



**EXTRAORDINARY SESSION**

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, January 22, 2001 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Dick Morrow, Johnie McDaniel and Michael Kendall present. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

**Agenda Topics**

- I. OPENING (CALL TO ORDER) – Chairman Massengale**
- II. INVOCATION - Rev. Randy Valimont**
- III. PLEDGE TO FLAG – Led by County Manager Wilson.**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – n/a**
- V. PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of Financial Statements for the Six Months Ended December 31, 2000. Ms. Jinna Garrison was present to answer any questions the Board might have. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the Financial Statements were unanimously approved by a vote of 5-0.*

**VI. CITIZENS COMMENTS**

1. Ms. Joyce Hollis is present to discuss the re-opening of West Poplar Street to State Highway 16. Ms. Joyce Hollis gave her address as 1924 West Poplar Street and stated that she and her family live at the Highway 16 side of West Poplar Street and they requested that West Poplar Street be re-opened. She said that closing this street would create a dangerous and unsafe environment for their families. She said that cars are coming down to her house and turning around in her yard at all times of night. She also said that the only entrance and exit they have now is to get on Highway 16, which is a very dangerous intersection. She said that their children were having to be taken to school because no place was left for a school bus to turn around. She said closing this street is not progress for Spalding County. She asked the Board to reconsider their decision to close West Poplar Street.

2. Sheriff Stewart and Major Potter would like to address the Board concerning conditions of the Law Enforcement Complex. Sheriff Stewart commented that when they took office on December 31<sup>st</sup> at 12:01 a.m. the Sheriff's office as well as some of the department heads offices were in complete shambles. He presented pictures to the Board showing the disarray. There was trash all over the floor, furniture, the Sheriff's desk and bookshelves. Mr. Stewart stated that they had let pets run inside the Sheriff Department and there were stains and some type of bad odor, possible from animals present in the carpet and furniture. Mr. Stewart also commented that there was a clear plastic sack left in the drawer in his office which were identified as drugs and an incident report was made and the drugs were turned over to the Sheriff's Narcotic Division. It was noted that Major Jordan's office was left neat and clean.

Major Potter stated there were keys missing to the offices, tags missing from the keys, computers tampered with or crashed. There were also vehicles not running and lights had been left on to drain the battery.

Commissioner Kendall asked if they had discussed with the District Attorney calling a special session of the Grand Jury to investigate this matter. He said that the citizens of the community are entitled to know what happened and the people who did it are entitled to get prosecuted. Sheriff Stewart stated that they had talked with the District Attorney and the GBI and got some points and will get back with him later. Sheriff Stewart stated that he was having an internal affairs investigation led by Lt. Mike Ray and Capt. Dan Green.

Commissioner Martha McDaniel asked Sheriff Stewart if he had a cost of how much it will take to get things back in order, such as retrieving files from computers. The Sheriff said that he did not at present but would bring a report when they had a cost.

Major Greg stated that they had a constitutional audit done at the time of transition, which is standard. Ms. Jinna Garrison did the audit of the financial statements and accounts and we used an independent audit firm out of Macon.

## **VII. PUBLIC COMMENT**

Ms. Ferencia Mathis, 1922 West Poplar Street, spoke regarding the closing of this street and presented a petition to the Commissioners from individuals in different parts of the County. She agreed with the statements her daughter had made previously and asked that the Board reconsider and keep the road open. She said that anytime you close a paved road you are stopping progress.

Mr. John Kelley, 2500 West Ellis Road, asked the Board to reopen West Poplar Street. He said that he knows it is expensive and possibly there might be some cheaper way to do the culvert and suggested checking with other engineering facilities. He said that he feels that it is important to keep our county roads open even though we have infrastructure problems.

Mr. Allan McCallum, 2831 Williamson Road, Williamson, GA, stated that he feels we are sending out a poor message to the residents of this County when we close roads when we do not have the money to fix them.

