

REGULAR MONTHLY MEETING

The Spalding County Board of Commissioners held their Regular Monthly meeting in Room 108 in the Courthouse Annex, Monday, April 5, 2010, beginning at 6:00 p.m. with Commissioner Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Eddie L. Freeman, David Phillips, and Bob Gilreath present. Also present were Interim County Manager Tim Whalen, Assistant to the Interim County Manager Virginia Martin, County Attorney James R. Fortune, Jr., and Executive Secretary Glinda Robertson.

- I. **OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. **INVOCATION – Led by Rev. Clay Padgett, Pastor of Crown Center Church**
- III. **PLEDGE TO FLAG – Led by Commissioner David Phillips**

Motion/second by Flowers-Taylor/Phillips to amend the agenda to move discussion with Louis Greene regarding Hotel/Motel Taxes in front of old business due to the fact Ms. Flowers-Taylor needed to leave the meeting early. Motion was carried by a vote of 5-0.

IV. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

- a. Consider approval of a Proclamation declaring the month of April, Confederate History & Heritage Month.

Motion/second by Freeman/Flowers-Taylor to approve and carried by a vote of 5-0. Mr. Larry Johnson was present to receive the proclamation.

Proclamation

Declaring Confederate History & Heritage Month

- WHEREAS,** April is the month in which the people of the Confederate States of America began and ended a four-year heroic struggle for states' rights, individual freedom, local government control and determined struggle for deeply held beliefs; and
- WHEREAS,** Spalding County supplied many citizen soldiers and officers who fought for their beliefs in this great struggle; and
- WHEREAS,** Spalding County, Georgia has long recognized her Confederate history, the officers and enlisted men of the Confederate States Army and the Navy and those at home who made sacrifices on behalf of their families, homes, communities, and country; and that it is just and right to do so; and
- WHEREAS,** the noble spirit and inspiring leadership of these great officers, leaders, and the ordinary men and women, free and not free, of the Confederate States is an integral part of the history of all of America; and
- WHEREAS,** it is important for all citizens of Spalding County to reflect upon our past and to respect the devotion of her Confederate leaders, soldiers, and citizens to the cause of Southern liberty; and
- WHEREAS,** Spalding County, Georgia is proud to recognize and celebrate the devotion of her Confederate soldiers and all those from Spalding County who fought and sacrificed in this great struggle that divided families, the nation, and our State; and
- WHEREAS,** the knowledge of the role of the Confederate States of America in the history of our nation and our State is vital to understanding who we are and what we are; and
- WHEREAS,** we honor our past and from it draw the courage, strength and wisdom to reconcile ourselves, and go forward into the future together as citizens of Spalding County, Georgians and Americans;

NOW THEREFORE, I do hereby recognize April 2010 as Confederate History and Heritage Month in Spalding County, Georgia and urge all citizens of the county to engage in a historical study of the events of the years 1861 to 1865, inclusive, and to solemnly contemplate that time in our history and I call this observance to the attention of all our citizens.

This, the 5th day of April 2010.

Timothy Whalen, County Clerk

Edward Goss, Jr., Chairman

V. PRESENTATION OF FINANCIAL STATEMENTS – N/A

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.

Richard Shurly – 46 Lisa Lane

Mr. Shurley had a complaint about bad neighbors with loud music, motorcycles, and four wheelers. Across the street from his home, there are duplexes which have become the World of Motor Cross. The police have been out several times. Mr. Shurly wanted this to be on public record that there was a problem in the neighborhood. He provided photographs for the Board to see. He stated emotions are running high in the neighborhood. Dee Stewart and Eddie Goss have both been out to the property to check out this situation.

Mr. Fortune stated the neighbors or possibly Spalding County could bring an action to abate the nuisance if enough evidence is provided. Mr. Fortune recommended Mr. Shurly speak to the Sheriff's office again and speak to our Code Enforcement officers so they may keep an eye on this.

