

MINUTES

The Spalding County Board of Commissioners held an Extraordinary Session in Room 108 of the Courthouse Annex, Monday, September 15, 2014, beginning at 6:00 p.m. with Chairman Samuel Gardner presiding. Commissioners Raymond Ray, Gwen Flowers-Taylor, Rita Johnson, and Bart Miller were present. Also present were County Manager William P. Wilson Jr., Jim Fortune, County Attorney, Chad Jacobs, Community Development Director and Kathy Gibson, Executive Secretary to record the minutes.

I. OPENING (CALL TO ORDER) led by Chairman Samuel Gardner.

II. INVOCATION – led by Commissioner Rita Johnson.

III. PLEDGE TO FLAG – led by Chairman Samuel Gardner.

IV. PRESENTATIONS/PROCLAMATIONS

1. Consider proclamation declaring September 27, 2014 East Side Family Community Day.

Ms. Joyce Hollis thanked the commissioners for the recognition given to the East Side Family Community Day. She stated that this was an event that started approximately 20 years ago, it was for the residents of the East Side Community, but the event has grown and now they have people coming back to visit who haven't been back to the community in years. She stated that for the event this year, they have sold over 200 tee-shirts to commemorate the 20th year of the event.

Proclamation

EAST SIDE FAMILY COMMUNITY DAY

WHEREAS: The former and present residents of a section of Griffin's East Side have hosted a community reunion celebrating camaraderie, fellowship and friendship; and

WHEREAS: The event is held at 612 East Broad Street and families travel from as far north as Ohio and as far south as Florida for this annual gathering; and

WHEREAS: This community day and reunion is scheduled for Saturday, September 27, 2014; and

NOW, THEREFORE

BE IT RESOLVED That the Spalding County Board of Commissioners do hereby declare Saturday, September 27, 2014 as

“EAST SIDE FAMILY COMMUNITY DAY”

In recognition of this community event and would like to express to all who attend our wishes for a safe trip to and from their homes.

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

Samuel C. Gardner, Chairman

William P. Wilson, Jr., County Clerk

Motion/Second by Ray/Johnson & Flowers-Taylor to declare September 27, 2014 as East Side Family Community Day. Motion carried unanimously by all.

2. Presentation by Mr. Shaheer Beyah and Ms. Carmar Walker regarding the first annual Making Griffin/Spalding Better Together Conference planned for November 1, 2014.

W. Theodore Harris, who is a member of the Making Griffin/Spalding Better Together Conference committee, made the presentation for Mr. Shaheer Beyah and Ms. Carmar Walker who were unable to attend this meeting. Mr. Harris advised that there would be a community conference on Saturday, November 1st, 2014 from 7:30 a.m. until 5:00 p.m. on the University of Georgia campus. The purpose of the conference is to unite the citizens of Griffin and

Spalding County as we address challenges effecting the quality of life in our communities. The theme of the conference is "Working Together to Improve Lives."

V. PRESENTATIONS OF FINANCIAL STATEMENTS

1. Consider approval of financial statements for the two month period ended August 31, 2014.

Motion/Second by Ray/Flowers-Taylor to approve the financial statements for the two month period ended August 31, 2014. 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.

Jesse Maddox, 301 Bucksnot Road. Mr. Maddox voiced his concerns over the Public Works personal grooming policy.

VII. MINUTES -

1. Consider approval of the Minutes for the August 18, 2014 Special Called Meeting, the August 18, 2014 Closed Session and the August 18, Extraordinary Session of the Board of Commissioners.

Motion/Second by Ray/Miller to approve the Minutes for the August 18, 2014 Special Called Meeting, the August 18,

2014 Closed Session and the August 18, Extraordinary Session of the Board of Commissioners. Motion carried unanimously by all

VIII. CONSENT AGENDA -

1. Consider approval on second reading Ordinance 2014-04 amending the Licensing and Regulation Ordinance Part VI, Article A, Section 6-1012, relating to renewal of alcohol licenses in Spalding County.

Motion/Second by Ray/Johnson to approve on second reading Ordinance 2014-04 amending the Licensing and Regulation Ordinance Part IV, Article A, Section 6-1012, relating to renewal of alcohol licenses in Spalding County. Motion carried unanimously by all.

IX. OLD BUSINESS -

1. Conduct public hearing for the 2014 Capital Improvement Element (CIE) and Short Term Work Program (STWP).

Motion/Second by Ray/Johnson to open the public hearing for the 2014 Capital Improvement Element (CIE) and Short Term Work Program (STWP). Motion carried unanimously by all.

Chad Jacobs, Community Development Director, was asked to give a summary of the Capital Improvement element (CIE) and the Short Term Work Program (STWP) so the public would be informed of the purpose of the public hearing.

Mr. Jacobs advised that Spalding County collects impact fees and the State of Georgia requires that on an annual basis the county report to the Department of Community Affairs and the Regional Development Commission on the projects that are funded by the fees. We have a list of projects established in 2006 and we update the list on an annual basis and submit it to these agencies.

Ms. Jewel Walker-Harps, 103 McEthel Drive, asked if the projects on the list were published.

Mr. Jacobs stated that the projects are published and available in the Community Development office once they are approved by the Department of Community Affairs.

Ms. Walker-Harps inquired as to what type of projects were on the list.

Mr. Jacobs advised that in the past the funds have been utilized for 75% of the purchase of Dundee Lake Park, purchase of new fire trucks, the construction of the L.B. Norton Fire Station and the Thomaston Mills Park playground. The funds can only be utilized for tangible items, for example, you can build a fire station, but you cannot utilize the funds for staffing the fire station. A fire truck can be purchased, but the fire fighters to be place on the truck cannot be funded.

Ms. Walker-Harps then asked if the public is allowed to submit projects to be considered for the funding.

Mr. Jacobs stated that the way the funds have been distributed up to this point has been done through department requests. The

distribution is broken down into six categories: Library, E911, Fire, Parks and Recreation, the jail and Homeland Security.

Mr. Wilson, County Manager, advised that there is a Park and Recreation master plan and the projects from Parks and Recreation are drawn from that master plan.