## **VIII. MINUTES**

1. Consider approval of the minutes for the meeting of January 8, 2001. Commissioner Morrow asked that one correction be made to the minutes, which was changing Blanton Bill Road to Blanton Mill Road in the Citizens Comment Section. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow minutes were unanimously approved by a vote of 5-0 with correction.*

## **IX. CONSENT AGENDA**

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the Consent Agenda was unanimously approved by a vote of 5-0.*

1. Consider at second reading an ordinance to amend the Spalding County Code relative to Alcohol Beverage Ordinance, Section 6-1057, Sub-paragraph 1 and 3.

### **SPALDING COUNTY, GEORGIA ALCOHOL BEVERAGE ORDINANCE SUB-PARAGRAPHS 1 and 3 OF SECTION 6-1057**

#### **ORDINANCE NO. 2001--01**

#### **AN ORDINANCE**

#### **AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, AS AMENDED TO PROVIDE FOR CHANGE RELATING TO CONSUMPTION ON PREMISES.**

**WHEREAS**, the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, is empowered under and by virtue of the Constitution and the Laws of the State of Georgia to provide, and to amend, the Spalding County Code; and

**WHEREAS**, this Board of Commissioners now deems it appropriate and in the best interest of the County of Spalding to amend the Spalding County Alcohol Beverage Ordinance;

**NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED** by the Board of Commissioners of Spalding County, as follows.

**Section 1.** Division 1, Section 6-1057, Article C, Subparagraphs 1 and 3 of the Code of Laws and Ordinances of Spalding County, Georgia should be amended as follows:

BE IT ORDAINED that the Board of Commissioners amends Section 6-1057, by striking in their entirety sub-paragraphs (1) and (3) and substituting in lieu thereof, new sub-paragraphs (1) and (3) and to read as follows:

(1) "At any time on Thanksgiving Day, Christmas Day or Sunday; or"

(3) "On any day between 2:00 a.m. and 10:00 a.m. provided, however, that each licensee hereunder shall close his place of business by midnight each Saturday. However, no licensee hereunder shall open his place of business prior to 7:00 p.m. on any day in which an election is being held within the unincorporated area of Spalding County."

**Section 2.** This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia.

**Section 3.** All ordinances and parts of ordinances in conflict herewith are repealed.

2. Consider at second reading of an Amendment to the Official Zoning Ordinance and Official Zoning Map of the following:

- **Rezoning Application #00-31Z:** Stephen and Sue Durham, Owners, Ronnie Tiller, Construction Agent, Zebulon Road, 1.227 acres, AR-1 to C-1.

**IN RE:**

**APPLICATION OF RONNIE TILLER CONSTRUCTION  
AND STEPHEN AND SUE DURHAM  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 00-31Z**

**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 "AR-1, Agricultural and Residential;"

WHEREAS, Ronnie Tiller Construction and Stephen and Sue Durham, applicants, 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 October 27, 2000;

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 December 21, 2000, 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 containing 1.227 acres situate, lying and being in Land Lots 105 and 120 of the Second Land District of originally Monroe, now Spalding County, Georgia, and being more particularly described as BEGINNING at a point on the Spalding County and Pike County line at the intersection of Land Lots 105 and 120 in Spalding County, and Land Lots 104 and 121 in Pike County, and running thence North 86 degrees 39 minutes 53 seconds West, and along the South original land lot line of Land Lot 105, 144.47 feet to an iron pin on the southeasterly margin of Georgia State Route No. 3; thence North 43 degrees 28 minutes 47 seconds East and along the southeasterly margin of Georgia State Route No. 3 a chord distance of 234.42 feet to a point; thence continuing along said southeasterly margin North 41 degrees 59 minutes 37 seconds East, 55.30 feet to an iron pin; thence South 50 degrees 0 minutes 21 seconds East, 372.46 feet to a 4 inch concrete monument on the South original land lot line of Land Lot 120; thence North 86 degrees 39 minutes 53 seconds West and along the southerly land lot line of said Land Lot 120, 340 feet back to Point of Beginning.

From "AR-1, Agricultural and Residential" to "C-1, Highway Commercial" District.

Section 2:

(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 January 22, 2001, 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 those tracts or parcels of land situate lying and being in Land Lots 105 and 120 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 1.227 acres, zoned C-1.

(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 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.

