EXTRAORDINARY SESSION

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, October 18, 2010, beginning at 6:04 p.m. with Commissioner Eddie Goss presiding and Commissioners David Phillips, Bob Gilreath, and Eddie Freeman present. Gwen Flowers-Taylor arrived at 6:32 p.m. Also present were Interim County Manager Tim Whalen, Interim Assistant County Manager Virginia Martin, Attorney Jim Fortune and Executive Secretary Glinda Robertson.

I. OPENING (CALL TO ORDER) – Chairman Eddie Goss

II. INVOCATION – Led by Rev. Clay Padgett, Pastor of Crown Center Church

III. PLEDGE TO FLAG – Eddie Freeman

Motion/second by Commissioners Phillips/Gilreath to amend the agenda to add a closed session to discuss pending litigation and potential litigation.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

a. There was a presentation from Jon Richardson with Custom Tank & Fuel regarding potential gasoline sales.

Mr. Richardson wanted to share with the commissioners a way he felt like the county could save money, time, resources and possibly man power. He believes he could save the county up to $50,000 to $75,000 a year by consolidating the fuel resources to one place.

This would be a gated area with employees having key access. Surveillance would be needed. He proposes putting this resource on existing county property and if the county so desired they could allow other government entities to come onto the property and purchase fuel. Mr. Richardson stated that to build a fuel system you need tanks, pumps, construction, an activation unit, a paper trail and surveillance.

He further stated that an operation like this cost around $200,000. He commented it takes about ten years for it to pay for itself. A report can be printed out every day or every hour showing how much gas has been purchased in a given time.

Mr. Richardson is proposing using an area across from the Spalding County Sheriff's Department. It takes around an acre to build a site of this nature and there are about thirty acres available at this location.

Commissioner Gilreath asked if Mr. Richardson's company would supply all the pumps, the labor to install them and everything needed to get the supply operational. Mr. Richardson stated it would.

Mr. Gilreath asked how long it would take to install the equipment. Mr. Richardson stated the permits and zoning issues would be the biggest obstacles. Once the permits have been issued he stated it would be about sixty days.

Mr. Richardson stated that each key could be customized to allow an employee to get only the fuels the county would like them to have. Commissioner Freeman stated that he is concerned about people lining up to get fuel in one spot.

The chairman stated the commissioners would take Mr. Richardson's presentation into consideration and get back with him at a later date.

V. PRESENTATION OF FINANCIAL STATEMENTS –

a. Consider approval of financial statements for the two months ended August 31, 2010.

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

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 re-address 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.

Marvin Clark – 107 Chapleau Lane, Griffin, GA

Mr. Clark asked the commissioners for a street lighting district in the Sherbrook Woods Subdivision. He stated there have been problems in the subdivision with break-ins. He had a packet with signatures he gave to the commission chairman.

Mr. Whalen explained that there were street lights for thirty years in the subdivision. They attempted to get an additional light and the City then discovered no one was paying for the existing lights. Mr. Clark is asking for the subdivision to be considered for a street lighting district so the lights can be paid for through the tax bill.

Mr. Goss informed Mr. Clark there would have to be a public hearing and a vote at a future Board of Commissioners meeting.

Mark Scudder – 401 Vineyard Rd., Griffin, GA

Mr. Scudder spoke of the overlay district. He was against it even though it passed. What he is now noticing is that the county came along with a plan and then they just abandoned it. He believes there are things the county can do to help landowners in this overlay district. He believes the current plan is short sighted. He asked for incentives and for the county to do something to bring business in. He asked the Board to freeze the taxes in the area if anyone comes along and builds something. He asked them to please begin promoting business in the area.

Jewel Walker-Harps – NAACP – Griffin, GA

Ms. Harps spoke of concerns with the unrest in the Spalding County Fire Department. She stated things are being written to cast a negative view on the department. She believes someone is targeting a segment of the fire department. She stated this appears to be coming from the inside. The citizens depend very much on the work the firemen do. They cannot do their best when they are working under duress. She asked that the Board honor a request by Chief West for an investigation to determine the source of the leak.