Mr. Goss stated that during his time there he watched a woman give a ride to a child on a four-wheeler. He worried that if anything went wrong, very serious injury could happen to the child.

Charles Bassett – 3333 W. Ellis Rd.

Mr. Bassett stated he has been to every BOC meeting for about six or seven months. Each visit concerns sandblasting going on at a business across the road from his home. He received a letter from Chuck Taylor with Spalding County's Community Development Department stating the business is in compliance. Mr. Bassett does not believe it is and was hoping to get a response from the county attorney.

Mr. Newton Galloway was present at the meeting. He stated he had discussed this matter with Chuck Taylor and Chuck has looked at the business license and record history for the property in question. Mr. Galloway says that sandblasting is treated as a manufacturing activity under our ordinance and there has been a history of manufacturing at this site. Mr. Galloway stated that he would be happy to sit down with Mr. Bassett and go over the analysis findings. Mr. Bassett agreed to do so.

Mr. Freeman stated he has visited this business and they are making pallets that have to be sandblasted. Mr. Bassett says they are not making pallets. He says there's another man named Tom that is making pallets at the sawmill. Mr. Freeman told Mr. Bassett he did not think he had his facts straight.

Mr. Bassett says the point he is challenging is zoning. He says the business was abandoned for 12 months and it should have, according to Spalding County code, reverted back to agricultural zoning.

Mr. Galloway stated the issue is whether or not it's protected non-conforming use. All of the property out there is zoned AR-1 standard. A manufacturing facility had been out there previously for years and the question was whether or not it had lost its protection. It was agreed at this point Mr. Galloway, Mr. Taylor, and Mr. Bassett would all meet to go over this.

Jack Russell – 3320 W. Ellis Rd.

Mr. Russell is familiar with this situation. He also lives in this neighborhood. There originally were pallets being made at the business, however, that seems to have changed. The sandblasting is something entirely different. There are clouds of sand and lead in the air. He understands they are now sandblasting aluminum trailers. He is concerned about the danger of lead. Mr. Russell states this is not what he signed up for. He says he has been there 23 years and pays his taxes. He tries to be a good neighbor. He states the business was dormant for about two years. There has never been any sandblasting going on before now. The land is not zoned for this. He moved out to the country for fresh air, not air that has sand, lead, and aluminum in it.

Mr. Russell continued by saying Head Creek is close by. All of this stuff is going into the creek. Mr. Russell feels like there are regulations being overlooked.

Mr. Freeman stated when he recently visited the property the business owner had a room he sandblasted in. He further stated the business owner had a machine that he collects dust with in the room. Mr. Russell questioned if he was disposing of it in accordance with EPA rules.

Ms. Flowers-Taylor asked Mr. Russell what he would like the Board to do. Mr. Russell stated the business should only be allowed to do what they were doing in the past. They should be building pallets, not sandblasting dump trucks. He believes they are in violation.

Ms. Flowers-Taylor stated the Board does not have the ability to test the air or the water. She advised Mr. Russell to contact the EPA himself and ask them to have the water tested.

Mr. Galloway stated that part of Mr. Taylor's analysis was the license history on the property. The facility has been out there for decades and it predates the 1987 ordinance. The only zoning question presented is whether this manufacturing activity is essentially a successor in terms of permitting, in terms of manufacturing on that site. Mr. Galloway agrees that any rezoning of the property should be denied because it is an residential zone. We have to look at whether there was a former vested right with a manufacturing use on that property that can continue as a non-forming use. That's the only zoning question we have. The dust, noise, run-off and those types are a completely different issue. These items may make this a private action between the neighbors and the current property owner.

According to Mr. Galloway, the county has been asked one question: "Is there a legal right to maintain a manufacturing activity on that property based upon the history of use of the property and the business license record?" That's all Chuck's letter to Mr. Bassett answered.