Mr. Jacobs stated the Impact fee is a fee that is charged on each building permit issued by Spalding County. Any type of development whether it is a housing or commercial development is going to have an impact on a community.

Ms. Walker-Harps wanted to know if what they are doing in the Fairmont Community and Rusenwald School, if that could somehow be included in the Park and Recreation projects to be considered.

Commissioner Flowers-Taylor stated that she believed the project Ms. Walker-Harps is referencing at one time was part of the Parks and Recreation master plan and that she would check on that and get back to Ms. Walker-Harps.

Motion/Second GFT/Ray to close the public hearing for the 2014 Capital Improvement Element (CIE) and short Term Work Program (STWP). Motion carried unanimously by all.

2. Lift from the table - Consider approval of Resolution authorizing transmittal to Three Rivers Regional Commission of the 2014 Capital Improvements Element (CIE) and Short Term Work Program (STWP) and incorporation of these changes into the Spalding County 2025 Comprehensive Plan.

Motion/Second by Flowers-Taylor/Johnson to lift from the table the Resolution authorizing transmittal to Three Rivers Regional commission of the 2014 Capital Improvements Element (CIE) and Short Term Work Program (STWP) and incorporation of these changes into the Spalding County 2025. Motion carried unanimously by all.

3. Consider approval of Resolution tabled at the August 15, 2014 Regular Meeting authorizing transmittal to Three Rivers Regional Commission of the 2014 Capital Improvements Element (CIE) and Short Term Work Program (STWP) and incorporation of these changes into the Spalding County 2025 Comprehensive Plan.

Commissioner Flowers-Taylor then asked Mr. Jacobs to advise everyone at the meeting of the changes that were being made to the Spalding County 2025 Comprehensive plan.

Mr. Jacobs then stated that due to the down turn in the economy and the reduction in construction and the requests for building permits in the county, the funding for the projects have not materialized. Over the past five years we have been able to complete some of the projects and have them reflect a completed status; however, now we have gotten to the larger items on the list and the funding is not available.

Mr. Jacobs stated that like many of the other communities in the State of Georgia, the project list for Spalding County has had to be

revisited to see what projects are possible. Mr. Jacobs the advised that he had met with T.J. Imberger, Parks Superintendent, to see if there were any projects that could be considered utilizing the funds that are currently available.

Mr. Jacobs stated that there is one project, the “Rails to Trails” project that has been ready for implementation since 2011. This project is

essentially a trail system that starts at Dundee Park that follows the old Roosevelt Railroad rail bed on up into Henry County. We are proposing that we use the current funds to do the first 1/3 of that trail. It is our hope that by using some of the Impact Fee funds that we can get some economic redevelopment going in a economically depressed area of the county.

SPALDING COUNTY, GEORGIA

ALCOHOL LICENSE ORDINANCE

ORDINANCE NO. 2014-04

AN ORDINANCE TO AMEND SECTION 6-1012 OF

THE SPALDING COUNTY CODE OF ORDINANCES BY STRIKING SAME IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

Sec. 6-1012.

All alcohol beverage licenses are annual licenses that run from January 1st to December 31st of each year. Holders of existing licenses in good standing shall apply to the Department of Community Development for renewal for the next calendar year, not later than September 15th, by filing a renewal application in proper form and tendering the required fees. Such application shall be reviewed by the County Manager and upon investigation, if there is no change in the ownership of the licensee and no adverse reports from those agencies or departments required to inspect the premises of the licensee, the County Manager shall issue a renewal license for the ensuing year. Where any agency or county department required to inspect the premises presents reports of non-compliance with applicable laws, rules or regulations, the licensee shall correct any such non-compliance before a renewal license shall be issued. If such non-compliance is not corrected not later than October 15th, a renewal license shall not be issued and a new license shall be required.

The State of Georgia Department of Revenue shall be promptly notified of all licenses which were not renewed on or before January 1st and all privileges to carry on and conduct a business governed by this chapter shall be immediately suspended as a result of the license expiration.

All other provisions of the law remain in full force and effect.

Approved on first reading this eighteenth day of August, 2014.

Approved on second reading this fifteenth day of September, 2014.

William P. Wilson, Jr., County Clerk

Motion/Second by Ray/Johnson to approve the Resolution tabled at the August 15, 2014, Regular Meeting authorizing the transmittal to Three Rivers Regional Commission of the 2014 Capital Improvements Element (CIE) and Short Term Work Program (STWP). Motion carried unanimously by all.

X. NEW BUSINESS -

1. Announcement of 2014 SPLOST Committee Volunteers.

Mr. Wilson advised that Press Releases have been sent out and the call for SPLOST Committee Volunteers has been posted on the website. To date we have received a total of eleven volunteers to date for the 2014 SPLOST Committee.

2014 SPLOST Committee nominations: Barron Cumming, Don Hawbaker, Kelley Henderson, Vickie Hennessey, Beth Horne, Chelsea Jacobs, Michelle Knight, Dr. LaTanya McCloud Barkley, Joseph Martin, Tim Peeples and David Melton. These are the folks who have volunteered and they will be working to present the SPLOST to the voters.

Mr. Wilson also stated that the county employees, county commissioners, etc. cannot go out and ask citizens to pass the SPLOST or vote for the SPLOST, but we can provide detailed information on what the projects are, what collections are and items of that nature.

Mr. Wilson stated that we are still accepting volunteers and he is hoping that someone from this group will step forward to chair this committee.

2. Consider request from the Bethlehem Elementary PTO, 1000 Academic Parkway, Locust Grove, GA for an outside amplification permit for their 2014 Celebrity Golf Tournament to be held at the Sun City Golf and Country Club, 1390 Jordan Hill Road on October 8, 2014 from 10:00 a.m. until 8:00 p.m.

Motion/Second by Flowers-Taylor/Miller to approve the amplification permit for Bethlehem Elementary PTO for their 2014 Celebrity Golf Tournament to be held at Sun City Golf and Country Club, 1390 Jordan Hill Road, on October 8, 2014 from 10:00 a.m. until 8:00 p.m. Motion carried unanimously by all.

