

REGULAR MONTHLY MEETING

The Spalding County Board of Commissioners held their Regular Monthly Meeting in Room 108 in the Courthouse Annex, Monday, November 2, 2009, beginning at 6:00 o'clock p.m. with Chairman Edward Goss, Jr. presiding and Commissioners Eddie L. Freeman, Bob Gilreath and David Phillips present. Absent was Commissioner Gwen Flowers-Taylor. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Executive Secretary Teresa Watson.

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

II. INVOCATION – Pastor Greg Keylon, First Assembly of God

III. PLEDGE TO FLAG - Led by Commissioner Freeman

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Recognize Drew Harris, representing Boy Scout Troop 77, sponsored by the Veterans of Foreign Wars, in attendance tonight.

Chairman Goss recognized Drew Harris and presented him with a Spalding County lapel pin.

2. Consider Proclamation declaring November 20-26, 2009 to be “**Farm/City Week.**”

**Proclamation
“Farm/City Week”**

WHEREAS, American farmers and ranchers literally help feed the world by producing a bounty of agricultural products. To do this, they rely on essential partnerships with urban and suburban communities to supply, sell and deliver finished products across the country and around the world. Rural and urban communities working together have made the most of our nation’s rich agricultural resources as they contribute to the health and well being of our state and our country and to the strength of our economy; and

WHEREAS, During National Farm/City Week, we recognize the importance of the cooperative network. Agriculture and ag-related jobs employ more than 15 percent of the United States working population, including farmers and ranchers, shippers and processors, marketers, retailers, truck drivers, inspectors, and others who annually contribute more than \$1.3 trillion to our gross domestic product. In Georgia, agriculture contributes more than \$58 billion annually to the state’s economic output estimated at more than \$400 billion; and,

WHEREAS, The agricultural industry provides us with food, clothing, fiber and shelter, as well as fuel for our energy needs. As we welcome new opportunities for trade, the hard work and successful cooperation between farmers and city workers will continue to play a vital role in our state and nation’s future; and

WHEREAS, Farm/City collaborations help maintain and improve our food and fiber supply and contribute to a better quality of life for our citizens. We commend the many Americans whose hard work and ingenuity reflect the true spirit of America and help to ensure a prosperous future for all; and

WHEREAS, Next week as we gather with family and friends around the Thanksgiving table, it is fitting that we count among our blessings the vital Farm/City partnerships that have done so much to improve the quality of our lives.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Spalding County does hereby proclaim that November 20-26, 2009 be designated “**Farm/City Week.**”. We call upon citizens in rural and urban areas to acknowledge and celebrate the achievements of all those who, working together, produce and supply our community and nation with an abundance of agricultural products.

This, the second day of November 2009.

Motion to approve the Proclamation declaring November 20-26, 2009 to be “Farm/City Week”, by Commissioner Freeman, seconded by Commissioner Phillips, carried 4-0.

Chairman Goss read the proclamation and presented it to Cherry Hovatter of the Spalding County Extension Office for delivery to the local Farm Bureau.

V. PRESENTATION OF FINANCIAL STATEMENTS – N/A

VI. CITIZENS COMMENTS – N/A

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.

VIII. MINUTES

- 1. Consider approval of Minutes of the following: October 19, 2009.
Motion to approve Minutes of the October 19, 2009, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.

IX. CONSENT AGENDA

X. OLD BUSINESS

- 1. Consider approval, on second reading, Ordinance #2009-17 to provide for requirements regarding location of businesses for sale of alcoholic beverages, to amend Part VI. Licensing and Regulation, Chapter 1. Businesses and Occupations, Article A. Sale of Malt Beverages and Wine, Section 6-1003.1; Article B. Retail Liquor Package Stores, Section 6-1025; and Article C. Sales of Alcoholic Beverages for Consumption on Premises, Section 6-1058.1(1)(e).

SPALDING COUNTY, GEORGIA
PART VI, LICENSING AND REGULATION
ORDINANCE NO. 2009-17

AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR CHANGES IN REQUIREMENTS FOR LOCATION OF BUSINESSES FOR 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 provisions to appear as new Section 6-1003.1 in Article A. Sales of Malt Beverages and Wine; Section 6-1025 in Article B. Retail Liquor Package Stores and Section 6-1058.1(1)(e) in Article C. Sale of Alcoholic Beverages for Consumption on Premises:

By adding the following new subparagraph (e) to read as follows:

“Article A. Sale of Malt Beverages and Wine,

Section 6-1003.1. Type of sale.

