

MINUTES

The Spalding County Board of Commissioners held their Extraordinary Session in Room 108 in the Courthouse Annex, Monday, November 5, 2012, beginning at 6:00 p.m. with Commissioner Gwen Flowers-Taylor presiding. Commissioners 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. Commissioner Gilreath was not present.

- I. OPENING (CALL TO ORDER) – Chairman, Gwen Flowers-Taylor
- II. INVOCATION –Rev. Gregory Tyler Sr., - Senior Pastor, Macedonia Baptist Church of Griffin, Georgia.
- III. PLEDGE TO FLAG – led by Commissioner Freeman
- IV. PRESENTATIONS/PROCLAMATIONS

1. Consider Proclamation declaring November 16-22nd as Farm-City Week.

Motion/Second by Gardner/Freeman to approve Proclamation declaring November 16-22nd as Farm-City Week. Motion carried by a vote of 4-0.

Proclamation Farm-City Week

WHEREAS: American farmers and ranchers literally help feed the world by producing a bounty of agricultural products. To do this, they rely on essential partnerships with urban and suburban communities to supply, sell and deliver finished products across the country and around the world. Rural and urban communities working together have made the most of our nation's rich agricultural resources as they contribute to the health and wellbeing of our state, our country and to the strength of our community; and

WHEREAS: During National Farm-City Week, we recognize the importance of this cooperative network. Agriculture employees more than 24 million workers including farmers and ranchers, shippers, processors, marketers, retailers, truck drivers, inspectors and others who annually contribute more than \$1.3 trillion to our gross domestic product. In Georgia, agriculture contributes more than \$65 billion annually to Georgia's \$786.5 billion economic output; and

WHEREAS: The agricultural industry provides us with food, clothing and shelter as well as fuel for our energy needs. As we welcome new opportunities for trade, the hard work and successful cooperation between farmers and city workers will continue to play a vital role in our state and nation's future; and

WHEREAS: Farm-City collaborations help maintain and improve our food and fiber supply and contribute to a better quality of life for our citizens. We commend the many Americans whose hard work and ingenuity reflect the true spirit of America and help to ensure a prosperous future for all; and

WHEREAS: As we gather with family and friends around the Thanksgiving table, it is fitting that we count among our blessings the vital farm-city partnerships that have done so much to improve the quality of our lives; and

NOW, THEREFORE

BE IT RESOLVED We, the Spalding County Board of Commissioners, do hereby proclaim November 16-22, 2012 as

Farm-City Week

and do hereby call upon citizens in rural and urban areas to acknowledge and celebrate the achievements of all those who, working together, produce and supply our community and nation with an abundance of agricultural products.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County to be affixed this, the fifth day of November, in the year of our Lord, two thousand twelve.

Gwen Flowers-Taylor, Chairman

William P. Wilson, Jr., County Clerk

Commissioner Gilreath joined the meeting at this time 6:10 p.m.

2. Consider Proclamation declaring the month of November as National Hospice & Palliative Care Month.

NATIONAL HOSPICE/PALLIATIVE CARE MONTH – NOVEMBER 2012

Seasons of Caring; the Caring of Hospice and Palliative Care

Office of the Board of Commissioners
Spalding County, Georgia

PROCLAMATION

WHEREAS, hospice and palliative care provide the highest quality of care to patients and families and bring comfort, love and respect for all those they serve in communities across the nation and here in Griffin, Georgia; and

WHEREAS, hospice and palliative care professionals- including physicians, nurses, social workers, therapists, counselors, health aides, and clergy-providing comprehensive and compassionate care that makes the wishes of each patient and family a priority; and

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

WHEREAS, the provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care; and

WHEREAS, home care and hospice services build upon a strong tradition of care and compassion, striving to keep families together while preserving an individual's independence and dignity in the setting of their choice...home;

NOW, THEREFORE, be it resolved that the Board of Commissioners by virtue of the authority vested in the Board, do hereby proclaim November 2012 as **National Hospice/Palliative Care Month** and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs. Furthermore, we commend Brightmoor Hospice for raising the awareness of the offering of hospice in Spalding County.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November, in the year of our Lord two thousand eleven and caused this seal to be affixed.

Gwen Flowers-Taylor, Chairman

William P. Wilson, Jr. County Manager

Motion/Second by Ray/Freeman to approve Proclamation declaring the month of November as National Hospice & Palliative Care Month. Motion carried unanimously by all.

Proclamation was accepted by the following Brightmoor Hospice Personnel: Shelia Weed-Administrator, Kim Allen-Marketing Representative, Pam Pfenning- Director of Nursing & Janie Clark-Volunteer Coordinator.

3. Presentation by members of the Griffin Police Department on Public Safety Training Center firing range.

Presentation was made by Chief Frank Strickland, Lt. Darryl Dix & Lt. Tony Thomason. Fire Chief Tommy Jones was also in attendance.

Lt. Darryl Dix, Griffin Police Department stated that the primary purpose of this training center would be for a state of the art firearms training facility. Intermediate and advance certifications classes are already offered at the City. At current, Law Enforcement Officers are using the Griffin Gun Club on Amelia Road for all firearms training. Facilities are being used more than ever which is causing scheduling conflicts. Lt. Dix stated that he has spoken with Sheriff Beam and Lt. Littlejohn and they are experiencing the same dilemma. Additionally, Correctional Institute employees utilize the firearm facility in Jackson. Lt. Dix advised that he has spoken with Don Sharrod of GEMA and they will provide a trailer for classroom facilities.

Lt. Tony Thomason, Griffin Police Department stated that he has contacted a tire distributor in Jackson, Georgia and they will gather tires needed for the firearms facility. Furthermore, the City Electric Department will provide needed telephone poles and Dr. Keller will assist in any paving that needs to be done. Lt. Thomason stated that he has spoken with several stores and organizations who have committed to donations.

After questioning from Commissioner Gilreath in reference to the upkeep and maintenance of the training facility, Lt. Thomason stated that there has been conversation with Kenny Smith & William Wilson about utilities and the cost will be minimum as the facility will not be used on a daily basis.

Commissioner Freeman questioned egress and ingress. Lt. Thomason advised that they will use the main entrance of the Shoal Creek Landfill and there will be no grading since the road has been basically graded by large trucks.

Commissioner Ray stated that he is in support of more training for Law Enforcement Officials. Commissioner Ray requested a financial analysis of the entire project.

Chairman Flowers-Taylor questioned which agencies would pay for training. Lt. Dix stated that there will be some classes that will have tuition charges. Furthermore, Lt. Dix advised that the training facility would be modeled after the facility in Toccoa. Students could pay anywhere from \$450-\$600 for a five day course. Mr. Wilson

noted that the presentation as given today is only for conceptual approval. Mr. Wilson stated that this project will have very little financial impact on the budget. The largest expense would be having someone to relocate the modular office building.

Commissioner Gardner stated that he remembers when discussion first started in reference to the need of a training facility. Commissioner Gardner noted that the Public Safety Training Facility in Forsyth could not provide enough classes and it was causing a lot of problems. In closing, Commissioner Gardner stated that he would love to see this project move forward.

Board consensus to conceptually approve proposed Public Safety Training Center firing range and to provide financial arrangements as requested by Commissioner Raymond Ray.

V. PRESENTATIONS OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for three month period ended September 30, 2012.

Motion/Second by Freeman/Ray to approve Financial Statements for three month period ended September 30, 2012. Motion carried unanimously by all.

VI. CITIZEN COMMENT

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.