3. Consider request from Henry Warren for an Outside Amplification Permit for a horse riding event at 680 S. McDonough Road event on Saturday, September 27, 2014 from 8:00 a.m. until 1:00 p.m.

Motion/Second by Johnson/Flowers-Taylor to approve the amplification permit for Henry Warren for the Horse Riding

event to be held at 680 S. McDonough Street on Saturday, September 27, 2014 from 8:00 a.m. until 1:00 p.m. Motion carried unanimously by all.

4. Consider adoption of the 2014 Spalding County Tax Levy.

Mr. Wilson stated that the Tax Levy sets the millage rate for the county and the fire district. Mr. Wilson advised that earlier today the Board of Education met and set their recommended rate. None of the rates have changed, it will still be 16.01 for the county, 4.17 for the fire district and 19.47 for the Board of Education. Mr. Wilson advised that the City of Orchard Hill is adopting their tax levy tonight as well, the City of Sunny Side would be adopting theirs tomorrow and the City of Griffin will be adopting theirs next week.

2014 SPALDING COUNTY TAX LEVY

BE IT RESOLVED by the Board of Commissioners of Spalding County, Georgia, and it is hereby resolved by said authority, that there be levied on all property located and situated in said County on the first day of January 2014 whether said property be real, or personal, or mixed, the following rates of taxation for the purposes herein named and that the same be collected by the Tax Commissioner of said County at the same time and in the same manner as the tax levied by the State of Georgia, is collected, and when collected that the same shall be deposited by the Tax Commissioner with the treasurer of Spalding County, and that the treasurer's official receipt be taken therefor; to-wit:

1. To pay the expenses of administration of the county government; 1.56 mills or **\$1.56** per \$1,000.00 of taxable property.
2. To pay principal and interest of any debt of the county and to provide sinking fund therefor; 0.43 mills or **\$0.43** per \$1,000.00 of taxable property.
4. To build and repair public buildings and bridges; 1.17 mills or **\$1.17** per \$1,000.00 of taxable property.
5. To pay the expenses of courts, the maintenance and support of inmates and to pay sheriffs and coroners and for litigation; 9.06 mills or **\$9.06** per \$1,000.00 of taxable property.
6. To build and maintain a system of county roads; 1.12 mills or **\$1.12** per \$1,000.00 of taxable property.
7. For public health purposes in said county, and for the collection and preservation of records of vital statistics; 0.88 mills or **\$0.88** per \$1,000.00 of taxable property.
8. To pay county police; **NO LEVY**
9. To support indigent individuals; **NO LEVY**
10. To pay agricultural and home demonstration agents; 0.06 mills or **\$0.06** per \$1,000.00 of taxable property.
11. To provide for payment of old-age assistance to aged persons in need, and for the payment of assistance to needy blind, and to dependent children and other welfare benefits, all as provided by the constitution and laws of Georgia; 0.01 mills or **\$0.01** per \$1,000.00 of taxable property.
12. To provide for fire protection for forest lands and for the further conservation of natural resources; 0.01 mills or **\$0.01** per \$1,000.00 of taxable property.

13. To provide medical or other care, and hospitalization, for the indigent sick people of the County; ***NO LEVY***
14. To acquire, improve and maintain airports, public parks, and public libraries; 0.88 mills or ***\$0.88*** per \$1,000.00 of taxable property.
15. To provide for worker's compensation and retirement of pension funds for officers and employees; 0.79 mills or ***\$0.79*** per \$1,000.00 or taxable property.
16. To provide reasonable reserves for public improvements as may be fixed by law; ***NO LEVY***
17. To pay pensions and other benefits and costs under a teacher retirement system or systems; ***NO LEVY***
19. To provide for ambulance services within the county; ***NO LEVY***
20. To provide for financial assistance to county or joint county and municipal development authorities for the purpose of developing trade, commerce, industry, and employment opportunities; .04 mills or ***\$.04*** per \$1,000 of taxable property.
25. To provide services and systems for fire protection for Fire Protection District "A"; 4.17 mills or ***\$4.17*** per \$1,000.00 upon the taxable property in such fire district.

BE IT FURTHER RESOLVED that on recommendation of the Board of Education of Griffin-Spalding County School System, the following rates of taxation be likewise levied and collected, and when collected that the same be paid to the Board of Education of said County, as provided by law, to-wit:

3. For education purposes, as provided by the Constitution and laws of Georgia; 19.47 mills or ***\$19.47*** per \$1,000.00 of taxable property.

BE IT FURTHER RESOLVED that this order be spread upon the minutes and that the same be advertised and posted in accordance with Section 48-5-232 of the Official Code of Georgia Annotated (1982) and the pertinent laws of Georgia.

This the 15th September, 2014.

Samuel C. Gardner, Chairman

Raymond Ray, Vice Chairman

Gwen Flowers-Taylor, Commissioner

Rita Johnson, Commissioner

Bart Miller, Commissioner

Motion/Second by Miller/Ray to approve adoption of the 2014 Spalding County Tax Levy. Motion carried unanimously by all.

5. Consider appointment to the Spalding County Personnel Appeals Board to fill the unexpired term of Lisa Waller to expire December 31, 2016.

Mr. Wayne A. Smith, 714 Maple Drive was nominated to fill the unexpired term of Lisa Waller. Motion failed, vote 2/3 (Flowers-Taylor/Johnson/Miller).

Mr. Eddie Goss, 105 Parham Road, was nominated by Commissioner Miller to fill the unexpired term of Lisa Waller. Motion carried 3-2 (Gardner/Ray).

6. Consider agreement with CellTower Solutions to assist the Tax Assessors office in discovery of cellular towers and cellular equipment located at wireless telecommunications facilities within Spalding County.

Mr. Wilson advised that this expense has been budgeted by the Tax Assessors office. The Board of Assessors had a presentation by this company last year and included the cost of their services in their budget request for this year. Mr. Wilson further stated that this company would come into the county and perform an audit of all cell towers in the county to make sure that they are correctly reporting all of the equipment on the tower and housed in the structure associated with the tower. Other counties have performed this exercise and found that the cellular companies tend to under report the personal property to the tax assessors office.