(e) The provisions of sub-paragraph (d) above shall not apply to any location for which a new license is applied for if the sale of wine and beer was lawful at such location at anytime during the twelve (12) months immediately preceding such application.”

B. By adding the following new subparagraph (e) to read as follows:

“Section 6-1025. Location of business.

(e) The provisions of sub-paragraph (a) above shall not apply to any location for which a new license is applied for if the sale of retail or wholesale liquor was lawful at such location at anytime during the twelve (12) months immediately preceding such application.”

C. By adding the following new subparagraph (1) (e) to read as follows:

“Section 6-1058.1. Separate license.

(1)(a) The provisions of sub-paragraph (a) above shall not apply to any location for which a new license is applied for if the sale of alcoholic beverages for consumption on premises was lawful at such location at anytime during the twelve (12) months immediately preceding such application.”

Section 2. 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 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Motion to approve, on second reading, Ordinance #2009-17 to provide for requirements regarding location of businesses for the sale of alcoholic beverages, to amend Part VI. Licensing and Regulation, Chapter 1. Businesses and Occupations, Article A. Sale of Malt Beverages and Wine, Section 6-1003.1; Article B. Retail Liquor Package Stores, Section 6-1025; and Article C. Sales of Alcoholic Beverages for Consumption on Premises, Section 6-1058.1(1)(e), by Commissioner Phillips, seconded by Commissioner Freeman, carried 4-0.

XI. NEW BUSINESS

1. Consider approval of Agency Contract for Fire Protection Services for the City of Orchard Hill to expire October 1, 2010.

AGENCY CONTRACT FOR FIRE PROTECTION SERVICES

STATE OF Georgia
COUNTY OF Spalding

THIS AGREEMENT made and entered into on this the first day of October 2009, by and between the City of Orchard Hill, hereinafter sometimes referred to as the "Municipality", a municipal corporation of the State of Georgia, and the "COUNTY OF SPALDING", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

WITNESSETH:

THAT WHEREAS, the Municipality now deems it in the best interest of the City of Orchard Hill and its citizens for the Municipality to furnish fire protection services in the exercises of a governmental function of the Municipality, and has requested the County to aid and assist it in furnishing such fire protection services within the corporate limits of the Municipality; and

WHEREAS, the County has now established a Fire Protection District comprising all of the unincorporated area of Spalding County and is presently furnishing fire protection services for such Fire Protection District and is willing to serve as an agent of the Municipality in providing the equipment, personnel and supplies for furnishing such fire protection services within the corporate limits of the Municipality for the consideration hereinafter set out; and

WHEREAS, the County deems it in the best interest of both parties hereto to enter into the within agency contract;

NOW, THEREFORE, for and in consideration of the premises and the respective benefits to be derived by each party hereto and in consideration of the covenants and agreements hereinafter set forth and payments of money by the Municipality to the County, as hereinafter set out, it is hereby mutually understood and agreed by and between the parties hereto, as follows:

-1-

Beginning at 12:00 o'clock Noon on October 1, 2009, the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2010, which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand Six Hundred Fifty-Eight dollars and eighty-one cents (\$1,658.81) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2009, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2010, or until this contract is sooner terminated as hereinafter provided.

-3-

Time is of the essence of this contract and each of its provisions.

-4-

Notwithstanding anything herein contained to the contrary the within agreement may be terminated by either party hereto on the first day of any calendar month during the aforesaid twelve month term by giving notice in writing of such termination to the other party hereto at least thirty days in advance of the designated date of such termination, and thereafter this contract shall be terminated and neither party hereto shall be obligated to furnish fire protection services to the other party hereto, and no further monthly payments shall become due and payable thereafter by the Municipality.

-5-

Any notice contemplated or required by this contract shall be deemed effectively given when mailed by United States registered or certified mail, with the required postage prepaid, and addressed as follows:

If to the Municipality, address to:

City of Orchard Hill
P. O. Box 448
Orchard Hill, Georgia 30266

If to the County, address to:

County of Spalding
P. O. Box 1087
Griffin, Georgia 30224-1087

The parties hereto have respectively caused the within agreement to be duly executed in duplicate originals by and through their authorized officers and under their respective hands and seals on the day and year first above written.

Motion to approve Agency Contract for Fire Protection Services for the City of Orchard Hill to expire October 1, 2010, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.

