

EXTRAORDINARY SESSION

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, November 15, 2010, beginning at 6:02 p.m. with Commissioner Eddie Goss presiding and Commissioners David Phillips, Bob Gilreath, Gwen Flowers-Taylor and Eddie Freeman present. 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 Edward Goss, Jr.

II. INVOCATION – Led by Eddie Goss

III. PLEDGE TO FLAG – Bob Gilreath

At this point Jim Fortune addressed the Animal Restraint District on the agenda. He stated the county has reviewed the procedures the board followed and unfortunately the board did not follow procedures properly to create a restraint district. There is no restraint district at Manley Road from Patterson Road to Steele Road. No action will be taken tonight as there is nothing to act upon. This item will be for all intents and purposes, taken off the agenda. If the residents wish to have an Animal Restraint District they will need a petition pursuant to the ordinance.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

a. Louis Greene recognized the Spalding County Parks & Recreation Department for winning District and State Awards.

Mr. Greene stated that the Parks and Recreation Department was proud to receive two GRPA Fourth District Awards and four State Awards this year. The department has won more than 67 awards from District and the State. The Fourth District GRPA Awards Banquet was held in Clayton County on October 13, 2010, and Spalding County received two awards:

- Athletic Agency of the Year Class “A” – Recognizes exemplary agencies that have made a significant contribution in the field of athletics.
- Volunteer of the Year: Dan McLean – Recognizes volunteers whose efforts have a lasting, positive effect on parks and recreation programs.

Spalding County also received four awards at the State Awards Banquet held at Jekyll Island on November 4, 2010. These were:

- Innovative Program: Athletic Section for Summer Sports Camp – Recognizes innovative and outstanding athletic programs.
- Innovative Special Event: Festival of Lights – Recognizes an innovative and outstanding event that occurs no more than once annually.
- Publication Award: Festival of Lights – Single Event Publications for population category 30,001 – 80,000 – Recognizes GRPA agencies that use printed media to promote programs, services or professional activities.
- Agency of the Year Award for Population Category 30,001 – 80,000 – Recognizes exemplary agencies who deliver recreation, park or leisure related services.

Mr. Greene stated the staff at Parks and Recreation is dedicated to making Spalding County the best of the best and has done so by receiving the “Agency of the Year Award” 5 times in 19 years. He congratulated his hard working staff for making this possible.

Motion/second by Commissioners Phillips/Flowers-Taylor to add acquisition of real estate to closed session and carried by a vote of 5-0.

Motion/second by Commissioners Phillips/Gilreath to move item number nine under “New Business” to after the closed session. This motion was approved by a vote of 5-0.

V. PRESENTATION OF FINANCIAL STATEMENTS – None

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.

Bill Taylor – 1444 Dauset Dr. – Griffin, GA

Mr. Taylor stated that 1) two Spalding County residents are graduating from Youth Challenge in December and two more will start class in January; 2) he asked the board to consider loaning the senior bus to the Griffin Bears football team for Friday night's game in Statesboro. Other individuals will take care of the fuel for the bus.

VIII. MINUTES

1. Consider approval of Minutes of the following: Zoning Public Hearing of October 28, 2010, the two Special Called Public Hearings of November 1, 2010 and the Regular Meeting of November 1, 2010.

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

IX. CONSENT AGENDA

1. Consider second reading of Amendment to the Official Zoning Map of the following: - **Amendment to UDO #A-10-10:** Appendix K. Landscape and Tree Preservation Ordinance – Section 102:C&K – amend definitions to require specimen trees.

IN RE:

Text Amendment A-10-10

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; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on October 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; and

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 Ordinance 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 deleted from the Zoning Ordinance of Spalding County, Appendix K, "Definition:" Section 102:C.

Section 2: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Appendix K, "Definitions:" Section 103:K.

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County, Appendix K, "Definitions," to appear as Section 102:C.

- C. **Canopy Tree** – A tree which grows above a height of 50 feet and whose species is included in the USDA Tree Hardiness Map - Zone 7b or is specifically approved as such by the Planning Commission of Spalding County. All canopy trees planted to meet the requirements of this ordinance shall be landscape quality specimen trees.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Appendix K, "Definitions," to appear as Section 102:K.