Mr. Goss told Mr. Russell he was welcome to meet with Mr. Bassett, Mr. Galloway, and Mr. Taylor. Mr. Russell agreed to do so.

Fred Gardiner from City of Griffin

Mr. Gardiner was present to discuss U.S. Census. With him was Ms. Gloria Solomon, our District Representative for the U.S. Census. Spalding County currently has a 60% participation rate which is one of the highest in the area. There is still a ways to go. This weekend the Census will be participating in their "March to the Mailbox" campaign. They will be going into neighborhoods where they know there will be low response rates. Everyone needs to be counted. There are sites throughout the county where people can pick up forms such as the library and the Chamber of Commerce. The completion and mailing in of these forms helps the county, apply for grants and also helps with school funding.

VIII. MINUTES

1. Consider approval of Minutes of the following: March 15, 2010 Special Called Meeting; March 15, Extraordinary Session; March 22, 2010 Special Called Meeting; & March 25, 2010 Zoning Public Hearing.

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

IX. CONSENT AGENDA – N/A

X. NEW BUSINESS

1. Discussion with Louis Greene regarding Hotel/Motel Tax Explanations.

Ms. Flowers-Taylor suggested to Louis Greene that Parks & Recreation use Hotel/Motel Tax to assist with some of their programs such as GRPA District, State Tournaments and special events such as the Christmas Festival.

This was the third year the Christmas Festival was held at Airport Road. It was difficult to get an accurate count but estimates were more than 3500 people attended. It was the largest crowd the county has ever had. The attendees come from all the surrounding areas.

The GRPA District and State Tournaments are also big events. There are anywhere from about six teams upward involved with these tournaments bringing in several hundred people. In the past, there has been a significant amount of money put back into the county due to these tournaments.

The top events that happen in the county that are budgeted out of Parks and Rec are the Christmas Festival of Lights and the GRPA Tournaments. For Parks Division, the Festival of Lights is right at \$20,000. Recreation's part is about \$7,200. Sponsorships are harder and harder to find.

The Festival of Lights is an item that was on the cutting table. Ms. Flowers-Taylor believes this is an event that draws the most people to Spalding County and does not want to see this event cut from the budget. Mr. Greene is very appreciative of Ms Flowers-Taylor's suggestion of using funds from the hotel/motel tax.

Mr. Gilreath stated he has spoken with the Department of Community Affairs in Atlanta on what a county can use Hotel/Motel taxes for. He wants to make certain the county is using the hotel/motel tax revenue properly.

Mr. Fortune stated the funds can be used for the purpose of promoting tourism, conventions, and trade shows. Records will have to be kept to defend ourselves that we are using the money properly. The Board will have to make the decision as to who gets the money and how the tax money is spent. Mr. Gilreath indicated there are others in the county that will be asking for money out of this source of revenue.

Mr. Freeman stated what a good job our Parks and Recreation Department does and we are proud of what they do. He supports Parks and Rec asking for use of some of these funds.

XI. OLD BUSINESS

2. Commissioner Bob Gilreath would like to have a discussion of the Keep Griffin-Spalding Beautiful Board and possible consideration of Paul Banks to fill Tim Crane's vacated position.

Kevin Barkley was present to address the Board. He stated this committee is a joint venture between the Spalding County and the City of Griffin. The committee has been very active in the county schools. They have put on recycling skits and had art contests. They also participate in Relay for Life. The committee belongs to the Chamber of Commerce and is looking for projects they can help sponsor.

Mr. Gilreath is very interested in this committee and it is a top priority for him to make this county look nice. He is very interested in making the entrances and exits to this county, be something we can be proud of. Mr. Gilreath would also like to see the Keep Griffin-Spalding Beautiful website have more information that is related to the county.

According to Mr. Barkley, Spalding County has five active members on the committee and the City of Griffin has two active members. The committee currently has about \$18,000 in their account. They are willing to assist with community projects. Mr. Barkley agreed to contact DOT to see if they could be of help with making our entrances and exits look more pleasing with flowers and trees.

