

REGULAR MEETING

The Spalding County Board of Commissioners held their Regular Meeting in Room 108 in the Courthouse Annex, Monday, December 6, 2010, beginning at 6:00 p.m. with Commissioner Eddie Goss presiding and Commissioners David Phillips, Bob Gilreath, Gwen Flowers-Taylor and Eddie Freeman present. Also present were County Manager Tim Whalen, Interim Assistant County Manager Virginia Beams, Attorney Jim Fortune 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 – Commissioner David Phillips

Motion/second by Commissioners Flowers-Taylor/Phillips to amend the agenda to add an item #6 under “New Business.” This was to discuss personnel policy and procedures. This motion was carried by all.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

- a. The Commissioners recognized Josh Norris with a certificate for his contributions to the Spalding County Cemetery for an Eagle Scout project.

Motion/second by Commissioners Phillips/Flowers-Taylor to recognize Josh Norris and carried by all.

- b. Cortese “Peaches” Mathis from Spalding County Parks and Recreation received a Certificate of Appreciation for her above and beyond actions in assisting a couple of Spalding County residents.

- c. Consider approval of Proclamation proclaiming November 19-25, 2010 as Farm/City Week. Wade Hutcheson was present to accept.

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

- d. Raymond Ray gave a presentation regarding Petro South and the fast gas car lot.

Mr. Ray was present to explain the services that Petro South provides since questions have arisen concerning the fuel facility. He stated that Petro South does not provide all fuel for Spalding County. Petro has over 14 retail locations in Spalding County. Mr. Ray stated that based on documentation from a third party, the State of Georgia’s Attorney General’s Office and Georgia Law Official Code 1610-6 allow Mr. Ray to disclose there is no conflict of interest between him representing the company he works for and one of the companies where Spalding County purchases fuel.

Mr. Ray was present in a previous Board of Commissioner’s meeting when a competitor gave a fuel presentation. He requested and secured a copy of the presentation under the Open Records Act. He wanted to address several issues and stated the previous presentation was incomplete in the following areas:

- There were several counties mentioned in the previous presentation as government entities that have saved money by installing their own fuel fleet management system over the previous methods of purchasing fuels. The previous method of purchasing fuels was not identified for those counties/governments. Therefore it is hard to estimate the actual amount of savings, costs and liabilities each had prior to the change.
- Key access security to fenced-in area. Fast Gas is open 24/7. There is no requirement to unlock a gate prior to fueling. Security and equipment is the responsibility of Petro South. Each fuel sale is verified. Less time is wasted on site, saving man hours. There is no opening and closing gates after fueling. Employees do not have to be relied upon for security. These expenses would fall on the county if they build their own gas site.

- Spalding County currently pays no rent to use Fast Gas. However, the county would incur additional costs if this is placed on county property. Utilities, water, electricity, heat and air, grounds maintenance, repairs, garbage disposal and personnel costs are a few of the items the county would have to pay if operating their own gas site. Other items would include EPD and insurance to provide fuel to county vehicles.
- It was stated at the previous presentation that \$250,000 would be needed for the installation of such a site. Specific equipment such as underground storage tanks and other items were not identified as being needed. These items would affect the final price. Mr. Ray believes this would be a burden to the already burdened budget of Spalding County.
- Petro South is providing fuel to the county at a discounted rate saving the taxpayers and Spalding County funds. Mr. Ray believes it would cost approximately \$131,000 per year for the county to maintain the same facility that the Fast Gas currently facilitates.
- For every gallon of fuel purchased by Spalding County, the applicable taxes are removed prior to the county paying for the gas. Petro South accounts for the gallons and taxes and requests reimbursement for those taxes. This removes the burden of requesting these taxes and tax exemptions from the county government. This saves the taxpayers additional tax dollars by Petro South performing the accounting for those services. Spalding County is receiving the tax breaks, the discounted prices, and receiving the benefits of a turn and burn location. The county also gets an additional discount based on the time they have been doing business with the Fast Gas car lot.
- Mr. Ray further stated that, since 1973, Spalding County has had uninterrupted fuel supply from Petro South. This includes times during hurricanes and other weather related issues or fuel shortages. Petro South has taken fuel from other commercial locations to ensure public safety vehicles of Spalding County are provided with fuel.
- Petro South currently provides the county with verifiable records that go to each department. Those departments review and notify Petro South if they have an issue or question.