Justin Wynn- 127 Central Lake Circle, Griffin, Georgia- Mr. Wynn thanked the Board for allowing him the opportunity to speak with them individually regarding removing sanctions rendered to the Country Rock. Mr. Wynn stated that he is looking to lease the property from Mr. Plemmons and have a family oriented restaurant at the Country Rock location. Mr. Wynn further stated that on the weekends Country Rock will have a strict dress code and will feature rock & country artists. Additionally, Mr. Wynn stated that he will not cater to those patrons that frequented the Country Rock previously.

Harold Lyons- 142 Morris Mill Road, Griffin, Georgia- Mr. Lyons stated that he came up to the Administration Office today to get a noise amplification permit and was advised that there was a thirty day requirement. Mr. Lyons requested the Board to grant approval of his amplification permit. ***No action taken by the Board.***

VII. MINUTES –

1. Consider approval of Minutes of the following: October 15, 2012 Extraordinary Session, October 25, 2012 Zoning Public Hearing, October 30, 2012 Special Called Meeting, October 30, 2012 Executive Session.

Motion/Second by Ray/Freeman to approve of Minutes of the following: October 15, 2012 Extraordinary Session, October 25, 2012 Zoning Public Hearing, October 30, 2012 Special Called Meeting, October 30, 2012 Executive Session. Motion carried unanimously by all.

VIII. CONSENT AGENDA –

1. Consider approval, on second 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.

AN ORDINANCE TO AMEND THE SPALDING COUNTY PERSONNEL ORDINANCE ORDINANCE NO. 2012-14

BE IT ORDAINED, AND IT IS ORDAINED by the Board of Commissioners of Spalding County that Article XI of the Spalding County Personnel Ordinance be amended by creating a new section, herein enumerated as Section 7, to be spread in the Ordinance as follows:

Section 7. Employee Incentive Program

Should the Board of Commissioners approve funding the Employee Incentive Program within the current fiscal year budget, the following program guidelines shall apply:

(a) Eligibility

Any full-time/part-time employee of Spalding County shall be eligible to participate in the Employee Incentive Program. Members of the Budget Review Committee are eligible to participate in the program. Commissioners, the County Manager & the Administrative Services Director are ineligible to participate in the program.

(b) Form Completion:

The employee shall complete and submit the designated form (entitled Employee Incentive Program Suggestion form) to the Department Head who will then forward to the County Manager. This form shall include but not limited to, to following information: Employee's Full name, Department in which the Employee works, a detailed description of the proposed savings, the implementation plan and its savings in terms of dollars and benefits. This form will also include an area for comments from both the Supervisor & Department Head.

(c) Guidelines:

- Recommendation shall not affect level of service to taxpayers
- Recommendation shall not result in any employee being laid off
- Recommendations should provide for a monetary reduction in at least one budget line item that can be realized within the current fiscal year of implementation
- Recommendation may result in additional expenditures; however, such expenditure shall cause savings greater than the amount expended after the first Fiscal Year of implementation.

(d) Compensation:

Once proposed cost saving measure is submitted and approved by the Budget Review Committee and submitted to the County Manager for approval by the Board of Commissioners, the following shall apply:

- Savings between \$5000 - \$20,000 (employee shall receive \$500 additional compensation)
- Savings between \$20,000 - \$50,000 (employee shall receive \$1000 additional compensation)
- Savings that exceed \$50,000 (employee shall receive \$1500 additional compensation)

(e) Presentation of Award:

The employee incentive award shall be presented to the employee at a County Commission Meeting by the Chairman or his/her designee.

The Board of Commissioners, upon majority vote shall have the right to discontinue Employee Incentive Program or change guidelines at any time.

Approved at First Reading on: October 15, 2012

Adopted at Second Reading on: November 15, 2012

2. Consider approval, on second 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.

RESOLUTION TO AMEND PART XII, ANIMALS OF THE SPALDING COUNTY

CODE OF ORDINANCES AS FOLLOWS:

Ordinance 2012-11(a)

BE IT RESOLVED that Section 12-1002 shall be amended by striking said section in its entirety and inserting in lieu thereof a new Sec. 12-1002 entitled "Definitions."

Sec. 12-1002. - Definitions.

(a)

Animal establishment: Any business wherein any person engages in the business of boarding, breeding, letting for hire, training for a fee, trading, exchanging, giving away or selling animals.

(b)

Abandoned animal: Any domesticated animal shall be considered abandoned, for the purposes of this chapter, which has been placed upon public property or within a public building unattended and uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, for the purposes of this chapter, which has been upon or within the property of the owner or custodian of this animal for a period of time in excess of thirty-six (36) continuous hours unattended and without proper food and water and shelter.

Any domesticated animal shall also be considered as abandoned if the animal's owner has been incapacitated, incarcerated by lawful authorities or for any reason is unable or unwilling to care for the animal. The determination of the owner's status shall be in the sole discretion of the animal control director.

(c)

Abused animal: Any animal which (1) is mistreated, beaten, tormented; or (2) is deprived of water, food, or shelter; or (3) is kept under unsanitary conditions; or (4) is abandoned. This subsection is not intended to require shelter for livestock as that term is defined in this Code section.

(d)

Animal. Animal shall be defined as follows:

(1)

Domesticated animals: Animals that are accustomed to living in or about the habitation of humans, including but not limited to cows, dogs, cats, fowl, horses, swine, goats, rabbits, domesticated wild animals, and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this chapter, and in no way affects the meaning or application of a definition of the described animal, as may be found in any other ordinances or laws.

(2)

Wild and exotic animals: Include any monkey, nonhuman primate, raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx, ferret, bear, wild rabbit, tarantula, wild rodent, and reptiles, including but not limited to crocodiles, alligators, snakes, caiman, and davials, and any other animal so designated by the animal control director.

(e)

Animal at large: An animal not under restraint.

(f)

Animal control board: The county manager, or his designee, shall serve as the animal control board for the purposes herein provided.

- (g) *Animal control department:* The Spalding County animal control department.
- (h) *Animal control officer:* Any person so designated by the animal control director to perform the duties prescribed by this chapter.
- (i) *Animal shelter:* The facility designed and operated for the purpose of impoundment and care of animals held under authority of this chapter, the Spalding County Health Department, or Georgia law.
- (j) *Animal under restraint:* Any animal which is restrained in compliance with Section 12-1005 herein.
- (k) *Cruelty:* Any and every act, omission or neglect whereby unjustifiable pain, suffering, maiming, or death may be caused or permitted to any animal as defined in this section.
- (l) *Dangerous animal:* Any animal that, according to the records of the Spalding County animal control department or the Spalding County health department:
 - (1) Has without provocation inflicted severe injury on a human being on public or private property; or
 - (2) Aggressively bites, attacks, or endangers the safety of humans without provocation after the animal has been classified as a dangerous animal after the owner has been notified of such classification.
 - (3) Provided, however, that an animal that inflicts injury upon a person when the animal is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous animal within the meaning of this chapter. Provided, further, than an animal shall not be a dangerous animal within the meaning of this chapter if the injury inflicted by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the animal or had in the past been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime.
- (m) *Dangerous Dog:* any dog that: (a) causes a substantial puncture of a person's skin by teeth without causing serious injury (provided however that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph); aggressively attacks in a manner that causes a person reasonably to believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs (provided however that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph); or while of the owner's property kills a pet animal (provided that this subparagraph not apply where the death of such an animal is caused by a dog

that is working or training as a hunting dog, working dog, or predator control dog).

(n)

Director: The animal control director, appointed by Spalding County.

