

EXTRAORDINARY SESSION

The Spalding County Board of Commissioners held their Extraordinary Session Monthly Meeting in Room 108 in the Courthouse Annex, Monday, February 15, 2010, 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 Interim County Manager Tim Whalen, Assistant to the Interim County Manager Virginia Martin, County Attorney James R. Fortune, Jr., Executive Secretary Glinda Robertson and Interim County Clerk Phyllis Doane.

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

1. Consider approval of a Proclamation proclaiming February 2010 as “Black History Month” in Griffin, Spalding County, Georgia. Mrs. Jewel Walker Harps, President of the NAACP Griffin Chapter, is present to receive this Proclamation.

Proclamation

“Black History Month”

WHEREAS, The Spalding County Board of Commissioners do hereby recognize and appreciate that February is Black History Month. In the centuries since African Americans first arrived on our shores, they have known the bitterness of slavery and oppression, the hope of progress, and the triumph of the American Dream.

WHEREAS, Each February, we recognize African American History Month as a moment to reflect upon how far we have come as a Nation, and what challenges remain. This year’s theme, “The History of Black Economic Empowerment,” calls upon us to honor the African Americans who overcame injustice and inequality to achieve financial independence and the security of self empowerment that comes with it.

WHEREAS, This month, we recognize the courage and tenacity of so many hard-working Americans whose legacies are woven into the fabric of our nation. We are heirs to their extraordinary progress.

WHEREAS, Overcoming today’s challenges will require the same dedication and sense of urgency that enabled past generations of African Americans to rise above the injustices of their time. We must push our children to reach for the full measure of their potential, just as the innovators who succeeded in previous generations pushed their children to achieve something greater.

THEREFORE

BE IT RESOLVED that We, the Board of Commissioners of Spalding County do hereby declare and proclaim February as “National African American History Month” and also declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, reflecting that I have hereunto caused the seal of Spalding County, Georgia to be affixed.

This the 15th day of February 2010.

Edward Goss, Jr., Chairman

Phyllis P. Doane, Interim County Clerk

Motion/second to approve “Black History Month” Proclamation by Commissioners Gilreath/Flowers-Taylor and carried by a vote of 5-0.

- V. **PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of Financial Statements for the Seven Months Ended January 31, 2010.

Motion/second to approve by Commissioners Freeman/Flowers-Taylor and carried by a vote of 5-0.

VI. CITIZENS COMMENT

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.

Chase Todd, 127 W. Solomon St., Griffin, GA 30224

Chase Todd, Chairman of the Animal Care & Control Advisory Board, stated he was present tonight to answer any questions the Board might have regarding extension of keeping animals before euthanasia.

Mr. Phillips asked if this was going to cause any kind of problem for you to house the dogs the additional time. Mr. Todd, said according to the Director, Brent Foster, there shouldn't be any additional charge simply because there are more dogs waiting to come in behind them.

VIII. MINUTES

1. Consider approval of the minutes of the Regular Monthly Meeting of February 1, 2010.

Motion/second to approve the above minutes by Commissioners Flowers-Taylor/Freeman and carried by a vote of 5-0.

IX. CONSENT AGENDA – N/A

X. OLD BUSINESS

1. Mr. Dave Lamb, Chairman of the Spalding County Water Authority, is present to discuss finances and the outlook for 2010.

Mr. Lamb spoke to the Board to discuss the history and how the Authority has developed over the years to present time. It's a constitutional authority enacted by an Act of the General Assembly in 1982. It began to serve in 1984. Walter Cliff Futral was the first chairman of the Water and Sewer Authority. Currently we have nine Authority members, Robert McIntyre, Johnny Goodrum, Fred Edwards, Julian Jones, James Brooks, Kathy Socha, Doug Krepps, and Commissioner Gwen Flowers-Taylor representing the committee.

In some 26 to 27 years we have grown to have over 620 miles of water lines. We have in excess of 2500 hydrants and two half-million gallon storage tanks to pumping stations. In 2009, our average sales were \$568,000 a month for 11,927 customers. The daily average usage is over 2.3 million gallons a day. The average monthly bill is \$47.63 based on an average of 5,904 gallons per customer per month. Current water rates went up January 1, 2010 as follows, 0 to 7,000 gallons – \$6.49 per thousand gallons; 7,001 to 10,000 gallons - \$8.11 per thousand gallons; and over 10,000 gallons - \$8.89 per thousand gallons. The January 1st increase averaged \$3.99 per month, per customer. We have a wholesale water contract with the City of Griffin. This contract lasts through 2020. In 2010, the wholesale rate is \$5.94 per thousand, \$2.26 of that or 38.1% is for debt service and depreciation. To give you a comparison, in 2006, the wholesale rate was \$2.81 a gallon, so it's up about \$3.00 per thousand gallons. In 2006, less than 62 cents or 22% of that cost was for debt service and depreciation. Last year, this impacted rates adversely. The city system usage was down about 8%. The high debt service and depreciation is pretty much driven by the Stillwater Reservoir. That's a long term investment for the future and the next two or three years you're going to see debt service and depreciation start to decline some.

