

REGULAR MONTHLY MEETING

The Spalding County Board of Commissioners held their Regular Monthly Meeting in Room 108 in the Courthouse Annex, Monday, May 4, 2009, beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Eddie L. Freeman, Bob Gilreath and David Phillips present. Also present were County Manager William P. Wilson, Jr., County Attorney James R. Fortune, Jr. and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. INVOCATION – Commissioner Flowers-Taylor**
- III. PLEDGE TO FLAG – Led by County Attorney James R. Fortune, Jr.**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Erik Steavens, Georgia Department of Transportation Intermodal Program Division Director, will give an update on passenger rail.

Mr. Steavens provided a general overview of Inter-City, or Passenger, Rail. This type rail is different from the more limited concept of commuter rail. The term Inter-City Rail is more reflective of the state's interest and gets more of a buy-in from involved parties. He pointed out the "trunk" of the rail tree as being the line from Atlanta to Macon, with branches offshooting in different directions to serve other areas, such as Columbus, Albany, etc. Mr. Steavens briefly described the business plan of the rail project and noted an operating agreement with Norfolk Southern is currently being explored. The condition of the rail, currently used primarily for freight, would have to be upgraded for passenger rail. Funding continues to be a source of concern, and creative financing is being identified, particularly with regard to operations and maintenance. Environmental updates are key, and one of the integral parts of this phase is

identification of station locations that will comply. ADA and level boarding requirements will need to be addressed, as will equipment procurement.

Noting the importance of the Griffin location as a hub of sorts, particularly for the Columbus branch line, he emphasized the connectivity that the downtown Griffin site provides. There is also a military component to the plan, as well, and most of the rail cities have military installations of some sort. A downtown station would, in his opinion, provide a more encompassing location, encouraging retail and commercial sales rather than having UGA students disembark at the Campus and never visiting the downtown area. Most communities are on board, and the state will not dictate where these station locations are identified but rather look to communities and counties to collectively decide those issues, taking into consideration that many factors go into making the site project ready, such as environmental studies, topography and grading, historical issues, financing, etc.

Most cities have identified 500-600 foot long platforms for their sites. Parking is crucial to station location, and there may be more of a need for parking here since for the time being it will terminate the line. Parking in close proximity is preferable, and most studies acknowledge that most people do not wish to walk further than ¼ mile for access.

Some discussion was held on funding, which appears to be more plentiful for projects that would be identified as passenger rail as opposed to commuter rail. Mr. Steavens felt there could be financing opportunities available through the federal government that might not have been available previously. Mr. Steavens and others discussed the rail to Columbus which has been abandoned by the existing rail service, although perhaps not legally abandoned. He offered his services should the County have any questions or need anything more.

V. PRESENTATION OF FINANCIAL STATEMENTS – N/A

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 McDaniel, 51 Chehaw Road, Griffin, Georgia

Mr. McDaniel advised he and neighbors were experiencing extreme difficulties with dogs, particularly a pit bull. They cannot go into the yard without concern for their safety. He presented signatures from five of the eight residents who want to have something done. When they call Animal Control and the Sheriff's Department and visits are made, the dog is returned to its owners.

Betty Gebhardt, 79 Richardson Street, Griffin, Georgia

Ms. Gebhardt complained about the issue of parking on Richardson Street in the no parking zones.

VIII. MINUTES

1. Consider approval of Minutes of the following: April 20, 2009 Extraordinary Session and April 23, 2009 Zoning Public Hearing.

Motion to approve Minutes of the April 20, 2009 Extraordinary Session and the April 23, 2009 Zoning Public Hearing, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 5-0.

IX. CONSENT AGENDA – N/A

X. OLD BUSINESS

1. Consider, on second reading, Amendment to UDO #A-09-03: Article 4. General Procedures – Section 408 – Building Permits Required – amend requirements to obtain building permits and clarify cost.

IN RE: Text Amendment A-09-03

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 April 23, 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 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 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:

Delete Section 408.A. entirely and replace with the following:

Section 408: Building Permit Required.

The developer or other person wishing to do any of the following must first apply to the Building Official for a Building Permit:

Excavation or filling of a lot for the construction of a building.