- K. **Understory Tree** – A tree which grows to a height of less than 50 feet and the species of which is included in the USDA Tree Hardiness Map - Zone 7b. or is specifically approved as such by the Planning Commission of Spalding County. All understory trees planted to meet the requirements of this ordinance shall be landscape quality specimen trees.

Section 5: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

Section 6: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 7: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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

X. OLD BUSINESS

1. Discuss animal restraint district regarding Manley Road from Patterson Road to Steele Road.

This item was addressed at the beginning of the meeting.

2. Consider alternate architectural design review for commercial structure located at 3200 High Falls Road.

Chuck Taylor stated this is a continuance of a previous discussion for a food service vehicle. At the last meeting the commissioners had asked the applicant to modify the design a bit. The applicant, Mr. Randolph Vaughn was present to address the board. Mr. Vaughn had drawings of his modification for the board.

Mr. Gilreath had questions about signage. Mr. Fortune informed him that if Mr. Vaughn wanted to add additional signage, he will have to comply with the sign ordinance.

Mr. Phillips stated he has had previous conversations with Mr. Vaughn and he is willing to do whatever it takes to make the commissioners happy with his modifications.

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

3. Consider City of Griffin's request for Spalding County to donate Right-of-Way needed for the replacement of the 6th Street Bridge. Steve Manley and Dr. Brant Keller will address.

Dr. Keller gave a brief update. The 6th Street Bridge is being pushed to the front burner. Construction should begin in September 2011. Through the process the City of Griffin has hired Steve Manley. He is the Acquisitions Manager and Right-of-Way Specialist to acquire the properties. Dr. Keller turned over the presentation to Steve Manley.

Steve Manley stated he was met with Tim Whalen a couple of times to go over the plans. He commented it's a complicated issue because GDOT controls all local government's acquisitions for the city and the county. Mr. Manley stated the city is requesting a donation from the county. An appraisal has been prepared and reviewed by the GDOT.

Commissioner Gilreath asked Dr. Keller if the city had set aside about \$50,000 to buy this piece of property from the county. Dr. Keller stated he believes it is around \$48,000.

Commissioner Flowers-Taylor asked how many parking spaces the county will lose during this process. Mr. Manley stated the required right-of-way is 0.073 acres. Mr. Manley further stated that once construction is completed the county will only lose one parking space. During construction the county will lose 22 spaces. Construction should take approximately 18 months.

Ms. Flowers-Taylor stated that city residents are county residents. This is a major transportation project for the city as well as the county.

Motion/second to approve donation of temporary easement and right-of-way and 0.073 acres for the permanent right-of-way by Commissioners Flowers-Taylor/Phillips and carried by a vote of 5-0.

XI. NEW BUSINESS

1. Consider approval of 2010 new Alcohol Beverage License – Retail Package: - Anilkumar N. Patel d/b/a Carver Package, 1557D Williamson Road – Beer, Wine & Liquor (change of ownership).

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

2. Consider approval of 2011 new Alcohol Beverage License – Retail Package Store: - Prakash L. Patel d/b/a 19-41 Package Store, 2004 North Expressway – Beer, Wine & Liquor.

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

3. Consider approval of 2011 new Alcohol Beverage License – Retail Sales: - Suleman W. Sultan, Shedzard, Inc. d/b/a Prince Food Mart, 3425 Jackson Road – Beer & Wine.

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

4. Consider approval of 2011 renewal Alcohol Beverage License – Wholesale Distributor:
- Georgia Craft Distributing, LLC – 1606 Old Atlanta Road – Beer Only – J & L Ventures d/b/a Jackson Beverage, LLC – 915 South Pine Hill Road – Beer Only.

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

5. Consider approval of 2011 renewal Alcohol Beverage License – Consumption on Premises: - Jimmy R. Allen d/b/a Big Jim’s Wing Shack, 1557B Williamson Road – Beer & Wine – Melissa H. Chamblee d/b/a County Rock Bar & Grill, 2700 N. Expressway – Beer, Wine & Liquor – Timothy R. Butler d/b/a Griffin Moose Lodge #1503, 1435 Zebulon Road – Beer, Wine & Liquor – Joe Lee Mathis d/b/a JJ’s Restaurant & Lounge, 2043 Highway 16 West – Beer & Liquor – Michael Stevens d/b/a Northside Bar & Grill, 1647 North Hill Street – Beer & Liquor – Lynette Daniel d/b/a Pearl’s Palace, 3931 North Expressway – Beer, Wine & Liquor – Sequoia Golf Peachtree, LLC d/b/a Sun City Peachtree Golf Club, 250 Del Webb Blvd. – Beer, Wine & Liquor.