Mr. Ray stated that Petro South looks forward to assisting the county any way they can to reduce their costs or bidding on any fuel project the county bids out. He further stated that so far this year Spalding County has saved over \$53,000 in fuel costs just from the taxes alone. Mr. Ray thanked the board for their time and stated Commissioner Freeman asked him to give this presentation to address items that were previously discussed.

Commissioner Flowers-Taylor asked Commissioner Elect Ray what is his position with Petro South. He replied he is a territory manager and manages 40 stores ensuring gas prices are correct, the stores are clean and the equipment is maintained. He stated he does not receive any kind of commission for the stores he is responsible for.

When asked what portion of the fuel that Spalding County uses is provided by Petro South, Mr. Ray stated somewhere between 40 to 55% depending on the month and purchase volume.

Commissioner Taylor asked Mr. Ray why he felt it was necessary to qualify that he had checked to see if this was a conflict of interest for him to make a presentation for this meeting. Mr. Ray stated he works for Petro South and he is a County Commissioner Elect.

Commissioner Taylor stated she is surprised the county has had this contract with Petro South since 1973 as she believes the county should always go back and rebid to see if they can get a better price. She thanked Mr. Ray for his presentation.

Commissioner Freeman stated he requested Mr. Ray come in for a presentation since this topic has been controversial over the past month. Several people have approached Commissioner Freeman to ask questions on this topic.

e. Mark Knowles from UGA gave a presentation on the completed staffing study.

Mr. Knowles stated he has been working with the Spalding County staff for the past four to five months on this study. The board was given a report with the staff findings. Spalding County was compared with 11 comparable organizations.

After discussion, Mr. Knowles informed the board there were really no red flags. In the summary area of the report it was indicated that Administration, Community Development, Parks and Recreation and the Tax Assessor departments are operating below 80% of their peer groups. These are the areas that, as the county moves forward, they may want to pay more attention to ensure staff needs are in place. The county is currently below the classification and compensation areas compared with other organizations.

Ms. Taylor questioned how you can compare Spalding County to other organizations that have much larger populations such as Henry County. She stated they are in metro Atlanta and their tax base is larger than Spalding County's. Mr. Knowles stated the first thing they do is make sure the statutory responsibilities are the same as other counties. They take any county of any size and convert it to a per thousand population characteristic so that you can compare.

Mr. Knowles stated the report shows that Spalding County is managing themselves physically and human resource wise on less resources than what others are doing, but not significantly less. The goal is to stay within 80% to 100%. The board thanked Mr. Knowles for his efforts.

V. PRESENTATION OF FINANCIAL STATEMENTS –

a. Consider approval of financial statements for the four months ended October 31, 2010.

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

VI. CITIZENS COMMENT - None

VII. PUBLIC COMMENT - None

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 speakers 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.

VIII. MINUTES

1. Consider approval of Minutes of the following: Extraordinary Session of November 15, 2010.

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

IX. CONSENT AGENDA

1. Consider second reading of Outdoor Landscape Watering Ordinance.

SPALDING COUNTY, GEORGIA ORDINANCE NO. 2010-05

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF SPALDING COUNTY;
TO REVISE THE EXISTING CODE FOR SPALDING COUNTY; TO PROVIDE FOR**

DEFINITIONS; TO PROVIDE FOR PROCEDURES FOR VIOLATIONS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, Spalding County recognizes an imminent need to create a culture of water conservation and to plan for water supply enhancement during future extreme drought conditions and other water emergencies;

WHEREAS, reasonable restrictions on the outdoor watering of landscape are necessary in furtherance of addressing this need;

WHEREAS, the General Assembly of the State of Georgia has required all counties in Georgia to adopt an ordinance to be in effect no later than January 1, 2011 to allow outdoor watering of landscape between the hours of 4:00 pm and 10:00 am (with certain exceptions); and

WHEREAS, pursuant to O.C.G.A. § 12-5-7, the Board of Commissioners has prepared an ordinance to address outdoor watering of landscape.

NOW, THEREFORE, be it ordained by the Board of Commissioners of Spalding County, and it is hereby enacted pursuant to the authority of the same, that the following is adopted as an Ordinance to read as follows:

Sec. 5-2002 Outdoor landscape watering; restrictions on outdoor watering; imposition of sanctions and penalties for violation; enforcement.