3. Consider recommendation of HDR/WL Jorden to award contract for Wyomia Tyus Olympic Park Phase III, Baseball Entrance Road and Parking to low bidder, Hill Construction Co. in the amount of \$514,383. Amount budgeted \$660,000. **Reference Contract #01-01-22(A).**

**X. OLD BUSINESS**

1. Consider appointments to Boards, Authorities and Commissions.

**A. APPOINTMENTS BY THE BOARD OF COMMISSIONERS:**

1. Spalding County Planning Commission

- a. Post 1 to succeed Jimmy Hodo, Four-year term to expire 12-31-04 – **Commissioner Kendall appointed Mrs. Delores Phillips to this seat representing District #1.**

3. Spalding County Library Board of Trustees

- a. To succeed Barbara Jo Cook, Four-year term to expire 12-31-04
- b. To succeed Elizabeth Whitlock, Four-year term to expire 12-31-04

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel **Barbara Jo Cook and Elizabeth Whitlock** were unanimously reappointed.*

4. Spalding County Personnel Appeals Board

- a. To succeed Christine James-Brown, Three-year term to expire 12-31-03

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow **Christine James-Brown** was unanimously reappointed.*

5. Griffin-Spalding County Hospital Authority

- a. To succeed Bonnie Pfrogner, Four-year term to expire 12-31-04

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow **Bonnie Pfrogner** was unanimously reappointed.*

6. Butts, Henry, Lamar & Spalding County Development Authority

- a. To succeed Martha McDaniel, Three-year term to expire 12-31-03

*Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel **Martha McDaniel** was unanimously reappointed.*

7. Community Service Board for Mental Health, Mental Retardation and Substance Abuse

- a. Vacant, Two-year term to expire 03-01-02 - Tabled

8. Regional Mental Health, Mental Retardation & Substance Abuse Board

- a. A Three-year term to expire 7-31-02 - Tabled

9. Community Relations Council

- a. Post #1, To succeed Fred Edwards, III, One-year term to expire 12-31-01 - **Tabled**
- b. Post #2, To succeed Sylvia Hollums, One-year term to expire 12-31-01 – *Commissioner Martha McDaniel appointed **Ruth Daniel** to represent District #2.*
- c. Post #3, To succeed Ruth Daniel, One-year term to expire 12-31-01- **Tabled**

14. Local Law Enforcement Block Grant Advisory Commission

- a. Bill McBroom (Prosecutor's Office), One-year term to expire 12-31-01
- b. Fred Roney (Court System), One-year term to expire 12-31-01
- c. Tootsie Powers (School System), One-year term to expire 12-31-01
- d. Marvin Brooks (Private Sector), One-year term to expire 12-31-01

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow **Bill McBroom, Fred Roney, Tootsie Powers and Marvin Brooks** were unanimously reappointed.*

15. Griffin-Spalding Area Transportation Planning Coordinating Committee

- a. To succeed Bill Westmoreland, One-year term to expire 12-31-01

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow **Bill Westmoreland** was unanimously reappointed.*

- b. To succeed Dr. William Nesbitt, One-year term to expire 12-31-01- **Tabled**

2. Consider at second reading of Amendment to the Official Zoning Ordinance and Official Zoning Map of the following:

- **Rezoning Application #00-28Z:** John T. Bolton and William L. Evans, Owners, Reese Builders and Developers, Inc. Agent—Carver and Moreland Road, 146.35 acres, AR-1 to PDD.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Rezoning Application #00-28Z was approved by a vote of 3-1-1 with Commissioner Morrow voting against the motion and Commissioner Kendall abstaining due to conflict of interest as his wife owns property in this area.*

**IN RE:**

**APPLICATION OF REESE BUILDERS AND DEVELOPERS, INC.  
AND JOHN T. BOLTON AND WILLIAM L. EVANS  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 00-28Z**

**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 “AR-1, Agricultural and Residential;”

WHEREAS, Reese Builders and Developers, Inc. and John T. Bolton and William L. Evans, applicants, applied for a change in zoning classification to be applied to the within described property to “R-2, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on September 29, 2000;