Commissioner Goss asked about the record on Country Rock. It was stated County Rock has had a violation for staying open past closing time. Mr. Fortune stated it has been adjudicated.

Motion/second to approve license for Big Jim’s Wing Shack by Commissioners Phillips/Freeman and carried by a vote of 5-0. Motion/second to approve license for Country Rock by Commissioners Phillips/Freeman and carried by a vote of 3-2. Commissioners Gilreath and Goss opposed. Motion/second to approve license for Griffin Moose Lodge by Commissioners Phillips/Freeman and carried by a vote of 5-0. Motion/second to approve license for JJ’s Restaurant & Lounge by Commissioners Freeman/Phillips and carried by a vote of 5-0. Motion/second to approve license for Northside Bar & Grill by Commissioners Phillips/Freeman and carried by a vote of 5-0. Motion/second to approve license for Pearl’s Palace by Commissioners Phillips/Freeman and carried by a vote of 5-0. Motion/second to approve license for Sequoia Golf Peachtree by Commissioners Phillips/Freeman and carried by a vote of 5-0.

6. Consider approval of 2011 renewal Alcohol Beverage License – Retail Package Stores:
- Anilkumar N. Patel d/b/a Carver Package Store, 1557D Williamson Road – Beer, Wine & Liquor – Diand Suk Choi d/b/a Sam’s Package Store, 1301 N. Hill Street – Beer, Wine & Liquor – Sotetra Kong d/b/a The Liquor Gate, 1740 Zebulon Road – Beer, Wine & Liquor – Sauru Ali for Sheeza, Inc. d/b/a Zetella Express, 4289 Highway 16 West – Beer, Wine & Liquor.

Motion/second to approve license for Carver Package Store by Commissioners Flowers-Taylor/Phillips and carried by a vote of 5-0. Motion/second to approve license for Sam’s Package Store by Commissioners Phillips/Freeman and carried by a vote of 5-0. Motion/second to approve license for The Liquor Gate by Commissioners Freeman/Phillips and carried by a vote of 5-0. Motion/second to approve license for Zetella Express by Commissioners Freeman/Phillips and carried by a vote of 5-0.

7. Consider approval of Outdoor Landscape Watering Ordinance. Virginia Martin to address.

Virginia Martin stated that under state law that was passed in the last legislative session every local government is required to pass an outdoor watering ordinance. This ordinance restricts outdoor watering of landscapes to between 4 p.m. and 10 a.m. There are exceptions which are outlined in the ordinance.

Motion/second to approve on first reading ordinance by Commissioners Phillips/Freeman and carried by a vote of 5-0. There will be second reading at the next BOC meeting.

8. Consider approving documents to be adopted for Norcom EIP Grant. Jim Fortune to address.

Mr. Fortune stated that Norcom would like to build a rail spur to assist them in dispersing their paper. They are going to invest almost \$7 million dollars and will create 67 permanent full time jobs once this is completed. Mr. Fortune stated that DCA is happy with the agreement and Spalding County has no obligation to pay the money back if for any reason Norcom defaults.

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

9. Consider terms and conditions for hiring of county manager and extending offer of employment to candidate.

This item was addressed after the closed session.

XII.

REPORT OF COUNTY MANAGER

Tim Whalen reported that the September SPLOST collected was \$695,127.38. This is \$17,000 less than collected in August. There has been \$6.4 million collected year to date.

The Festival of Lights will be held at Airport Road on November 23rd.

The county will be closed November 25th and 26th for the Thanksgiving Holiday.

There will be an ACCG District Meeting held on December 1st at the UGA Griffin Campus with Commissioner Freeman hosting.

The Spalding County Christmas parade will be December 5th at 2:30 p.m.

XIII.

