

EXTRAORDINARY SESSION

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, February 21, 2011, beginning at 6:00 p.m. with Commissioner Eddie Freeman presiding over the meeting. Commissioners Raymond Ray, Bob Gilreath, Gwen Flowers-Taylor and Chipper Gardner were also in attendance. Also present were Interim County Manager Tim Whalen, Deputy County Manager Virginia Beams, Attorney Jim Fortune and Executive Secretary Glinda Robertson.

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

II. INVOCATION – Led by the Rev. Clay Padgett

III. PLEDGE TO FLAG – Led by Chipper Gardner

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

a. Brian Upson gave a report on the senior center.

Mr. Upson provided the board members with a packet showing where he is with the project. He stated he took the original Carver Road plan and used it as a sort of overlay for the Cook Center and the Elk's Club. Mr. Upson stated his plan is to have a draft final report around the first of March to give to the board informally. Once the board has reviewed, he would like to make a final presentation to them at the March 7th meeting.

Ms. Taylor asked about the Coca-Cola building. She stated the board should not have had to read in the paper the building had been sold. Mr. Fortune stated he informed Mr. Whalen that Mr. Mason who is the real estate agent for the bank, informed him that officially the building is under contract.

Mr. Upson stated he had spoken with Mr. Mason earlier in the day regarding this item. The bank has owned the property since October of 2010. They have had it on the market. They had a contract that was pending and the bank had not accepted the contract. Just last week, they did accept the contract. There was a substantial amount of earnest money put on the contract. This does not preclude anyone from putting a back-up offer in until it closes. There is about a 30 day window before it closes. Until it closes, any offers can be accepted. If it goes through, the back-up offer will not be considered. If it does not go through, the back-up offer would be the next one considered.

Mr. Fortune stated the county could communicate a back-up bid. He further stated if it falls through he feels like Mr. Mason would call him immediately.

Mr. Upson stated he was informed by Mr. Whalen to take the Coca-Cola building off the proposal once he was told it was under contract.

Mr. Gilreath asked if they would need a called meeting of the board to make that decision. Mr. Fortune stated it did not make sense to move forward and spend money on a building that looked as if it had been sold and was under contract.

Mr. Freeman stated he does not believe the county should spend the money while the building is under contract. Mr. Upson will keep the board informed as to what is going on.

V. PRESENTATION OF FINANCIAL STATEMENTS – None

VI. CITIZENS COMMENTS – None

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.

Ed Brown – 132 King Richard Dr.

The following are Mr. Brown's comments: "Ladies and Gentlemen of Spalding County, I would like to go on public record that as a member of the Citizens Oversight Committee from Georgia, we the

people and the members of the committee reviewed and researched and found that in our opinion, Bob Gilreath has done nothing illegal, immoral, or unethical in conducting county business as one of our elected commissioners serving on this board. By all appearances, the interest and actions are for the betterment of this county and for the citizens that have elected him to work for and be accountable to. His inquisitiveness and keen abilities as an investigative commissioner separates him from all of you that are here that have hidden agendas and personal gains by some sitting here on this commission board. I would certainly hope that he would reserve his rights in connection with this malicious prosecution of his character, his person and his stature as one of our elected commissioners. I can state for the other members of the committee of the promise that Mr. Gilreath made during his election. That was that he would serve the citizens of Spalding County and not the county employees who work for and at the pleasure of the Board of Commissioners. Other commissioners of this board were aware of issues that you have or have had in the recent past. You are holding things in your closet. Some of these at this time are struggling to hold your doors closed. Open records request from the public will open your closets and expose things you attempt to keep hidden. There are citizens and members of this committee that are in this room at this time. They have spent hundreds of hours and dollars in searching county records, which are public records which can and will be used as evidence against those involved in hidden agendas. There are many issues that some of you are connected with at this time that even if prosecuted for only a misdemeanor, would violate your oath of office. As you know, violation of oath of office means you would be removed from office immediately. As I'm aware of a previous Spalding County commissioner who was reprimanded and told you need to sit in your chair, be like that plastic fern that used to sit over here and keep your mouth shut because we've got a 3-2 vote against you. So, your vote, your comments or anything else will never be used on this board. Mr. Gilreath, we urge you, do not sit like that plastic fern. Please sit back and watch the action and the actions of you fellow county commissioners. Remember that you commissioners represent us as the taxpayers – the citizens and taxpayers of Spalding County. Remember what goes on here can be exposed and corrected at election time if not before. Open records and oath of office are powerful tools for our citizens to use. You other commissioners sitting on this board, I would hope that you can produce more than gossip, innuendos and your personal agendas while making the attack on Commissioner Gilreath. We the people suggest that you govern yourselves accordingly. Thank you.”