AGREEMENT

This AGREEMENT ("Agreement") made and entered into this the 1st day of October 2014 by and between Cell Tower Solutions, LLC ("Consultant"), located at 1130 Skipstone Drive, Watkinsville, GA 30677, and Spalding County a political subdivision of the State of Georgia, 119 E. Solomon Street, Griffin, GA 30223 ("County" or "Client). Each may be referred to as a "Party" and together as the "Parties".

Consultant and Client, for the consideration named and other good and valuable consideration, hereby agree as follows:

PURPOSE

Client hereby retains Consultant for the purpose of assisting with the discovery of cellular towers and cellular equipment located at wireless telecommunications facilities ("WFs") within Spalding County, GA.

SPECIFIC SERVICES

As soon as reasonably possible after the execution of this Agreement, Client shall deliver to Consultant a current list of all known cellular tower and equipment assets within Spalding County ("Asset Discovery Report"). Consultant will work with Client to help determine a complete and accurate asset listing for computer and telecommunication equipment. Consultant will provide continued support throughout the discovery process. Consultant will provide Client with the documentation to substantiate an accurate assessment.

SPECIFIC SERVICES: DOCUMENTATION

The Consultant shall research and furnish accessible WF information in a comprehensive report that will generally include but is not limited to:

Cost of all facility improvements, including tower structure, and all equipment in use on WFs.
Cost of cellular base station equipment, including an inventory list of cellular equipment located on each tower within the community as long as access is granted to cell site. If access is denied, Consultant shall furnish an estimated value based on publicly available research and industry knowledge.

Digital pictures of towers and the number of carriers on each tower to allow assessor's office to know when another carrier has been added or equipment has been upgraded.

Site specifications including latitude and longitude, height of structure, and type of tower.

The specific services set forth above shall be cumulatively referred to as the "Project".

TIMES AND ATTENDANCE: COOPERATION BY CLIENT

Consultant shall perform the services described herein, in as expeditious a manner as is reasonably possible with due consideration of the time requirements of Client. Client recognizes that the timing of the performance of Consultant's services may be affected by previous commitments to other clients (including the delivery of promised services and work product and previously scheduled meetings), and situations normally and traditionally deemed to be matters of a force majeure nature, including those influenced by the weather, strikes, or power outages.

Client agrees to cooperate with Consultant, as needed, and to provide Consultant with copies of any records, documents and other information needed for the fulfillment of this agreement on a timely basis. Client further agrees to provide Consultant with access to appropriate officials and/or employees of Client, as may be needed in the fulfillment of the Agreement. The Consultant agrees to hold information supplied from taxpayer records and county as confidential. Moreover, both parties understand and agree that mutual accountability and responsiveness is critical to the successful completion of the Project, and therefore both shall always make their best faith efforts to be accountable and promptly responsive to each other.

COMPENSATION

In payment for the services to be performed hereunder by Consultant, Client shall make payments to the Consultant as follows:

For the services to be performed by the Consultant pursuant to paragraphs 2 and 3 hereof, Client shall pay Consultant fees based on the type of tower surveyed in Spalding County, Georgia, as specified in Schedule A.

Consultant shall invoice Client upon delivery of Asset Discovery Report. Twenty-five percent (25%) of the invoice shall be due and payable upon receipt of the Asset Discovery Report, but in no case later than (30) days. Twenty-five (25%) percent shall be payable when the values are input into the appraisal system. Twenty-five percent (25%) will be payable at the end of the required appeal period, and the remaining twenty-five percent (25%) will be paid when the property owner fulfills payment to the County of ad valorem taxes assessed as a result of the discovery of assets.

In the event the County fails to recoup the cost of the service fees due to a successful appeal or through too little value in the tower and carrier property, then the Consultant will amend fees to be no more than 75% of the revised collected amount. This number will be calculated by the total income derived from all discovered and assessed WFs compared against the total fees charged. The total income will be calculated from the value assessed for the current tax year and the previous three years as allowed by the look back under Georgia discovery laws. In the event fees have been paid to the Consultant exceeding the total collection, these fees will be remitted back to the County within 30 days of revised income statement. Guarantee is invalid if county fails to use Cell Tower Solution's values or fails to comply with the protocol outlined in Schedule B. In the event the county agrees to accept a lower settlement than recommended by Cell Tower Solutions, the guarantee will not be applicable.

APPEAL SERVICE

Consultant will support the Client in the appeals process by appearing before the Board of Equalization and Review to review the source data and answer questions regarding the specific appeal. Consultant will inventory equipment in sheds with carrier-supplied equipment lists. Equipment lists must be submitted to the Spalding County Tax Assessor a minimum of 24 hours before the scheduled site visit. Where possible all of the carrier's sheds shall be inventoried on the same day. The service is provided at no fee, but requires that customary expenses (mileage at a rate \$0.50/mile, and \$100.00/day per diem) will be reimbursed to the Consultant.

In the event the appeal is filed before Superior Court, the Consultant will provide expert testimony. The Consultant will be paid a fee of \$150.00 per hour, plus expenses as outlined above.

TERM OF AGREEMENT; TERMINATION

In the event that the Consultant refuses or fails to provide services hereunder, or is in material breach of any provision of this agreement, Client shall send Consultant written notice of such breach, and Consultant shall have thirty (30) days to cure breach; and, if at the end of said thirty (30) day period Consultant has not cured such breach, this agreement may be terminated by Client upon written notice. Notwithstanding any other provision of this agreement, Client may terminate this Agreement upon thirty (30) days' written notice to Consultant.

LIMITATION OF ACTIVITIES

The services performed under this agreement do not constitute a formal appraisal and due to the unique nature of these services, Consultant makes no representations that such services follow the Uniform Standards for Professional Appraisal Practice ("USPAP").

TERM OF AGREEMENT

This initial term of this Agreement will be one (1) year, commencing on the date set forth on page 1 of this Agreement. If through any cause, the Consultant or the Client fails to fulfill its obligations as provided by this Agreement, or materially violates any of the covenants or stipulations within this agreement, and such failure or violation continues for thirty (30) days after written notice thereof by one Party to the other, the Party against which the violation has occurred shall thereupon have the right to terminate this Agreement immediately upon giving written notice to the other Party. Said notice shall be delivered to the violating Party personally or mailed by certified mail to the mailing address as specified herein. In the event of termination, all pending discovery reports shall be terminated unless specifically authorized to be continued by the County Tax Assessor. All fees for completed discovery reports shall be payable in accordance with the terms as provided by this Agreement.

