

## **EXTRAORDINARY SESSION**

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex on Monday, October 19, 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 Executive Secretary Teresa Watson.

**I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**

**II. INVOCATION – Commissioner Flowers-Taylor**

**III. PLEDGE TO FLAG – Led by Commissioner Freeman**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider Proclamation declaring October 28, 2009 to be “Sumika Day.”

### ***Joint Proclamation Declaring Sumika Day***

**WHEREAS**, Sumika Polymer Compounds America, Inc. officially announced its new manufacturing facility in Spalding County on October 17, 2007 and proceeded to weave itself into the economic and social fabric of our City and County; and

**WHEREAS**, Sumika Polymer Compounds America, Inc., a Georgia company formed on August 30, 2007, is a joint venture between Sumitomo Chemical, a world leader in basic chemicals, petrochemicals and plastics, fine chemicals, IT-related chemicals, agricultural chemicals and pharmaceuticals, and The Toyo Ink Group, headed by Tokyo-based parent company Toyo Ink Manufacturing Co., Ltd., a world leader in the manufacture of a variety of chemical products, adhesives and resins technologies accumulated over a century of manufacturing expertise in pigments and printing inks; and

**WHEREAS**, Sumika manufactures and markets polypropylene (PP) compounds used in automobile bumpers and other components as part of the Sumitomo Chemical family's global strategy, supplementing existing manufacturing facilities in Japan, Singapore, Texas and Saudi Arabia, with bases capable of supplying an annual 2 million tons of PP using their proprietary technologies; and

**WHEREAS**, Sumika Polymer Compounds America, Inc., with an initial investment of \$30,000,000, will provide 50 jobs to the Griffin-Spalding County area and occupies a 30-acre site in Hudson Industrial Park, substantially impacting the economic landscape of our City and County; and

**WHEREAS**, This new joint venture plant in Griffin and Spalding County, Georgia will further expand the business in North America with higher quality and more cost-competitive plastics, with projections of ultimately producing up to 26,000 tons of PP compounds per year; and

**WHEREAS**, Spalding County and the City of Griffin enthusiastically welcome Sumika Polymer Compounds America, Inc. to our community and extend our support and sincere appreciation for their electing to locate to our area.

**NOW THEREFORE**

**BE IT RESOLVED** that the Board of Commissioners of the City of Griffin and the Spalding County Board of Commissioners do hereby proclaim October 28 as "Sumika Day"

**BE IT FURTHER**

**RESOLVED** that copies of the Proclamation are to be spread upon the minutes of the proceedings of both governing bodies to memorialize this important occasion in the life of our City and County on this, the twenty-eighth day of October, in the year two thousand and nine.

*Eddie Goss, Jr., Chairman  
Spalding County Board of Commissioners  
William P. Wilson, Jr., County Manager*

*Dick Morrow, Chairman  
City of Griffin Board of Commissioners  
Kenny L. Smith, City Manager*

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Chairman Goss read the Proclamation and noted it would be presented at "Sumika Day" celebration festivities on October 28, 2009.

**V. PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of Financial Statements for the Three Months ended September 30, 2009.

*Motion to approve Financial Statements for the Three Months ended September 30, 2009, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.*

**VI. CITIZENS COMMENTS – N/A**

**VII. PUBLIC COMMENT – N/A**

**VIII. MINUTES**

1. Consider approval of Minutes of the following: October 5, 2009 Regular Monthly Meeting.

*Motion to approve the Minutes of the October 5, 2009 Regular Monthly Meeting, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 4-0.*

**IX. CONSENT AGENDA**

1. Consider, on second reading, Ordinance #2009-16 to provide for changes in requirements for hearing provisions for denial of license for sale of alcoholic beverages and for sale of alcoholic beverages for consumption on premises.

SPALDING COUNTY, GEORGIA  
PART VI, LICENSING AND REGULATION  
ORDINANCE NO. 2009-16

AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR CHANGES IN REQUIREMENTS FOR HEARING PROVISIONS FOR DENIAL OF LICENSE FOR SALE OF ALCOHOLIC BEVERAGES and FOR SALE OF

ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES; TO PROVIDE FOR AN EFFECTIVE DATE; and FOR OTHER PURPOSES.