We're sound financially. There's a one page summary or a monthly summary that I think you see on a regular basis. We do have two bond issues: a 2003 bond issue that was originally \$9,880,000. The balance on that is now \$4,890,000 and the final pay down is in 2013. The second bond relates to three major projects I wanted to talk with you about. First of all, in northern Spalding County there are water system improvements going on. They are funded by \$11,380,000 bond issue. \$8,080,984 is still unspent on that. Right now it is interest only payments. The principle payment will begin in 2013 with the first maturity dates. That's designed to improve pressure and delivery in the northern tier of Spalding County. Part of that was driven and the debt retirement will be financed by or paid for by increased development. Herron Bay is a commercial mode of that development on Georgia Highway 155. There is also the Herron Bay portion in Spalding County and that residential customer demand is predicted to increase.

He addressed fire protection. He stated the county is not at the 500 feet per hydrant rate and do not meet county requirements. We will need to add up to 113 hydrants to get to the 500 feet per hydrant requirement. There are two water tanks that will fail in future years.

He addressed Sun City Peachtree. We have an interactive water model and part of this is what drives this project. Minerva, several years ago, when Sun City was developing, needed to determine how best to get water supply for that area and what could Spalding County do. They paid for the engineering work for our interactive model and then donated that engineering work in that model to the Water and Sewer Authority. For instance, if somebody comes to Chuck with a 100 house sub-division located some place in the county, we can take this interactive model, we have pressure and demand that already exists throughout the system, we can then determine what the demands will be and can we handle that. If we can't handle it, what is needed to make those requirements. It's a very good tool for new capacity. It's a very good tool for looking at problems throughout our system.

The third project is the Springs Global Wastewater Treatment Plant which was known as Dundee Mills for many years, which we acquired for \$1.00. That acquisition for that one dollar has now given us the ability to provide sewer on the northern tier of Spalding County. With that we acquired one employee who is the wastewater treatment plant operator. He is certified and he has been on-site working for Dundee and Springs since 1985. On December 28th, the Springs NTBES permit, was transferred to the Authority. We are now in the process of converting that permit from industrial to a municipal permit. We have to do waste load allocation. We have to do planning over a certain period of time and we have to also talk about what we think our capacity will be over the period of time of the permit. That process is on-going. We are also in the process of converting to our own meter for the wastewater treatment plant. Some of you may know that Dundee Mills and Springs, had one power meter for plant number one through Griffin administrative office and the Griffin finishing plant and distribution center. That power fee left number one, came to the bleachery and then was distributed to the Griffin administrative office, the whereabouts for the distribution center of the wastewater treatment plant. Thankfully, Georgia Power had the transmission lines nearby and we were able to go to our own stand-alone meter. The sub-station equipment was out of date, so the equipment was replaced by Georgia Power and we have done secondary wiring improvements as part of that. We hope that some time this week, we will convert our own stand-alone meter and we've been sharing power with Springs for the last couple of months.

This facility currently flows as low as 20,000 gallons a day, but hydraulically that facility will handle 2½ million gallons a day. It will more than likely, be permitted for a million gallons a day. Growth to those kind of flows will take quite some time. We will be doing some work to change the treatment technology to allow for lower flows. The plant has very good capacity and has very good equipment. The jet aeration basin is a very effective aerobic treatment basin. I know we'll be pleased with it long term.

Mr. Phillips asked if we will have to apply for further increases once we surpass one million. Mr. Lamb stated, assuming that our application is for a million gallons a day, yes, once we go past that, we'll have to make application to the state.

The plant as it sits was appraised at \$1,550,000. The replacement value has been estimated at \$15,000,000-\$20,000,000. This is a very good facility and very large and a very good capital investment for us for the future of Spalding County.

For potential service areas, we have committed up to 250,000 gallons a day to reserve for Springs and that's for folks that might want to buy those properties. Those properties are connected to this wastewater treatment plant and obviously some kind of modification would be needed because we would have to do some type of metering. But, those facilities are connected and we have committed capacity of a quarter of a million gallons a day for Springs. They are in the process of selling those.