10. STATUS OF CONSULTANT

Consultant and Client agree that in the performance of Consultant's services hereunder, Consultant shall not be deemed to be an employee of Client for any purpose whatsoever.

LIMITATION OF LIABILITY

THE TOTAL LIABILITY OF EITHER PARTY UNDER THIS AGREEMENT, WHETHER IN CONTRACT, WARRANTY, TORT (INCLUDING, WITHOUT LIMITATION, NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, WILL NOT EXCEED THE TOTAL PRICE PAID UNDER THIS AGREEMENT OR SUCH LESSER AMOUNT THEREOF AS IS ACTUALLY PAID BY CLIENT TO CONSULTANT. IN NO EVENT, WHETHER IN CONTRACT, WARRANTY, TORT (INCLUDING, WITHOUT LIMITATION, NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, WILL EITHER PARTY BE LIABLE FOR SPECIAL, INCIDENTAL, INDIRECT, EXEMPLARY, PUNITIVE, OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, ANY LOSS OF PROFIT OR REVENUE.

DISCLAIMER OF WARRANTIES

CONSULTANT DOES NOT MAKE, AND HEREBY DISCLAIMS ALL WARRANTIES AND REPRESENTATIONS OF ANY KIND, STATUTORY, EXPRESS OR IMPLIED, TO THE PURCHASER EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT.

NOTICES

Any and all notices, invoices, and payments required hereunder shall be addressed to the Parties at their respective addresses set forth on page 1 hereof, or to such other address as may hereafter be designated in writing by either Party hereto.

CONSTRUCTION OF AGREEMENT

This Agreement shall be construed and interpreted in accordance with the Laws of the State of Georgia.

COMPLETE AGREEMENT: MODIFICATION

There are no terms, conditions or obligations other than those contained herein, and there are no written or verbal statements or representations, warranties or agreements with respect to this Agreement that have not been embodied herein. This Agreement constitutes the complete understanding of the Parties with respect to the subject matter hereof. No modification or amendment of any provisions of this agreement shall be valid unless in writing and signed by both Parties.

IN WITNESS THEREOF, the Consultant executes this Agreement by persons duly authorized to do so, and the County executes this Agreement by its Chairman, attested by its Clerk, as authorized by its Board of Commissioners, to be effective as of the day and year first above written.

CONSULTANT:

CELL TOWER SOLUTIONS, LLC

By: _____

Name: _____

Title: _____

CLIENT:

Spalding County

By: _____

Name: _____

Title: _____

SCHEDULE A

Fees for Services

Cellular Communications Towers: Tower: \$250 Carrier: \$1000 (Ex: Three-carrier tower is billed \$3,250)

Broadcast Towers: \$1,000 for first radio or TV tenant on tower. Additional broadcast companies \$500 each.

Agricultural Towers: \$100/tower and \$100 for each subscriber.

CTS agrees to bill a maximum of \$79,500 for cell/broadcast towers. In the event fewer sites are found in the broadcast/cellular categories, then it will be billed at the actual value under the cap.

Schedule B

Cell Tower Solutions Protocol

Provide Addresses and access information

Cell Tower Solutions (CTS) will provide the county with a master list of FCC registered tower addresses. The county will, to the best of their ability, match tower locations and addresses with the addresses shown in the county property system. Where possible the county will provide LAT/LONG information and access information to the sites (keys, times of site

operation if on business location, or owner's name and contact information to obtain access.)

Audit Notification Letter

The county may choose to use a CTS model letter to notify the taxpayer that an audit is planned in your community or their own. The assessing department is responsible for sending the letter out to individual taxpayers at least one week before the site audits are scheduled to commence.

Cell Tower and Wireless Audit

CTS will audit each site designated by the county and any other sites that they mutually agree would be beneficial to visit. Decisions to include/exclude from the audit rest with the County Assessor. Sites that are excluded will not be billed to the county.

The audit process includes a physical inspection of all the property visible on site. This includes the tower, buildings, cabinets, generators, fencing, and all other property that is deemed personal/tangible under state department of revenue guidelines.

For equipment that is not accessible in buildings or cabinets, CTS will use knowledge of the configuration, electronic information, and other data to ascertain the correct values.

The assessing department is welcome to send staff to sites to ask questions and receive instruction on the construction and operation of cell sites.

Carrier address/account reconciliation

Wireless site addresses are incorrect as much as 70% of the time. These addresses are not used internally and are prone to error. CTS, county appraisal, GIS, and code enforcement staff will work to reconcile these addresses. Each site will then correlate the correct county account number and county addresses. In the event addresses are unable to be correlated, the carrier will be contacted to provide additional address information and preferably, the LAT/LONG coordinates. These addresses will be added into the Master Data Sheet.

Cell Tower Reports

The cell tower reports sent to the county will include the value of each site audited. Each report will be broken out between the tower and the carriers. These values are based on the original cost basis for each piece of equipment. In addition, each report will carry the useful life this equipment has in real world application. Each state laws vary on the classification categories, it is the responsibility of the assessor to group the equipment into the best matching categories. CTS will give advice and guidance in choosing the most accurate category.

Using the taxpayer returns, CTS will work with the assessor to ascertain the most accurate dates for the equipment on site. Where the returns do not include accurate dates, CTS and the assessor will work to apply the equipment to the most accurate acquisition year based on the model and type of equipment used in that generation.

Data Entry into the Appraisal System

It is the responsibility of the appraisal department to enter the correct original cost, date of acquisition, and category into the appraisal system. CTS will provide onsite technical support during this process, as needed, to assure the property is properly classified and entered into the system. CTS is unable to enter data directly into the system due to both logistic and legal requirements, but we will work to assure all questions are dealt with.

Notices to Taxpayers

The county is responsible for sending revised notices to taxpayers.