Motion/second by Phillips/Freeman to appoint Paul Banks to Keep Griffin-Spalding Beautiful Board and carried by a vote of 4-0.

3. Consider appointments of Jo Ann Cobb and Clara Kelly to the Three Rivers Regional Commission Area Agency on Aging Advisory Council.

Motion/second by Freeman/Phillips to approve appointments and carried by a vote of 4-0.

4. Consider approval of agreement for Yamacraw Rd. Landfill to add additional methane gas monitoring wells & EVE O&M.

Mr. Fortune stated the landfill agreed to strike paragraph 21 of the agreement which deals with indemnity language. It was agreed to approve with this change.

Motion/second by Phillips/Freeman to approve and carried by a vote of 4-0.

XII. NEW BUSINESS

1. Consider approval of an outside Amplification Permit requested by Isaac Hilton from Dayspring Community Church for an outdoor music festival to be held April 10, 2010 from 12pm to 9pm.

Mr. Hilton was present to represent the church.

Motion/second by Phillips/Freeman to approve and carried by a vote of 4-0.

2. Consider request from Promise Place for \$5,000 from the county to offset cost of providing service to victims of domestic violence.

Vanessa Mottley, Executive Director of the Promise Place was present. This organization assists victims of domestic violence here in Spalding County. Promise Place has conducted domestic violence training classes for some of the local police organizations. Their budget was cut last year 18%. They are asking to help offset some of their costs with the \$5,000 they are asking for.

Motion/second by Freeman/Phillips to approve and carried by a vote of 4-0.

3. Consider approval to help sponsor and find funds for the "Movies in the Park" event.

According to Mr. Goss, the advisory board is looking for funding for this event. Mr. Whalen stated the local businesses are strapped from donations. The total costs last year for these events were approximately \$7,000.

Mr. Gilreath wants to see this event continue. He feels it draws people downtown and it's worth every penny.

Motion/second to approve by Phillips/Freeman and carried by a vote of 4-0.

4. Commissioner Bob Gilreath would like to discuss initiating minimum acreage for land conservation.

Larry Lillard was present to address the Board on this topic. In 2008, House Bill 1081 was passed that allows the county to establish a minimum number of acres as a condition to qualify for reassessment. Currently, there is a minimum of 10 acres. The tax assessor's office asked the Board back in 2008 to consider raising the minimum acreage up to 25 acres. The item was tabled at that time.

Mr. Gilreath believes the Board needs to take action on this item. His preference would be to see the minimum set at about 20 acres. He states the money being lost is detrimental to the taxpayers of this county.

Mr. Freeman asked what the tax loss is on large tract acreage as compared to the smaller tracts. Mr. Lillard stated the total county loss for 2009 was \$843,215.71. The total fire district loss was \$183,036.74. Mr. Freeman stated the larger amount of loss is in the larger tracts of land and Mr. Lillard agreed with that comment. Mr. Lillard agreed to provide Mr. Freeman with additional information the next day.

Mr. Freeman does not believe anyone already under the conservation status should lose it. He feels if the land ever transfers, the Tax Assessor Board should look at it.

Mr. Gilreath would like to see people stay on the program until they sell the land or it transfers to someone else or until their current status is up.

Mr. Lillard stated any changes the BOC decides on will not take effect until January 1, 2011.

Mr. Freeman would like to see people grandfathered in and they never lose their status. Mr. Fortune stated this cannot be done. Mr. Freeman would like to see the legal documents that say you cannot do this.

Mr. Gilreath asked if anyone on the Board has any land under this program. Mr. Freeman said he has 9.5 acres. Mr. Freeman feels like if the Board selects a number of minimum acreage such as 10, it discriminates against people with smaller tracts of land.

Mr. Phillips thinks ten is a reasonable number, however, he feels people that are already in the program and expect to stay in the program, should be eligible to do so.