(o)

Fowl: Any warm-blooded, feathered, flying or nonflying animal.

(p)

Guard dog: Any dog which has been trained to attack persons independently or upon oral commands and any dog which, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon and within which the dog is located.

(q)

Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(r)

Humane manner: Care of an animal to include but not limited to ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean, wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

(s)

Kennel: Any premises wherein any person engages in the business of boarding, breeding, letting for hire, training for a fee, or selling animals.

(t)

Livestock: Includes horses, cows, goats, pigs and any other animal which has hooves.

(u)

Owner: Any natural person or any legal entity, including but not limited to a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of any domesticated animal, including dangerous animals.

(v)

Peace officer: A law enforcement officer.

(w)

Person: Any person, corporation, partnership, firm, trust, club, or association.

(x)

Pet Shop: Any person engaged in the business of buying and selling two (2) or more species of live animals excluding livestock.

(y)

Proper enclosure:

(1)

(A)

An enclosure for keeping any animal, including dangerous animals, as required by this chapter, while on the owner's property in a securely enclosed locked pen, fence, or structure suitable to prevent the animal from escaping. Any such enclosure shall also provide protection from the elements for the animal.

(B)

All dogs shall be provided with sanitary shelter from the elements.

(C)

Said shelter shall be designed, constructed, and maintained to protect the animal from rain, snow, ice, excessive temperatures, and direct sunlight.

(D)

Said shelter must allow the animal sufficient space to stand, turn around, lie down, and make all other normal body movements in a normal and comfortable position appropriate to the age, size, species, and health of the dog.

(E)

For dogs up to 30 pounds, pen size should be a minimum of 36 square feet for the first dog and an additional 18 square feet for each additional dog of the same size or smaller sharing the same.

For dogs up from 31 to 60 pounds, pen size should be a minimum of 64 square feet for the first dog and an additional 32 square feet for each additional dog of the same size or smaller sharing the same.

For dogs from 61 pounds and up, pen size should be a minimum of 100 square feet for the first dog and an additional 50 square feet for each additional dog of the same size or smaller sharing the same.

(F)

Pens shall be located 50 feet from any dwelling other than the owner's or custodian's dwelling.

(G)

The owner must remove and dispose of animal excrement and food waste and debris so as to minimize vermin infestation, contamination, odors, and disease hazards.

(H)

All animals shall be provided with adequate care that must include constant access to fresh food, water, shelter, and veterinary care when necessary.

(z)

Public nuisance. Any animal which:

(1)

Is found at large in violation of this chapter as set out herein;

(2)

Is dangerous, as herein defined, and is not restrained or confined, as provided in this chapter;

(3)

Produces, because of quantity, manner, or method in which the animals are domesticated or maintained, unsanitary conditions in the county;

(4)

Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the Spalding County Board of Health, which rules and regulations are incorporated herein and made a part hereof as if fully set out in this chapter; is hereby declared to be a public nuisance; and any person who knowingly keeps, owns, harbors, or acts as custodian of any animal constituting this nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

(aa)

Serious injury: Any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

(bb)

Street: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Includes roads.

(cc)

Veterinary clinic or hospital: A clinic or hospital operated by a licensed veterinarian.

(dd)

Vicious Dog: a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack. No dog shall be classified as a dangerous or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or vicious dog if the person injured by such a dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under Chapter 5 of Title 16 of the Official Code of Georgia.

3. Consider approval, on second 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.

RESOLUTION TO AMEND PART XII, ANIMALS OF THE SPALDING COUNTY

CODE OF ORDINANCES AS FOLLOWS:

Ordinance 2012-11(b)

BE IT RESOLVED that Section 12-1011 entitled Dangerous Dogs, shall be amended by striking said section in its entirety and inserting in lieu thereof a new Sec. 12-1011 entitled “Dangerous Dogs.”

Sec. 12-1011. - Dangerous dogs.

(a)

Dog control officer: The animal control director shall designate, with the approval of the board of commissioners, one of his deputies as the dog control officer of the county. Upon receiving a report of a dangerous dog within the unincorporated areas of Spalding County from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this chapter.

(b)

Classifying dangerous dogs:

(1)

When a dog control officer classifies a dog as a dangerous dog, the dog control officer shall notify the dog's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.

(2)

Notice: When a dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:

A.

The notice shall be in writing and mailed by certified mail to the owner's last known address within 72 hours of the determination.

B.

The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous.

C.

The notice shall be dated and shall state that the owner, within fifteen (15) days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog.

D.

The notice shall state that the hearing, if requested, shall be before the Spalding County Animal Control Board.

E.

The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous will become effective for all purposes under the law on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing.

F.

The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the animal control board.

(3)

Hearing:

a.

When the animal control board receives a request for a hearing as provided hereinabove, it shall schedule such hearing within thirty (30) days after receiving the request. The animal control board shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing; and such notice shall be mailed to the dog owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence; and in addition thereto, the animal control board shall receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's classification of the dog.

b.

Within ten (10) days after the date of the hearing, the animal control board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog, the notice shall specify the date upon which that determination is effective. If the determination is that the dog is to be euthanized pursuant to this chapter and O.C.G.A. 4-8-26, the notice shall specify the date by which the euthanasia shall occur.

(c)

Registration of dangerous dogs:

(1)

It is unlawful and a violation of this chapter for an owner to have or possess within the unincorporated areas of Spalding County a dangerous dog without a certificate of registration issued by the dog control officer.

(2)

Unless doing so would violate another provision of this chapter, the dog control officer shall issue a non-transferrable certificate of registration to the owner of a dangerous dog if the owner presents to the dog control officer or the dog control officer otherwise finds sufficient evidence of:

A.

A proper enclosure designed to confine securely the dangerous dog on the owner's property, indoors, in a securely locked and enclosed pen, fence or structure to prevent the dog from leaving the property.

B.

1.

The posting of the premises where the dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property. Said sign shall be maintained continuously on the premises.

2.

The dangerous dog warning sign shall conform to design provided by the Georgia Department of Natural Resources, and shall be furnished by the county to the owner or possessor of a dangerous dog, with the initial cost of such sign to be included in the registration fee as required herein.

3.

Should the original dangerous dog warning sign issued to the owner or possessor of a dangerous dog be lost, stolen, destroyed, or damaged, said owner or possessor shall report same immediately to the dog control officer and shall secure a replacement sign from the animal control department. The owner or possessor shall be required to pay the then-current full cost for such replacement sign.

C.

A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog.

D.

A policy of insurance in the amount of at least fifty thousand dollars (\$50,000.00) issued by an insurer authorized to transact business in the State of Georgia insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or

E.

A surety bond in the amount of fifteen thousand dollars (\$50,000.00) or more issued by a surety company authorized to transact business in the State of Georgia payable to any person or persons injured by the dangerous dog.

(d)

Additional requirements:

(1)

A certificate of registration may only be issued to an individual 18 years of age or older

(2)

The owner of a dangerous dog shall notify the dog control officer within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human or has died.

(3)

The owner of a dangerous dog shall notify the dog control officer if the owner is moving from the unincorporated areas of Spalding County. The owner of a dangerous dog who is a new resident of the unincorporated areas of Spalding County shall register the dog as required herein within thirty (30) calendar days after becoming a resident. The owner of a dangerous who moves from one address to another within the unincorporated areas of Spalding County shall notify the dog control officer of the new address within ten (10) calendar days after moving to the new address.