Appeals

In the event the values are appealed by the carriers/towers, CTS will represent the county to bring a resolution. Typically, we are able to resolve most through emails and phone discussions. In the event we need to meet with the taxpayer, we will usually meet with in the county assessor's office with assessing staff present.

If the appeal were to go to an Equalization board, CTS will be available to present and answer questions before the board. Although we expect it will be unlikely, we would also be available to represent the county as an expert witness in terms outlined in the contract.

Initial

Motion/Second by Ray/Johnson to approve the agreement with CellTower Solutions to assist the Tax Assessors office in discovery of cell towers and cellular equipment located at wireless communications facilities within Spalding County. Motion carried unanimously by all.

7. Consider approval of contract for Instructor to provide required GDOC courses to inmates at the Spalding County Correctional Institution as recommended by Warden Sikes.

Mr. Wilson advised that the current individual who had been trained and approved by the Georgia Department of Corrections has notified the Warden that she is moving out of state. The Warden approached the Georgia Department of Corrections and asked for recommendations of someone who is certified and approved by the DOC to teach the courses. Warden Sikes has located an individual who is qualified and has the certification to teach these required courses. This individual will be compensated at the same rate as the departing instructor that being \$1,200 per month and the individual will teach all of the required courses to the inmates at the Correction Institute. Mr. Wilson stated that this is a budgeted expense.

Contract for
Services

Correctional Institution
Instructor

This Agreement is made and entered into this _____day of October, 2014, by and between the Board of Commissioners of Spalding County, Georgia, hereinafter referred to as "County" and Darrell C. Reid, hereinafter referred to as "Instructor." It is agreed as follows:

1. The County shall pay the Instructor \$1,200.00 per month for services outlined in Exhibit A. The Instructor shall submit to the County a monthly invoice showing the dates, classes and attendees for each class. The Instructor will invoice the County by the third business day of each month for the prior month's services.
2. The Instructor is an independent contractor. Nothing in this Agreement shall be construed to make the Instructor either an Agent or an Employee of the County. The Instructor is responsible for meeting all standards required by the Georgia Department of Corrections to provide the services outlined in Exhibit A.

3. This Agreement shall be in effect for a period commencing October 2, 2014 and ending June 30, 2015. The Agreement will automatically renew for one-year periods commencing July 1, 2015 unless the Instructor or the County gives written notice to the other party of intention not to renew thirty (30) days prior to the expiration of the Agreement then in effect.

4. This Agreement may be terminated by either party with or without cause upon sixty (60) days written notice to the other party.

In witness whereof, the County and the Instructor have hereunto signed and executed this

Agreement on the date first written above.

BOARD OF COMMISSIONERS
OF SPALDING COUNTY

DARRELL C. REID

ATTEST:

COUNTY CLERK

EXHIBIT A

The Instructor agrees to provide classroom instruction as needed to inmates in the Spalding County Correctional Institution.

The Instructor agrees to provide classroom instruction for the classes identified below:

1. Matrix Early Recovery
2. Matrix Relapse Prevention
3. Re-Entry
4. Motivation For Change
5. MRT (Moral Reconnection Theory)

The County and the Instructor acknowledge that the classes and content are established by the Georgia Department of Corrections and are subject to change at the discretion of the Georgia Department of Corrections.

Motion/second by Johnson/Ray to approve contract for Instructor to provide required GDOC courses to inmates at the Spalding County Correctional Institute as recommended by Warden Sikes.

Commissioner Flower-Taylor then asked what courses would the individual be teaching at the CI.

Mr. Wilson advised that the instructor will be teaching courses in Matrix Early Recovery, Matrix Relapse Prevention, Re-entry Motivation for Change, Moral Reconnection Theory and will be teaching GED classes. These courses are all Department of Corrections mandated training that the inmates must complete to qualify for release.

Motion carried unanimously by all.

8. Consider approval on first reading of an amendment to the Code of

Spalding County, Part VII Motor Vehicles and Traffic, Chapter 1 General Traffic Regulation, Section 7-1014 Speed Limits in Subdivisions by adding additional subdivisions to the ordinance.

Mr. Wilson stated that in 2006, 2007 and 2008 when subdivision were being developed in the county the board of commissioners adopted an ordinance setting a speed limit of 25 miles per hour for any subdivision that was deeded to the county. At that time, we thought that we had a complete listing of subdivision; however, we have discovered that there were approximately 24 subdivisions that were not included as part of this ordinance. This amendment will add the 24 additional subdivisions to the 18 currently contained in the ordinance.

SPALDING COUNTY, GEORGIA
TRAFFIC REGULATION ORDINANCE
ORDINANCE NO. 2014-06

AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR SPEED LIMITS IN SUBDIVISIONS.

BE IT RESOLVED AND ORDAINED, by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

That the code of Spalding County be amended in Part VII Motor Vehicles and Traffic, Chapter 1 General Traffic Regulation, Section 7-1014 Speed Limits In Subdivisions, by adding the following subdivisions to the existing list of subdivisions contained in the code:

Birdie Road Estates
Cedar Hills
Cody's Plantation
Cross Creek
Deer Creek
Hudson Industrial Park
Hughley Dairy
Huntington South
Ivory Place (aka Oak Grove)
John H. Nichols
Lake Park Commons
Maloy Estates
Morris Estates
Nottingham Estates
O.N. Mathis
Quail Hollow
Seven Forks
Shady Hills
Sherbrooke Woods
Turtle Tracks
Westridge (aka Sassafras)
Will's Walk

That the within ordinance shall become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia, present at two meetings, as provided by Section 2-1005 of the Code of Spalding County, Georgia, and upon erection of speed limit signs as required herein by the public works forces of Spalding County, Georgia.

All ordinances, or parts of ordinances, in conflict herewith are repealed.

Approved on first reading this fifteenth day of September, 2014.

Approved on second reading this sixth day of October, 2014.

Samuel C. Gardner, Chairman

William P. Wilson, Jr., County Clerk

Motion/Second by GFT/Miller to approve on fist reading an amendment to the Code of Spalding County, Part VII Motor Vehicles and Traffic, Chapter 1 General Traffic Regulation, Section 7-1014 Speed Limits in Subdivision by adding additional subdivision to the ordinance. Motion carried unanimously by all.