Erection, movement or demolition of a building.

Enlargement or other work on an existing building where the area to be expanded or the area in which work is to be performed is greater than 144 square feet.

Installation of a Manufactured Home or Industrialized Building.

Section 2: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

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, on second reading, Amendment to UDO #A-09-03: Article 4. General Procedures – Section 408 – Building Permits Required – amend requirements to obtain building permits and clarify cost, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-1 with Chairman Goss opposing.

XI. NEW BUSINESS

1. Consider approval of a new 2009 Alcoholic Beverage License – Retail Sales – Beer Only – for Aykz Lakhani, Owner and president of Mishka Multi Services, Inc., d/b/a Super Foods located at 2529 Old Atlanta Road, Griffin, Georgia.

Motion to approve a new 2009 Alcoholic Beverage License – Retail Sales – Beer Only – for Aykz Lakhani, Owner and president of Mishka Multi Services, Inc., d/b/a Super Foods located at 2529 Old Atlanta Road, Griffin, Georgia, by Commissioner Phillips, seconded by Commissioner Gilreath, carried by a vote of 5-0.

2. 2005 SPLOST Steering Committee Co-Chairs Dave Lamb and Cheryl Matlock request consideration of additional funding for the UGA Griffin Campus Student Learning Center.

Cheryl Matlock reported on some aspects of the Student Learning Center, and she thanked the Board of Commissioners for the funding to date they have provided for the Griffin Campus.

Dave Lamb directed comments to the Board, as well, on a historical background of the Campus commonly known, and originally begun, as an Experiment Station. The University System has also directed funds on this Campus to a great degree, and he detailed some projects totaling \$5,219,000 through this fiscal year, as well as the addition of faculty and staff which totals another \$3.2 million. Other contributions from UGA demonstrate their commitment to the Campus which bring in dollars to the area from visitors, food, housing, retail sales, etc. A planned renovation to the Stuckey Auditorium will enhance Continuing Education and other activities, and research activities now bring academic programs to grow the quality and depth of research and education at this facility. Lab space for current science classrooms is extremely limited and this has been identified as a growing need on this campus. He and others respectfully request \$390,000 in funding from SPLOST proceeds to complete the hardscape, sidewalk, and other finishing touches to the Student Learning Center, which is regarded as the new epicenter for education in our community and will be for many years to come. He, too, thanked the Board for past support of this significant drive. The food science and safety center is the premier facility of its kind in the world. Additional parking will be completed by this summer to accommodate the increased number of students anticipated.

Motion to approve additional funding for the UGA Griffin Campus Student Learning Center in an amount not to exceed \$390,000, by Commissioner Freeman, seconded by Commissioner Phillips. Some discussion followed on the annual provision of funds to the Continuing Education program as approved by the Board of Commissioners each year at budget preparation time and the excess SPLOST collections. Mr. Wilson advised how the excess SPLOST funds could be spent, and Commissioner Flowers-Taylor stated she would prefer to reserve the vote until a later meeting in order to guarantee there would be adequate funding for the Senior Center. However, Commissioners Freeman and Phillips respectfully declined to withdraw their motion and second. ***Motion carried by a vote of 4-1 with Commissioner Flowers-Taylor opposing.***

3. Consider recommendation from MSI Benefits for Spalding County employee benefits for FY 2010.

Matt Bidwell of MSI Benefits, broker for the County, gave an overview of the process that led up to his recommendation tonight to go with employee coverage by CIGNA, changing from the current provider HUMANA. Competitive data on the discounts, as well as copays for doctor visits and pharmaceuticals, favored CIGNA. CIGNA offers an overall improved benefit package to employees, particularly in light of the increased prices being proposed by the existing provider HUMANA.

Motion to approve CIGNA as the County's insurance provider for FY 2010, beginning July 2009, as presented by MSI Benefits, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 5-0.

4. Consider request of Sheriff's Department to transfer to the City of Molena a 2004 Ford Crown Vic, deadlined for approximately one year.

Mr. Wilson reported that Special Operations made this request. The City of Molena will use this vehicle to part out to help with maintenance on other vehicles.