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 December 21, 2000, 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 lying and being in Land Lot 88 of the 2<sup>nd</sup> District of Spalding County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the South line of Land Lot 88 and the Westerly Right-of-Way line of Carver Road (80' R/W), thence along said Land Lot line North 89 degrees 06 minutes 55 seconds West a distance of 964.81 feet to a point, thence North 89 degrees 58 minutes 40 seconds West a distance of 201.25 feet to a point, thence North 89 degrees 59 minutes 35 seconds West a distance of 405.24 feet to a point, thence North 89 degrees 53 minutes 00 seconds West a distance of 209.04 feet to a point, thence South 89 degrees 29 minutes 45 seconds West a distance of 189.91 feet to a point, thence North 89 degrees 55 minutes 30 seconds West a distance of 965.81 feet to a point, thence North 1 degree 37 minutes 00 seconds West a distance of 719.57 feet to a point, thence North 0 degrees 03 minutes 05 seconds West a distance of 1954.25 feet to a point on the South Right-of-Way line of Moreland Road (100' R/W), thence along said Right-of-Way line South 89 degrees 10 minutes 30 seconds East a distance of 1362.16 feet to a point, thence South 89 degrees 52 minutes 10 seconds East a distance of 530.34 feet to a point on said Right-of-Way line, thence South 0 degrees 03 minutes 30 seconds East a distance of 999.99 feet to a point, thence South 89 degrees 49 minutes 49 seconds East a distance of 190.18 feet to a point, thence South 0 degrees 02 minutes 06 seconds East a distance of 500.00 feet to a point, thence South 89 degrees 49 minutes 49 seconds East a distance of 900.00 feet to a point on the Westerly Right-of-Way line of Carver Road (80' R/W), thence along said Right-of-Way line South 0 degrees 20 minutes 30 seconds West a distance of 317.78 feet to a point, thence South 0 degrees 53 minutes 40 seconds West a distance of 192.79 feet to a point, thence South 1 degree 50 minutes 10 seconds West a distance of 654.33 feet to the point of beginning.

Said tract containing 146.35 acres.

From "AR-1, Agricultural and Residential" to "PDD, Planned Development" 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) This property shall be used for Single-Family Residential use only, with the sole exception of any amenity areas, common areas, parks or greenspace that are created and maintained for the benefit of the community.
- (b) Minimum heated square footage area of homes located on this property shall be 1,500 (one thousand five hundred) square feet, with the exception of lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 258, 259, 260, 261, 262, 263, 264, and 265 which shall have single-family homes constructed upon them of not less than 1,750 (one thousand seven hundred fifty) heated square feet.
- (c) No more than 275 (two hundred seventy five) homes shall be constructed on the property subject to this rezoning. Lots 1, 93, 108, 109, 180, 266, 282, and 283 shall not be developed. These lots shall be reserved for parks or landscaping as part of the subdivision entryway.

- (d) All homes constructed shall have 8:12 minimum roof pitch, unless an architectural design approved by the developer cannot be built with an 8:12 roof pitch.
- (e) Subdivision shall feature a main-entry boulevard with a 50 (fifty) foot landscaped median that shall serve as a linear park.
- (f) Sidewalks shall be constructed on both sides of interior residential streets.
- (g) Streetlights shall be installed, with maintenance and operations per the provisions of the Spalding County Streetlight Ordinance.
- (h) All streets shall feature curb and gutter construction, with the sole exception of the linear park areas featured along the main entry boulevard.
- (i) All driveways shall be paved, and all homes shall have garages.
- (j) All homes shall have brick, stone, or masonry stucco accents on their front elevation.
- (k) All lots developed shall have minimum of 4 (four) trees each.
- (l) All lots developed shall have sodden front yards.
- (m) All lots developed shall be served by underground utilities.
- (n) All detention facilities shall be landscaped.
- (o) A Property Owners Association (commonly known as a Homeowners Association or HOA) shall be created to serve the subdivision. Membership in the POA (HOA) shall be mandatory for all property holders in said subdivision.
- (p) Entire tract shall be buffered on the west and north sides by a combination of a landscaped buffer and/or berm. Where possible, developer agrees to create landscaped berms.
- (q) An amenity area shall be created to serve members of the POA (HOA).
- (r) Developer shall dedicate an easement of not less than 10 (ten) feet in width for public access from the subdivision to adjacent property owned by the Griffin-Spalding County Board of Education.
- (s) A Master Plan, as defined in Section 1704(B) of the Zoning Ordinance of Spalding County, shall be submitted for review. Master Plan shall be submitted no later than February 15, 2001. The Zoning Administrator shall determine compliance with these provisions.
- (t) Developer shall comply with Development Criteria enumerated in Section 1706 of the Zoning Ordinance of Spalding County. Development Criteria shall be submitted no later than February 15, 2001. The Zoning Administrator shall determine compliance with these provisions.