(4)

Issuance of a certificate of registration or the renewal of a certificate of registration by the dog control officer does not warrant or guarantee that the requirements for obtaining a certificate of registration, as specified hereinabove, are maintained by the owner of a dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(5)

The dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

(6)

Only one certificate of registration is permitted per household.

(7)

No person shall be the owner of more than one vicious dog.

(8)

No certificate of registration for a vicious dog shall be issued to any person who has been convicted of the following crimes from the time of conviction until two years after completion of his or her sentence, nor to any person residing with such person:

(A) A serious violent felony as defined in O.C.G.A. 17-10-6.1;

(B) The felony of dogfighting as provided for in O.C.G.A. 16-12-37, or the felony of aggravated cruelty to animals as provided for in O.C.G.A. 16-13-4; or

(C) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. 16-13-31 and 16-13-31.1

(9)

A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(10)

Under no circumstances shall an employee or official of Spalding County be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this Chapter.

(e)

Registration fee:

(1)

In addition to regular licensing and tag fees, an annual fee as may from time to time be prescribed by the board of commissioners, payable at the time of registration and on or before April 1 of each succeeding year, shall be paid by the owner of a dangerous dog.

(2)

Certificates of registration shall be renewed on an annual basis, not later than April 1 of each year. At the time of the annual renewal of a certificate of registration, the dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dog owner is continuing to comply with the provisions of this chapter. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

(f)

Confinement of dangerous dogs:

(1)

It is unlawful and a violation of this chapter for an owner of a dangerous dog to permit the dog to be outside of the owner's property unless:

- (A) the dog is muzzled and restrained by a chain or leash not to exceed six feet in length and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person;
- (B) the dog is contained in a closed and locked cage or crate;
- (C) the dog is working or training as a hunting dog, herding dog, or predator control dog.

(2)

It shall be unlawful for an owner of a vicious to permit the dog to be outside an enclosure designed to securely confine the vicious dog while on the owner's property, unless:

- (A) the dog is muzzled and restrained by a chain or leash not to exceed six feet in length and is under the physical restraint of a responsible person capable of preventing the dog from engaging any other human or animal. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person; or
- (B) the dog is contained in a closed and locked cage or crate.

(3)

It shall be unlawful for an owner of a vicious dog to permit the dog to be unattended with minors.

(g)

Confiscation of dangerous dogs:

(1)

A dangerous dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:

A.

Owner of the dog does not secure the liability insurance or bond required herein;

B.

Dog is not validly registered as required herein;

C.

Dog is not maintained in a proper enclosure;

D.

Dog is outside a proper enclosure in violation of this section;
or

E.

The officer believes that the dog poses a threat to public safety.

(2)

Disposition of confiscated dogs: Any dangerous dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this section and upon the payment of reclaim and boarding fees as set out in this chapter. In the event the owner has not complied with the provisions of this section within twenty (20) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

(4)

A refusal to surrender a dog subject to confiscation shall be a violation of this Chapter.

(h) *Euthanasia*

(1) A Spalding County Superior Court Judge may order the euthanasia of a dog if the court finds, after notice and opportunity for hearing as provided under this chapter and O.C.G.A. 4-8-23, that the dog has seriously injured a human or presents a danger to humans not suitable for control under this chapter, and

A. The owner or custodian of the dog has been convicted of a violation of any state criminal law and the crime was related to such dog;

B. Any local governmental authority of Spalding County has filed with the court a civil action requesting the euthanasia of the dog.

(2) A dog that is found, after notice and opportunity for hearing as provided under this chapter and O.C.G.A. 4-8-23, to have caused a

serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 01, 2012, shall count for purposes of this subsection.

(i)

Civil Liability

- (1) The owner or, if no owner can be found, the custodian exercising care and control over any dog which while off the owner's or custodian's property causes injury, death, or damage directly or indirectly to any livestock, poultry, or pet animal shall be civilly liable to the owner of the livestock, poultry, or pet animal for the injury, death, or damage caused by the dog. The owner or, if no owner can be found, the custodian exercising care and control over any dog shall be liable for any damage caused by such dog to public or private property. The liability of the owner or custodian of the dog shall include consequential damages.
- (2) This Code section is considered cumulative of other remedies provided by law. There is no intent to eliminate or limit other causes of action which might inure to the owner of any livestock, poultry or pet animal.

(j)

Criminal Liability

- (1) Except as otherwise specified in this chapter, any person who violates any provision of this article shall be guilty of a misdemeanor;
 - (2) A person who violates paragraphs f(2) or f(3) of this Section shall be guilty of a misdemeanor of a high and aggravated nature.
 - (3) An owner with a previous conviction for a violation of this Chapter whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.
 - (4) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.
4. Consider approval, on second 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.

RESOLUTION TO AMEND PART XII, ANIMALS OF THE SPALDING COUNTY

CODE OF ORDINANCES AS FOLLOWS:

Ordinance 2012-11(c)

BE IT RESOLVED that Section 12-1012 shall be amended by striking said section in its entirety and inserting in lieu thereof a new Sec. 12-1012 entitled "Cruelty to Animals."

Sec. 12-1012. - Cruelty to animals.

(a)

Cruelty:

(1)

It shall be unlawful and a violation of this chapter for any person, either by commission or omission, to:

- A. Knowingly abandon, knowingly or willingly permit the abandonment of, or aid in the abandonment of any domesticated animal.
- B. Willfully and maliciously kill, abuse, maim, or disfigure any animal.
- C. Maliciously administer poison to any animal or expose any poisonous substance with intent that the same shall be taken and swallowed by any animal.
- D. Overdrive, overload, overwork, torture, beat, mutilate, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.
- E. Fail to provide any animal with proper and wholesome quantities and qualities of food and veterinary care.
- F. Fail to provide any animal with access to good and wholesome fresh water.
- G. Fail to provide any animal with access to shelter adequate to protect it from all types of weather twenty-four (24) hours daily.
- H. Build, make, maintain, or keep a pit on premises owned by him or occupied by him, or allow a pit to be built, made, maintained, or kept on such premises for the purpose of an exhibition of animal fighting.
- I. In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.
- J. Allow an animal to be kept in unsanitary conditions.
- K. Keep or confine an animal in other than a humane manner.

(b) *Dogs*

1. No person shall perform a cruel act of any dog, nor shall any person harm, maim or kill any dog, or attempt to do so, except that a person may:
 - A. Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or

B. Kill any dog causing injury or damage to any livestock, poultry, or pet animal.

(c)

Injured animals: The animal control director or his authorized representative shall have authority to humanely dispose of animals which are injured and lying in the public streets or public ways of Spalding County, or to seek proper veterinary care for such animals, whenever it shall appear that said animal is injured and is suffering great pain, and such animal does not bear a tag identifying the owner and no determination as to the owner of said animal can be made with reasonable inquiry or investigation. If veterinary care is required and the animal's owner can be determined, said owner shall be responsible for all costs of such veterinary care.

5. Consider approval, on second 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.

RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 1. BUSINESS AND OCCUPATIONS, ARTICLE A. SALE OF MALT BEVERAGES AND WINE.

-1-

SAID ARTICLE A IS HEREBY AMENDED BY STRIKING THE SECOND PARAGRAPH OF SUBPARAGRAPH (A) OF SECTION 6-1013 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW PARAGRAPH TO READ AS FOLLOWS:

PART I

Sec. 6-1013.

(A) [FIRST PARAGRAPH]

If the license is issued in the name of a corporation, limited liability company or partnership, proof of attendance by an owner, member, partner, general manager or licensee will satisfy the requirements of this section. However, such owner, member, partner, general manager or licensee must maintain his/her status with the licensed entity in order for the certificate to remain valid for purposes of satisfying this section. If such owner, member or partner no longer has an ownership interest in the licensed entity, such change constitutes a change of ownership and a new license must be obtained.