We have seven or eight houses that are currently on the system that was part of the Dundee Mill Village. The natural gravity drainage basin is 202.75 acres. So that plant is not designed as a lot of wastewater treatment plants would be where you find them in a low area and you have a lot of gravity flow. We will have to create a series of lift stations and actually pump the wastewater to the influent side of the plant. That can certainly be done. That's technology that's used throughout the country in wastewater treatment plants.

The first area we are looking at is Highland Mill Village. At your last meeting, you approved the CDBG Grant. That application process is under way. There's a public hearing on the 23rd at noon in the meeting room as part of that. We have other potential areas: certainly, East McIntosh Rd., North 9th St., and Hill St., all of those areas and the residential areas around. There has never been really any industrial development on U.S. 19 and 41 North. But, that's not to say you may want that. The reason that was never considered was not water and was not reasonable access to Interstate 75. Georgia Hwy. 20 provides that access. This wastewater treatment plant can take care of that if you work with the Development Authority in zoning if that vision exists. There is no sewer along U.S. 19 and 41 and Georgia 3 all the way to Henry County. There are some wastewater problems along there with septic systems or stand-alone treatment systems. That's certainly available. More than a year ago, the Water and Sewer Authority committed at the time to provide sewer to the Birdie Road 19 & 41 crossroads. That is part of the land use plan. The original plan was to do that with private sewer from Minerva at Sun City. This makes that

possible and makes it much more affordable for that project. While that's been provided, that will not happen until the demand is there. We have estimated funding on that. We have estimated some of the property owners on the various four corners of what their investment would be involved to begin that. Those are the service areas pretty much toward the northern tier of the county.

Water line installation – the question has come up about some concerns about fire protection and how we do water line installation. Cumberland Subdivision was the number one problem on the project list and was declined primarily because folks liked what they were getting as far as \$15.00 a month.

Mr. Gilreath stated he is concerned about fire protection. He said he really did not care whether they connect on to the water system or not. There are some nice homes out there that people have worked very hard to pay for. They keep their lots up and they paid taxes all these years. He would like the Water Authority to look into this concern. Mr. Lamb stated there was one hydrant out there. Mr. Phillips asked if that affects our ISO. Chipper Gardner, Spalding County Fire Chief responds it does not overall affect the ISO rating.

Mr. Lamb stated to connect would cost approximately \$36,700. That includes running about 400 feet of 6 inch ductile line. The problem there is that connection doesn't exist in the system. So, obviously there would be some hybrids that could be installed for part of that, but what you're suggesting is that we would duplicate the lines that were already in existence.

Mr. Phillips stated there might be a way to strategically place a couple of fire hydrants off of our line and not have to run the entire area with water. He asked if that would be a viable option. Mr. Gardner stated he would think so. Mr. Lamb says we'll look at it from a cost point-of-view. He further states he's sure the residents would not want to connect to our system. Pressure-wise, that would be problematic in every house out there, but pressure reducers could certainly help there. Mr. Gilreath said he would appreciate anything they could do for these people.

Mr. Lamb addressed Mr. Gilreath's second inquiry which is Cecil Jackson Road, access to Edgewater Dr and East Lake Circle. This dirt road, we tried again in the mid 2000's, we were unable to get right-of-way on Cecil Jackson Road. To give you a little history there, the Authority use to run water lines down dirt roads and run them right outside the ditch. When those roads would get paved, we would end up running lines again. So, they went to a policy of 50' right-aways. And obviously, if you live on a dirt road, the Water and Sewer Authority comes in and asks for a 50' right-of-way, the residents do not want it. That's what has happened in that location. I don't know if that needs to be revisited, but I know that both of these areas have been visited by the Water and Sewer Authority.

Mr. Lamb continues by stating we have a current list that has 99 total projects. There are 35 projects that are under \$10,000 per customer on cost. Twenty six of those thirty five projects are on dirt roads. So, again acquisition of right-away is problematic. The general requirements of the Water and Sewer Authority have worked under is less than \$10,000 per customer. It use to be \$5,000, but after that list of mostly less then 5 houses was completed, the Water & Sewer Authority said if we're going to install more water lines, we have to change our target and it was increased to \$10,000...in trying to keep it at less than 5,000 feet in water main length. Also, the 50' right-of-way acquisition for all dirt roads was put in place.