Motion to approve request of Sheriff's Department to transfer to the City of Molena a 2004 Ford Crown Vic, deadlined for approximately one year, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 5-0.

5. Consider approval of MOU between Spalding County Collaborative Authority for Families and Children and Spalding County regarding provision of office space in Memorial Drive Plaza.

Motion to approve the MOU between Spalding County Collaborative Authority for Families and Children and Spalding County regarding provision of office space in Memorial Drive Plaza, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 5-0.

6. Consider request of Midway United Methodist Church, 2517 High Falls Road, for an outside amplification permit for Outdoor Family Fun Day, May 16, from 3 to 7 p.m. with food, fun and music.

Motion to approve request of Midway United Methodist Church, 2517 High Falls Road, for an outside amplification permit for Outdoor Family Fun Day, May 16, from 3 to 7 p.m. with food, fun and music, by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

7. Consider request of Parks and Recreation Advisory Commission to submit grant application for After School Program at Fairmont (\$7,000), School Break Weeks (\$12,521 for fall, winter and spring), and The Enrichment of Young Minds (\$22,275).

Motion to approve request of Parks and Recreation Advisory Commission to submit grant application for After School Program at Fairmont (\$7,000), School Break Weeks (\$12,521 for fall, winter and spring), and The Enrichment of Young Minds (\$22,275), by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

8. Consider request of Parks and Recreation Advisory Commission to execute MOA between Spalding County and District Four Health Services for application for a \$1,000 grant for the purchase of two Wii systems to be placed at the Senior Center and Fairmont/City Park.

Motion to approve request of Parks and Recreation Advisory Commission to execute MOA between Spalding County and District Four Health Services for application for a \$1,000 grant for the purchase of two Wii systems to be placed at the Senior Center and Fairmont/City Park, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 5-0.

9. Discuss proposal of Radio Station WMVV to construct a 350' short-guyed tower on Blalock Fire Station property with tower space for 800 MHz communications system provided to Spalding County.

Mr. Wilson reported that staff would like to obtain permission from the Board to negotiate as long as there is no conflict with the fire station and recycling center operations. This could save \$50,000 per year over leasing tower sites for the County. The Board gave consensus to Mr. Wilson to proceed.

10. Consider appointment to McIntosh Trail Community Service Board for term expiring 6-30-09 for new term set to expire 6-30-2012 to fill position currently held by Cecil Davis since 2003.

Motion to appoint Cecil Davis for a new term set to expire 6-30-2012 to fill the position currently held by Cecil Davis since 2003, by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 4-1 with Commissioner Gilreath opposing.

11. Consider approval of enacting the Home Owner Permit Affidavit in the Community Development office.

Mr. Wilson explained the purpose of this affidavit, which is to prohibit unlicensed and/or unqualified contractors from performing work that could be problematic from a liability standpoint during the inspections process.

Motion to approve enacting the Home Owner Permit Affidavit in the Community Development office, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

- Monday, May 11, is the date for an arranged tour of two built-out Village Nodes.
- The National Day of Prayer will be held May 7, 2009.
- The Spalding County Precision Air Rifle Team has received recent accolades.
- He reminded of Budget Review upcoming soon, May 26-29 at 4:30 p.m. each day in the meeting room. Staff is diligently working on budget but it is still a work in progress.
- He reminded that Monday, May 25, 2009 is a County holiday.

XIII. REPORT OF COMMISSIONERS

Freeman:

Regarding the proposed reservoir by Henry County Water Authority, he asked for an advertised, informational meeting. Mr. Wilson will contact Henry County and offer this meeting room for such a meeting. Some citizens are calling commissioners with concerns over losing their properties and the price they will be afforded for their properties as far as appraisals. Mr. Fortune relayed that should Henry County have to condemn property, they would have to file condemnation actions in this County, but they are required to pay just and fair market value. Spalding County cannot, however, estimate what those properties will be worth. Commissioner Freeman suggested negotiating as much as possible to ensure that Spalding County access to water and other benefits for the proposed reservoir, as has not always been the case in years past with other projects.

Flowers-Taylor:

No comments.