-2-

SAID ARTICLE A IS FURTHER AMENDED BY ADDING TO SUBPARAGRAPH (B) OF SECTION 6-1013 AN ADDITIONAL SENTENCE TO READ AS FOLLOWS:

(B) "The Certificate of Attendance of the licensee and manager shall be posted next to the business license in a conspicuous place."

-3-

PART II OF ARTICLE A OF SECTION 6-1013 IS HEREBY AMENDED BY STRIKING SUBPARAGRAPH (D) IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW PARAGRAPH (D) TO READ AS FOLLOWS:

PART II

(D) Licensees and/or managers may operate an "in-house" training program for their employees using the same material that the licensees and managers used when taking the mandated RASS workshop. Each employee, upon satisfactory completion of the

training program, shall confirm in writing that they have had the training, that they have understood the contents therein and shall be issued a certificate of completion. The employee shall be given the same program material that was used by the mandated RASS Training Program that the licensee and/or manager attended. Such in-house training program for employees shall satisfy the requirements of subparagraph (A) of Part I above.

-4-

PART II OF ARTICLE A OF SECTION 6-1013 IS FURTHER AMENDED BY ADDING A NEW SUBPARAGRAPH TO BE DENOMINATED AS SUBPARAGRAPH (F) TO READ AS FOLLOWS:

- (F) All employees who receive the “in-house” training shall affirmatively state under oath that they have completed the required training and shall affix their signature to a form prepared by and maintained in the Community Development Department of Spalding County.

BE IT RESOLVED THIS _____ DAY OF _____, 2012.

Chairman, Spalding Co. Board of Commissioners

ATTEST

6. Consider approval, on second 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.

RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 1. ARTICLE B. RETAIL LIQUOR PACKAGE STORES.

-1-

SAID ARTICLE B IS HEREBY AMENDED BY STRIKING THE SECOND PARAGRAPH OF SUBPARAGRAPH (A) OF SECTION 6-1049 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW PARAGRAPH TO READ AS FOLLOWS:

PART I

Sec. 6-1049.

- (A) [FIRST PARAGRAPH]

If the license is issued in the name of a corporation, limited liability company or partnership, proof of attendance by an owner, member, partner, general manager or licensee will satisfy the requirements of this section. However, such owner, member, partner, general manager or licensee must maintain his/her status with the licensed entity in order for the certificate to remain valid for purposes of satisfying this section. If such owner, member or partner no longer has an ownership interest in the licensed entity, such change constitutes a change of ownership and a new license must be obtained.

-2-

SAID ARTICLE B IS FURTHER AMENDED BY ADDING TO SUBPARAGRAPH (B) OF SECTION 6-1049 AN ADDITIONAL SENTENCE TO READ AS FOLLOWS:

- (B) “The Certificate of Attendance of the licensee and manager shall be posted next to the business license in a conspicuous place.”

PART II OF ARTICLE B OF SECTION 6-1049 IS HEREBY AMENDED BY STRIKING SUBPARAGRAPH (D) IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW PARAGRAPH (D) TO READ AS FOLLOWS:

PART II

- (D) Licensees and/or managers may operate an “in-house” training program for their employees using the same material that the licensees and managers used when taking the mandated RASS workshop. Each employee, upon satisfactory completion of the training program, shall confirm in writing that they have had the training, that they have understood the contents therein and shall be issued a certificate of completion. The employee shall be given the same program material that was used by the mandated RASS Training Program that the licensee and/or manager attended. Such in-house training program for employees shall satisfy the requirements of subparagraph (A) of Part I above.

PART II OF ARTICLE B IS FURTHER AMENDED BY ADDING A NEW SUBPARAGRAPH TO BE DENOMINATED AS SUBPARAGRAPH (F) OF SECTION 6-1049 TO READ AS FOLLOWS:

- (F) All employees who receive the “in-house” training shall affirmatively state under oath that they have completed the required training and shall affix their signature to a form prepared by and maintained in the Community Development Department of Spalding County.

BE IT RESOLVED THIS _____ DAY OF _____, 2012.

Chairman, Spalding Co. Board of Commissioners

ATTEST

- 7. Consider approval, on second 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.

RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 1. BUSINESS AND OCCUPATIONS, ARTICLE C. SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES

SAID ARTICLE C IS HEREBY AMENDED BY STRIKING THE SECOND PARAGRAPH OF SUBPARAGRAPH (A) OF SECTION 6-1075 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW PARAGRAPH TO READ AS FOLLOWS:

PART I

Sec. 6-1075.

- (A) [FIRST PARAGRAPH]

If the license is issued in the name of a corporation, limited liability company or partnership, proof of attendance by an owner, member, partner, general manager or licensee will satisfy the requirements of this section. However, such owner, member, partner, general manager or licensee must maintain his/her status with the licensed

entity in order for the certificate to remain valid for purposes of satisfying this section. If such owner, member or partner no longer has an ownership interest in the licensed entity, such change constitutes a change of ownership and a new license must be obtained.

-2-

SAID ARTICLE C IS FURTHER AMENDED BY ADDING TO SUBPARAGRAPH (B) OF SECTION 6-1075 AN ADDITIONAL SENTENCE TO READ AS FOLLOWS:

- (B) “The Certificate of Attendance of the licensee and manager shall be posted next to the business license in a conspicuous place.”

-3-

PART II OF ARTICLE C OF SECTION 6-1075 IS HEREBY AMENDED BY STRIKING SUBPARAGRAPH (D) IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW PARAGRAPH (D) TO READ AS FOLLOWS:

PART II

- (D) Licensees and/or managers may operate an “in-house” training program for their employees using the same material that the licensees and managers used when taking the mandated RASS workshop. Each employee, upon satisfactory completion of the training program, shall confirm in writing that they have had the training, that they have understood the contents therein and shall be issued a certificate of completion. The employee shall be given the same program material that was used by the mandated RASS Training Program that the licensee and/or manager attended. Such in-house training program for employees shall satisfy the requirements of subparagraph (A) of Part I above.

-4-

PART II OF ARTICLE C IS FURTHER AMENDED BY ADDING A NEW SUBPARAGRAPH TO BE DENOMINATED AS SUBPARAGRAPH (F) OF SECTION 6-1075 TO READ AS FOLLOWS:

- (F) All employees who receive the “in-house” training shall affirmatively state under oath that they have completed the required training and shall affix their signature to a form prepared by and maintained in the Community Development Department of Spalding County.

Chairman, Spalding Co. Board of Commissioners

ATTEST

8. Consider second reading of Amendment to the Official Zoning Map of the following:

- **Application #12-03Z:** Colwell-Turner Land Development Pension Plan and Trust, Owner- 1788 Zebulon Road (0.453 acre located in Land Lot 120 of the 2nd Land District)- requesting rezoning from R-1, Single Family Residential Low Density, to C-1, Highway Commercial.