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

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 regulations pertinent thereto;

WHEREAS, the sale of alcoholic beverages and for consumption on the premises shall not be conducted without a permit or license issued by the local governing authority;

WHEREAS, the decision to allow the sale of alcoholic beverages and for consumption on the premises within Spalding County is vested in the police power of the Board of Commissioners of Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the authority of O.C.G.A. §3-3-1 et. seq. is empowered to provide for the licensing of the sale of alcohol beverages and for consumption on the premises within the County;

WHEREAS, the Board of Commissioners of Spalding County, Georgia has determined that it is in the best interests of the citizens of Spalding County for certain revisions and amendments to be made to the Spalding County, Georgia Code of Ordinances (“the Code”);

WHEREAS, the Board of Commissioners has determined that it is desirable to allow amendments as otherwise set forth in the Code and in compliance with the requirements of O.C.G.A. § 3-3-21(b), such being of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, it shall be and is hereby RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Spalding County, Georgia Code of Ordinances shall be and is hereby amended, as follows:

**Section 1.** That the Code of Spalding County, Georgia, be amended in Part VI, Licensing and Regulation, Chapter 1, Businesses and Occupations, by inserting the following provision to appear as new Section 6-1004.1 in Article A. Sales of Malt Beverages and Wine, and revising the following two sections: Section 6-1041 in Article B. Retail Liquor Package Stores and Section 6-1069 in Article C. Sale of Alcoholic Beverages for Consumption on Premises:

By inserting a new section to read as follows:

“Article A. Sale of Malt Beverages and Wine,  
Section 6-1004.1. Denial of License – Hearing.

If for any reason the governing authority does not believe that the applicant should be issued a license hereunder, the governing authority shall notify the applicant in writing within fifteen days of its decision, stating the reason for the denial and shall further advise the applicant that he may be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses. If, within ten days of the notice to applicant, a hearing is requested then the governing authority shall give notice of the time and place of said hearing to the applicant not less than five days prior to the hearing date.

At the hearing, the applicant shall be afforded an opportunity to present evidence and cross-examine witnesses.

If the governing authority, after affording the applicant a hearing, is still of the opinion that said applicant is not entitled to a license hereunder, the applicant shall be advised in writing within fifteen days of the decision of the findings upon which such denial is based and no license shall be granted hereunder to the applicant.”

B. By striking Section 6-1041 in its entirety and inserting a new section to read as follows:

“Section 6-1041. Same – Hearing.

If for any reason the governing authority does not believe that the applicant should be issued a license hereunder, the governing authority shall notify the applicant in writing within fifteen days of its decision, stating the reason for the denial and shall further advise the applicant that he may be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses. If, within ten days of the notice to applicant, a hearing is requested then the governing authority shall give notice of the

time and place of said hearing to the applicant not less than five days prior to the hearing date.

At the hearing, the applicant shall be afforded an opportunity to present evidence and cross-examine witnesses.

If the governing authority, after affording the applicant a hearing, is still of the opinion that said applicant is not entitled to a license hereunder, the applicant shall be advised in writing within fifteen days of the decision of the findings upon which such denial is based and no license shall be granted hereunder to the applicant.”

C. By striking Section 6-1069 in its entirety and adding a new section to read as follows:

“Section 6-1069. Same – Hearing.

If for any reason the governing authority does not believe that the applicant should be issued a license hereunder, the governing authority shall notify the applicant in writing within fifteen days of its decision, stating the reason for the denial and shall further advise the applicant that he may be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses. If, within ten days of the notice to applicant, a hearing is requested then the governing authority shall give notice of the time and place of said hearing to the applicant not less than five days prior to the hearing date.

At the hearing, the applicant shall be afforded an opportunity to present evidence and cross-examine witnesses.

If the governing authority, after affording the applicant a hearing, is still of the opinion that said applicant is not entitled to a license hereunder, the applicant shall be advised in writing within fifteen days of the decision of the findings upon which such denial is based and no license shall be granted hereunder to the applicant.”

**Section 3.** The within and foregoing ordinance amendment to the Spalding County, Georgia Code of Ordinances shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia.

**Section 4.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

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*Motion to approve , on second reading, Ordinance #2009-16 to provide for changes in requirements for hearing provisions for denial of license for sale of alcoholic beverages and for sale of alcoholic beverages for consumption on premises (Consent Agenda), by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 4-0.*

**X. OLD BUSINESS – N/A**

**XI. NEW BUSINESS**

1. Consider approval of Contract with Georgia Department of Human Services for a Community Services Block Grant (CSBG) 2009 Economic Stimulus Funding totaling \$183,582 to be used for food voucher and employment assistance programs.

*Motion to approve Contract with Georgia Department of Human Services for a Community Services Block Grant (CSBG) 2009 Economic Stimulus Funding totaling \$183,582 to be used for food voucher and employment assistance programs, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0. Contract on file.*

2. Consider, on first reading, Ordinance #2009-17 to amend Part VI, Licensing and Regulation, Chapter 1. Businesses and Occupations, Articles A, B, and C, to provide for additional requirements regarding location of businesses for sale of alcoholic beverages.