(a) Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs or other plants in the unincorporated area may occur only between the hours of 4:00 pm and 10:00 am; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- 1) Commercial raising, harvesting or storing of crops; feeding, breeding or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep and rabbits, or for use in the production of poultry, including but not limited to chicken, hens, ratites and turkeys; producing plants, trees, fowl or animals for commercial sale; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
- 2) Capture and reuse of cooling system condensate or storm water in compliance with applicable Spalding County ordinances and state guidelines;
- 3) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- 4) Use of reclaimed waste water by a designated user for a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- 5) Watering personal food gardens;
- 6) Watering new and replanted plant, seed or turf in landscape, golf courses or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- 7) Drip irrigation or irrigation using soaker hoses;
- 8) Hand watering with a hose with an automatic cutoff or handheld container;
- 9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- 10) Watering horticultural crops held for sale, resale or installation;
- 11) Watering athletic fields, golf courses or public turf grass recreational areas;
- 12) Installation, maintenance or calibration of irrigation systems; or
- 13) Hydroseeding.

- b)
- 1) Any person who shall do anything prohibited by this section as it now exists or as it may hereafter be amended, or who shall fail to do anything required by this section as it now exists or as it may hereafter be amended, is hereby declared to be in violation of this article and the regulations of the county ordinances herein set forth.
 - 2) Each and every day that any such violation exists shall be deemed a separate offense.
 - 3) Any such violation of this section, upon conviction thereof as prescribed by the law of Georgia, shall be punishable by a fine or imprisonment, or both, not to exceed the maximum fine or the maximum imprisonment, or both, as prescribed by the pertinent laws of Georgia and as more particularly set out in section 1-1007 of this Code, which such section is incorporated herein and made a part hereof by reference.
 - 4) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter; and in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.
 - 5) The application of any fine, imprisonment or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.
 - 6) The remedies herein set out for the purpose of enforcing the provisions of this chapter shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia or by the ordinances of Spalding County.

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

X. NEW BUSINESS

1. Consider cancelling January 17th BOC Meeting due to Martin Luther King Jr. Holiday.

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

2. Consider lifting of Animal Restraint District on Bobolink Dr.
Commissioner Phillips stated he received a petition from a number of residents on Bobolink Dr. that wish to no longer be an animal restraint district. Mr. Whalen stated there are 29 individual lots that face Bobolink Dr. with 28 owners. The signatures came to 67.85% of the owners on that street. The requirement is two thirds of the owners.

Motion/second to approve by Commissioners Phillips/Flowers-Taylor and carried by a vote of 4-1. Commissioner Freeman opposed.

3. Consider approval of Intergovernmental Agreement between City of Griffin & Spalding County. This is for BMP Installation in Potato Creek Watershed. Dr. Brant Keller addressed.

Commissioner Freeman asked for a definition of BMP. Dr. Keller indicated it stands for Best Management Practice. Dr. Keller explained this is for storm water runoff. The city and the county are in the same basins. The goal is to try and deal with the reduction of pollutants in streams. Potato Creek has two stream segments. One is 11 miles north and one is 11 miles south. The city is working with the Spalding County Extension Service on this project. The city has been awarded monies for pollution abatement in the TMDL zone of Potato Creek.

Some of the money will be used at the golf course to remediate pollution. The other money will be used for the stream behind the county library. The city will reconstruct the banks behind the library with a stream restoration project. They will put a BMP along about 1,000 square feet of the parking lot. This will be of zero cost to the county. The city is only asking for the cooperation of the county. There will be a walking trail of several hundred feet.

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

4. Consider approval of first reading of ordinance amending the Fiscal Year 2011 Budget for Spalding County.

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

5. Consider approval of first reading of resolution to amend Section 6-1057 of the Spalding County Code of Ordinances involving Sunday alcohol sales.

Mr. Fortune stated the referendum passed permitting the commissioners to regulate the sales for consumption on premises for sales on Sunday. Establishments will be unable to sell alcohol between 3:00 a.m. and 12:30 p.m. on Sunday.

Motion/second to approve by Commissioners Phillips/Gilreath and carried by a vote of 4-1. Chairman Eddie Goss opposed.

6. Discuss personnel policy and procedures.

Commissioner Flowers-Taylor raised questions about the process for selecting and interviewing candidates for the Deputy County Manager position. In her asking questions and investigating she learned there was not a quorum of commissioners in order for a meeting to be held. This meant the commissioners could not go into a closed session to conduct the interview. Her concern is that if a meeting is scheduled as a closed session she believes the general public will not hang around however if it's an open meeting the general public would like to hear the meeting.