Ms. Flowers-Taylor asked what district Mr. Brown lives in. He lives in the 4th District.

John Whitworth – 903 Mockingbird Lane

Mr. Whitworth was present to let the commissioners know his company, Wright Brothers, is a local company that would like to have the county's business. They are one of the three bidders for the maintenance of various buildings in Spalding County. Wright Brothers bid on the preventive maintenance and they were the low bidder.

David McLeod – Georgia Wildlife Services, Inc.

Mr. McLeod informed the board that the county's animal control department has been going out on calls that do not include domesticated animals. He also stated that the county's Public Works department has been setting traps for wildlife and this is against the law.

VIII. MINUTES

1. Consider approval of Minutes of the following: December 31, 2010 Special Called Meeting; February 7, 2011 Regular Meeting; and February 10, 2011 Special Called Meeting.

Motion/second by Flowers-Taylor/Freeman to approve all minutes and carried by a vote of 3-0-2. Commissioners Gardner and Ray abstained as they were not present for the December 31st meeting.

IX. CONSENT AGENDA – None

X. OLD BUSINESS

1. Consider approval of Resolution censuring Commissioner Gilreath.

Commissioner Freeman read the Resolution.

RESOLUTION CENSURING COMMISSIONER GILREATH

WHEREAS, it has come to the attention of the Board of Commissioners of Spalding County that a member of the Commission, Bob Gilreath, has exhibited behavior which is not conducive to a healthy working environment; and

WHEREAS, the Commissioners have been made aware of complaints from employees about Mr. Gilreath's conduct that has left county employees upset and feeling threatened by his abusive conduct; and

WHEREAS, the Commissioners find that Mr. Gilreath has cursed, exhibited anger and unsettling behavior in the presence of female employees;

NOW, THEREFORE, this resolution of censure is adopted by the Spalding County Board of Commissioners as evidence of its disapproval of such conduct, language and behavior on the part of Mr. Gilreath. By this censure, the Board has officially stated their displeasure and unwillingness to accept such conduct on his part in the future.

This resolution adopted this _____ day of _____, 2011.

BY: _____
COUNTY

ATTEST: _____

Mr. Gilreath then began with a series of questions:

- 1) Mr. Chairman, who was involved in drawing up this resolution? A: The attorney stated he drew up the resolution after being given statements from various employees. Mr. Gilreath was provided copies of these statements.
- 2) Mr. Chairman, were any other commissioners involved in drawing up this resolution? A: Mr. Freeman stated he did not have any knowledge of any.
- 3) Were any present or past Spalding County employees involved in this resolution? A: Mr. Freeman stated he did not have any knowledge of any.
- 4) Were any citizens outside of the Spalding County government involved in this resolution? A: Mr. Fortune stated they were not.
- 5) Will you give me a list of names of everyone that was involved with drawing up this resolution Mr. Chairman? A: Mr. Freeman stated he does not have a list.
- 6) How many times did you meet to discuss this resolution? A: Mr. Freeman stated he did not remember meeting at any time.
- 7) Where did the meetings take place? A: Mr. Freeman asked if this was an inquisition.
- 8) How many commissioners were present to discuss the resolution? A: Mr. Freeman stated he did not have any idea. Mr. Fortune stated again he was given the statements and asked to draft the resolution which he did.
- 9) Who gave it to you Mr. Attorney? Who asked you to draft it? A: Mr. Fortune stated the board did. Mr. Freeman stated it was asked for at the last commissioner meeting.
- 10) Mr. Chairman, have you ever been disrespectful to any county employee? A: Mr. Freeman stated not to his knowledge.
- 11) Have you ever requested information from any county department? A: Mr. Freeman stated he is sure he has.
- 12) Do you know of any other commissioner requesting information from any county department? A: Mr. Freeman stated he does not.
- 13) Do you know of any commissioner requesting information from any county department before they were officially sworn in as commissioner? A: Mr. Freeman stated he did not have any knowledge of that.
- 14) Do you know of any commissioner before being sworn into office requesting information from any county department under the open records act? A: Mr. Freeman stated he would not have any knowledge of that.

