

WORK SESSION

The Spalding County Board of Commissioner held Work Session in Room 108 in the Courthouse Annex, Thursday, March 29, 2012 beginning at 10:00 a.m. with Vice-Chairman Samuel Gardner presiding. Chairman Gwen Flowers-Taylor, Eddie Freeman, Bob Gilreath and Raymond Ray were present. Also present were County Manager William P. Wilson, Jr., Administrative Services Director Jinna Garrison, Community Development Director Chad Jacobs, County Attorney Jim Fortune and Ex-Officio, County Clerk Ricky L. Clark, Jr. to record the minutes.

Also present were Sheriff Wendell Beam, Captain Tony Ranieri, Debra Howard & Stacy Wells of Millennium Insurance.

- I. Opening/Call to Order..... Chairman, Gwen Flowers-Taylor

- II. Discussion regarding Special Event Insurance requirements for use of Spalding County Properties.

Mr. Wilson noted that an item of discussion at the March 19th Commissioners Meeting was the requirement of special event insurance for all properties that are rented for non-public activities. Staff has since gathered information from the County's insurance carrier, Millennium Insurance. Deborah Howard, representative from Millennium Insurance along with Ms. Stacy Wells, Public Risk Underwriter was present to answer any questions.

Mrs. Howard advised that the main purpose of requiring insurance is to take any financial burden off the County should something happen. Mrs. Howard stated that the definition of when a special event policy is needed and not is whether or not the event is open to the public and advertised or promoting in any way. Mrs. Howard presented different case scenarios of when special event insurance may be required. One example Mrs. Howard used was if a local organization wants to hold a barbeque as a fundraiser on county property and advertise the event to draw customers. In this case the organization would need to provide a special event certificate listing Spalding County as additional insured.

Mr. Wilson used the Park @ Sixth as an example. Mr. Wilson explained that the Park @ 6th is owned by Spalding County; however, Mrs. Kira Braggs-Harris will be in charge of booking the property. The Park @ Sixth is a joint venture between Spalding County, City of Griffin & Griffin Main Street. Ms. Howard stated that since it is County Property, the organization renting the property should obtain special event insurance just in case something occurred. Ms. Wells stated that when a person rents the venue and they damage or tear it up, the special events insurance policy will provide coverage for the County.

Mr. Fortune asked what would happen if a County building collapses. Ms. Howard advised that if the building was not properly maintained, the County would be liable. If a family member attending an event on County property sustained an injury from something other than a disaster, they would be liable. Mrs. Howard further noted that if that individual was not listed under the insurance, they would not be covered.

Mr. Fortune questioned how much would a \$1,000,000 policy cost. Mrs. Howard stated that the minimum cost of insurance with carriers that she uses is \$300.00. Mrs. Howard further stated that there are places via internet that offer cheaper rates. Ms. Wells stated that the rate depends on how many people in attendance and what kind of event it is. If someone wrecks from drinking too much the County is covered.

Chairman Flowers-Taylor questioned insurance responsibilities if you are selling or providing alcohol. Ms. Wells explained the two types of liquor liability. The first type is host liquor liability which means that alcohol is provided with no profit intended. The second type is liquor liability which means that you are charging per drink for profit. With liquor liability you bear more risk. After questioning from Chairman Flowers-Taylor, Ms. Howard noted that the County needs to make stipulations as to what events are allowed to serve alcohol and the policy to obtain one-day event licenses. Mrs. Howard further stated that the County can set guidelines that the insurance company is A+ and are clear that they will pay off. There can also be limits set as to what the County wants the insurance company to have in place. Mrs. Howard noted that the county carries a \$3,000,000 aggregate and she recommends requiring a \$1,000,000 special event insurance liability.

After questioning from Chairman Flowers-Taylor, Mr. Wilson advised that the Park @ Sixth is currently covered under our insurance. Ms. Wells stated that if the County had an umbrella policy it would eliminate the County going over the \$3,000,000 aggregate for an insurance claim. Mr. Fortune stated that it would be a good idea to get quotes about umbrella coverage. Ms. Garrison stated that the insurance renewal for the County is June 1st. Staff will get quotes for umbrella policy.

Chairman Flowers-Taylor stated that she concurs it's a good idea to require insurance; however, there are certain groups that provide services to the County for free and it would not be fair to make them obtain insurance. Mrs. Flowers-Taylor stated that Parks & Recreation has groups that they partner with to do day camps, cheerleading camps and they advertise for participation. These events are not something that the Parks & Recreation department does; however, they use our camps property. Ms. Wells stated that more than likely those outside vendors have insurance and the County should be requiring them to show the certificate of insurance. Mrs. Howard will talk with her carriers and see how they would handle these types of events. Mrs. Howard recommended recurring general liability insurance for these events. Chairman Flowers-Taylor stated that with some associations, there is a requirement to sign a waiver and this would be good throughout the County.

Mrs. Kira Bragg-Harris of Griffin Main Street requested clarification about the advertising criteria. Mrs. Braggs-Harris asked would an invitation be considered advertising. Ms. Wells stated that advertising is considered when it goes to the general public. Mrs. Braggs-Harris also questioned what happens when someone brings alcohol into the event? Ms. Wells stated that if no authorization has been given for alcohol the County cannot be liable.

Commissioner Ray stated that we need to identify waiver issues and make them mandatory and also look at insurance requirements from associations. Mr. Ray stated that it's for fiscal responsibility. Mr. Fortune commented noting that waivers were good but they still would not release full liability.

III. Discussion regarding revisions to the Noise Abatement & Control Ordinance.

Mr. Fortune explained that any permit requests under five hours will be approved by Community Development. Any requests over five hours will be approved by the Commission. Any requests after 9:00 p.m. must be approved by the Commission.