There are two current projects we are working on. First of all, Georgia 92 and Manley Creek or Heads Creek, upstream of the Heads Creek Reservoir...those old lines were valved off when that bridge was replaced. That's one of those things that fell through the crack when the new bridge was put in. The water line was not put back, so we have two dead ends. While we have a contractor in here working on the northern tier of Spalding County, we intend to correct that because we'll have some gaps in pressure in service capability in those areas.

We have also had a request on 358 Chehaw Rd. They have excessive iron contamination. We're going to need to run about 250 feet of line. We're going to require an easement from the neighbors before we can do that.

As far as the future, we have capability now to do things from a Water and Sewer point-of-view that we have not had before. This is where the partnership needs to be from and where we'll follow your leadership as far as land use and development. First of all, what we do is going to be driven by the agreement between the City of Griffin and Spalding County on who is going to provide sewer where. The City/County Wastewater Management Plan needs to be updated. It needs to reflect the acquisition of the Springs Wastewater Treatment Plant and also reflect the Minerva Wastewater Plant at Sun City. Then, are there changes that need to be made on the land use plan or are there visions that you have, especially in the northern tier of the county where we can supply sewer, where the Water & Sewer Authority should be targeting development.

Mr. Phillips stated he has two actually. We've got Beaverbrook and Jordan Hill both operating off septic tanks. Mr. Lamb stated the school system has already talked to us about that. Mr. Phillips says he doesn't

know what they generate as far as wastewater, but he can imagine it's huge. Mr. Lamb says the Birdie Road project will take in Beaverbrook Elementary. That airflow will come to that lift station. That lift station will be located at a low point in that service area so that from those four quadrants, it will flow like gravity to that lift station. That will be the design wherever we go in the county. To locate lift stations at the low point in the terrain and then have gravity flow in and then pump to the wastewater treatment plant.

Mr. Lamb made the Board aware of the City of Griffin water bond validation petition with one of their water customers, Coweta County, and this is in litigation and has potential impact on system volume. Anything that impacts system volume has an adverse impact on our rates.

Mr. Fortune, County Attorney commented there was a dispute about what the value of the system is. The City of Griffin did not have any data and that's one of the reasons the court recessed the hearing. It was to allow both sides to get experts that could testify as to the value. They had a mediation that went absolutely nowhere and I think they go back to the court for additional hearings on February 22nd. Based on its present posture, initially it was thought that Coweta County would argue the contract was not enforceable for a variety of reasons and they didn't want to buy any more water. They have now stated in their pleadings that they believe the contract is enforceable and valid, which means they are obligated to buy water. However, they think by buying into the system they can get a reduced rate. It's my understanding the City of Griffin doesn't agree with that theory. So, what's going to ultimately happen to them, I don't know. Hopefully, however, it's not going to impact volume of water that they buy which is what our big concern was because of the debt service that has got to be paid on Stillwater. If the volume goes down, everybody's prices have to go up because you have got to get the money from somewhere to pay the bond.

With the current posture that Coweta is taking, which is that they have a valid contract, they intend to adhere to, the big fight now becomes what's the value of the system if their going to provide 8% of it, how much money is that and whether or not it's going to have an affect upon what they have to pay for water.

Mr. Fortune says Coweta County's contract specifically gave them the right to acquire an equity position. Our contract does not.

Mr. Fortune said it was approximately five years ago when Coweta entered into the contact. Of course, at that time they were desperate for water and signed what they now believe to be not such a good contract. Now they have a surplus of water and would like to be selling water. So, they are really not very keen on buying it from Griffin, but here again is a contract that says they have to. They have minimum requirements. We don't. They have obligations to supply us with "x" amount of water. We are under no obligation to buy any minimum amount. Coweta County has a different arrangement entirely. They are obligated to buy a minimum amount which escalates each year.

Mr. Lamb states we now have connection possibilities with this project in the northern tier of the county which we did not have before. Our contract is good until 2020 and I would think that we're three or four years from beginning negotiations. Mr. Fortune stated that's not the problem Coweta County has. They have 45 years on their contract.

2. Consider an appointment to the Spalding County Library Board of Trustees, four-year term to expire 12/31/2013.

Mr. Phillips apologized he did not get Mr. Tommy Jones' (Griffin Fire Dept.) name put in the book for consideration and hopes that Mr. Jones would still continue to work with the Library.

Motion/second to approve appointment of Ms. Stephanie Wischoff by Flowers-Taylor/Phillips and carried by a vote of 5-0.

3. Consider second reading of Amendment to the Official Ordinance of the following: - **Amendment to UDO #A-09-08:** Article 5, AR-1, Agricultural and Residential – Section 503: B(17) – amend to allow Office use in the AR-1 District.