Ms. Harps stated she does not have a problem with the media. She does have a problem when information is being disseminated and it is targeting unfairly a group of people and you don't know where it's coming from and there is no intent to stop it. She further stated she knows that Chief West has made a request for an investigation and there has not been any action on that request. She would like to see this be taken care of so the unrest will cease to exist. She is also aware that things are happening more so because of the desire of Kenny West who is an African American to seek the position of Fire Chief. The NAACP is currently looking at the Sheriff's Department for irregularities in certain areas. They are also looking at Parks and Recreation. Overall, she wanted the Board to know she was there to back the firemen and anyone else who is concerned with how they are being treated by the staff. She would like to see happy workers that can protect the citizens in their time of need.

Raymond Ray – 1000 Springer Dr., Griffin, GA

Mr. Ray informed the commissioners he would like to bid on the gasoline business when they bid this out. He represents Petro South. He believes there are many facts to consider that were not brought out in the presentation tonight. He would like for the board to see the pros and cons of the cost of running a gasoline business for themselves.

VIII. MINUTES

1. Consider approval of Minutes of the following: Regular Meeting of October 4, 2010 and Special Called Meeting of October 12, 2010.

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

IX. **CONSENT AGENDA** - None

X. **OLD BUSINESS**

1. Discussion of personnel policy regarding return from medical leave.

   It is the understanding of Ms. Taylor that the county cannot refuse a person to take FMLA but the county does not have to let them come and work someone else's job. If they are able to complete that job or do a job as is fully designed, they can come and do that job. If the specific basic requirements of that job cannot be done by that person, the county is not required to allow them to come back to work. Her point to all this is that if an individual has sick leave he or she should not be allowed to come back to work and not be able to fulfill the basic requirements of his or her job. She believes if they have sick leave, they should take sick leave. If they don't have sick leave and they need time, they can have FMLA to be off but they will not be paid.

   According to Ms. Taylor there are some people that are allowed to come back to work and others that are not. She stated that if the county is going to apply the rule of justice and fairness the county needs to make it across the board. Either you take your leave while you are off, or the county accommodates everyone with a job even if it includes another department.

   Ms. Taylor is very confident after reading through the material provided by Ms. Martin that she understands the different between ADA and FMLA. It is not her desire to put the county in jeopardy of being sued. She wants the county to do the right thing.

   Mr. Freeman would like to see a person who for example breaks a leg and would like to come back after a certain period of recovery, be allowed to do so. He believes this should be on a case by case basis.

   Ms. Taylor stated she is concerned with the human element in all of this. It is whether or not you are liked by your department head or personnel. She stated it should not have that much subjectivity.

   After further discussion, it was agreed the commissioners would study the material and meet with Ms. Martin individually regarding this matter. This item will be placed on a future agenda.

2. Consider on first reading, Ordinance #2010-04 to amend the Spalding County Code of Ordinances, Part II Government and Administration to insert as a new Chapter 12, Ethics Ordinance.

   Mr. Fortune stated the only real change in the ordinance is that there is a right of appeal for a commissioner who felt like he didn't get treated fairly. This provides a person the ability to go through the Superior Court.

   Mr. Fortune explained that if a complaint is made for someone that is not a commissioner, the Board of Commissioners will review the complaint and if three members of the Board agree that it sets up sufficient cause of action to warrant a public hearing, then the commissioners will conduct a public hearing to see if in fact they have violated code. In the case of a complaint on a commissioner, every commissioner will put in three names of people from their district. Those names will be drawn at random. If a commissioner is brought up on charges, his three people would have their names removed from the pool before names are drawn. These people would take the place of a jury to render an opinion of whether or not a violation has occurred. If a violation has occurred then it would be reported back to the remaining four commissioners who would set out a penalty as provided in the Ordinance. If that commissioner believes he has been unfairly treated he would have a right to appeal to the Superior Court. They could represent themselves or hire an attorney.

When a commissioner goes out of office, the new commissioner replaces three people in the pool with their own list of names. If at any time a commissioner no longer wants a person in the pool they may replace them with another name.

Mr. Gilreath would like everyone who is appointed or elected to receive a copy of this Ordinance.

Motion/second to approve by Commissioners Phillips/Freeman and carried by a vote of 5-0. Commissioners also request that appointed and elected officials receive a copy of this ordinance.