2. Consider approval of Agency Contract for Fire Protection Services for the City of Sunny Side to expire October 1, 2010.

AGENCY CONTRACT FOR FIRE PROTECTION SERVICES

STATE OF Georgia
COUNTY OF Spalding

THIS AGREEMENT made and entered into on this the first day of October, 2009 by and between the City of Sunny Side, hereafter sometimes referred to as the "Municipality", a

municipal corporation of the State of Georgia, and the "COUNTY OF Spalding", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

WITNESSETH:

THAT WHEREAS, the Municipality now deems it in the best interest of the City of Sunny Side and its citizens for the Municipality to furnish fire protection services in the exercises of a governmental function of the Municipality, and has requested the County to aid and assist it in furnishing such fire protection services within the corporate limits of the Municipality; and

WHEREAS, the County has now established a Fire Protection District comprising all of the unincorporated area of Spalding County and is presently furnishing fire protection services for such Fire Protection District and is willing to serve as an agent of the Municipality in providing the equipment, personnel and supplies for furnishing such fire protection services within the corporate limits of the Municipality for the consideration hereinafter set out; and

WHEREAS, the County deems it in the best interest of both parties hereto to enter into the within agency contract;

NOW, THEREFORE, for and in consideration of the premises and the respective benefits to be derived by each party hereto and in consideration of the covenants and agreements hereinafter set forth and payments of money by the Municipality to the County, as hereinafter set out, it is hereby mutually understood and agreed by and between the parties hereto, as follows:

-1-

Beginning at 12:00 o'clock Noon on October 1, 2009 the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2010 which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand One Hundred Ninety-Five dollars and fifty-three cents (\$1,195.53) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2009, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2010, or until this contract is sooner terminated as hereinafter provided.

-3-

Time is of the essence of this contract and each of its provisions.

-4-

Notwithstanding anything herein contained to the contrary the within agreement may be terminated by either party hereto on the first day of any calendar month during the aforesaid twelve month term by giving notice in writing of such termination to the other party hereto at least thirty days in advance of the designated date of such termination, and thereafter this contract shall be terminated and neither party hereto shall be obligated to furnish fire protection services to the other party hereto, and no further monthly payments shall become due and payable thereafter by the Municipality.

-5-

Any notice contemplated or required by this contract shall be deemed effectively given when mailed by United States registered or certified mail, with the required postage prepaid, and addressed as follows:

If to the Municipality, address to:
City of Sunny Side
P. O. Box 100
Sunny Side, Georgia 30284

If to the County, address to:

County of Spalding
P. O. Box 1087
Griffin, Georgia 30224-1087

The parties hereto have respectively caused the within agreement to be duly executed in duplicate originals by and through their authorized officers and under their respective hands and seals on the day and year first above written.

Motion to approve Agency Contract for Fire Protection Services for the City of Sunny Side to expire October 1, 2010, by Commissioner Freeman, seconded by Commissioner Gilreath, carried by a vote of 4-0.

3. Consider authorizing execution of a Notice of Intent to Issue for the Griffin-Spalding County Development Authority to utilize the Recovery Zone Facility Bonds allocated to Spalding County.

Mr. Wilson said the Georgia Department of Community Affairs (DCA) has notified Spalding County that more than \$4,074,000 in recovery zone facility bonds and \$2,016,000 in economic development bonds were available. This request simply gives DCA notice that we intend to use this \$4,074,000 in recovery zone facility bonds and it, in no way, obligates Spalding County for any cost. Should an industry choose to locate here via this funding mechanism, they would be solely responsible for costs involved.

Motion/second to approve execution of a Notice of Intent to Issue for the Griffin-Spalding County Development Authority to utilize the \$4,074,000 in Recovery Zone Facility Bonds allocated to Spalding County, by Commissioners Freeman and Phillips, carried 4-0.

4. Consider request of Public Defenders Office, Griffin Judicial Circuit, to have application fees paid to the County, amended from its current practice of application fees paid to the State.

Mr. Wilson reported that Joe Saia, Griffin Judicial Circuit Public Defender, advises we have been informally doing this for some time, and this request would make the practice a more formal policy. Commissioner Freeman stated he was a member of the committee that recommends approval of this request and noted it will help to offset some costs involved.

Motion/second to approve request of Public Defenders Office, Griffin Judicial Circuit, to have application fees paid to the County, amended from its current practice of paying application fees to the State, by Commissioners Phillips and Freeman, carried 4-0.