Staff disseminated to the Board the application form that will be used for all requests for outside amplifications. Commissioner Ray stated that the application should state that all property owners adjacent to the property where the amplification is requested should be notified. This way the

applicant is attesting that they have notified property owners. Mr. Wilson stated that the permit will only be valid for one event. If the request is for multiple occasions, approval will be on an individual basis.

The consensus of the Board was that more than one request per month must be approved by the Board. There was also consensus for the applicant to provide application at least 14 days in advance. The applicant will have to provide a map off q-public outlining the property and adjacent areas. The requirement for applicants to provide a signed petition from adjacent property owners will be removed. Identification of more than five hours requires Commissioners approval will be added to the application. The Sheriff's Department will provide documentation of if the property in question has continuous activity. Chairman Flowers-Taylor wanted to insure that the Sheriff's Department would not be bias and would submit information on the property, not the person requesting the permit.

Sheriff Beam requested requirements for approval and disapproval of applications for outside amplifications. The Board Consensus was for the Sheriff's Department to advise if they have been dispatched within the last twelve months to the property where outside amplification is requested, at this time they will provide incident reports. The Sheriff's Department will not provide approval or disapproval.

Board Consensus under Section 11-4002, subsection 1 the last sentence stating, "Nor shall any permit be required to operate a loudspeaker or sound amplifying device between the hours of 9:00 a.m. and 9:00 p.m.," will be deleted. Under Section 11-4006 it will state that any application requested before time period beyond 9:00 p.m. will have to be approved by the Board of Commissioners not Community Development. The second request for amplification will have to go before the Board of Commissioners. There will be a fifty dollar fee for all applications for outside amplification permits less than five hours and a hundred dollar fee for outside amplification permit over five hours.

IV. Discussion regarding RASS (Responsible Alcohol Sales & Service) Initiative Ordinance.

The Board consensus was to require only the license holder and a manager of the establishment to obtain RASS certification. Under Section 6-1049 the ordinance will become effective October 1, 2012. Licensees will have six months to come into compliance with RASS requirements. Certifications shall remain on the premises. RASS workshop certification shall be required every two (2) years. Licensee or manager shall maintain a training program for employees. Each employee shall confirm in writing that they have had the training and understand the contents of the workshop. There will be a roster kept on premise that indicates employees who have received RASS training.

V. Discussion of proposed "brown bag" ordinance.

Cpt. Ranieri & Sheriff Beam both advised the Board that they have had calls where individuals have brought alcohol into establishments such as Waffle House, McDonalds and others. Cpt. Ranieri stated that the ordinance should not allow any place without a proper business license to allow "brown bagging."

Mr. Fortune stated that the business owner always has the power to advise that they do not allow alcohol in their establishments. Mr. Fortune further noted that if the Board chose to completely ban "brown bagging" it would affect private events and the like.

After substantial discussion, the Board Consensus was to make it unlawful for any person to consume “brown bagging” within any establishment that has lost their license or had them suspended within the last twelve months, unless a new license for consumption on premises has been issued.

- VI. Discussion of Amendment to UDO #A-12-01: Article 5. AR-1 Agricultural & Residential - Section 503:C(17), Article 6. AR-2 Rural Reserve - Section 603:C(15), Article 7. R 1 Single Family Residential Low Density - Section 703:C(16), Article 8. R-2 Single Family Residential - Section 803:C(17), Article 10. R-4 Single Family Residential - Section 1003:C(16), Article 11. R-5 Single Family Residential - Section 1103:C(16) - amend to allow mother-in-law suites as accessory use.

Community Development Director Chad Jacobs, stated that the language in this ordinance refers to mother-in-law suite being included as an accessory for a 2nd single family dwelling with the guidelines specified. Mr. Jacobs further noted that Chairman Flowers-Taylor had questions about the use of special exception medical hardships. This is also listed in the accessory portion of the ordinance. This is used for medical hardships that are temporary which are typically geared to manufactured homes. Mr. Jacobs advised that Community Development keeps tracks of this by sending out letters annually to verify if hardship still exists. These dwellings typically include a bedroom, bath, living room & kitchenette. Mr. Wilson noted that the size compares to that of a pool house. Mr. Jacobs stated that staff doesn't want to limit the needs that a mother-in-law suite provides but simply make it more logical so that you don't have two large dwellings on one piece of property.

Mr. Jacobs stated that there should be no separate utilities, this way making it not logical to rent the property. Mr. Jacobs stated there was concern of an over mass of structures.

After a consensus of the Board, this item will be advertised for public hearing and will be on the April Zoning Public Hearing agenda.

- VII. Consider approval of 30-day extension of the Dispatch Communication Services Agreement with Tenet Health System Spalding, Inc.

Mr. Wilson noted that this issue has been put off but this will be the last extension. Mr. Wilson further noted that the County's position since the 80's is that the County would provide dispatch services to Tenet; however, there would be a charge. Over the years and over the sale of the hospital the current administration at Tenet thinks that this service should be paid for by the County due to the Service Delivery Strategy. Mr. Wilson stated that Tenet also feels that the County should provide radios and maintenance for the radios. Mr. Wilson noted that this agreement over the years was a “gentlemen's agreements.”

Motion/Second by Freeman/Ray to approve 30-day extension of the Dispatch Communication Services Agreement with Tenet Health System Spalding, Inc.

- VIII. Adjournment..... Chairman, Gwen Flowers-Taylor

Motion/Second by Ray/Gardner to adjourn at 12:28. Motion carried by all.

Chairman

County Clerk