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 January 22, 2001, 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 those tracts or parcels of land situate lying and being in Land Lot 88 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 146.35 acres, zoned PDD, 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.

3. Consider revised contract with TransStar for Public Transportation Program. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following contract was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

**THIRD PARTY OPERATOR AGREEMENT  
SERVICE AGREEMENT**

**FOR OPERATION OF  
SPALDING COUNTY PUBLIC TRANSIT SYSTEM**

**BETWEEN THE  
BOARD OF COMMISSIONERS OF SPALDING COUNTY**

**AND**

**TRANS STAR**

**PREAMBLE**

This Agreement is made and entered into this 1st day of January, 2001 by and between the Board of Commissioners of Spalding County hereinafter referred to the "COUNTY" and Trans Star, hereinafter referred to as "TPO"; and shall terminate on the 31st day of March, 2001 unless terminated earlier under other provisions of this agreement.

WHEREAS, the purpose of the Agreement is to provide for a cooperative agreement between the COUNTY and TPO for the operation of public transportation services, the COUNTY, as the governing bodies, are authorized under the Official Code of Georgia Annotated Title 32 to provide directly or through agreement with other parties, public transportation services. The TPO has presented itself as a ready, willing and able provider duly authorized by the Georgia Business Corporation Code and appropriately qualified to enter into a service agreement with the COUNTY for the purpose of operating public transportation services; and

WHEREAS, because of mutual benefits and interest in providing public transportation services in Spalding County the following Agreement is agreed by and entered into between the parties:

NOW, THEREFORE, the parties agree as follows:

**ARTICLE I**

**TERM OF AGREEMENT  
TERMINATION PROVISIONS  
AND ATTACHED DOCUMENTS**

1. **Engagement:** The third party operator (TPO) is retained and engaged by the counties for the purpose of operating a 49U.S.C. 5311 public transportation program.
2. **Term of Agreement:** The term of agreement shall be from January 1, 2001 through March 31, 2001, unless terminated earlier per the provisions of this agreement.
3. **Termination of Agreement:** The COUNTY or TPO reserves the right to terminate this Agreement for convenience upon 60 (sixty) days written notice to the other party or may terminate immediately for cause.
4. **Attached Documents:** Documents incorporated into this Agreement are the agreement between the Spalding County and the Georgia Department of Transportation (GDOT) for Section 5311 program reimbursement; and the Program Management Guide for the Section 5311 produced by GDOT.

The language in this contract is controlling; the language of this contract supercedes any conflicting representations or claims made by agents or officers of Spalding County; the sole exception to this clause is rules and regulations stated in writing by Georgia DOT or the Federal Transit Administration pertaining to the FTA Section 5311 program that are in conflict to this agreement. In the case of this exception, Georgia DOT or FTA written guidelines shall apply to the COUNTY and the TPO.

**ARTICLE II**

**SCOPE OF WORK**

### COUNTY RESPONSIBILITIES

#### **Spalding County will provide TPO the following:**

1. Spalding County has designated its County Manager as Authorized Representative to provide centralized administration of the Spalding County FTA Section 5311 rural transit program. The County Manager and his/her designee will administer all billing submitted by the TPO, reimbursement requests to GDOT, monthly programmatic reporting and monitoring (includes financial, operational, and adherence to FTA regulations).
2. Cooperation with TPO as requested during TPO's negotiation of purchase of service agreements with agencies in the service area having transportation needs.
3. The COUNTY will provide up to four (4) vehicles to the TPO to operate under the Spalding County FTA Section 5311 program.
4. The COUNTY will help market the Spalding County transit system. The TPO should be consulted in this aspect of the marketing process.

