individuals their cars back and not play favorites. Chairman Goss said no further discussion was going to be held.

Goss:

No comments.

## **XIV. CLOSED SESSION**

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

***Motion to Adjourn to Closed Meeting at 7:36 p.m., by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 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 April 20, 2009.

2.

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

3.

The executive session was called to order at 7:36 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 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 20<sup>th</sup> day of April 2009, Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 20<sup>th</sup> day of April 2009.

Edward Goss, Jr. L.S.

Bob Gilreath L.S.

Notary Public – Teresa A. Watson

Eddie Freeman L.S.

My commission expires: 3-1-2011

Gwen Flowers-Taylor L.S.

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***Motion to Adjourn Closed Meeting and Reconvene to Open Meeting at 8:19 p.m., by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.***

XV. ADJOURNMENT

***Motion to Adjourn at 8:20 p.m., by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.***

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Clerk

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