APPLICATION FOR COLWELL-TURNER LAND
DEVELOPMENT PENSION PLAN AND TRUST
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION #12-03Z

RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “R-1, Single Family Residential Low Density;”

WHEREAS, Colwell-Turner Land Development Pension Plan and Trust, applicant, applied for a change in zoning classification to be applied to the within described property to C-1, Highway Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on April 19, 2012;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on October 25, 2012, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that tract or parcel of land situate, lying and being in Land Lot 120 of the 2nd Land District of Spalding County, Georgia and being more particularly described as follows:

Beginning at the intersection of the East Right-of-Way of US 19/Ga. Hwy. 3 and the South Right-of-Way of Southbrook Drive; thence along the South Right-of-Way of Southbrook Drive, South 56°35'57" East, a distance of 198.07 feet; thence South 28°04'56" West, a distance of 100.00 feet; thence North 56°35'46" West, a distance of 197.96 feet to the East Right-of-Way of US 19/Ga. Hwy. 3; thence along said East Right-of-Way of US 19/Ga. Hwy. 3, North 28°01'15" East, a distance of 100.00 feet to the Point of Beginning, said tract containing 0.453 acre, more or less.

From “R-1, Single Family Residential Low Density” to “C-1, Highway Commercial” District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. Future Land Use Map for subject property shall be amended to commercial.
- b. FLA 12-02 shall be approved to commercial.
- c. The site lighting shall be designed so as not to glare onto neighboring residential properties or rights-of-way.
- d. Future development will encourage share driveways and internal connections to adjacent tracts.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On November 5, 2012, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being in Land Lot 120 of the 2nd Land District of Spalding County, Georgia, containing 0.453 acre, more or less, 1788 Zebulon Road, zoned C-1, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

9. Consider second reading of Amendment to the Official Zoning Map of the following:

-Amendment to UDO #A-12-06: Article 1. General- Section 106:A-amend Uniform Development Standards adopted by Spalding County.

-Amendment to UDO #A-12-07: Article 2. Definitions of Terms Used-Section 203:U-amend construction standards for Class C Manufactured Homes.

IN RE:

A. Text Amendment A-12-06

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

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

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

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on October 25, 2012, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia, is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 1, General: Section 106:A.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 1. General: Section 106:A:

B. Uniform Development Standards Adopted by Reference:

The following uniform development standards are referred to frequently in the Spalding County Zoning Ordinance and are adopted by reference as part of this Ordinance:

1. International Building Code, 2006 Edition, with Georgia Amendments.
2. International Fuel Gas Code, 2006 Edition, with Georgia Amendments.
3. International Mechanical Code, 2006 Edition, with Georgia Amendments.
4. International Fire Code, 2006 Edition, with Georgia Amendments.
5. International Plumbing Code, 2006 Edition, with Georgia Amendments.
6. National Electric Code, 2011 Edition, with Georgia Amendments.
7. International Residential Code, 2006 Edition, with Georgia Amendments.
8. International Energy Conservation Code, 2009 Edition, with Georgia Supplements and Amendments.
9. Minimum Housing Code, Section 9-3100.
10. Standards for Off-Street Parking and Service Facilities (See Appendix G. Contains uniform standards for design and minimum required number of off-street parking and services facilities.)
11. IHI Industrial Housing Institute, 2010 Edition.

Copies of the above publications are available for public inspections in the Community Development Office.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

IN RE:

12. Text Amendment A-12-07

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

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

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

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on October 25, 2012, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia, is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 2, Definitions: Section 302:U.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2. Definitions: Section 302:U:

- U. Manufactured Home, Class C.** Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home (not constructed to the HUD code). All manufactured homes must be installed in accordance with 8-2-160, et. seq. of the Official Code of Georgia Annotated. Class C manufactured homes must meet the construction standards specified in IHI Industrialized Housing Institute, 2010 Edition. Compliance with IHI

Industrialized Housing Institute, 2010 Edition, may be determined by any of the following procedures:

13. For Class C manufactured homes, which are proposed to be located within Spalding County for the first time or which are proposed to be relocated within Spalding County, the Spalding County Administrative Officer or his designee must inspect the unit and determine what (if anything) is needed to bring the unit up to the standards of IHI Industrialized Housing Institute, 2010 Edition. Upon determining that the unit meets IHI Industrialized Housing Institute standards and that the provisions of all other applicable Spalding County ordinances are met by the proposed placement of the manufactured home, the Administrative Officer or his designee will issue the permit for placement of the manufactured home.

14. *Reserved.* (#A-10-07, 10-04-10)

15. Manufactured homes are *not* permitted to be used as storage buildings.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

***Motion/Second by Freeman/Gardner to approve Consent Agenda.
Motion carried unanimously by all.***

IX. OLD BUSINESS

1. Consider lift from table, appointment to the Spalding County Department of Family & Children Services Board to fill the expired term of Michael Thurston for a new term to expire June 30, 2017.

No action taken on this item. Item remains tabled.

X. NEW BUSINESS

1. Consider approval of renewal of 2013 Alcoholic Beverage License- Wholesale Distributer for the following:

Mr. Wilson advised that all licenses for approval have completed RASS training.

- a.) Donnie Spence d/b/a Jackson Beverage, LLC- 915 South Pine Hill Rd- Beer Only.

Motion/Second by Gardner/Freeman to approve 2013 Alcoholic Beverage License- Wholesale Distributer for Donnie Spence d/b/a Jackson Beverage, LLC- 915 South Pine Hill Road- Beer Only. Motion carried unanimously by all.

- b.) Chad Floyd, owner of Georgia Craft Distribution, LLC- 1606 Old Atlanta Road, Suite D-Beer & Wine.

Motion/Second by Freeman/Ray to approve 2013 Alcoholic Beverage License- Wholesale Distributer for Chad Floyd, owner of Georgia Craft Distribution, LLC- 1606 Old Atlanta Road, Suite D- Beer & Wine. Motion carried unanimously by all.

2. Consider approval of renewal of 2013 Alcoholic Beverage License- Retail Package Store for the following:

- a.) Prakash L. Patel d/b/a 19-41 Package Store- 2004 North Expressway- Beer, Wine & Liquor.

Motion/Second by Ray/Freeman to approve 2013 Alcoholic Beverage License- Retail Package Store for Prakash L. Patel d/b/a 19-41 Package Store- 2004 North Expressway- Beer, Wine & Liquor. Motion carried unanimously by all.

