

MINUTES

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, October 15, 2012, beginning at 6:00 p.m. with Commissioner Gwen Flowers-Taylor presiding. Commissioners Bob Gilreath, Raymond Ray, Samuel Gardner and Eddie Freeman were present. Also present were County Manager William P. Wilson Jr., Attorney Jim Fortune and Ex Officio, County Clerk, Ricky L. Clark Jr. to record the minutes.

I. OPENING (CALL TO ORDER) – Chairman, Gwen Flowers-Taylor

II. INVOCATION – led by Commissioner Samuel Gardner

III. PLEDGE TO FLAG – led by Commissioner Raymond Ray

IV. PRESENTATIONS/PROCLAMATIONS - NONE

V. PRESENTATIONS OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for two month period ended August 31, 2012.

Motion/Second by Ray/Freeman to approve Financial Statements for two month period ended August 31, 2012. Motion carried unanimously by all.

VI. CITIZEN COMMENT - NONE

Speakers must sign up prior to the meeting and provide their names, addresses and topic in which they will speak on. Speakers must direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

VII. MINUTES –

1. Consider approval of Minutes of the following: September 17, 2012 Extraordinary Session; September 27, 2012 In Rem Hearing; September 28, 2012 Retreat; September 28, 2012 Special Called Meeting; September 28, 2012 Executive Session.

Motion/Second by Ray/Gardner to approve aforementioned minutes. Motion carried unanimously by all.

VIII. CONSENT AGENDA –

1. Consider approval, on second reading, Ordinance #2012-10, amending the Spalding County Code of Ordinances, Part III Public Safety, by striking in its entirety Chapter V- Emergency Management Ordinance and inserting in lieu thereof the new model Emergency Management Ordinance as prepared by GEMA & ACCG.

EMERGENCY MANAGEMENT ORDINANCE

A Resolution to amend Chapter 5 Emergency Management Ordinance of Part III – Public Safety of the Code of Spalding County, Georgia, by striking said Chapter 5 in its entirety and inserting a new Chapter 5 in lieu thereof to read as follows:

WHEREAS, O.C.G.A. §§ 38-3-27 through 38-3-28 and 38-3-54 through 38-3-56 authorizes the Spalding County Board of Commissioners to provide emergency management within Spalding County;

WHEREAS, the Georgia Emergency Management Agency (GEMA) is the state agency assigned responsibility for coordination of all organization for emergency management activities within the state;

WHEREAS, Spalding County Emergency Management Agency is an established emergency management agency; and

WHEREAS, to ensure an effective and coordinated response to disasters, the county wishes to coordinate EMA activities and responses with cities located within the county; and

WHEREAS, the Board of Commissioners believes that an ordinance should be adopted to protect the health and safety of persons and property during an emergency or disaster resulting from man made or natural causes.

NOW, THEREFORE, BE IT ORDAINED that the Code of Ordinances of Spalding County is amended by creating a new Chapter 5 Emergency Management to read as follows:

Chapter 5 Emergency Management

Section I. Regulations Continued in Effect

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief, which are not in conflict with this chapter, are continued in full force and effect. Such ordinances, etc., are on file in the office of the Board of Commissioners.

Section 2. Emergency Management and Response Powers

(a) Declaration of Local Emergency.

(i) Grant of authority. In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Chair of the Board of Commissioners may declare a local emergency for Spalding County. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.

(ii) Request for state assistance. Consistent with a declaration of local emergency, the Chair may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

(iii) Continuance. The declaration of local emergency shall continue until the Chair finds that emergency conditions no longer exist, at which time, the Chair shall execute and file with the Clerk of the Board of Commissioners a document marking the end of the state of emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the Chair. The Board of Commissioners may, by resolution, end a state of local emergency at any time.

(iv) Effect of declaration of emergency.

(A) Activation of emergency operations plan. A declaration of emergency by the Governor or a declaration of local emergency by the Chair shall automatically activate the county emergency operations plan and shall be the authority for deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.

(1) The Spalding Emergency Management Agency (“EMA”) Director shall have the legal authority to exercise the powers and discharge the duties conferred upon the emergency management agency, including the implementation of the emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.

(2) In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the Director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the public’s health, safety or welfare.

(3) The Director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the County; however, any such document shall be later presented for ratification at a meeting of the Board of Commissioners.

(4) No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of evaluating sites involved with emergency management functions to protect the public's health, safety, or welfare, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his or her official duties.