Mr. Freeman says "if it ain't broke, don't fix it." Mr. Gilreath says "it is broke."

Mr. Lillard defined agricultural use property that qualifies people for this program are things such as raising, harvesting or storing crops; feeding breeding and managing livestock or poultry; producing plants, trees or flowers; horticulture; forestry; dairy; and apiarian (bees).

This item will be placed on the agenda for action at the next meeting.

5. Commissioner Bob Gilreath would like to discuss county inmates paying all health oriented services during their incarceration.

Mr. Gilreath stated that it has come to his attention that several counties throughout the United States are charging inmates to be incarcerated. They are pulling in a lot of money from this. It will help cut back on the taxes to maintain and operate a jail. Most counties are charging from \$30 to \$60 an inmate to be incarcerated.

Mr. Gilreath believes that anyone put in jail should have to pay this money. He stated he does not know of any county in Georgia currently doing this. He had a letter from John Yates saying it is legal and the county can do it. Some counties are pulling in \$200,000 to \$400,000 a year by charging inmates for their healthcare.

Mr. Freeman stated he doesn't know how we can ever enforce this. If someone does not have the money to pay, he asked, "How are we going to collect?"

Mr. Gilreath says the county needs to look at this and see how we can proceed. Mr. Phillips stated he would like to hear input from the Sheriff's Department. Mr. Freeman suggested some of the inmates might have insurance and we wouldn't know it.

Mr. Goss stated that while he was on the Health Department Board, the attorney for the Health Department told him that once an inmate is incarcerated he is the county's baby. As long as he is in county custody we are totally and legally responsible for anything that happens to him.

Mr. Gilreath read an article to the Board from Klamath County in Oregon. This county decided to start charging inmates \$60 a day to help cover the costs of their stay while they were behind bars. He shared other articles that stated in some places inmates are charged for their stay while incarcerated. Other places, the inmates are billed once they get out. One place in Missouri took in \$384,000 so far this year.

In Broward County, FL, there was a lawsuit filed in the mid 1990's against the "Pay To Stay" program saying the program discriminated against the poor. A Florida appeals court ruled against the prisoners.

No action taken. This item will be researched by county attorney.

6. Commissioner Bob Gilreath would like to discuss the maintenance contract for county buildings currently serviced by Johnson Controls, Inc.

Mr. Gilreath stated there are monies being paid to a vendor outside the county. He would like to give the opportunity to bid for these jobs to Spalding County companies. He says there are a lot of tax dollars going out of this county. Mr. Goss agreed.

Mr. Freeman stated he would like to see Johnson Controls come down and explain what they do. He would also like to see someone from Spalding County come before the Board to see if we have anyone in the area that is qualified to handle these jobs.

Mr. Phillips stated this job may be too big for any one contractor and we may need to allow three or four contractors to share in this opportunity. Mr. Gilreath said all he is asking for is to keep the money in Spalding County.

Mr. Goss asked Mr. Whalen to provide a local company with a copy of the Johnson Controls contract to see if they could possibly conduct the work when the current contract expires.

Possibilities of bidding out for local contractors are being looked at.

7. Commissioner Bob Gilreath would like to discuss having board members sworn into their respective positions.

Mr. Gilreath believes that every person sworn into a position on a Board is making decisions that reflect the taxpayers of the county, the Board of Commissioners, and the Board they serve on. He would like to see anyone appointed to a Board by the Commissioners, be sworn into office by the Board of Commissioners.

This item will be placed on the agenda for action at the next meeting.

8. Consider request of additional \$10,000 of funding from the county's 2010 budget for operational expense for the Land Bank Authority.

Patricia Tyus and Newton Galloway were present to discuss their request. Ms. Tyus stated there were administrative costs to start up the authority that were not taken into consideration. As a result of these, the Authority is asking for an additional \$10,000 to fund this particular operation budget for the remainder of the current year.