- b.) Anilkumar N. Patel d/b/a Carver Package Store – 1557D Williamson Road- Beer, Wine and Liquor.
- Motion/Second by Freeman/Ray to approve 2013 Alcoholic Beverage License- Retail Package Store for 1557D Williamson Road- Beer, Wine and Liquor. Motion carried unanimously by all.***
- c.) Sotetra Kong for Kong Enterprise, Inc., d/b/a The Liquor Gate, 1740 Zebulon Road- Beer, Wine and Liquor.
- Motion/Second by Freeman/Gardner to approve 2013 Alcoholic Beverage License- Retail Package Store for Sotetra Kong for Kong Enterprise, Inc., d/b/a The Liquor Gate, 1740 Zebulon Road- Beer, Wine & Liquor. Motion carried unanimously by all.***
3. Consider approval of renewal of 2013 Alcoholic Beverage License- Consumption on Premises for the following:
- a.) Anthony L. Head d/b/a Griffin Moose Lodge- 1435 Zebulon Road- Beer, Wine & Liquor.
- Motion/Second by Gardner/Ray to approve of 2013 Alcoholic Beverage License- Consumption on Premises for Anthony L. Head d/b/a Griffin Moose Lodge- 1435 Zebulon Road- Beer, Wine & Liquor. Motion carried unanimously by all.***
- b.) Lynette Daniel d/b/a Pearl's Palace- 3931 North Expressway- Beer, Wine & Liquor.
- Motion/Second by Freeman/Gardner to approve of 2013 Alcoholic Beverage License- Consumption on Premises for Lynette Daniel d/b/a Pearl's Palace- 3931 North Expressway- Beer, Wine & Liquor. Motion carried unanimously by all.***
- c.) Joseph Guerra d/b/a Sequoia Golf Peachtree, LLC - 250 Dell Webb Avenue- Beer, Wine & Liquor.
- Motion/Second by Gardner/Freeman to approve of 2013 Alcoholic Beverage License- Consumption on Premises for 250 Dell Webb Avenue- Beer, Wine & Liquor. Motion carried unanimously by all.***
4. Consider approval of new 2013 Alcoholic Beverage License- Retail Sale of Beer & Wine for Ambaji 2011, Inc d/b/a Valero Food Mart, located at 2995 North Expressway.
- Motion/Second by Ray/Gardner to approve new 2013 Alcoholic Beverage License- Retail Sale of Beer & Wine for Ambaji 2011, Inc d/b/a Valero Food Mart, located at 2995 North Expressway. Motion carried unanimously by all.***
5. Consider approval of new 2013 Alcoholic Beverage License- Consumption on Premises of Liquor for Big Jim's Wing Shack, located at 1557 Williamson Road.
- Motion/Second by Freeman/Gardner to approve new 2013 Alcoholic Beverage License- Consumption on Premises of Liquor for Big Jim's Wing Shack, located at 1557 Williamson Road. Motion carried unanimously by all.***
6. Consider approval of amended Park at Sixth Availability and Fee Schedule & Park at Sixth Application as recommend by Kira Braggs-Harris of Griffin Main Street.
- Mr. Wilson stated that with the advent of changing the application to include port-a-potties, all documents relative to requisitioning the Park @ Sixth have to be amended. The new application includes the two (2) port-a-potties and also has an event plan to show where the port-a-potty is to be located.
- Motion/Second by Ray/Gardner to approve amended Park & Sixth Availability and Fee Schedule & Park & Sixth Application as recommended by Kira Braggs-Harris of Griffin Main Street. Motion carried unanimously by all.***
7. Consider approval of Financial Reconciliation Statement Form between Spalding County and Sprint/Nextel.

Mr. Wilson noted that a couple of months ago the inventory listing for rebanding was approved. This is the actual monetary reimbursement that Sprint/Nextel made to Harris Communications for the entire inventory. This is done at no cost to the county.

Motion/Second by Gardner/Freeman to approve Financial Reconciliation Statement Form between Spalding County and Sprint/Nextel. Motion carried unanimously by all.

8. Consider approval of FY'13 Community Services Block Grant Program (CSBG) contract with the Department of Human Resources.

Mr. Wilson noted that the Board recently approved the CSBG FY'13 contract with the county. This contract is between the CSBG Program and the Georgia Department of Human Services. The total obligation of the grant is \$119,190.

Motion/Second by Ray/Freeman to approve FY'13 Community Services Block Grant Program (CSBG) contract with the Department of Human Resources. Motion carried unanimously by all.

9. Consider approval of Resolutions to Adopt Amended and Restated 401(a) Defined Contribution Plan, 401(a) Defined Contribution Plan for Senior Management, and 457(b) Deferred Compensation Plan as required by IRS regulations.

Mr. Wilson stated that the Tax Payer Relief Act of 2008 required a lot of changes to the current plan. All changes have been made by GEBCorp. Mr. Wilson advised that these Resolutions authorize GEBCorp to update plans and file all required documents. These amendments will bring our retirement plans up to IRS standards which insures that companies are not misusing retirement funds. Bill Gay, Human Resources Director added that the IRS regularly updates plans pursuant to what Congress passes.

Chairman Flowers-Taylor questioned who the resolutions benefits. Mr. Gay advised that approval of these resolutions benefit the county which means that the contributions are not taxable as we put them in. They are only taxable as they are drawn out. Chairman Flowers-Taylor also questioned if the plans offer protection. Mr. Wilson advised that these plans are simply for compliance purposes.

Motion/Second by Ray/Freeman to approve Resolutions to Adopt Amended and Restated 401(1) Defined Contribution Plan, 401(a) Defined Contribution Plan for Senior Management, and 457(b) Deferred Compensation Plan as required by IRS regulations. Motion carried unanimously by all.

RESOLUTION TO ADOPT AMENDED AND RESTATED ACCG 401(a) DEFINED CONTRIBUTION PLAN FOR SENIOR MANAGEMENT

WHEREAS, the Spalding County Board of Commissioners (the "County") previously adopted the Association County Commissioners of Georgia 401(a) Defined Contribution Plan for Senior Management of Spalding County (the "Plan") through an Adoption Agreement;

WHEREAS, the Association County Commissioners of Georgia ("ACCG") has appointed a Defined Contribution Plan Program Board of Trustees (the "DC Board") pursuant to the ACCG Defined Contribution Plan Program Master Trust Agreement (the "Master Trust"), to oversee Plan administration, Plan documentation and to select investment options for investment of the assets of the Plan;

WHEREAS, ACCG has amended, restated and updated the ACCG 401(a) Defined Contribution Plan for Senior Management document to reflect changes in federal and state law and regulations (the "2012 Plan");

WHEREAS, the County desires to adopt the Master Trust and to amend and restate its Plan by adopting the 2012 Plan through an Adoption Agreement;

WHEREAS, the County desires to delegate to the DC Board the power to amend the 2012 Plan on behalf of the County in the future, for the limited purpose of adopting non-discretionary Internal Revenue Service required amendments that must be adopted on a timely basis in order to maintain the qualified status of the Plan.

NOW THEREFORE, at a meeting held on the 5th day of November _____, 2012, the County Board of Commissioners hereby resolve as follows:

RESOLVED that the Spalding County Board of Commissioners hereby approves the adoption of the Master Trust and the 2012 Plan and accompanying Adoption Agreement.

FURTHER RESOLVED that the Spalding County Board of Commissioners hereby delegates to the ACCG DC Board, the power to amend the 2012 Plan on behalf of the County in the future, for the limited purpose of adopting non-discretionary Internal Revenue Service required amendments that must be adopted on a timely basis in order to maintain the qualified status of the Plan.

FURTHER RESOLVED that the Chair is hereby authorized, empowered, and directed to take all further actions and to execute all documents necessary to implement these resolutions, including a limited power of attorney to allow ACCG counsel to file all necessary forms with the Internal Revenue Service.

FURTHER RESOLVED that any resolution in conflict with this resolution is hereby repealed.

SPALDING COUNTY

By: 
Gwen Flowers-Taylor
Title: Chairman, Spalding County Commission

10. Consider declaring surplus and authorize approval of transfer of a Z Master Toro Model #7442 and Master Toro model #74246 from Parks & Recreation to the Griffin/Spalding Airport.

Mr. Wilson stated that these two mowers are no longer in use. The airport had much older tractor mowers and there are not enough for inmate labor. Inmates will be able to patch these two mowers back together.

Motion/Second by Freeman/Ray to approve declaring surplus and authorize approval of transfer of a Z Master Toro Model #7442 and Master Toro model #74246 from Parks & Recreation to the Griffin/Spalding Airport. Motion carried unanimously by all.

11. Consider declaring surplus and authorize bid a Printronix Model 5220D band printer.

Mr. Wilson noted that this printer was used for various reasons in the Administration Department. Since we have we to all laser, we have no used the printer for several years. Mr. Wilson noted that staff would like to utilize either GovDeals or Ebay for bidding of this item.

Motion/Second by Gardner/Freeman to declare surplus and authorize bid utilizing either Ebay or GovDeals.com a Printronix Model 520D band printer. Motion carried unanimously by all.