(B) Emergency powers. Following a declaration of emergency and during the continuance of such state of emergency, the Chair is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the Chair may cause to become effective any of the following sections of this chapter as appropriate: Section 5 (registration of building and repair services) to become effective if the Governor declares a state of emergency; and Section 6 (closed or restricted areas and curfews). If any of these sections are included in a declaration of local emergency, the same shall be filed in the office of the Clerk of the Board of Commissioners and shall be in effect until the declaration of local emergency has terminated.

(C) Authority to waive procedures and fees. Pursuant to a declaration of emergency, the Board of Commissioners is authorized to cause to be effective any of the subsections of Section 4 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the Clerk of the Board of Commissioners.

(D) Additional emergency powers. The Chair of the Board of Commissioners shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

(1) To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;

(2) To prescribe routes, modes of transportation and destinations in connection with evacuation;

(3) To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.

(4) To transfer the direction, personnel or functions of any county departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(5) To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster;

(6) To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;

(7) To suspend any law, code provision or regulation prescribing the procedures for conduct of county business, or the orders, rules or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;

(8) To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;

(9) To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during and following a major disaster or emergency.

(b) Form of Declaration of Local Emergency.

Upon the declaration of local emergency, an official "Declaration of Local Emergency," in substantially the same form set forth below, shall be signed and filed in the office of the County Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

"DECLARATION OF LOCAL EMERGENCY

WHEREAS, Spalding County, Georgia has experienced an event of critical significance as a result of *[description of event]* on *[date]*; and

WHEREAS, in the judgment of the Chair of the Spalding County Board of Commissioners, with advice from the Spalding County Emergency Management Agency, there exist emergency circumstances located in *[describe geographic location]* requiring extraordinary and immediate corrective actions for the protection

of the health, safety and welfare of the citizens of Spalding County, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

(1) That the Spalding County Emergency Management Agency activates the Emergency Operations Plan;

(2) That the following sections of the Spalding County Code be implemented: *[If deemed appropriate, choose from the following: Section 5 Registration of Building and Repair Services to be effective only if the Governor has declared a state of emergency; and/or Section 6 Closed or Restricted Areas and Curfews];* and

(3) That the following measures also be implemented: *[If deemed appropriate, select items from Section 2(a)(iv)(C) or (D) or such other measures as appropriate.]*

ENTERED at *[time]* on *[date]*.

[Signed]

Chair, Spalding County Board of Commissioners"

(c) Contracts with Municipalities.

In addition to the normal agreements embodied in the county's emergency operations plan for mutual emergency assistance, the Board of Commissioners may contract with any municipality for the administration of an emergency response program.

Section 3. Enforcement and Remedies

(a) Law Enforcement.

In accordance with O.C.G.A. § 38-3-4, the Spalding County Sheriff's Office shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the Chair or local governing authority during a declared emergency.

(b) Penalties.

Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the Chair or local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be guilty of

a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) Injunctive Relief.

In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the EMA Director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this code, and/or which are implemented by the local governing authority during a declared emergency.

(d) Enforcement.

Except as otherwise provided in this chapter, this ordinance may be enforced by the Sheriff's Office, the EMA Director and _____.

Section 4. Authority to Waive Procedures and Fee Structures

(a) County Business.

Upon declaration of an emergency or disaster by the Governor or Chair of the Board of Commissioners, the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the Board of Commissioners shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law. *[Note: Local legislation should be reviewed to determine whether there are restrictions upon moving the meeting location if it is only a locally declared emergency and not a state of emergency declared by the Governor.]*

(b) Public Works Contracts.

Upon declaration of an emergency or disaster by the Governor or Chair of the Board of Commissioners, the Board of Commissioners may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Any E-Verify affidavit shall be obtained from any contractor if otherwise required by law.

(c) Purchasing.

Upon declaration of an emergency or disaster by the Governor or Chair of the Board of Commissioners, the purchasing ordinances, regulations or policies may be suspended. County officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) Code Enforcement.

Upon declaration of a state of emergency or disaster by the Governor or the Chair of the Board of Commissioners, the Board of Commissioners may temporarily suspend the enforcement of the ordinances of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(e) Fees.

Upon declaration of a state of emergency or disaster by the Governor or the Chair of the Board of Commissioners, the Board of Commissioners may temporarily reduce

or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.

(f) Temporary Dwellings.

Upon the declaration of a state of emergency or disaster by the Governor or Chair of the Board of Commissioners, the Board of Commissioners or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county Health Department and Development Services. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the Board of Commissioners or its designee, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/ or extension, the temporary dwelling must be removed.