IN RE:

Text Amendment #A-09-08

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on January 28, 2010 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

SECTION 1. The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5, AR-1 Agricultural and Residential District to appear as Section 503(B)(23):

- (23) Office (for commercial activity conducted off-premise) meeting the following development standards:
 - a. Minimum tract size: 25 acres;
 - b. Located within an existing building or structure;
 - c. Persons employed on the premises for office use shall not exceed four (4);
 - d. Office hours limited to seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m.;
 - e. The office must not change the agricultural and/or residential character of the property;
 - f. Maximum office square footage: 2,000 square feet;
 - g. Outdoor storage associated with the office use is prohibited;
 - h. Parking for the office use limited to side or rear yard;
 - i. Equipment or vehicles related to the off-premises business are not allowed on site, except for personal vehicles of persons employed on the premises for office use; and
 - j. Office use cannot create or generate increased traffic and/or noise, except for that associated with the use of personal vehicles of persons employed on the premises for office use.

Section 3: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

Motion/second to approve second reading of Amendment to UDO #A-09-08 by Flowers-Taylor/Freeman and carried by a vote of 3-2 with Commissioners Goss and Gilreath voting against the motion.

4. Consider Authorizing the Chairman to execute the Memorandum of Agreement Regional Transit Planning Coordination and Cooperation between the Atlanta Regional Commission and Spalding County to be a Full Voting Member of the Regional Transit Committee.

This is an offshoot of ARC. It was discussed by Mr. Freeman that this would be a fee for us of \$10,000 and would be increased in two years. That gives us the federal transit funding on an 80/20 basis which would give us \$4.00 back on every dollar that we put into it. The fee will increase in two years to approximately \$25,000.

Memorandum of Agreement

REGIONAL TRANSIT PLANNING COORDINATION AND COOPERATION between the Atlanta Regional Commission and Spalding County

SECTION 1: PURPOSE

This Memorandum of Agreement (MOA) defines the roles and responsibilities of the Atlanta Regional Commission and Spalding County in the transit planning and coordination activities for the Atlanta region.

The Atlanta Regional Commission (ARC) is the federally designated Metropolitan Planning Organization for the Atlanta Metropolitan Transportation Planning Area as well as the state designated Metropolitan Area Planning & Development Commission with the responsibilities of a Regional Commission. The ARC is composed of officials of political subdivisions and of private citizens representing districts of approximately the same population within the Atlanta metropolitan area as determined from time to time in accordance with the provisions of Chapter 8 of Title 50 of the official Code of Georgia Annotated. Such composition provides representation to local governments within the area.

In 2004, ARC launched the Regional Transit Institutional Analysis (RTIA) to study the institutional challenges associated with the planning and provision of transit at the regional level. The RTIA led to the creation of the Transit Planning Board (TPB) in 2006, an interagency partnership between ARC, the Georgia Department of Transportation (GDOT), the Georgia Regional Transportation Authority (GRTA) and the Metropolitan Atlanta Rapid Transit Authority (MARTA).

Following the sunset of the TPB in December 2008, the Transit Implementation Board (TIB) was created as an ad hoc committee of ARC. A primary task of the TIB was to develop and recommend a long term governance structure for regional transit planning and coordination. In September 2009, the TIB recommended the establishment of a Regional Transit Committee as a full policy committee of ARC.

In December 2009, ARC, GDOT, GRTA and MARTA did amend their 2008 Quad Party Agreement (*Memorandum of Agreement for Transportation Planning Coordination and Cooperation in the Atlanta Metropolitan Planning Area (MPA) between the Atlanta Regional Commission, Georgia Department of Transportation, Georgia Regional Transportation Authority, and Metropolitan Atlanta Rapid Transit Authority*) to define their roles and responsibilities relative to a Regional Transit Committee.

The RTC was implemented as a policy committee of the ARC in January 2010.

SECTION 2: DEFINITIONS

The following terms used in this MOA shall have the meanings set forth in this section and as now or hereafter defined in the referenced federal or state statutes or regulations:

- A. Atlanta Regional Commission (ARC)** means the multipurpose, comprehensive regional planning agency created pursuant to State law and designated as the planning agency for the 10 county Atlanta Region for all federal and state programs which require or encourage area wide planning. ARC is designated by the Governor of the State of Georgia as the Metropolitan Planning Organization for the 18-county Atlanta area pursuant to the Federal Aid Highway Act (23 U.S.C. § 101 et seq.), the Federal Transit Act (49 U.S.C. Appx § 1601 et seq) and other applicable federal and state laws.