County Attorney James R. Fortune, Jr. advised this amendment tracks state law as far as language for these sections. Our ordinance drew no distinction between a new license versus a renewal of an existing license, and this verbiage rectifies that situation. If it has been lawful to sell alcohol at a given location within the past twelve months, a new owner could renew the license. It protects the property owner but must be executed within a twelve-month period. If the license should abate for over a year, they will have to apply for, and conform to new requirements for, a new license. While alerted to the need for this amendment by the application of Mr. Patel on the North Expressway in the old Rebel’s store location, this amended Ordinance will not apply to that license already acted upon by the Board.

***Motion to approve, on first reading, Ordinance #2009-17 to amend Part VI, Licensing and Regulation, Chapter 1. Businesses and Occupations, Articles A, B, and C, to provide for additional requirements regarding location of businesses for sale of alcoholic beverages, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 4-0.***

3. Consider approval of subcontract between the Council on Alcohol and Drugs and the Spalding County Parks and Recreation Department for after-school programming.

***Motion to approve the subcontract between the Council on Alcohol and Drugs and the Spalding County Parks and Recreation Department for after-school programming, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 4-0.***

4. Consider recommendation from Parks and Recreation Advisory Commission to grant the request of the United Daughters of the Confederacy for use of Camp Stephens for a Living History reenactment to be held on March 27, 2010 from 1 to 5 p.m. at no charge to the public.

***Motion/second to approve Parks and Recreation Advisory Commission recommendation to grant request of United Daughters of the Confederacy to use Camp Stephens for Living History reenactment to be held on March 27, 2010 from 1 to 5 p.m. at no charge to the public, by Commissioners Freeman and Flowers-Taylor, carried by a vote of 4-0.***

5. Consider recommendation from Parks and Recreation Advisory Commission to purchase a used motor coach (touring bus) for Spalding County from 2008 SPLOST funds.

Mr. Wilson reported T.J. Imberger has visited the selections offered by finalists and fine-tuned the best selection. The selected model from Daimler Buses features: 360,000 miles, 59-passenger, new brakes, new tires, restroom, full overhead and underneath luggage compartments, DVD/VHS players with several televisions, stereo system with speakers, PA system for tour guide, refurbished seats, kneel steps both up and down, undercoated to prevent rust, fully checked out, and painted with County logo and colors. A policy for use of the touring bus was approved earlier this year. Parks and Recreation recommends approval and the senior citizens are excited about the purchase. Mr. Wilson recommended that the Board go ahead and authorize purchase with reimbursement to be made at such time as SPLOST collections are available and that the Board set aside the remaining approximately \$25,000 that will be left from the \$150,000 appropriated for this purchase to be allocated for capital improvements to the bus should something else need to be done.

***Motion to approve recommendation from Parks and Recreation Advisory Commission to purchase a used motor coach (touring bus) for Spalding County from 2008 SPLOST funds to include that the Board will authorize payment up front even though SPLOST collections are not complete, with reimbursement at such time as the tax is collected, and further stipulating that the remaining funds from the original \$150,000 should be set aside for future work/repairs to the bus as needed, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.***

6. Consider request of the Griffin-Spalding County Land Bank Authority for \$10,000 in funds for the operations of the authority for FY 2010.

Patricia Tyus, Executive Director of the Griffin-Spalding County Land Bank Authority, presented a brief overview for the Board detailing operations and accomplishments to date. She answered questions for commissioners and noted the operations for which this request is being made. Ms. Tyus concluded by saying these requested funds are crucial to accomplishing acquisition of properties.

***Motion to approve request of the Griffin-Spalding County Land Bank Authority for \$10,000 in funds for the operations of the authority for FY 2010, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.***

7. Consider revision to A Resolution Relative to the Organization of, and the Procedures for, the Disposition of Business During the Meetings of the Spalding County Board of Commissioners relative to formal, public documentation of consensus agreements arrived at through an informal polling process.

Mr. Wilson noted this was being crafted at the request of Commissioner Flowers-Taylor, and it serves merely to make public any consensus of the Board of Commissioners taken away from a public meeting setting. This will simply ratify and provide for greater transparency.

A Proposed Amendment to  
A RESOLUTION RELATIVE TO THE ORGANIZATION OF,  
AND THE PROCEDURES FOR THE DISPOSITION OF, BUSINESS DURING THE  
MEETINGS OF THE SPALDING COUNTY BOARD OF COMMISSIONERS

WHEREAS, well-organized meetings allow a Board of Commissioners to reach decisions in a fair and efficient manner, and,

WHEREAS, parliamentary procedure is the framework for organizing and conducting meetings; and,

WHEREAS, a parliamentary procedure provides the rules by which a Board debates an issue and then comes to a decision.