Section 5. Registration of Building and Repair Services

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the unincorporated area of the county designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the Spalding County Development Services Department and secure a building permit that is posted at the work site. Each day any such entity does business in the unincorporated areas of the county without complying with this ordinance constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$_____ per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

- (i)** Name of applicant;
- (ii)** Permanent address and phone number of applicant;
- (iii)** Applicant's Social Security number or federal Employer Identification number;
- (iv)** If applicant is a corporation, the state and date of incorporation;
- (v)** Tag registration information for each vehicle to be used in the business;
- (vi)** List of cities and/or counties where the applicant has conducted business within the past 12 months;
- (vii)** Georgia sales tax number or authorization;
- (viii)** Georgia business license number, if required;
- (ix)** Copy of license from the Secretary of State, if required;
- (x)** A signed and sworn affidavit verifying the applicant's legal presence in the United States as required by O.C.G.A. § 50-36-1.
- (xi)** At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2.

(d) Effective Date.

This section shall become effective only upon a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the Board of

Commissioners, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Section 6. Closed or Restricted Areas and Curfews during Emergency

(a) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the Chair until the curfew is lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Chair shall have discretion to impose reentry restrictions on certain areas. The Chair shall exercise such discretion in accordance with the county emergency operations plan, which shall be followed during emergencies.

(c) The provisions of this section shall not apply to persons acting in the following capacities:

(i) Authorized and essential law enforcement personnel;

(ii) Authorized and essential health care providers;

(iii) Authorized and essential personnel of the county;

(iv) Authorized National Guard or federal military personnel;

(v) Authorized and essential firefighters;

(vi) Authorized and essential emergency response personnel;

(vii) Authorized and essential personnel or volunteers working with or through the county emergency management agency (EMA);

(viii) Authorized and essential utility repair crews;

(ix) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;

(x) Other authorized and essential persons as designated on a list compiled by EMA, the Director of Public Safety and/or the Sheriff of the county.

(d) *Enforceability.* This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(e) *Effective Date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

Section 7. Regulations Continued in Effect

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief that are not in conflict with this chapter are continued in full force and effect. Such ordinances, etc., are on file in the office of the County Clerk.”

BE IT FURTHER ORDAINED that this ordinance shall become effective upon its approval.

So ordained this 15th day of October, 2012.

Board of Commissioners of Spalding County, Georgia

Chairman: Gwen Flowers-Taylor

County Clerk:

Motion/Second by Ray/Gardner to approve on second reading, Ordinance #2012-10, amending the Spalding County Code of Ordinances, Part III Public Safety, by striking in its entirety Chapter V-Emergency Management Ordinance and inserting in lieu thereof the new model Emergency Management Ordinance as prepared by GEMA & ACCG. Motion carried unanimously by all.

IX. OLD BUSINESS – NONE

X. NEW BUSINESS

1. Consider approval of retail development concept plan in the Tri-County Crossroads Overlay district for construction of a Family Dollar.

Chad Jacobs, Community Development Director Chad Jacobs noted that Family Dollar submitted a concept plan for approval as per the TCC overlay ordinance. The civil plans are currently under review and awaiting final signatures. Mr. Jacobs noted that almost a year ago there were about four variance issues such as parking, pervious surface requirements, etc. All of these requirements have since been met.

After questioning from Commissioner Freeman, Mr. Jacobs noted that this Family Dollar would be located across from the Ingles, directly behind the bread store.

Commissioner Gilreath questioned what affect this would have on the intersection. Mr. Jacobs noted that there would not be a great impact on the intersection. Commissioner Freeman questioned would a turn lane be added. Mr. Jacobs advised that anytime you can get safety improvements, this is always a great thing.

Motion/Second by Freeman/Gardner to approve retail development concept plan in the Tri-County Crossroads Overlay District for construction of a Family Dollar. Motion carried unanimously by all.

2. Consider approval of Change Order for replacement of the roof decking on the Spalding County Senior Center project in the amount of \$136,201.12.

Mr. Wilson noted that originally there was anticipation to only replace a portion of the decking on the new Senior Center; however, the roof was severely deteriorated due to the roof leaks that resulted in water being trapped between the old roof membranes and metal deck. To replace all of the deteriorated decking, a Change Order has been requested in the amount of \$136,201.12. The final count on the deck replacement was 398 sheets (23,340 square feet); or 85% of the entire building. MEJA's contract included a bid unit price of \$10 per square foot for metal deck replacement. An allowance of \$5000 was included in the bid and was deducted from the total cost of \$141,201.12 resulting in this \$136,201.12 change order. Mr. Wilson noted that there are representatives from Manley, Spangler, Smith. Mr. Wilson noted that this new roof will last many years and in fact has a twenty (20) year warranty.