Mr. Galloway stated that initially in 2008, the funding was proposed to start this Authority with matching funds coming from the city and county. The Housing Authority had promised \$50,000 in start-up. These funds never materialized. The Authority is separating out operational funds from the neighborhood stabilization program.

He continued by saying when the Board came into being last year, one of the first challenges was organization, identifying professional administration, and then beginning to acquire property. Because of NSP regulations through HUD, the Authority was limited in certain capacities to bid on foreclosure properties. These restrictions have been modified to some degree and the Authority now has a little more flexibility.

The Authority shortly will have acquired up to ten properties with about five more anticipated soon. Ms. Tyus will be monitoring renovation and rehabilitation contracts with contractors. The LBA is complying with a multitude of federal and state regulations to get this going.

According to Mr. Galloway, the Authority has made the decision that anytime the Spalding County Tax Commissioner has any tax foreclosure property, the Authority will exercise their authority under state law to go and be the bidder. There is a waiting period once this property is purchased. The Authority will not be able to see generating revenue coming from its basic authority under state law, until a year from now at least. During this time period the money is tied up. The amount of federal regulation involved in this is significant.

The LBA Board has authorized Mr. Galloway and Ms. Tyus to meet with the Housing Authority to discuss where they are with the commitment they had initially represented. However, Mr. Galloway stated he sees no real expectation of receiving

funds from them. The City of Griffin has agreed to supplement the LBA a certain amount of money for this year.

The goal is to make the LBA self-sufficient, however, they are a good ways away from that at the moment due to the statutory time the Authority has to hold a property in order to allow the owner to come in and pay redemption.

Mr. Phillips questioned if the money was there to grant this request. Mr. Goss stated the county is just now getting into the budget and without speaking to the Finance Director he would be hesitant to make the approval of this request.

Board requested to meet with Jinna Garrison regarding this funding to ensure money is available.

9. Consider approval for Senior Center to use motor coach bus for trip scheduled to Shorter, AL on April 15, 2010.

Motion/second by Freeman/Philips to approve and carried by a vote of 4-0.

10. Consider on first reading, Ordinance #2009-09 to amend the Spalding County Code of Ordinances, Part II. Government and Administration to insert as a new Chapter 12, Ethics Ordinance.

Mr. Whalen stated that Mr. Fortune had drawn up an ordinance in August of 09. There are numerous other ordinances from around the country.

Mr. Goss stated they have looked at having this ordinance for about three years. Mr. Goss recommended approval.

Mr. Freeman suggested they add a clause regarding non-payment of taxes. If you have outstanding late fees filling out your disclosure statement, that should also be included. This includes all taxes including local, state, federal and property. The rest of the Board agreed with this.

Motion/second by Phillips/Gilreath to approve on first reading with an additional clause regarding non-payment of taxes and carried by a vote of 4-0.

11. Consider request from Georgians for Passenger Rail for funding from Hotel-Motel Tax.

Mr. Frank Harris was present to discuss this issue. Mr. Harris stated this project has been talked about for ten years. There has been an \$89 million dollar earmark that was set up eight to ten years ago for Georgia. The state did not get its act together to get the matching funds so nothing has ever been done regarding this project.

John Izard, with the Georgians for Passenger Rail group came up with the idea that we needed to get away from looking at a corridor plan and look at a state wide plan. Mr. Izard's group is raising three million dollars to adopt a business model to take to the governor for the general assembly.

A local group from Griffin-Spalding County decided to take an active interest in this project to make sure Griffin is one of the stops. Mr. Izard's group contracted with Brookings Institute to develop a business plan to run the rail from Atlanta to Macon. The price is \$180,000. The local group has committed to raising the money to pay for the business plan to try and ensure that Griffin would be one of the stops.