NOW, THEREFORE, BE IT RESOLVED that all meetings of the Board of Commissioners of Spalding County shall be conducted in accordance with the provisions of this Resolution relative to organization of its meetings and procedures for the disposition of its business during those meetings.

WHEREAS, the Board of Commissioners of Spalding County, Georgia has determined that it is in the best interests of the citizens of Spalding County for certain revisions and amendments to be made to such Spalding County policies and procedures, such being of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, it shall be and is hereby RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the above referenced Resolution shall be and is hereby amended, as follows:

Under ARTICLE 1. MEETINGS ORGANIZATION, a new section to be added as follows:

“Section 1-04.1. Documentation of Consensus Pollings in Open Meetings. Further to the above sections detailing public access to meetings and open meetings, the Board of Commissioners does hereby declare that any consensus polling that is performed outside a duly advertised Open Meeting, such as by telephone or in emergency situations, shall be ratified at the next scheduled Open Meeting of the Spalding County Board of Commissioners so as to provide for transparency in the decision-making process and to ensure that all Board members are adequately informed of such action. Additionally, it shall be so stipulated that after such informal consensus polling is completed, each commissioner shall be notified within 24 hours of the consensus determination.”

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*Motion to approve the revision to A Resolution Relative to the Organization of, and the Procedures for, the Disposition of Business During the Meetings of the Spalding County Board of Commissioners relative to formal, public documentation of consensus agreements arrived at through an informal polling process, with the additional stipulation that after a consensus is reached all commissioners are notified by phone or in person of the determination within 24 hours, by Commissioner Flowers-Taylor, seconded by Commissioner Gilreath, carried 4-0.*

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

- An email notification today from Georgia Department of Transportation Commissioner Vance Smith advised that David Millen has been made District Engineer, effective last Friday.
- An email late today also notified that Carol Couch has abruptly resigned as EPD Director.
- The Board has previously cancelled the December Zoning Public Hearing, but now we have a couple of applications that need addressing for First Assembly of God on Highway 92 at Cowan Road. Mr. Wilson suggested perhaps meeting on December 7 at 5 p.m. just before the Regular Monthly Meeting. Community Development needs to know in order to meet notification requirements. The Board agreed to the recommended date and time.
- Mr. Wilson noted everyone was saddened to learn of the death of Jim Goolsby last Friday. A Memorial Service will be held this Thursday, October 22, at First Baptist Church at 4 p.m. Mr. Goolsby served from 1977 to 1990 and was Chairman of the Board of Commissioners in 1985. Mr. Goolsby and Mr. Jamie Wilson of Robinson-Humphrey crafted the original version of the SPLOST concept and Spalding County was first county in the state to implement a SPLOST. Flags will be flown at half-staff at all County buildings on Thursday, October 22, in honor of Mr. Goolsby.

## **XIII. REPORT OF COMMISSIONERS**

**Freeman**

Commissioner Freeman noted that he recently attended, along with Commissioner Flowers-Taylor the 2009 ACCG Fall Policy Conference and he attended, as well as meetings of the Board of Managers. Resolutions were all approved. He also attended Public Works and Transportation training and had the opportunity to meet with Governor Sonny Perdue at a reception made possible by the agriculture industry.

**Flowers-Taylor**

There will be an ACCG (Association County Commissioners of Georgia) District 4 meeting at the UGA Griffin Campus' new Student Learning Center on November 9, 2009 at 10:00 a.m. with lunch to follow. She encouraged participation of all commissioners.

**Gilreath**

He complimented Ms. Watson on the new ACCG County Family Album ad recently unveiled.

**Goss**

He noted the draft letter placed at all commissioners' settings requesting additional assistance from the Griffin-Spalding County Hospital Authority to the Board of Health to help provide flu vaccines to those County citizens who cannot afford to pay for their own flu shots. The proposed letter requests an additional \$50,000 for funding in this area and desires the consent of the Board to send. Commissioner Flowers-Taylor felt this request might be better addressed to the Board of Health for them to pursue rather than to the Hospital Authority on behalf of the Health Department. Chairman Goss advised he would follow up tomorrow at a Board of Health meeting regarding and let the Board know its wishes.

**XIV. ADJOURNMENT**

*Motion to Adjourn at 7:01 p.m., by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.*

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Chairman

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County Clerk

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