XI. NEW BUSINESS

1. Consider adoption of Fairmont Technical School Master Plan. Louis Greene is present to address.

   Mr. Greene and Jeremy with Paragon were present to address the master plan. A package was provided to the commissioners on the plan. A sketch of the plan was shared with the board. Paragon is working on this plan without a fee involved. Jeremy is their landscape architect. The Parks and Rec Advisory Commission have met and adopted the plan.

   Ms. Taylor wanted the Board to know this project has been on-going with the school board and the City of Griffin for some time. The school board is willing to donate this property to the county. The city will allow the county to use the landfill at no cost to demolish a building on the property. Mr. Greene stated that before the school board will sign on to donate the property they would like to see a master plan.

   According to Ms. Taylor, there should be different grants and monies available to help bring this project to fruition. There is a lot of community involvement. She stated the master plan needs to be approved so that the land acquisition can take place.

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

2. Consider approval of Memorandum of Agreement between Spalding County Parks and Recreation Department and Spalding County Board of Health Adolescent Health & Youth Development Program to provide funding for youth staff salaries for Activity weeks for the three school breaks.

   Louis Greene discussed this item with the Board. He stated these are tutoring type programs. This is for the times the students are on school breaks. There are about 100 children involved in the program. Mr. Greene stated this is a very good benefit to the community.

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

3. Consider approval of After School Program Memorandum of Agreement Fairmont Community Center. The grant fund provided pay for teachers to carryout the After School Program.

   Louis Greene stated this is a way to reach out to the youth in the community. This program pays the teachers to come in and tutor the children.

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

4. Consider approval of CSBG contract. This is the Fiscal Year 2011 Regular Community Services Block Grant. The funds will be used to provide services for the home delivered meals and after/summer school programs.

Aronda Smith was present to address. This contract is in the amount of $123,000. These funds will be used for the home delivery meals program and the After School Program sub-contracted with the Salvation Army.

Twenty three thousand dollars of the money is for the After School Program. These funds will pay for the teacher salaries for the tutoring program. There are four teachers making $13.00 an hour.

Ms. Taylor asked Louis Greene to get in touch with Aronda Smith as it seems they might be able to have discussions for next year in working together with these programs.

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

5. Consider approving changes to Leave Sharing Policy.

Virginia Martin addressed this item stating this policy change is at the request of the Board. It broadens the ability to share leave beyond just medical emergencies. It has been changed to allow an employee who has been with the county for nine months to be eligible for leave sharing. The cap has also been removed from the number of hours one employee can donate as long as they maintain at least forty hours of their own after the donation.

The policy clarifies that any unused donated time cannot be kept by the employee who had it donated to them. It is either forfeited or goes back to the person who donated it.

Ms. Taylor stated she is not comfortable with the County Manager making the decision of whether or not the employee can take leave. In her opinion this leaves no rhyme or reason as to how this is administered. Also, she believes there should be documentation that verifies the employees' request for leave.

Ms. Taylor believes there are still a lot of questions with the policy.

Motion/second to approve by Commissioners Phillips/Flowers-Taylor and carried by a vote of 4-1. Ms. Taylor voted against.

6. Consider approval of Supplemental Work Authorization Form for Professional Services at Griffin-Spalding County Airport. Robert Mohl is present to address.

Robert Mohl was present to ask for approval of this authorization. Ms. Jennifer Aulick, Project Manager for the LPA Group was also present to assist Mr. Mohl. Mr. Mohl stated this is for work needing to be done at the preferred location site for the new airport. There are places that need to be looked into for historical resources as part of the environmental assessment. They are the Thomas-Melin House and Farm (circa 1915), a barn (circa 1915), a circa 1900 Central Hall House and the Griffin, Monticello, and Railroad bed.

The estimated cost of the task is $3,189.00. The fees included in this work Authorization are included in the $360,000.00 approved by the City of Griffin and Spalding County for the Environmental Assessment for Replacement of or Improvements to the Griffin-Spalding County Airport and have been approved for future reimbursement by GDOT. This leaves $32,816.00 remaining under the approved budget to be allocated for other Optional Services.