REPORT OF COMMISSIONERS

Eddie Freeman

Mr. Freeman would like for the commissioners to revisit the South 6th St and County Line Road stop sign issue in light of the recent fatality at this location. This is a Tri-County issue. Pike County has been agreeable to whatever Spalding County wants to do. Mr. Freeman asked that Mr. Whalen contact Lamar County to see what can be worked out. He also brought up the issue of the 4-way stop signs in Orchard Hill and moving forward with the installation of these stop signs. He has been in contact with the Mayor Jimmy Morgan of Orchard Hill regarding this. Orchard Hill is not recommending a traffic light however they would recommend a 4-way stop. Mayor Morgan was going to check and see if Orchard Hill has the funds to do this.

Gwen Flowers-Taylor – No comments

David Phillips – Would like to see two of the four solar stop signs that were purchased for Orchard Hill placed at the County Line, 6th St. intersection.

Bob Gilreath – Mr. Gilreath questioned the operation of the Land Bank Authority. Mr. Whalen stated the county has allocated \$75,000 annually in the budget for the LBA.

Mr. Gilreath asked who is on this Authority. Ms. Flowers-Taylor stated the Director is Patricia Tyus. Other members of the Authority are Jim Smith, Newton Galloway, Dr. Roquemore and John Joiner. According to Mr. Fortune, this authority refurbishes property and then sells the property. With profits made from sale, they put the monies back into acquiring additional properties. The idea is to help blighted areas and get them back on the tax rolls.

Mr. Gilreath asked why they have so many properties they have not sold and asked why the county is giving them more money when they have not sold many of the properties they

currently own. Ms. Flowers-Taylor recommended Mr. Gilreath call the LBA to get answers to his questions. She believes it's a little premature to ask why the county is funding them when they haven't even been on the ground a year.

Mr. Gilreath wished everyone a Happy Thanksgiving and hopes that no one goes hungry this holiday season.

Mr. Gilreath stated the following:

"As most of you know several meetings back a young man came before this board laying out a plan whereby this county government could save about \$50,000 to \$100,000 annually on purchases of petroleum including gasoline, diesel fuel, both off-road and on-road and oils needed to operate vehicles and equipment the county owns. Noting that a savings of this amount could possibly be used to give those that work for this county a small raise in pay, which they really deserve, the presentation to this board on that Monday night was concise and to the point.

"Later in the meeting, Mr. Raymond Ray stood up and requested Petro South be included in the bidding process. Everything seemed to be on ready, set, go for the county to begin saving up to \$100,000 annually, but no it was not to be.

"Tuesday morning after the Monday night commission meeting, a person that was recently elected to serve on the board beginning in January made a special trip to the young man's office and I am told exerted his political power as elected Spalding County Commissioner, using his intimidation tactics forced the young man to withdraw from what he said in an open meeting would save this county up to \$100,000 a year on petroleum. That includes gasoline, diesel fuel and oils.

"What elected Commissioner Raymond Ray has done is highly improper and I am told by officials from other cities this may constitute ethical activity by interfering with the operation of the county government. One elected mayor said this action appeared to be the type used many years ago by politicians that claim to have voted over every person in the local graveyard while they sent their strong arms out to make sure they got what they wanted.

"Are we to become another Phoenix City, Alabama? Information will be sent to authorities in Atlanta and officials in Bibb County for their review and investigation on this matter."

Eddie Goss - None

XIV. CLOSED SESSION – Personnel and Acquisition of Real Estate

Motion/second to go into closed session at 7:18 p.m. by Commissioners Freeman/Phillips and carried by a vote of 5-0. Gwen Flowers-Taylor left the closed session at 8:35 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 November 15, 2010.

2.

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

3.

The executive session was called to order at 7:18 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);

Yes 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 15th day of November 2010. Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 15th day of November 2010.

Bob Gilreath

Eddie Goss

Glinda P. Robertson
Notary Public

Gwen Flowers-Taylor

Eddie Freeman

My commission expires:

David Phillips

Feb 23, 2014

Motion/second to come out of closed session at 8:50 p.m. by Commissioners Phillips/Freeman and carried by a vote of 4-0.

Motion/second by Commissioners Gilreath/Phillips for Spalding County to enter into negotiations with Tim Whalen to hire him as county manager and carried by a vote of 4-0.

XV. ADJOURNMENT

Motion/second to adjourn at 8:50 p.m. by Commissioners Gilreath/Phillips and carried by a vote of 4-0.

Chairman

Interim County Clerk