Chairman Flowers-Taylor questioned if any money was set aside for issues that may come up regarding the Senior Center. Mr. Wilson noted that there was an allowance of \$5000 set aside but not the 10% contingency that is usually set aside because there was no extra money. Mr. Wilson stated that staff tried their best to get the cost of the Senior Center down to \$3 Million dollars. The new roof is 24 gauge metal which is the heavier and thicker gauge.

Tracey Moss stated that during the design phase, the roof appeared to be in good shape, with the exception of the back area but there was no indication of deterioration to the entire roof.

Commissioner Gilreath questioned if there was someone initially to check the building to see what needed to be done. Mr. Wilson stated that there was a preliminary check of the building. Tracey Moss added that Raymond Engineering was responsible for performing the initial inspection, but they were primarily looking for what the roof consisted of. At this time there was no indication of severe rust. Commissioner Gilreath stated that he did not understand why there was no indication of the roof leaking during the preliminary check.

Commissioner Ray stated that this is just an unforeseeable expense; however, it is needed for completion of the Senior Center.

Mr. Wilson stated that due to this expense, more than likely, all furniture for the Senior Center will be lease purchased.

Motion/Second by Ray/Freeman to approve Change Order for replacement of the roof decking on the Spalding County Senior Center project in the amount of \$136,201.12. Motion carried unanimously by all. Funds to be disbursed from the 2005 SPLOST.

3. Consider request from Chief Assessor Tim Whalen for a Budget Amendment in the amount of \$30,000 for additional assistance from AVTACS for the 2012 tax appeals.

Mr. Whalen stated that assistance is needed in the Tax Assessors Office to process the 2012 appeals and other appeals returned by the Clerk of Court. He noted that he has negotiated with AVTACS to assist with completion of this task before the end of the year. This process will not interfere with the compilation of the 2013 Tax Digest. Mr. Whalen noted that the last payment on the contract with AVTACS was mailed in June. Mr. Whalen stated that Mrs. Griggers, an employee of AVTACS, is not being paid but is donating her time. Mr. Whalen stated that the \$30,000 budget amendment would fund the two employees of AVTACS for about four months.

Commissioner Freeman questioned would this take us through all of the appeals. Mr. Whalen stated that Mr. Griggers has projected the number appeals that can be worked on in a day and he believes that this will give us time to work appeals.

Mr. Wilson stated that when the appeal goes to the Board of Equalization, someone from the Tax Assessors office must present the case to the Board of Equalization. This takes staff out of the office from working on appeals. Mr. Wilson noted that on January 1st, the 2013 appeals must be heard.

Commissioner Gardner stated that during the October term of the Grand Jury, no appointments were made to the Board of Equalization. After questioning from Commissioner Gardner in reference to the impact of these appointments not being made, Mr. Whalen explained that Mr. Griggers has addressed this issue with the Clerk of Court and she advised that appointments will be made at the November Grand Jury. Mr. Whalen also noted that Mr. Griggers has made contact with the Department of Revenue and have scheduled classes for Board of Equalization members in the Annex Meeting Room.

Chairman Flowers-Taylor questioned compensation relative to the \$30,000 as requested by Tim Whalen. Mr. Whalen noted that the \$30,000 would cover any additional help (employees) Mr. Griggers provided. Mr. Whalen stated that Mr. Griggers is currently under a contract that was approved in the budget. Mrs. Griggers handles real estate appeals and the other employee handles commercial. Mr. Griggers stated that there are about 5,000 appeals, 1,000 will be handled by the Board of Equalization and 4,000 will be handled in the Tax Assessors Office.

Motion/Second by Gardner/Freeman to approve request from Chief Assessor Tim Whalen for a Budget Amendment in the amount of \$30,000 for additional assistance from AVTACS for the 2012 tax appeals. Motion carried unanimously by all.

4. Consider approval of Noise Amplification Permit for Jamie Harless to hold an outside wedding at 124 Walnut Grove Road on October 27, 2012 from 2:00 p.m. until 10:00 p.m.

Motion/Second by Ray/Gardner to approve Noise Amplification Permit for Jamie Harless to hold an outside wedding at 124 Walnut Grove Road on October 27, 2012 from 2:00 p.m. until 10:00 p.m. Motion carried unanimously by all.

5. Consider request from the Griffin-Spalding Development Authority to change the name of the portion of Wild Plum Road located within the Lakes at Green Valley Industrial Park to The Lakes Parkway.