- B. Regional Transit Committee (RTC)** means the policy committee of ARC responsible for regional transit coordination. . The RTC holds regularly scheduled meetings that are open to the public.
- C. Regional Transportation Plan (RTP)** means the financially balanced 20 year or more multimodal transportation plan that leads to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods.
- D. Transportation Improvement Program (TIP)** means the financially balanced, staged, short-term, multi-year intermodal program of transportation projects covering a Metropolitan Transportation Planning Area which is consistent with the Regional Transportation Plan, and developed pursuant to 23 CFR 450.
- E. Transportation & Air Quality Committee (TAQC)** means the transportation policy committee of the ARC. TAQC serves as the body to develop consensus among the ARC, MARTA and GDOT regarding metropolitan or multi-jurisdictional transportation related policy matters potentially affecting the Area. TAQC shall transmit its recommendations directly to the Commission. TAQC holds regularly scheduled meetings which are open to the public.
- F. Transportation Coordinating Committee (TCC)** means the transportation technical committee of the ARC. TCC is responsible for providing local government input on planning issues and evaluating information in order to provide technical advice to TAQC. TCC holds regularly scheduled meetings which are open to the public.

SECTION 3: ORGANIZATIONAL ROLES & RESPONSIBILITIES

ATLANTA REGIONAL COMMISSION (ARC), as the managing agency for the RTC, shall be responsible for the following:

- Provide administrative support for all aspects of the day-to-day operation of the RTC. This work includes (but is not limited to) regular communication with board members and stakeholders, scheduling of and preparation for board and committee meetings, coordination of staff resources between the RTC partner agencies, management of RTC consultants/contractors, and administration of the federal grants that support the work of the RTC.
- Maintain and refine the adopted regional transit vision (Concept 3) and provide planning and technical support to both long-range and short-range transit planning initiatives around the region.
- Facilitate discussion and coordination regarding legislative developments at the state and federal levels that impact regional transit planning and coordination activities in the Atlanta region.
- Coordinate activities of the RTC with the ongoing RTP/TIP development and programming activities of ARC's Transportation Planning Division, with RTC providing recommendations regarding the transit element of the RTP/TIP.
- Oversee service coordination activities between the various transit operators in the Atlanta region through regular meetings of the Service Coordination Council of the RTC.
- Coordinate activities related to the development of a regional fare policy in the Atlanta region for all existing and planned new transit agencies.
- Coordinate activities of the RTC with the ongoing activities of ARC's Transportation Planning Division regarding the planning and provision of Human Services Transportation (HST).
- Establish performance measures for evaluation of regional transit services and create a data reporting structure for all regional transit operators. Publish summaries of the collected data in periodic reports on the state of the regional transit system.
- Coordinate public engagement and outreach efforts related to the RTC and its activities.
- Provide other assistance as mutually agreed upon.

B. SPALDING COUNTY, shall be responsible for the following:

- Participate in the Atlanta regional transit planning and coordination process, with a voting member on the Regional Transit Committee.
- Provide local funds to match available federal transportation planning funds, as determined annually by the RTC to be fair and reasonable. Failure to provide local matching funds for any year will revert the county to non-voting status for that year.
- Coordinate with ARC, GDOT, GRATA, and MARTA on transit planning and coordination activities related to the mission of the RTC.

Provide other assistance as mutually agreed upon.

SECTION 4: COMPLIANCE WITH APPLICABLE LAWS & REGULATIONS

All parties shall comply with all applicable local, state, and federal laws and regulations. Nothing in this MOA alters, or seeks to alter, the existing statutory authority of any party under state or federal law. If any of the provisions of this MOA are held to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 5: AMENDMENTS & MODIFICATIONS

Any party may request changes to this MOA at any time by written notice to the other party's signatory of this agreement. Such changes as are mutually agreed upon by and between the parties shall be incorporated in written amendments to this MOA executed in the same manner as original MOA approval. Either party may terminate this agreement by giving 30 days notice to the other party.

SECTION 6: NOTIFICATION

Any official notifications between the parties to this MOA that would substantially affect the terms or conditions of this MOA shall be directed to the office of the signatories to this agreement.

In witness whereof, the parties hereto have executed this Memorandum of Agreement, this 15th day of February, 2010.

Attest:

Atlanta Regional Commission
Director

Attest:

Phyllis P. Doane

Spalding County
Edward Goss Jr., Chairman

Motion/second to approve Memorandum of Agreement which includes a fee of \$10,000 for first year and \$25,000 each additional year by Commissioners Phillips/Gilreath and carried by a vote of 5-0.