5. Consider Change Order #4 to original contract for the L.B. Norton Fire Station construction, with Manley Spangler Smith Architects and Jimco Construction for a \$14,019 credit.

Motion/second to approve Change Order #4 to the original contract for the L.B. Norton Fire Station construction, with Manley Spangler Smith Architects and Jimco Construction for a \$14,019 credit, by Commissioners Freeman and Gilreath, carried 4-0.

6. Consider setting a date for dedication of the new L.B. Norton Fire Station at 765 Vaughn School Road.

The Board selected December 4, 2009 at 2 p.m. for this dedication. L.B. Norton fire station is a new prototype and the County is extremely proud of the design for this 3-bay, environmentally friendly facility. Funding was predominantly obtained from impact fees.

7. Consider, on first reading, Ordinance #2009-18 Traffic Control Devices to amend Part VII, Section 7-1007(a) – Four-Way Stop Intersection Designated: To provide for removal of a four-way stop designation at South Sixth Street and County Line Road (corrected from the erroneous agenda item stating “Macon Road” and County Line Road).

Motion to approve, on first reading, Ordinance #2009-18 Traffic Control Devices to amend Part VII, Section 7-1007(a) – Four-Way Stop Intersection Designated: To provide for removal of a four-way stop designation at South Sixth Street and County Line Road, by Commissioner Phillips, seconded by Commissioner Gilreath, carried by a vote of 4-0.

8. Consider an additional holiday for County employees on Thursday, December 31, 2009.

Motion/second to approve an additional holiday with pay for County employees on Thursday, December 31, 2009, by Commissioners Phillips and Freeman, carried 4-0.

XII. REPORT OF COUNTY MANAGER

- Reminder: Boxes are provided in the meeting room for the annual food drive for the Five Loaves and Two Fish Food Pantry. Last year we collected slightly over one ton of food, and the goal for this year is two tons. He encouraged all to remember Food Pantry donations.

- Rodriquez Ham, a coach for Spalding County Youth Football, recently had a heart attack while coaching on a Spalding County field and passed away. Mr. Wilson noted that we all share their grief and he wanted to extend condolences to the family.
- 800 MHz radio testing will be done this week, beginning today, and testing is for 49 critical buildings identified in the contract. Harris, Spalding County, the City, and others have participated in testing which is monitored from the 911 Center.
- The Georgia Film Office called and wants to put DreamWorks in touch with representatives for a film shooting at the Springs facility. They will be in town tomorrow for follow-up.
- Mr. Wilson reported that two Public Works officers, Jimmy Baldwin and Ray Golden, are recovering from injuries last week sustained in traffic accidents. Officer Baldwin is back at work from his accident at Runaway Lakes. Ray Golden is not yet back at work from his accident on Carver Road and has severe shoulder pain.
- Mr. Wilson said he had sent information regarding a possible contract for housing City inmates at the Jail. The Sheriff will assess the facility's capability to house these inmates, and other factors will be explored. Should something more develop, Mr. Wilson stated he will keep the Board apprised.

XIII. REPORT OF COMMISSIONERS

Freeman - He reminded commissioners of the ACCG 4th District Meeting at UGA in the new Student Learning Center at 10 a.m. on November 9. Commissioner Freeman said he observed a work detail this past Saturday on Carver Road picking up trash, who were not wearing vests. Mr. Wilson will pursue.

Phillips - No comments.

Gilreath - He inquired about fire station plans on the south side of the county. Mr. Wilson said there was a plan for future fire stations and he would share it with Commissioner Gilreath. He also asked if the two employees hurt this week were wearing hard hats. Mr. Wilson stated employees were required to wear hard hats if doing bridge work, trenching, or other required hazards, but these two gentlemen were flagging traffic and walking from one location to another. Neither was wearing a hard hat but all required safety measures were in place. It was a regrettable convergence of accidents. The Accident Review Committee will be meeting later this week and he will bring it up. Finally, Commissioner Gilreath suggested that the Board discuss the possibility of making Spalding County a hands-free, cell phone use County. There is a similar ordinance in the hopper for the state, but it has not passed yet. Commissioner Gilreath responded to Mr. Wilson that he will look for counties that may have implemented such an ordinance.

Goss – He reported Ray Golden may have a shoulder crack of some type and is a very lucky man.

XIV. ADJOURNMENT

Motion/second to Adjourn at 6:32 .m. by Commissioners Phillips and Freeman carried 4-0.

Chairman

County Clerk

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