12. Consider request from Chief Magistrate Rita Cavanaugh for a local supplement of \$5,000 per year for any Associate Magistrate Judge who is a licensed attorney.

Judge Rita Cavanaugh stated that this local supplement is only for one position effective January 2013. Mr. Wilson stated that staff would propose that if the supplement is approve then the position would not be subject to longevity and COLA would be after the State Salary. This position would be required to have a law degree with proof therein.

Commissioner Gilreath questioned if this would come up every year. Mr. Wilson stated that no as long as the person that is appointed meets criteria they will continue to get the local supplement. Mr. Wilson further advised that should Judge Cavanaugh appoint someone that does not have a law degree, they will not be eligible for the local supplement.

Motion/Second by Freeman/Ray to approve request from Chief Magistrate Rita Cavanaugh for a local supplement of \$5,000 per year for any Associate Magistrate Judge who is a license attorney. Associate Judge to be appointed January 1, 2013. Motion carried unanimously by all.

13. Commissioner Gilreath requests to approve adjustment of sanctions rendered to County Rock Bar & Grill located at 2700 North Expressway Griffin, Georgia 30223 to allow issuance of a new consumption on premises license.

Commissioner Gilreath asked Justin Wynn (attendee) if he was buying the Country Rock building. Mr. Wynn stated that he was going to lease the building. Commissioner Gilreath stated that if Mr. Wynn is only going to lease the building this takes on a different perspective. Commissioner Gilreath requested that the board look at the ordinance referencing sanctions against the actual building when the license has been suspended. Mr. Fortune stated that the ordinance states that if your license has been revoked for consumption on premises, you cannot have another license issued for that location for a period no less than one year. Additionally, Mr. Fortune added that the ordinance was modeled after that completed by Charlie Cox, City of Macon attorney since that had underwent several issues in the Macon/Warner Robins area. They would revoke a license for one week, and the following week someone else would show up and get another license.

Mr. Fortune stated that if the Board wish to adjust sanctions rendered to Country Rock the ordinance must be amended because this is currently the Spalding County law.

Chairman Flowers-Taylor stated that we have issues with absent landlords at residents and we also have properties were the landlord is not around and they have trash, etc. in the yard. Writing these individuals tickets serves nothing because the property owner's don't have to take responsibility. Chairman Flowers-Taylor stated that the Country Rock issue must be looked at the same way. If you are the owner and you know that the people utilizing your property are having strippers, smoking and reports of other criminal activity; someone needs to be held accountable. Chairman Flowers-Taylor stated that the Board made a sound decision and she does not wish to rescind it. She would like us to take it to the next level for residential properties.

No action taken by the Board.

14. Consider appointment to the Spalding County Planning Commission Post 1 to fill the unexpired term of Janet Bailey for a term to end December 31, 2012.

Chairman Flowers-Taylor appointed B. Frank Harris for a term to expire December 31, 2012.

XI. REPORT OF COUNTY MANAGER

- A. The Griffin-Area Transportation Meeting will be held on Wednesday, November 7, 2012 at 1:30 in Meeting Room 108.
- B. The Animal Care & Control Board will meet on November 12, 2012 at 5:10 in Meeting Room 108.
- C. The Festival of Lights at Airport Road is scheduled for Tuesday, November 20, 2012 beginning at 6:00 p.m.
- D. County Offices will be closed on November 22nd & 23rd in observance to the Thanksgiving Holidays.
- E. Through the 16 days of Early voting that ended Friday November 2, 2012, there were 13,811 voters and 1,702 First Call Signups.
- F. The Chamber of Commerce has asked that no candy be distributed at the Christmas Parade. After hearing from the majority of Board Members, no candy will be purchased.
- G. The Clerk of Court, Marcia Norris, has advertised twice in the Griffin Daily News for nominations for the Board of Equalization. Mr. Wilson requested that the media also ask everyone for nominations and to contact Marcia Norris.
- H. Joe Harrell & UGA are requesting that the old Ellis Cemetery be cleaned up. The cemetery is about 50 feet in diameter. William to provide more information.
- I. Daniel Ham of the National Guard has requested assistance with construction of a sign in front of the National Guard Armory adjacent to the Fairgrounds. Four commissioners have stated that they have no issue with the county assisting. Chairman Flower-Taylor has questions regarding the materials being donated and sign permits.
- J. Mr. Wilson advised the Board that it is now time to set the millage rate. Mr. Wilson will be sending an email regarding the 2012 tax levy later this evening. Representatives from the City Commission and the Board of Education met with Sylvia Hollums & Larry Griggers to go over current digest. Mr. Wilson noted that as of right now it looks like the digest decreased more than it increased. To generate the same revenue, we will be required to utilize the rollback millage rate. The five-year history ad must be published this Friday in order to have a Special Meeting on November 26th. The Board of Education will meet at 12:00 p.m. on November 26th. The City of Griffin has a work session on November 27th. Sylvia Hollums could get digest approved on November 27th for an end of January due date. Chairman Flowers-Taylor stated that she will be out of town on the 27th.
- K. Mr. Wilson stated that there is a company that worked with Cobb County for utility permitting on County Right-of-Way. The cost for this service is about \$10,000 and there were not funds budgeted for this expense. There was a Board consensus not to pursue this right now but to wait until the FY 2014 Budget. Commissioner Gilreath stated that if we expect the county to continue to grow,

we must generate enough revenue to overcome cost. Mr. Wilson advised that at current we receive minimal utility requests.

XII. REPORT OF COMMISSIONERS

Freeman- Stated that he recently attended the ACCG 4th District Meeting in Warm Springs along with Commissioner Ray & Gardner. Mr. Freeman noted that the meeting went very well and there were about 55 attendees. There was a panel discussion on issues such as Juvenile Justice, transportation & unfunded Mandates.

Gardner- Also stated that the ACCG 4th District Meeting was very good.

Gilreath- None

Ray- Kudos to the Fire Department for obtaining additional signups for First Call. Mr. Ray congratulated Parks & Recreation for their recent awards regarding the Park & Sixth.

Flower-Taylor- Stated that there will be a celebration for veterans on November 10th at Candler Field in Williamson, GA. After questioning from Chairman Flowers-Taylor, Mr. Wilson noted that to date there have been approximately 4,800 signups for First Call. Mr. Wilson also noted that election returns will be printed electronically on the Secretary of State website.

XIII. CLOSED SESSION

1. The County Manager requests an Executive Session to discuss the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4).

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 October 30, 2012.

2.

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

3.

The executive session was called to order at :4:12 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

No Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____ *(insert the citation to the legal authority making the tax matter confidential)*;

Yes Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No 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 5th day of November 2012. Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 5th day of November 2012. Chipper Gardner

Raymond Ray

Ricky L. Clark, Jr.
Notary Public Eddie Freeman

Bob Gilreath

My commission expires: Gwen Flowers-Taylor

Jan 5, 2014

Motion/Second by Freeman/Ray to enter Executive Session at 7:34 p.m. to discuss the future acquisition of real estate as provided by O.C.G.A § 50-14-3(4). Motion carried unanimously by all.

Motion/Second by Freeman/Gilreath to adjourn Executive Session at 7:43 p.m. Motion carried unanimously by all.

Motion/Second by Freeman/Ray to enter Open Session. Motion carried unanimously by all.

XIV. ADJOURNMENT

Motion/Second by Gilreath/Ray to adjourn at 7:45 p.m. Motion carried unanimously by all.

Chairman

County Clerk

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