Motion/second to approve by Ray/Gardner and carried by a vote of 4-1. Commissioner Gilreath opposed.

2. Consider approval of Commissioner Request for Information Procedure.

Mr. Fortune stated that based on a discussion at the last commissioner's meeting, he was asked to draft a procedure for commissioners to request information.

Ms. Taylor did not like the second item on the procedure. She believes all board members should know if there is a request by any other commissioners for information. She further stated she had a problem with the third item on the procedure. She believes there is too much subjectivity. She believes if there is any information sought the request should go to the county manager. She stated only the county manager will know if asking for this information is going to hinder personnel and consume a lot of time. She needs to see this item be more objective.

Mr. Fortune stated it was his understanding this was to be a checks and balance on requests so that the operations of county personnel are not interfered with.

Ms. Taylor believes this document should not hinder legitimate requests. She does not believe anyone should be able to request frivolous information just to get back at folks.

Mr. Gilreath asked who is going to determine what a frivolous request is. Mr. Freeman stated whichever commissioner is asking for information; they should go through the county manager and not other employees.

Ms. Taylor suggested each commissioner should state in their request for information, the reason for their request.

Mr. Gilreath stated he did ask Mr. Whalen for information and it took him two or three weeks to get it. He said he had to get loud to get it. He further stated it was e-mails that had been sent to and from a certain computer that belongs to the county. He asked for all the e-mails that were sent to and from the computer for 2010. He had to go through the attorney. The attorney had to explain to Mr. Whalen that he was correct in asking for the information. He stated he finally got it and you would be surprised what he found on there. He is not through with it yet but it's going to be mighty interesting.

Ms. Taylor asked him why he would want this information. Mr. Gilreath stated when he gets through with what he is doing; he will present it to the board.

Mr. Ray stated he had an example of Mr. Gilreath being hard. He further stated he was hesitant in playing the recording because of ladies being present. He said he was tired of dancing around this. He is tired of the intimidation and the disrespect to county employees. He asked anyone who did not want to hear swearing to leave the room. He then played a tape that was acquired during an open records request. Before the tape was played Mr. Gilreath stated he had to get unruly to get what he had asked for.

The recording was then played. Mr. Ray stated this is an example of why this procedure is being asked for. He stated there is no reason to treat any human being that way. Mr. Ray told Mr. Gilreath he might not have a legal issue, but he has a moral and ethical issue.

Mr. Gilreath told Mr. Ray he was absolutely right. He further stated the county manager should not have treated him as he did by sending him an e-mail stating he was put in the middle of this thing. Mr. Gilreath believes Mr. Whalen did not want to give him the information until he became unruly.

COMMISSIONER REQUEST FOR INFORMATION PROCEDURE

From the date of the adoption of this procedure, the following shall be the procedure for any Spalding County

Commissioner to follow when seeking information from county employees:

1. Prepare a written list of the information requested with sufficient detail to clearly identify the information sought.
2. Provide the Chairman of the Board of Commissioners and the other Commissioners with a copy of the list of requested information.

3. The Chairman of the County Commission shall consider the request and, in discussion with the County Manager, if it appears to be a valid request and does not unnecessarily hinder the operation of county personnel, he shall forward the request for information to the county manager whose responsibility it shall be to secure and provide the information sought to the requesting commissioner.

This procedure is adopted by the Spalding County Board of Commissioners on the _
day of _____, 2011.

BY: _____
COUNTY

Attest: _____

Motion/second to approve with changes by Ray/Gardner and carried by a vote of 4-1. Commissioner Gilreath opposed.

3. Consider approving replacement of Kathy Socha to the Spalding County Water Authority. There are two nominees to consider.

There were two for and three opposed to Harry Kierbow.

There were three for and two opposed to Fannie Delaney.

Motion/second to approve the appointment of Fannie Delaney and carried by a vote of 3-2. Commissioners Gilreath and Freeman opposed.