5. Consider appointments to the Butts, Henry, Lamar & Spalding Development Authority, a three-year term to expire 12/31/2012.

Mr. Gilreath asked why we have to okay these appointments. According to Ms. Flowers-Taylor it's because they are representing our county and the Industrial Authority would like the Commissioners to approve. It's a courtesy to the county.

Motion/second to approve appointment of Chuck Copeland, Chairman of Development Authority, by Flowers-Taylor/Freeman and carried by a vote of 3-1-1 with Commissioner Gilreath voting against the motion and Commissioner Phillips abstaining.

Motion/second to approve appointment of Ms. Martha McDaniel, Vice-Chairman of Development Authority, by Flowers-Taylor/Freeman and carried by a vote of 5.0.

XI. NEW BUSINESS

1. Mr. Walter Murphy, Executive Director of the Library Board of Trustees is present to discuss finances and the outlook for 2010.

Motion/second to table until March 15, 2010 Meeting by Gilreath/Phillips and carried by a vote of 5.0

2. Consider additional request from United Daughters of the Confederacy, James S. Boynton Chapter #222 to allow them to perform a live cannon demonstration once on every hour for the Camp Stephens Living History Day.

Ms. Betty Browning spoke on behalf of the United Daughters of the Confederacy. She thanked the Commissioners for their support. Ms. Browning stated the cannon will be very loud. She says they can decrease the amount of black powder to decrease some of the noise, but safety is the main priority. Ms. Browning stated the men that are bringing the cannon have been doing this for at least 30 years.

Ms. Flower-Taylor asked what hours they would be doing this. Ms. Browning stated it will be from 1:00 to 5:00 on March 27th. There will be a demonstration every hour. Ms. Flowers-Taylor expressed her concern over this being right next door to a residential area.

She asked how loud is this going to be. Ms. Browning stated it may set off some car alarms, but she will advertise so the neighborhood will be aware of what's going on.

Motion/second to approve request by Phillips/Freeman and carried by a vote of 5.0.

3. Consider request from the Spalding County Animal Care & Control Advisory Board to extend the time from seven days to fourteen days before an animal is euthanized.

Ms. Flowers-Taylor spoke with Brent Foster concerning the possible issue of being able to feed the animals for the extended period of time. A large majority of the food he gets to feed the animals is donated so this should not be a problem. Ms. Flowers-Taylor expressed confidence in the staff as far as their regards to the animals and the decisions they will make.

Mr. Gilreath asks if there could be more publicity about the dogs that are available for adoption. Ms. Flowers-Taylor stated that Spalding County has a website with pictures of the animals. She also addressed the cleanliness of the shelter. She would like to see Home Depot give us a couple of hundred yards of chain link fence so they could have a run for the dogs to actually be out in while they are cleaning their cages.

Mr. Freeman stated that he thinks they do a great job out there and he has had good dealings with them. They are very professional. Mr. Phillips also commended the Animal Advisory Board. He feels like they should give them the benefit of the doubt, if it doesn't work out, they can always rescind it.

Motion/second by Flowers-Taylor/Phillips and carried by a vote of 5-0 to approve request made by Spalding County Animal Care & Control Advisory Board to change the current procedure of euthanizing animals to allow at the discretion of the Animal Control Supervisor an extension of this time period for selected, most adoptable animals where facility space, hygiene and health allow such an extension.

4. Consider at first reading an Ordinance amending the Spalding County Code to provide for "No Thru Trucks" on Tomochichi Road from Jackson Road to High Falls Road.

Motion/second to approve first reading of Ordinance by Phillips/Flowers-Taylor and carried by a vote of 5-0. The ordinance will in incorporated into the minutes on second and final reading.

5. Consider approval of an Amendment to the CSBG Contract for Council on Aging.

There was a question by Ms. Flowers-Taylor as to why they decreased the meals delivered and how decreasing four meals would allow them to drop down to one driver.

Motion/second to table until further information is obtained by Commissioners Phillips/Gilreath and carried by a vote of 5-0.

6. Consider request of St. George's Episcopal School for a letter stating that Spalding County has no objection to the State granting a one-day alcohol license for the 2010 Get-Away-Gig fundraiser, Saturday, March 6 from 6 pm to 11 pm at 2251 Jackson Rd.

Katie Inglis, Chairperson for St. George's Episcopal School's 2010 Get-Away Gig, addressed the Board. Ms. Inglis stated this was their major fundraiser for the year. They were looking for a change of venue. This is a residence.