Mr. Wilson noted that the portion of Wild Plum Road was relocated and changed on both sides. When they built the property, they did away with the dirt road. This

will not affect anyone's property. There are no residents, no school bus routes, this is all property owned by the Development Authority.

Commissioner Gardner stated that there are two sections of Wild Plum Road and Emergency Personnel is already aware of the differences.

Commissioner Gilreath stated that the four-lane separates the two sections of Wild Plum Road.

Motion/Second by Gardner/Gilreath to approve request from the Griffin-Spalding Development Authority to change the name of the portion of Wild Plum Road located within the Lakes at Green Valley Industrial Park to The Lakes Parkway. Motion carried unanimously by all.

6. Consider approval, on first reading, Ordinance #2012-14, amending the Spalding County Personnel Ordinance, Article XI Employee Benefits to create a new section herein enumerated as Section 7 entitled Employee Incentive Program as recommended by the Budget Review Committee.

Mr. Wilson stated that a subcommittee of the Budget Review Committee was tasked with preparing criteria for an employee incentive program. The subcommittee has met several times over the last few months and presented their findings to the Budget Review Committee for final approval on August 10, 2012. After presentation to the Board of Commissioners at their August 20th regular scheduled meeting and the September 28, 2012 Retreat, several changes were made and the criteria was incorporated into an ordinance for consideration by the Board of Commissioners.

Commissioner Gilreath questioned the members of the Budget Review Committee. Mr. Wilson noted that there are fourteen members: Administration- William Wilson, Wendy Law, Jinna Garrison, Jennifer Goolsby; Commissioner Ray; Construction & Maintenance-Terry Tardy; Parks & Recreation- T.J. Imberger; Public Works- Susan Norton; Fire Department- Jamie Clark; Sheriff's Department- Laurie Littlejohn; Voter Registration; Terry Colling; Community Development- Chad Jacobs; Correctional Institute- Beth Griffin; Elected Officials- Judge Esary.

Mr. Wilson noted that this proposed incentive will be awarded at a County Commissioners Meeting after all approvals have been granted.

Motion/Second by Ray/Gardner to approve on first reading, Ordinance #2012-14, amending the Spalding County Personnel Ordinance, Article XI Employee Benefits to create a new section herein enumerated as Section 7 entitled Employee Incentive Program as recommended by the Budget Review Committee. Motion carried by a vote of 4-1 with Commissioner Gilreath opposing.

7. Consider approval, on first reading, Ordinance #2012-13, amending the Spalding County Personnel Ordinance, Article XI Employee Benefits to create a new section herein enumerated as Section 6 entitled Longevity Pay as recommended by the Budget Review Committee.

Chairman Flowers-Taylor questioned if there was ever a policy or criteria regarding longevity pay. Mr. Wilson stated that we have never had an ordinance only a policy in which the only requirement was that you meet the minimum years of service (10, 15 & 20 years). Mr. Wilson stated that longevity was subject to Commissioners approval in the budget. Mr. Wilson also stated that this sets the criteria as discussed at the February retreat. Additionally, Mr. Wilson stated that longevity is paid for fiscal years for the June of the previous Budget year. Mr. Wilson stated that longevity payments for FY' 14 will be based on the new criteria should it be approved.

Commissioner Gilreath questioned why we would want to change Longevity to an ordinance when it is already a policy. Mr. Wilson noted that the policy was never written down.

Chairman Flowers-Taylor stated that her main reason for having this "policy" looked at was because people should not get paid for just showing up to work. After questioning from Chairman Flowers-Taylor regarding the budgeted amount for

longevity, Mr. Wilson stated that roughly \$350,000 was budgeted. This \$350,000 includes part-time employees and all funds. Chairman Flowers-Taylor stated that it's not right for us to pay people for just showing up when we are looking for money to put a roof on a building. Chairman Flowers-Taylor also stated that she doesn't feel that part-time employees should be subject to longevity pay. She thinks that the only way you can accrue sick or annual leave is to be a full-time employee; hence, it's not fair for part-time employees to be included. Chairman Flowers-Taylor also stated that she does not agree with the County Manager having the right to waive requirements.

Commissioner Freeman questioned how many part-time employees were we speaking of. Mr. Wilson noted that Voter Registration has part-time and also Park & Recreation. Mr. Wilson stated that one requirement is that part-time employees must work at least 1,000 hours. Mr. Wilson also noted that Cooperative Extension has part time employees that receive longevity.

Motion/Second by Ray/Freeman to table Ordinance #2012-13, amending the Spalding County Personnel Ordinance, Article XI Employee Benefits to create a new section herein enumerated as Section 6 entitled Longevity Pay as recommended by the Budget Review Committee. Motion carried by a vote of 4-1 with Commissioner Gardner opposing.