9. Consider approval on first reading of an amendment to Code of Spalding County Laws of Local Application, Part VII - Motor Vehicles and Traffic, Chapter 1 - General Traffic Regulations, Section 7-1013 Authorization of motorized carts.

Jim Fortune, County Attorney, advised that our ordinance currently reads that an individual who has a learner's license could operate a golf cart if they had another licensed driver in the cart with this. Unfortunately, this did not preclude a 16 year old with a valid license accompanying the individual with a learner's license. We reviewed this and thought the age of the licensed drive should mirror the state law; therefore we are amending the ordinance to mirror state law allowing an individual with a learner's permit to operate a golf cart, but they will have to be accompanied by a licensed driver 21 years of age or older.

**SPALDING COUNTY, GEORGIA
TRAFFIC REGULATION ORDINANCE
ORDINANCE NO. 2014-07(4)(b)
OPERATION REGULATIONS (b).**

RESOLUTION TO AMEND SECTION 7-1013 (4)(b) OF THE SPALDING COUNTY CODE OF ORDINANCES BY STRIKING SAME IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

Sec. 7-1013 (b).

Any person over the age of fifteen (15) years, but not yet sixteen (16) may operate a motorized cart over the recreation paths or streets in those areas in which such operation is permitted by this section, if the operator has a valid instructional permit pursuant to O.C.G.A. § 40-5-24 within their possession, the operator must be accompanied by a person over the age of twenty-one (21) years who holds a valid driver's license; is not impaired from operating said motorized cart and is seated in the front seat of the motorized cart.

All other provisions of the law remain in full force and effect.

IT IS SO RESOLVED THIS _____ DAY OF OCTOBER, 2014.

SPALDING COUNTY BOARD OF COMMISSIONERS

Samuel C. Gardner, Chairman

William P. Wilson, Jr., County Clerk

Motion/Second by Ray/Johnson to approve on first reading an amendment to Code of Spalding County Laws of Local Application, Part VII - Motor Vehicles and Traffic, Chapter 1 - General Traffic Regulations, Section 7-1013 Authorization of motorized carts. Motion carried unanimously by all.

10. Consider renewal of County Manager's employment contract for the 2015 Calendar Year.

Motion/Second by Ray/Johnson to renew the County Manager's employment contract for the 2015 Calendar Year. Motion carried unanimously by all.

11. Commissioner Flowers-Taylor would like to discuss the Griffin Housing Authority Partnership, Land Bank ownership of homes in need of demolition and the aesthetic additions requested to be included in the minimum housing code.

Commissioner Flowers-Taylor stated that Mr. Bob Dull came to the board and stated that the Griffin Housing Authority would be tearing down several of their properties in order to reconstruct market based housing along with a small percentage of subsidized housing. At that time, he also shared with us that their purview in this area starts at the center of the city and goes out 15 miles in every direction which would include the county. He indicated that they would like to partner with us in regard to several projects that are ongoing.

Commissioner Flowers-Taylor indicated that the project that Ms. Walker-Harps has asked about, Rusenwald School, was one of the projects we were going to partner with the Housing Authority, because they have the right of condemnation, they are able to get rid of blighted houses without going through the process that the county has to go through with the two year waiting period. The Housing Authority has access to federal government funds as well as state funds, they have the ability to levy grants. They have the money to help with the trails and parks and they have the money to do these projects. Commissioner Flowers-Taylor indicated that we never got back with them on partnering and she feels it would be advantageous for the county to partner with this entity.

Commissioner Flowers-Taylor stated that there is an issue with properties currently owned by the Land Bank. She stated that she has had numerous complaints from different residents about properties on North Hill Street that are left wide open, properties in the Bleachery area that are dilapidated. There are two houses that sit next to each other on Sixth Street in East Griffin, one has a tree growing up through the roof on the house and the other has debris and trash in the yard

and overgrown bushes around it. When Chad Jacobs check on the ownership for those houses, it was discovered that they belong to the Land Bank Authority. All of these houses are wide open, if there was anything in them worth taking, it is gone. These houses are just the shells and are serving as a den for crime and a haven for the homeless and illegal activities. In addition, the pests and insects that are bred in these abandoned houses make their way onto the surrounding properties causing problems.

Commissioner Flowers-Taylor asked for the board to come up with some type of relief for the neighbors of these affected properties.

Commissioner Flowers-Taylor stated that at the time the board passed the minimum housing code requirements several years ago, there had been a discussion surrounding minimum yard standard requirements. She further stated that the City of Griffin has requirement that if the grass in your yard is over 18" tall you are issued a warning, then if action is not taken within a certain period of time, a citation is issued to the property owner. Commissioner Flowers-Taylor stated that she is concerned because in the county, especially in her district, people have all kinds of stuff on their front porch. According to Mr. Jacobs, the ordinance states that as long as the windows are not blocked and the door is not block that they are in compliance with the ordinance.

Commissioner Flowers-Taylor requests that the minimum housing code be amended to improve aesthetics of the homes in the county by providing some control over upkeep of yards and debris that can be scattered in yards and on the porches of homes.

Mr. Wilson stated that Mr. Galloway could not be present at the meeting this evening to address these matters; however, he will be at the Zoning Public Hearing. Mr. Wilson advised that Mr. Galloway is going to finish up the minimum housing code ordinance. Mr. Wilson did state that they are having some problems with staffing at the Land Bank Authority and that he will get with Mr. Dull about possible county membership or what we need to do to get involved with the Housing Authority.

XI. REPORT OF COUNTY MANAGER

1. Introduced Kayla Smith, who will be interning in the Community Development Department. Ms. Smith is majoring in Public Policy and is currently a senior at the Andrew Young School of Policy Studies. She is interning with the county as part of her studies and requirements for graduation.
2. Spalding County has been notified that the Smithsonian is going to have a museum on main street travelling exhibition that is entitled "Home Town Teams: How Sports Shape America." The Spalding County Parks and Recreation Department has been talking with the Board of Directors at the Athletic Hall of Fame. We would submit an application to host this exhibition at the Athletic Hall of Fame in Spalding County. This went before the Park and Rec Advisory Board last week and they did approve moving forward with an application. Mr. Wilson stated that he had contacted Kenny Smith and Curtis Jones and they have both agreed to assist in any way that the City and the Board of Education can possibly help.
3. The Board of Commissioners was sent an email regarding ARC Representation. As you know Chairman Gardner will not be here in

January to attend the ARC meeting and we need to start thinking about who on the commission would have the necessary time to attend these meetings and functions. This is to remind you that this is coming up and this is something that we need to be considering.