The environmental assessment has been taking place since the beginning of the year. Ms. Aulick stated this is not necessarily a problem. It's just part of the assessment to see if there are any potential eligible items. This is in the original scope of work.

Mr. Goss questioned why it took them so long to find these resources that might be a potential problem. Mr. Mohl stated they are just going through the proper steps because if they don't hit a proper step they are jeopardizing the funding.

Motion/second to approve by Commissioners Phillips/Freeman and carried by a vote of 3-2. Commissioners Gilreath and Goss voted against.

7. Consider request from City of Griffin to donate Right-of-Way needed for the permanent placement of the next 6th Street Bridge.

   Tim Whalen addressed this item. He stated this is coming off the courthouse annex parking lot. The county will loose about 30 parking spaces during the construction. Both entrances the county has now will be closed during that time. Employees will have to enter off Broad St. to get into the parking lot. Mr. Whalen further stated that ultimately Slaton St. will make a right angle and then a left hand turn and go back into Broad St. You will no longer be able to cross at 6th St.

   Mr. Freeman asked how many parking spaces the county will loose when the construction is complete. Mr. Whalen stated this is a working construction easement. He believes the county will loose 10 to 15 spaces when construction is complete.

   Mr. Freeman asked if the city would be willing to swap the county some of their right-of-way in their parking area close by. Mr. Whalen stated the county can ask. Ms. Martin explained that the city would like to have a temporary easement without any compensation.

   Mr. Gilreath believes the board needs more information before they vote on this item. Mr. Freeman stated he did not have a problem with this if it is in fact temporary.

   Motion/second to approve request for a temporary easement by Commissioners Phillips/Flowers-Taylor and carried by a vote of 4-1. Commissioner Gilreath voted against.

8. Per Mr. Freeman, consider approval of Animal Restraint District on Manley Rd. from Hwy. 1941 to Steele Rd.

   Mr. Freeman stated he has received numerous complaints on animals in this area. One recently attacked the Sheriff's daughter's dog.

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

9. Consider approval of agreement between Spalding County and ACCG for internship program.

   Virginia Martin addressed this item. She stated this is an extension of a contract that is already in place with ACCG. This is for interns to work in county government. After the summer ended ACCG had money left over so they are asking the counties if they are interested in utilizing more interns. Ms. Martin has two requests from Spalding County departments who are looking for interns.

   There have been announcements at some of the colleges regarding these positions. There is also a website that advertises the program. The interns have to be juniors or seniors in college or a graduate student.

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

XII. REPORT OF COUNTY MANAGER

Mr. Whalen reported that Community Development office is requesting a called Zoning Hearing date be set for December. The Special Called Meeting has been set for December 13th at 6:00 p.m.

Jinna Garrison and Mr. Whalen are working on cash flow projection for a tax anticipation note. This is due to the delay of the tax bills. The county will have to ask for TAN this year.

XIII. REPORT OF COMMISSIONERS

Freeman – no comments

Flowers-Taylor – Ms. Taylor is asking for a workshop to clear up leave policy issues.

Phillips – no comments

Gilreath – Has concerns with the City of Griffin using the county's animal shelter for dogs the city picks up. He has not been shown any documentation that shows they can legally use the shelter. If they are using the facility what are they paying to use it? He does not go along with the city using the shelter free of charge.

He congratulated the Kiwanis Club on having a great fair.

Goss – no comments

XIV. CLOSED SESSION – Potential Litigation, Litigation & Personnel

Motion/second by Commissioners Freeman/Phillips to go into closed session at 8:30 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 October 18, 2010.

2.
During such meeting, the Board voted to go into closed session.

3.
The executive session was called to order at 8:30 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:

Yes 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 18th day of October 2010.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 18th day of October 2010.

Glinda P. Robertson
Notary Public

My commission expires:

Feb 23, 2014

Bob Gilreath

Eddie Goss

Gwen Flowers-Taylor

Eddie Freeman

David Phillips

Motion/second by Commissioners Freeman/Phillips to come out of closed session at 8:55 p.m.

XV. ADJOURNMENT

Motion/second to adjourn by Commissioners Gilreath/Phillips at 8:55 p.m. and carried by all.

Chairman

Interim County Clerk