8. Consider declaring surplus and authorize acceptance of sealed bids the following vehicles from the Sheriff's Department: **1993 Van Club Wagon** Asset ID- 006865, **2000 Crown Victoria** Asset ID- SC000179, **2004 Crown Victoria** Asset ID- SC000377.

Motion/Second by Gardner/Gilreath to declare surplus and authorize acceptance of sealed bids for the aforementioned vehicles. Motion carried unanimously by all. Motion carried unanimously by all.

9. Consider declaring surplus and authorize transfer to the Water Authority the following equipment: **Toro Z-Master 400** model #-74412, Asset ID- SC000445.

Commissioner Gilreath questioned why the Water Authority can't purchase this equipment. Mr. Wilson stated that it's not worth much money and they have done more than enough work to compensate for this on the Senior Center.

Motion/Second by Freeman/Gardner to declare surplus and authorize transfer to the Water Authority the following equipment: Toro Z-Master 400 model #74412, Asset ID- SC000445. Motion carried unanimously by all.

10. Consider approval of annual contracts for programs and services under the FY 2013 Community Services Block Grant (CSBG). Contracts include the Council on Aging, Salvation Army & the Three Rivers Regional Commission.

Mr. Wilson noted that these are standard CSBG contracts. Mr. Wilson noted that the amounts are going down every year.

Chairman Flowers-Taylor stated that it's ironic that the County helps to pay for an after-school and summer program when we can't afford our Parks & Recreation programs. Chairman Flowers-Taylor would like to see the funds diverted to the Parks & Recreation program. Mr. Wilson to check with Aronda from Three Rivers.

After questioning from Commissioner Gilreath, Chairman Flowers-Taylor stated that there are a lot of kids in this program; however, it only deals with kids from one area.

Motion/Second by Ray/Freeman to approve annual contracts for programs and services under the FY 2013 Community Services Block Grant (CSBG). Total grants amounts are as follows: Meals on Wheels \$72,471.50, Salvation Army \$26,840.00, CSBG Grant Administration \$17,878.50. Motion carried unanimously by all.

11. Consider approval of Proposal from Life Environmental Services for project management services for the removal of asbestos from the Old Fairmont school property.

Mr. Wilson stated that Life Environmental is the company that was responsible for overseeing removal of asbestos from the Senior Center. Mr. Wilson stated that they oversee the contractor to make sure asbestos is removed properly and they certify it with the state. Mr. Wilson stated that this cost is no more than \$1,800 plus \$450 per day.

Chairman Flowers-Taylor stated that the Housing Authority will pay up to \$10,000 to assist abatement.

Commissioner Freeman questioned if the property would be razed. Mr. Wilson advised yes.

October 3, 2012

Mr. William Wilson
County Manager
Spalding County, Georgia
119 East Solomon Street
Griffin, GA 30223

**Re: Asbestos Specifications Proposal for: Old Fairmont School
Partial Demolition**

Dear Mr. Wilson,

Life Environmental Services, Inc. (Life) is pleased to submit this proposal to provide Asbestos Removal Specifications, Waste Characterization, and Project Monitoring at the above referenced site located in Spalding County, GA.

SCOPE OF WORK

Preparation of Bid Documents

Life proposes to develop contract documents to consist of the following:

- Bid documents
- General and supplementary conditions
- Technical specifications and scope of work

Bid documents will, at a minimum, be reviewed and approved by an EPA-accredited Asbestos Project Designer, herein the Designer.

The contract documents proposed by Life will be a National Institute of Building Sciences (NIBS) formatted document, and will contain the following: Bid documents (invitation to bid and bid form); General conditions (bond requirements) insurance requirements, conditions of work, contractor responsibility, liquidated damages, etc.); technical specifications (scope of work, project coordination, codes-regulations-standards, submittals, negative pressure requirements, work area prep, worker protection, respiratory protection, decontamination procedures, and work area clearance).

This task includes site visit(s) by the Designer to verify the location, quantity, and condition of ACM in preparation of the asbestos abatement specifications.

Subsequent to completing this document, the Project Administrator will be present during the pre-bid contract walk-through to answer any relevant questions pertaining to the asbestos survey and abatement specification. The Project Administrator will evaluate the submitted bids and make recommendations on a contractor.

Project Monitoring

Life shall supply project monitoring personnel to ensure that the project is performed and completed as per the specifications. The project monitor shall be onsite at the beginning of the project and various days to ensure proper removal

procedures are implemented. The project monitor shall provide visual and air monitoring clearance at the end of the project.