### TPO RESPONSIBILITIES

#### **TPO shall provide the following for the proper routine management and operation of the Spalding County FTA Section 5311 Public Transit System:**

1. Monthly submission to the Board of Commissioners of Spalding County of all records of ridership by vehicle, by agency, and by county; and revenues by vehicle that result from the operation of all vehicles in the Spalding County Public Transit System, as well as monthly submission to the COUNTY of all records of vehicle service and vehicle maintenance on vehicles owned by the COUNTY.
2. Provide up to 3,750 one-way public passenger trips during the term of this Agreement. The program is to be operated from 6:00 AM to 6:00 PM, Monday through Friday, for the period between January 1, 2001 and March 31, 2001.

In situations where good judgment would dictate, the TPO may suspend operations during a severe weather event. In the event that service is suspended for a severe weather event, the TPO must notify the County Manager in writing within twenty-four hours. The TPO should indicate the reason for suspending service and the anticipated duration of any service suspension.

3. Day-to-day operation of the Transit System and supervision of personnel. As a function of day-to-day operations TPO shall also implement a routing system and management information system using appropriate technologies.
4. The TPO will operate each vehicle owned by the COUNTY according to the attached Terms of Usage as agreed to between the TPO and the COUNTY, to which the vehicle is titled. The TPO will supervise the overall upkeep of the transit vehicle, which includes preventive maintenance, cleaning, repair, and component replacement as necessary.
5. The TPO agrees to indemnify, protect, and save harmless Spalding County Board of Commissioners, the Georgia Department of Transportation, the State of Georgia, the State Tort Claims Trust Fund, and their officers, agents, and employees hereinafter collectively referred to as INDEMNITIES, of and from any and all claims, demands, liabilities, loss, costs or expenses for any loss or damage due to bodily injury or personal injury including death, property damage, worker's compensation benefits, employment benefits, libel, slander, defamation of character, and invasion of privacy, caused by, growing out of, or otherwise on the part of the TPO, its agents, employees, subcontractors, or others working at the direction of the TPO or on its behalf; or due to any breach of this contract by the TPO or due to the application or violation of any pertinent Federal, State, or local law, rule, or regulation by the TPO, its agents, employees, subcontractors, or others working at the direction of the TPO or on its behalf; except where claims of liability arise out of the sole negligence of the COUNTY.
6. The TPO shall defend all lawsuits brought upon the Spalding County FTA Section 5311 rural public transportation program (commonly known as the Spalding County Public Transit System), or any claim related to the aforementioned public transportation program. The TPO agrees to pay in full all costs and

expenses incidental thereto; however, the COUNTY may have the right, at their own expense, to participate in the defense of any suit, without relieving TPO of any obligation.

7. The TPO shall, at its expense, procure a Commercial General Liability Insurance Policy including personal and advertising liability (or Comprehensive General Liability Policy with endorsement to insure contractual liability, broad form property damage, personal injury, personal and advertising liability), and other insurance policies in the amounts as specified with endorsement waiving right of subrogation against the INDEMNITEES and insurers participating hereunder.
8. All wages, salaries, fringe benefits, other employee costs, services, fuels, lubricants, parts, materials, taxes and the expenses required for the performance of this contract shall be supplied and paid for by the TPO. The only reimbursement to the TPO for all expenses incurred in fulfilling the intent of this contract shall be \$6.00 for a one-way passenger trip and \$2.00 paid by the general public for each one way passenger trip. It is further understood and agreed that the COUNTY shall not be responsible or held liable for any increase or decrease in the number of actual one-way passenger trips during the period of performance under this contract which are not addressed.
9. Service expansions or improvements may be recommended by TPO to the Board of Commissioners. It is agreed that the TPO must have written approval from the Board of Commissioners before implementation of expansions or improvements.
10. Permit access to GDOT or any County Manager of the COUNTY during the operating or office hours to review and inspect the System's activities and all records pertaining to the System's operation, including but not limited to daily call logs, personnel records, complaint or work records, financial records, and maintenance logs/records.
11. Proof of certification as a Non-Emergency Transportation Medicaid (NET) provider in Spalding County.
12. Market the Spalding County Public Transit System at the expense of the TPO by working with the COUNTY to utilize media (radio and/or newspapers) and providing literature (brochures, fliers, business cards) to merchants or service providers willing to give display space.
13. Implement strategies to meet the service targets for each vehicle leased to the TPO by the COUNTY.