4. The Community Development Department contacted staff to advise that the Zoning Public Hearing dates actually fall on the Thanksgiving and Christmas holidays and need to be changed. Mr. Wilson advised that if we have agenda items for those hearings we have historically had only one meeting in the months of November and December and had both the Board meeting and the Public Zoning meeting on the same date. If it is okay with the Board we will plan to change the Public Zoning Meeting to the same night as the Board of Commissioners meeting, the first Meeting in November and first meeting in December.

Consensus of the board was to move the Public Zoning Meeting to the first meeting of the month in November and first meeting of the month in December.

5. We received an invitation to Annual Kiwanis Barbeque to kick off the Fair is scheduled for Wednesday, October 1, 2014 at noon at the Kiwanis of Griffin Center located at the Kiwanis Fairgrounds.
6. The next Zoning Public Hearing is scheduled for September 25th at 6:00 p.m., we have 8 items on the agenda, two of those items were from the meeting last month that was cancelled. Mr. Wilson asked if everyone would be able to make the zoning meeting. Commissioners Flowers-Taylor, Ray and Miller indicated that they would be in attendance.
7. The final item deals with the Clerk of Court and the Board of Equalization. We receive a letter from a gentleman who serves on the Board of Equalization concerning his payment for serving on that Board. According to the letter, he has not received payment for May, June or July. Mr. Wilson stated that he had personally spoken with the Clerk of Court and had received her assurance that it would be taken care of that very day; however, to this date the payment has not been requested. Mr. Wilson asked the Board how they would like for him to address the issue.

Commissioner Flowers-Taylor stated that she saw the letter that had been sent to the Clerk of Court and she agreed that not paying the Board of Equalization Members was not the thing to do; however, the Clerk of Court is a constitutional officer, elected by the people of the county and her boss is the Governor of the State of Georgia. Therefore, the complaint should be made with the Governor's office and not with the Board of Commissioners.

Commissioner Johnson asked the County Attorney what he would recommend.

Mr. Fortune stated that the Clerk of Court is a Constitutional Officer and he confirmed that the Board of Commissioners could not make her do anything. The individuals who are owed money could bring a mandamus action, but the board cannot do it for them. There may be a Clerk of Court Association that could assist in this request. The only recourse these people would have is to band together and issue a writ of mandamus in order to get paid.

XII. REPORT OF COMMISSIONERS

Commissioner Miller thanked Mr. Wilson for the list of roads for resurfacing and paving. Commissioner Miller was not happy that Vaughn Road was not on the list as it is a highly traveled road and it is really in bad shape. Covington Road is not on the dirt road list either.

Mr. Wilson suggested that since the SPLOST is a pay as you go that the county re-evaluate the ranking list for both the resurfacing and dirt roads as well.

Commissioner Miller stated that Malloy Road where it intersects SR16, there is a sharp curve and hill there and you cannot see. If there is something that could be done in clearing off the side of the road, it would be a big help.

Mr. Wilson asked Commissioner Miller to bring this up to Jack Reed at the GSATC meeting on Wednesday and Mr. Wilson will follow it up with an email.

Commissioner Flowers-Taylor stated that she was glad the board could do the proclamation for the East Side reunion. A lot of the people who lived there at that time are in their 80's and 90's. It was an area of the county where the African American population actually flourished.

Commissioner Flowers-Taylor asked if the county had received the right-of-way for Pineview.

Mr. Wilson confirmed that we actually have all of the right-of-way for Pineview.

Commissioner Flowers-Taylor stated that she had received a complaint from Mr. Drury on Northside Drive, there is no street striping on Northside Drive. He also stated that people have a tendency to speed through the area and this may be something that we want to talk to the Sheriff about reducing the speed limit on that road.

Commissioner Flowers-Taylor then wanted to know why we couldn't provide our kids the use of the bus for their football games out of town. She wanted to look at raising money to come up with some means of transportation for Spalding County leagues to travel out of town.

Commissioner Flowers-Taylor also stated that the utility costs have risen for the Animal Shelter since the air conditioning system has been installed. She wanted to know if the old gas chamber that currently is not being used and takes up a huge amount of space could be removed and the steel from the unit could be recycled and the money go toward the paying the utility cost for the shelter.

Commissioner Flowers-Taylor also expressed her concern over the fact that the citizens of Spalding County are still are not aware that we have buses available. She also wanted to know if the buses could be utilized to carry the teams to their out of town games.

Commissioner Flowers-Taylor then addressed the matter of the Public Works Personal Grooming Policy and stated that she felt that it was far reaching and if it was going to be adopted, it should be adopted county wide. She asked the County Manager to get with the HR Director on this Department's Policy.

Commissioner Johnson wanted to remind everyone that the intergovernmental retreat is coming up in October. It is one that the County, the cities, the Board of Education and Chamber of Commerce will be meeting and she is looking forward to it.

Commissioner Ray asked that everyone keep the Monroe County Sheriff's Department in their thoughts and prayers as well.

He wanted to thank William Wilson for everything that he does for the County.

Commissioner Ray wanted to remind everyone that the Fire Department will be hosting a golf tournament this Thursday and the funds raised will go to purchase toys for children in Spalding County who may not have Christmas if not for this effort on the part of the fire department every year.

Chairman Gardner wanted to thank all of the County employees for all they do every day for the citizens of our community.

XIII. CLOSED SESSION – None.

XIV. ADJOURNMENT

***Motion/Second by Miller/Ray to adjourn at 7:40 p.m.
Motion carried unanimously by all.***

/s/ Samuel C. Gardner
Chairman

/s/ William P. Wilson, Jr.
County Clerk