Currently there has been about \$48,000 to \$50,000 raised locally for this project. Mr. Harris is asking the Board to consider making a donation to the project possibly out of the Hotel/Motel funds. It was stated the City of Griffin and the Development Authority has committed to giving \$10,000 each.

Mr. Gilreath asked after this passenger rail is in existence, where is the operation and maintenance money going to come from. Mr. Harris said this is the job of the Brookings Institute to figure out the answer to those questions.

Motion/second to approve by Freeman/Phillips. Motion dies with Goss/Gilreath voting against. Ms. Flowers-Taylor was not present for the vote. This item will be placed on the next agenda for action.

12. Consider approval of Resolution in support of Southern Regional Medical Center's Certificate of Need Application to offer Open Heart Surgery.

Mr. Goss and Mr. Freeman attended a meeting at Southern Regional regarding this need. This resolution is to give the support of Spalding County to Southern Regional to open an Open Heart Surgery wing at Southern Regional. Currently, there is no place south of I-20 that can perform these surgeries.

STATE OF GEORGIA
COUNTY OF SPALDING

RESOLUTION

A RESOLUTION BY THE SPALDING COUNTY BOARD OF COMMISSIONERS

RECOGNIZING AND SUPPORTING SOUTHERN REGIONAL MEDICAL CENTER'S
CERTIFICATE OF NEED APPLICATION TO OFFER OPEN HEART SURGERY; TO
PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, there is not a single open heart surgery provider in the metropolitan Atlanta area south of I-20 where more than 850,000 people reside; and

WHEREAS, Southern Regional Medical Center ("SRMC") began offering cardiac services to our community in 1979, and has subsequently added additional cardiac services as needed by the community; and

WHEREAS, SRMC operates the only accredited Chest Pain Center with angioplasty in the southern metropolitan area; and

WHEREAS, SRMC, has one of the busiest emergency departments in the state with over 78,000 visits annually, including approximately 7,000 patients annually presenting with cardiac-related conditions; and

WHEREAS, SRMC has a higher number of emergency department visits than 70% of the state's existing and approved open heart surgery providers; and

WHEREAS, state law requires that any hospital seeking to provide open heart surgical services must file an application for a certificate of need ("CON") to provide these services; and

WHEREAS, SRMC is seeking CON approval to begin offering open heart surgery services; and

WHEREAS, SRMC can bring open heart surgery services to the community without a major facility expansion, and at a cost of less than \$3 million; and

WHEREAS, the Board of Commissioners deems it in the best interest of Spalding County and the County will be best served by recognizing and supporting Southern Regional Medical Center's Application of CON to offer open heart surgery services.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Spalding County Board of Commissioners, do hereby endorse, and actively support Southern Regional Medical Center's efforts to obtain a CON from the Georgia Department of Community Health for an open heart surgery program, and their efforts to enlist community support. Further, the Board finds that having an open heart surgery program available in the southern metropolitan Atlanta area will address barriers to obtaining timely access to care for the citizens of Spalding County regardless of their financial status.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 5th day of April, 2010.

SPALDING COUNTY BOARD OF COMMISSIONERS

Edward Goss, Jr., Chairman

Eddie Freeman, Commissioner

Gwen Flowers-Taylor, Commissioner

David Phillips, Commissioner

Bob Gilreath, Commissioner

ATTEST:

Glinda Robertson, Exec. Secretary

Motion/second to approve by Freeman/Gilreath and carried by a vote of 4-0.

XIII. REPORT OF COUNTY MANAGER

- Budget meetings with department heads have been completed.
- City Commissioners have asked the County Commissioners to meet with them to discuss recreation.
- Commissioners were invited to 2010 One Town/One Goal Build Day April 10th at 8th St. Baptist Church.
- The Board approved sending our representatives a resolution to increase the Homestead Exemption. The legal ad ran in the paper on April 9th.
- SPLOST figures are up 44% from 2009. We collected \$763,177.87 as opposed to \$529,441 last year. It is our highest collection to date.