Phillips:

He thanked everyone for their kindness while he was sick, and he commented on the productive meeting today with seniors, Mr. Goss and Mr. Wilson.

Gilreath:

No comments.

Goss:

He reiterated Commissioner Phillips' comments regarding the meeting with seniors, noting that it was civil and productive. Everyone listened and there was a good exchange of ideas.

XIV. CLOSED MEETING

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

Motion to Adjourn to Closed Meeting to discuss acquisition of real estate at 7:38 p.m., by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 5-0.

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 May 4, 2009.

2.

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

3.

The executive session was called to order at 7:38 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 4th day of April 2009 . Spalding County Board of Commissioners

Sworn to and subscribed	<u>Edward Goss, Jr.</u>	<u>L.S.</u>
Before me this <u>4th</u> day of <u>April 2009</u> .	<u>David Phillips</u>	<u>L.S.</u>
	<u>Bob Gilreath</u>	<u>L.S.</u>
Notary Public – Teresa A. Watson	<u>Eddie Freeman</u>	<u>L.S.</u>
My commission expires: <u>3-1-2011</u>	<u>Gwen Flowers-Taylor</u>	<u>L.S.</u>

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Motion to Adjourn Closed Meeting and Reconvene to Open Meeting at 7:50 p.m., by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 5-0.

On reconvening to Open Meeting, Commissioner Phillips commented that seniors at today's meeting voiced a desire to move into the Memorial Drive Plaza location since the Griffin Elks Lodge was no longer available. There are 13 available acres, as well. Should they move into this Memorial Drive Plaza location, the current Senior Center would be rented to an interested governmental entity for a competitive rental rate. Some discussion followed. Commissioner Gilreath felt that a second senior center would need to be established at some point in the future, subsequent to this site. At today's meeting, Mr. Wilson provided a chronology of events that have led to this circumstance. Seniors appreciated being made aware of site issues, even though no preliminaries have been done yet.

Mr. Wilson said the Board has been approached by a private developer who desires to work with the County on a private/public partnership that would include the Senior Center, as well as commercial and health care uses in the complex. A group of seniors could be brought together to provide input for their desires, and Senior Center personnel can ensure there is a good cross-section for senior input. Essentially, this project is starting from ground zero.

Mr. Wilson explained the following alternatives:

- 1) Expansion of the existing senior center by 3800 additional square feet. Approximate cost is \$1.1 million with 0% plans completed.
- 2) The Senior Center/Parks and Recreation Administrative Building on Carver Road property, with 38,561 square feet, was estimated at \$6.6 million with present plans completed to 50%.
- 3) The Senior Center Building on Carver Road property, minus the Parks and Recreation Administrative Offices, with 27,530 square feet, at an approximate cost of \$4.7 million, has 0% plans completed.
- 4) A public/private partnership opportunity for development of Memorial Drive Plaza property to include a Senior Center Center, along with commercial and medical facilities.

The CDBG stimulus funding that was anticipated will not be available due to time constraints, and Mr. Wilson recommended proceeding with construction without waiting for the next FY2010 round of CDBG funding. The plans drawn for the Elks Lodge renovation and expansion to the existing Senior Center will not work in Memorial Drive Plaza due to design of the previous Food Depot, single-level building. Mr. Wilson will also work to keep seniors apprised in general terms with perhaps a weekly press release on the situation with the Senior Center. Prioritized options are: 1) A public/private partnership at Memorial Drive Plaza, 2) A public (Spalding County) development of the Senior Center at Memorial Drive Plaza, and 3) A value-engineered version of the Carver Road site.

Commissioner Phillips and others authorized Mr. Wilson to initiate talks with the private developer, realizing the County could build out the Senior Center at this location should that public/private partnership not be viable. Mr. Wilson will also contact GDOT to request turn lanes and a traffic signal warrant study. Mr. Wilson advised he would also bring this traffic issue before G-SATC for their recommendation later this month. All discussions, noted Mr. Wilson, are very preliminary at this point but provide some direction.

XIV. ADJOURNMENT

Motion to Adjourn at 8:15 p.m., by Commissioner Phillips, seconded by Commissioner Gilreath, carried by a vote of 5-0.

Chairman

County Clerk

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