Ms. Taylor is not comfortable with the way this took place. She stated the public was not notified properly. She asked someone to please explain to her how this all happened and what is the policy. Ms. Taylor believes the process needs to happen over again.

Ms. Beams stated the ordinance calls for the Deputy County Manager to be selected by the County Manager and a committee of two commissioners. Commissioner Freeman stated he sat in on one of the interviews as he was requested by Chairman Goss when he came by to pick-up his mail. He was previously unaware of the interviews as he had not seen his e-mail notification. He agreed with Ms. Taylor that they did not receive enough notification. In the past they have received phone calls notifying them of such a procedure. They did not receive a phone call in this case.

Ms. Taylor stated the County Manager should have made sure that each one of them knew there were going to be interviews. She believes that everything about the way this took place was wrong. After a discussion, it was decided there will be a Special Called Meeting on December 13th at 2:00 p.m. to review applications. Applicants will be chosen and interviewed at a later date.

XI. REPORT OF COUNTY MANAGER

Mr. Whalen reminded the commissioners to get their names in for the Ethics Board. They should each provide three names of people who live in their districts.

SPLOST was down \$75,000 for October. \$628,846 was collected for the month of September.

Impact fees are declining. November was the year low. The previous year at this time the county had taken in \$283,000. Through the end of November this year \$150,000 has been collected.

XII. REPORT OF COMMISSIONERS

Eddie Freeman

Commissioner Freeman stated there was a good turnout for the Christmas parade. He was the only commissioner present. He stated there was not enough candy purchased to throw out.

Commissioner Freeman asked Mr. Whalen about the status of the animal shelter. Mr. Whalen stated the shelter has been sandblasted and the epoxy is on site. They are waiting for the weather to warm up a bit to begin painting. It will take about two weeks to paint. The shelter should open back up at the first of the year.

Gwen Flowers-Taylor

Commissioner Taylor is concerned that the county did not make any arrangements for animal pick-up during this time the shelter is down. She asked what the employees have been doing during this time.

Commissioner Taylor commended Jake Garner for the work he does. She stated he is an awesome employee who does not complain and performs his job to a level of perfection. He also saves the county money. Commissioner Freeman concurred with her comments.

Ms. Taylor has received a letter from Mr. Gregory who is leaving the Sheriff's Department. He has raised questions about saved leave days. She will look into this.

Commissioner Taylor stated she would like to see the summary of the investigation of the fire department done by an outside firm. She is upset that an outside source is recommending what the county should do with their employees and is not happy the county spent \$9,000 on this investigation. She would like for the commissioners to sit down as a group and discuss the results of this investigation of the fire department.

David Phillips

Commissioner Phillips cautioned everyone do be careful. Home invasions are up during this bad economic time.

Commissioner Phillips appreciates all the well wishes he has received from people thanking him for his service. He will do his best during the time he has left to serve.

Commissioner Phillips thanked City of Griffin Mayor Cynthia Ward for assisting him with a resident with a water bill issue.

Bob Gilreath

Commissioner Gilreath stated he has two streets in his district that people have approached him about. They are wishing to eliminate the animal restraint districts. He asked for Mr. Fortune's advice. Mr. Fortune advised him to have the people sign a petition stating they wish to have it eliminated. If they have 2/3 of the home owners supporting this it can be eliminated.

XIII. CLOSED SESSION – Acquisition of Real Estate and Personnel

Motion/second to go into closed session at 7:53 p.m. by Commissioners Phillips/Gilreath and approved by all.

Motion/second to come out of closed session at 8:45 p.m. by Commissioners Freeman/Gilreath and carried by all.

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 December 6, 2010.

2.

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

3.

The executive session was called to order at 7:53 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 6th day of December 2010.
Commissioners

Spalding County Board of

Sworn to and subscribed
Before me this 6th day of December 2010.

Bob Gilreath

Eddie Goss

Glinda P. Robertson
Notary Public

Gwen Flowers-Taylor

Eddie Freeman

My commission expires:

David Phillips

Feb 23, 2014

XIV. ADJOURNMENT

Motion/second to adjourn at 8:45 p.m. by Commissioners Freeman/Gilreath and carried by all.

Chairman

Interim County Clerk