Waste Characterization

At the request of the client, Life shall collect and have analyzed, a sample for Toxicity Characteristics Leachate Procedure (TCLP) for Lead (Pb) to determine the waste disposal requirements for the demolition waste after asbestos has been removed.

COMPENSATION

Life proposes to provide the abatement specifications for the lump sum total of: \$ 1,800.00.

Life proposes to provide the project monitoring for the daily rate of \$ 450.00/day.
(Life estimates approximately 5-7 days of project monitoring.)

We appreciate the opportunity to provide you with this proposal and look forward to working with you.

Respectfully Submitted,



Randy Haney
Life Environmental Services, Inc.

Motion/Second by Freeman/Gardner to approve Proposal from Life Environmental Services for project management services for the removal of asbestos from the Old Fairmont School property. Motion carried unanimously by all.

12. Consider approval, on first reading, Ordinance #2012-11(a), amending the Spalding County Code of Ordinances, Part XII Animals, by striking in its entirety Section 12-1002 entitled Definitions and inserting in lieu thereof a new section 12-1002 entitled Definitions.

Mr. Fortune stated that items 12, 13 & 14 can be voted on together. These ordinance amendments line us up with new requirements made by the stated. Mr. Fortune stated that no longer will we have potentially dangerous dog and dangerous dog classification but in fact they will be classified as dangerous & vicious dogs.

Motion/Second by Ray/Freeman to approve on first reading, Ordinances #2012-11 (a) Definitions, Ordinance #2012-11(b) Dangerous Dogs & Ordinance #2012-11(c) Cruelty to animals. Motion carried unanimously to approve items #12, 13 & 14 by all.

13. Consider approval, on first reading, Ordinance #2012-11(b), amending the Spalding County Code of Ordinances, Part XII Animals, by striking in its entirety, Section 12-1011 entitled Dangerous Dogs and inserting in lieu thereof a new section 12-1011 entitled Dangerous Dogs.
14. Consider approval, on first reading, Ordinance #2012-11(c), amending the Spalding County Code of Ordinances, Part XII Animals, by striking in its entirety, Section 12-1012 entitled Cruelty to Animals and inserting in lieu thereof a new section 12-1012 entitled Cruelty to Animals.
15. Consider approval, on first reading, Ordinance #2012-12(a), to amend the Spalding County Code of Ordinances, Part VI Licensing & Regulation, Chapter 1. Businesses & Occupations, Article A. Sale of Malt Beverages & Wine.

Mr. Fortune noted that items 15, 16 & 17 can be voted on together. Mr. Fortune noted that in the first paragraph the number of people that could attend the training was extended. The certificate of attendance was required by the licensee and the manager to be posted in a conspicuous place and also tightened up the

training specifications. Additionally, a new section was added to require employees that were trained to sign an affidavit.

Motion/Second by Freeman/Ray to approve on first reading, Ordinance #2012-12(a) Sale of Malt Beverages & Wine, Ordinance #2012-12(b) Retail Liquor Package Stores, Ordinance #2012-12(c) Sale of Alcoholic Beverages for Consumption on Premises. Motion carried unanimously to approve items #15, 16 & 17 by all.

16. Consider approval, on first reading, Ordinance #2012-12(b), to amend the Spalding County Code of Ordinances, Part VI Licensing & Regulation, Chapter 1. Business & Occupations, Article B. Retail Liquor Package Stores.
17. Consider approval, on first reading, Ordinance #2012-12(c), to amend the Spalding County Code of Ordinances Part VI Licensing & Regulation, Chapter 1. Business & Occupations, Article C. Sale of Alcoholic Beverages for Consumption on Premises.
18. Consider Post 1 appointment to the Park & Recreation Advisory Board to fill the unexpired term of Jackie Holmes. Term set to expire 12/31/2012.

Chairman Flowers-Taylor appointed Sheryl Brown to fill the term of Jackie Holmes. Said term to expire December 31, 2012.

19. Consider recommendations from the Parks & Recreation Advisory Board to name the new Senior Center.

Mr. Wilson noted that in the agenda packets, the nominations provided in the "Name Your Senior Center" game have been provided. After several different selections, the majority chose the Spalding County Senior Center. Mr. Wilson noted that the 13 acre Plaza will also need to be name but not at this time. Chairman Flowers-Taylor stated that for the plaza, she likes the name Memorial Place.

Motion/Second by Ray/Gardner to name the new Senior Center "Spalding County Senior Center." Motion carried unanimously by all.