XIV. REPORT OF COMMISSIONERS

Freeman

- Suggested the commissioners use diligence with how many items one commissioner can place on the agenda at one time. He believes one or two items should be the limit.
- Jerry Griffin is retiring from ACCG and they are in the process of setting up an endowment for him at UGA Athens. If you feel like you can make a contribution to that, please let Mr. Freeman know and he will make sure it gets to the right place.

Gilreath

- Mr. Gilreath stated that the Board of Commissioners appoint certain Boards in this county and after thorough investigation, the Board has the right to reverse those appointments if they so desire. It appears the current chairman, Mr. Dave Lamb, may have overstepped his authority as Chairman of the Spalding County Water & Sewerage Authority, when authorizing a contract be drawn up for the purpose of hiring a consultant at the rate of \$50.00 an hour. It is understood Mr. Lamb took his action without the consent of Board members of the Water Authority members. Most, if not all Board members, were unaware of this proposed contract between the Authority and Mr. William Wilson at \$50.00 an hours. The action taken by Mr. Lamb was highly irregular and may constitute a violation of the Board by-laws. For this reason, in Mr. Gilreath's opinion, it would be best for Spalding County and the Spalding County Water & Sewerage Authority for the present chairman, Mr. Dave Lamb, to step down as Chairman and resign his position as a member of the Spalding County Water & Sewerage Authority immediately. Should he choose not to resign this position, this Board should consider other alternatives. According to Mr. Gilreath, we must all abide by the rules and regulations governing each Board that we are elected or appointed to. Stepping outside the circle for personal reasons should not be tolerated by this board or the people of Spalding County.
- Mr. Gilreath asked for legal guidance regarding an apartment complex behind Ingles. A fence should have been erected by the original property owner and was not. He believes the bank has now taken over this property. Mr. Gilreath asked if the bank would be responsible for following through on the contract and putting up this fence.

Mr. Fortune stated the bank would not be obligated to do so because they did not agree to do it.

Mr. Goss stated he remembers this coming before the Board and the fence was part of the conditions, however, Mr. Goss says Community Development should have followed through to make sure this fence was erected and they did not.

Goss

- Mr. Goss called on the Industrial Development Authority to sell Wallace Road property. He had Mr. Whalen give him the figures about a year ago and back then there were several hundred dollars that Spalding County has lost in tax revenue already. The current SPLOST has about five more years left on it. The Development Authority continues to hold on to land they don't have the money to develop. They're not going to sell it. Mr. Goss asked the Board if they would be in favor of writing the Industrial Authority a letter asking them to return the deed to the lady and let us start collecting taxes on that land. This is around 186 acres. The lost taxes are probably approaching close to \$400,000.

Mr. Gilreath is in agreement with this.

XV. CLOSED SESSION – Personnel

Motion/second by Phillips/Gilreath to go into closed session at 9:25 p.m.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on April 5, 2010.

2.

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

3.

The executive session was called to order at 9:25 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

No Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____ (*insert the citation to the legal authority making the tax matter confidential*);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

Yes Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (*describe the exemption to the open meetings law*):
_____ as provided in _____ (*insert the citation to the legal authority exempting the topic*).

This the 5th day of April 2010.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 5th day of April 2010.

David Phillips

Bob Gilreath

Glinda P. Robertson

Notary Public

Eddie Freeman

Eddie Goss

My commission expires:

2/23/14

Motion/second by Phillips/Freeman to come out of closed session at 9:40.

Motion/second by Freeman/Gilreath to amend agenda to consider additional compensation for the Interim Assistant County Manager, Virginia Martin.

Motion/second by Freeman/Phillips to approve employee benefits for Virginia Martin by amending her contract to give her the same benefits as any other county employee.

XVI. ADJOURNMENT

Motion/second by Phillips/Gilreath to adjourn at 9:40 p.m.

Chairman

Interim County Clerk

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