Mr. Gilreath asked who lives at this address. Ms. Inglis stated this is the home of Mr. & Mrs. Robert Shapard. Mr. Gilreath asked if they are close to the school. Ms. Inglis says this location is way off the road. Ms. Virginia Martin spoke up and said this is the home of her parents and it's in the middle of about 200 acres and should not disturb anyone.

Motion/second to approve request by Commissioners Phillips/Gilreath and carried by a vote of 5-0.

XI. REPORT OF COUNTY MANAGER

- Tim Whalen announced that a ribbon cutting for the Sunny Side Pavilion will be held Monday, February 22, 2010 at 11:00 a.m. at Sunny Side Park.
- Mr. Jim Fortune, County Attorney addressed the Board regarding Rodney McCord's appeal and wanted direction from the Board concerning the \$300.00 filing fee for cost of appeal. The consensus of the Board was to pay the full \$300.00.

XII. REPORT OF COMMISSIONERS

Freeman

Mr. Freeman commended the local 4H Group. The varsity team took first place in Tampa in a Mounted Drill Team competition. They took first place in each class they entered. They have another upcoming competition in Unadilla, Georgia.

Mr. Phil Keyser, who has his own consulting firm for the process of hiring a County Manager, sent Mr. Freeman a copy of his resume and what he does. He would like to give each commissioner a copy of this.

Flowers-Taylor

She stated that she had asked for a list of all the priorities and goals that the Board discussed at their last two retreats. Out of all these goals, the only one she was aware of that really got done was the substandard housing ordinance. In previous retreats, we discussed in depth about trying to come up with an Ethics Ordinance that has not seen any action at all. She feels it's important for us to follow up with these items. The County Manager was directed to give an up-to-date report on where we are with these projects at each commissioner's meeting. 2008 and 2009 goals need to be completed.

She commented on her and Mr. Freeman attending the ACCG Legislative Conference. One of the things that came out of that session from the Department of Human Services was an opportunity to receive federal grant money for jobs.

Ms. Virginia Martin, Assistant to the County Manager, stepped forward at this point and stated this program is part of the AARA, the stimulus money from the Federal Government. There are 20,000 jobs for Georgia. There are two programs that we might be able to look into. One is that if we hire adult workers who qualify under the TANF standards, we wouldn't pay any benefits and their salaries would be supplemented 80%. There's also a companion program concerning teenagers, age 14 to 18. Their requirements are related to the income of their families and their summer jobs would pay \$8.20 per hour and would be available from June 1st through July 31st. It's called Teen Work and the federal money would pay for 100% of this. Ms. Martin will be receiving additional information on these programs. She also commented that we need to get the information out to the community as quickly as possible.

She informed the Board that with the cuts to state budget, the Health Department budgets are going to be cut also which will cause a shortage for programs. The county subsidizes the Health Department and it is based on the level of cuts to the Health Department.

She commented the One Georgia Fund is being decreased also. There are \$590,000,000 dollars in one Georgia fund and there's a plan to take \$280,000,000 million dollars out of it to sell on the Bond Market to try and get money to help offset the budget for the state.

Phillips

He would like to strongly advise people to drive carefully in the snow/ice. Stay home if possible when we have bad weather.

He stated he would like for the media to please let people know we have not abandoned the Senior Center. The SPLOST money has been earmarked and it's ready to be spent. It's just a matter of getting started. The citizens wanted their bus first.

Gilreath

He congratulated the teachers and the children at Orrs Elementary School in Griffin. They were named one of only two schools statewide for Character in Georgia for 2010. He thanked them for their fine work.

He also requested that the Chairman of the Board call an Executive Session and asked that all county appointees that were appointed to the IDA to be present at the meeting.

Goss

He commented that the clinic at the Health Department had finally reopened, but had received a call from the hospital on Friday morning stating that for some reason the clinic had shut down. It had something to do with the scheduling of the nurse practitioners, but hopefully he will meet with them tomorrow and find out what exactly happened and what we

can do to prevent this. He commented it was very disheartening to get a phone call saying someone had ended up at the emergency room because the clinic was shut down. The Health Board has been working to keep the clinic open and to keep people out of the emergency room that are truly not emergencies. He will report back to the board through either e-mail or phone calls within the next couple of days.

XIV. CLOSED SESSION – N/A

XV. ADJOURNMENT

Motion/second to adjourn at 7:38 P.M. by Phillips/Gilreath and carried by a vote of 5-0.

Chairman

Interim County Clerk

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