4. Consider appointment of Connie Pound to the Spalding County Collaborative Authority.

Motion/second by Ray/Flowers-Taylor to approve the appointment of Connie Pound and carried by a vote of 5-0.

5. Consider appointment of Irma Lewis to the Spalding County Collaborative Authority as a law enforcement representative.

Motion/second by Flowers-Taylor/Gardner to approve the appointment of Irma Lewis and carried by a vote of 5-0.

6. Consider appointment of Dr. Leiv Takle, Sr. to the Spalding County Board of Health.

Motion/second Flowers-Taylor/Ray to approve the appointment of Dr. Leiv Takle, Sr. and carried by a vote of 4-1. Commissioner Gilreath opposed.

7. Consider awarding contract for maintenance at certain Spalding County facilities.

Brian Upson addressed this item. After a discussion, it was stated the bids are not comparable. The commissioners would like to see the item rebid with Terry Tardy participating with the new RFP.

Motion/second by Gardner/Ray to reject the previous bids and carried by all.

Motion/second by Gardner/Ray to direct staff to draw up a new RFP for maintenance. This is to be completed within a 30-day time frame and should include the assistance of Terry Tardy. This vote was carried by a vote of 5-0.

8. Consider approval of lease with Otis Blake, Jr. for parking lot at South 6th St. and Bank Alley.

Mr. Whalen stated there are on average about 18 county employees that use the parking lot. There are 58 spaces available.

Ms. Taylor has been checking on this parking lot. She checked earlier today and there were a total of seven cars in the parking lot; yesterday there were nine; and on Friday, there were six cars in the parking lot.

Ms. Taylor spoke with Kenny Smith about county employees utilizing the parking spaces behind the old City of Griffin police department. There are a total of 46 parking spaces. The spaces are open to the general public. There are additional spaces available as well.

Ms. Taylor does not see the need to spend this money when these spaces are available. In all, there are about 70 spaces available.

Motion/second by Flowers-Taylor/Gardner not to approve the lease and carried by a vote of 5-0. The current lease will be terminated March 31st.

XI. NEW BUSINESS

1. Consider approval of request from Jake Garner, Public Works for driveway pipe removal increase.

Mr. Whalen stated that for the past 20 years, the county has been charging \$75.00 for this service. Actual costs are running right at \$340.00. Mr. Garner is asking for permission to charge \$350.00 to remove illegally placed driveway pipes.

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

2. Consider adopting the Roosevelt Railroad Rail-with-Trail Multi-Use Study.

Anthony Dukes was present to address this item. He had a presentation to share with the commissioners complete with drawings of the trail. There are funding resources for this project identified in the study. The county would not be expected to fund this project in its entirety. Mr. Dukes further stated if HB277 is successful in 2012, some of those monies can be used to fund this trail. Transit funds can also be applied to this project.

Mr. Ray confirmed that in approving the study, the county is not obligated for any funding of this project. Mr. Dukes stating this is simply acknowledging that the plan was completed to the commissioners' satisfaction. If approved, this will be added to the CTP.

Motion/second by Flowers-Taylor/Gardner to approve the study and carried by a vote of 5-0.

3. Consider approval of a request from Stepping Stones School for an "After Hours" permit for a 20th Anniversary celebration.

Ms. Ann Walker was present to address. Stepping Stones is a school that was started 20 years by two women with a dream. It was created for special needs children who were not being served by the public schools. This will be a three day celebration. A public celebration will be held on Saturday night in the parking lot. There will be a live band. The event will be over by 11:00 p.m.

Mr. Whalen stated there are no single-family homes are in the immediate area. Ms. Taylor stated that Willow Creek Apartments is a complex for special needs people who take medications as part of their therapy. She believes Stepping Stones should have something in writing from the staffing of the apartments giving their permission for this event to be held. Ms. Walker agreed to do this.

Motion/second by Flowers-Taylor/Gardner to approve with the condition that Stepping Stones acquires a letter from the Willow Creek Apartments giving their approval of the event. A copy of the letter needs to be provided to the board. This was carried by a vote of 5-0.

4. Discuss commissioner seating arrangements.

Commissioner Freeman stated the seating arrangements will stay as they are currently. No one had any objections.

XII. REPORT OF COUNTY MANAGER

Mr. Whalen reminded the board members they need to get in their names for the Ethics Board.