20. Consider cancellation of the November 19, 2012 Extraordinary Session in observance to the Thanksgiving Holidays.

Motion/Second by Gardner/Freeman to approve cancellation of the November 19, 2012 Extraordinary Session in observance to the Thanksgiving Holidays & to hold Zoning Public Hearing on December 3, 2012 commencing at 5:00 p.m. Motion carried unanimously by all.

21. Consider cancellation of the December 17, 2012 Extraordinary Session in observance to the Christmas Holidays.

Motion/Second by Freeman/Ray to approve cancellation of the December 17, 2012 Extraordinary Session in observance to the Christmas Holidays. Motion carried unanimously by all.

XI. REPORT OF COUNTY MANAGER

- A. The 2012 ACCG 4th District Meeting will be held on Wednesday, October 31st beginning at 12:00 p.m. The meeting will be held at the Roosevelt Warm Springs Institute for Rehabilitation Meadows Room located at 6135 Roosevelt Highway Warm Springs, GA.
- B. Downtown Trick-or-Treat hosted by Griffin Main Street will be held on October 31, 2012 in the Park at Sixth.
- C. The Festival of Lights at Airport Road is scheduled for Tuesday, November 20, 2012 beginning at 6:00 p.m.
- D. Spalding County Water & Sewerage Authority will meet on Wednesday, October 17, 2012 at 8:30 a.m. in Meeting Room 108.
- E. The GRPA District Banquet will be held in Heard County on October 24th. Parks & Rec Advisory Board and Staff Members will be attending.
- F. As of October 15, 2012 there were only 6 checks which were printed due to no direct deposit.

- G. Joshua Kennedy has contacted the County Manager concerning the property adjacent to the L B Norton Fire Station. Mr. Kennedy has expressed a desire to sell all or a portion of his property to the County. Commissioner Freeman stated that the Board should look into the matter. Mr. Wilson to obtain property value costs from Tim Whalen.
- H. Deepest Sympathies to the family of Janet Bailey. Mr. Wilson advised that Janet served on the Planning Commission for several years and will be dearly missed. Chairman Flowers-Taylor will make appointment in January.
- I. Freddie Phillips, Chairman of the Spalding County Democratic Party has requested to utilize the Park at Sixth for a "Voter Empowerment Activity Day on Saturday, November 3rd for no associated fee. This fee waiver must be approved by the Board. Currently, Griffin Main Street handles all reservations for the Park at Sixth. Commissioner Freeman stated that he would be reluctant to waive the fees due to them not being exempt. Commissioner Gardner stated that the idea was wonderful but guidelines have already been established so he would not be in favor of waiving fees. Commissioner Gilreath doesn't think the Democratic Party should be excluded from paying applicable fees. Commissioner Ray does not wish to waive fees. Chairman Flowers-Taylor agrees that fees should be waived. ***Board consensus not to waive fees for the Democratic Party to utilize the Park at Sixth.***
- J. Mr. Wilson advised that Early Voting began today and there were approximately 707 Early Voters. Mr. Wilson prompted all to utilize the entrance nearest the cemetery to enter & exit the Memorial Drive Complex.
- K. Mr. Wilson informed the Board that the County's Facebook and Twitter page are up and running. Those wishing to access the page can log in on the County Homepage.
- L. Spalding County Fire Department along with the Health Department will be administering drive-by flu shots for Spalding County & City of Griffin employees as well as Citizens. There are approximately 1500 available and are given on a first come first serve basis.
- M. Spalding County has had a recent outbreak of Kudzu Bugs in various parts of the County. Cooperative Extension Agent Wade Hutcheson along with the University of Georgia Griffin Campus Environmental Sciences division have issued a release concerning the bugs and ways to get rid of them. We will prepare a PR this week for distribution to County residents.

XII. REPORT OF COMMISSIONERS

Freeman- Prompted all Board Members to attend the ACCG 4th District Meeting.

Gardner- Advised all that the Union Baptist Church will be having a ribbon-cutting ceremony for a walking track intended for use by the Community on Sunday, October 21, 2012. Invited all to attend.

Gilreath- Requested the amount of citizens signed up for FirstCall. Mr. Wilson advised that to date there have been 4,000 to sign up.

Flowers-Taylor- Stated that Janet Bailey will be missed. Mrs. Flowers-Taylor commended her service to the community over the years.

XIII. CLOSED SESSION - NONE

XIV. ADJOURNMENT

***Motion/Second by Freeman/Gardner to adjourn at 7:37 p.m.
Motion carried unanimously by all.***

Chairman

County Clerk

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