Mr. Whalen thanked Glinda Robertson for her service as this was her last meeting.

XIII. REPORT OF COMMISSIONERS

Flowers-Taylor – Ms. Taylor recently attended an ACCG Legislative Conference which was very informative.

Gilreath – Mr. Gilreath asked when the county commissioners would meet with the city commissioners. Mr. Whalen stated a date has not yet been set.

Mr. Gilreath asked about the status of fencing that is to be placed on Wild Plum Rd at the site of the cell tower. Virginia Beams stated she would check into this.

Mr. Gilreath asked Ms. Beams if a job description had been completed yet for her. She stated, "Not that I'm aware of." He asked what is taking so long. Mr. Whalen stated a copy of the job description was placed in all commissioner mail boxes about three weeks ago.

Mr. Gilreath asked why a Fire Chief has not yet been named. Mr. Whalen stated they are waiting for a permanent County Manager to be in place.

Mr. Gilreath read a statement he had prepared regarding his commitment to the people of his district. The statement was as follows:

Recently, in an effort to shut me down from seeking the truth and telling the truth, three commissioners voted to censure me in a board of commissioners open meeting.

After I was elected and before I was sworn into office, Mr. William Wilson asked me if I was the third vote to get his job. My response to him was, "not that I know of and where did you get that idea from?" William said, "it's on the street." I asked him, "what street?" William replied, "I heard it recently."

After I was sworn into office, I was asked for my vote to terminate Mr. Wilson's contract. My response was, "no because I am not aware of anything he has done to warrant removing him from his position at this time."

During my first year as commissioner I was very observant making sure all my votes would be for the best interest of Spalding County.

I was elected to represent all my constituents with an open mind, researching all aspects of each issue without biases or other hidden agendas. I will continue doing this as long as I am a Commissioner.

Ever since the day I took office, I have worked very hard to cut spending and in order to do this there was a need to request information from the county departments. The information was very beneficial because it allowed me to research ways to save tax dollars without jeopardizing jobs, without jeopardizing our service and mostly to save the taxpayers from bearing the burden of an increase in property taxes.

I asked the board to review the monies that will be saved by not allowing the county vehicles to be driven to and from work by county employees. This was passed by the board of Commissioners and those votes have saved and will continue saving the taxpayers thousands of dollars.

I am a firm believer that if it is more economical, our tax dollars need to stay in Spalding County. This is why I have initiated an effort to open bids on different services that are provided to Spalding County. Not only will this be more economical, it will create local jobs.

We need to get bids from companies that contract their services with Spalding County. This will ensure that we are paying a fair price for all monies paid. I discovered that for many years the County has not received bids for many services and I cannot believe how some are retaliating when the only result would be, TO SAVE THE TAXPAYER'S MONEY.

Many sources have informed me that members of this board were involved in the effort to recall me as a county commissioner. This was just another failed attempt to exercise control over me trying to expose wasted tax dollars, hidden personal agendas, and abuse of authority in the Spalding County government.

As your commissioner, I am committed and here to stay. I am reassuring you that I work for the citizens of Spalding County and not this board. I will continue to work diligently doing all I can to save the taxpayers money, to make sure there is transparency in our Spalding County government, and to make sure that Spalding County is a safe place to raise families, conduct business, and enjoy life.

Thank you

Freeman – Mr. Freeman requested an update by the next meeting from Ms. Beams on the 800 MHz and when it will be finalized.

Mr. Freeman also announced there will be details of a retreat for the commissioners shortly.

XIV. CLOSED SESSION – Personnel

Motion/second by Ray/Gardner to go into closed session at 8:07 p.m. 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 February 21, 2011.

2.

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

3.

The executive session was called to order at _____ 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 21st day of February 21, 2011.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 21st day of February 2011.

Chipper Gardner

Raymond Ray

Glinda P. Robertson

Notary Public

Eddie Freeman

Bob Gilreath

My commission expires:

Gwen Flowers-Taylor

Feb 23, 2014

Motion/second by Gilreath/Flowers-Taylor to come out of closed session at 8:30 p.m. and carried by all.

XV. ADJOURNMENT

Motion/second by Gilreath/Flowers-Taylor to adjourn at 8:30 p.m. and carried by all.