### **ARTICLE III**

#### **SCOPE OF SERVICES**

##### SERVICES TO BE OFFERED

Services to be offered under this Agreement will be based on response to specific requests (hereinafter "demand response transportation"), within the following parameters:

1. This service (demand response transportation) will be offered only under the terms of this agreement.
2. Demand response service constitutes service with at least 24-hour advance notice. Any advance notice less than 24-hours may be worked into regular schedule when feasible. Demand response service is either subscription service (prearranged to meet the repetitive travel needs of riders) or random service (scheduled sporadically by riders).
3. Service is available to passengers 12 hours a day, five days a week; excluding the holiday and vacation time specified above in Article 11.2.
4. Passenger constitutes any resident of Spalding County and a passenger-trip constitutes transporting one passenger one-way between two locations within Spalding County.

##### OPERATING SERVICE TO BE PROVIDED BY TPO

TPO is to provide all reservations and scheduling functions as outlined in the following:

1. General Tasks - The TPO shall respond to telephone requests from 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, and maintain a daily log record of all telephone calls received.

2. Demand-Response Service Reservation Procedures: TPO shall accept reservations for demand-response service between 8:00 a.m. and 5:00 p.m., Monday through Friday. Reservations should be made one working day in advance of the trip. The dispatcher shall maintain a demand-response reservation log, recording the name, address, and telephone number of the caller and the requested pick-up times and locations for trip origination and all destinations. If the trip can be accommodated, the dispatcher will make the reservation, record the method of payment, type of trip, and Medicaid number, if warranted. If this trip cannot be accommodated, the dispatcher shall note this on the

demand-response log as designed by TPO and approved by the COUNTY.

#### SERVICE DELIVERY PROCEDURES

The TPO will adhere to following service delivery procedures:

1. The driver shall accept all trip requests related to him or her from the dispatcher so long as they are within his or her specified service area and within the specified service times. There shall be no right of refusal based on vehicle's availability (except the passenger maximum load factor) or any consideration other than verifiable catastrophic mechanical failure of the vehicles in the fleet.
2. The vehicles must be on time, unless there are extenuating circumstances beyond TPO's or driver's control. A 95% on-time performance rate is required. Notification must be given by TPO to the patron in the event of unavoidable delays.
3. Drivers shall offer assistance to all passengers as needed to board and depart from the vehicles; secure all wheelchairs; and request that all passengers buckle their seatbelts.
4. Drivers shall refrain from smoking, eating, and drinking while passengers are in the vehicles. Drivers shall request passengers to refrain from smoking, eating, and drinking in the vehicles.
5. Drivers shall maintain daily records of mileage, fueling and servicing, time, type and number of trips, passenger types, address of trip origin and each destination, as required by GDOT and the COUNTY. These records shall be turned in to the TPO on a daily, weekly, or monthly basis.
6. Drivers shall inform TPO of any passenger complaints, thereafter, the TPO shall complete passenger complaint forms and send copies to the County Manager for record purposes or for any appropriate action if necessary. The complaint shall be filed with County Manager not later than one (1) week from the date of occurrence.
7. The TPO shall inform the County Manager and the appropriate contracting entity regarding any difficulties experienced in transporting any purchase-of-service client, whether related to safety, behavior, or other reasons. The specific identity of social service clients enrolled in eligible state or local human service programs may be kept confidential, as determined by prevailing state and/or federal laws.
8. Drivers and TPO are prohibited from soliciting or accepting any tips or other forms of gratuity other than the approved fare from system riders. Monies in excess of actual fares shall be transferred directly to the County Manager to supplement the cost of operating the transit system. Such revenues shall be construed as system's in-kind income for purposes of accountability.

#### VEHICLE MAINTENANCE

The vehicles under this Agreement must be maintained in safe and good mechanical condition. Each vehicle shall be subject to inspections by GDOT representatives. GDOT inspections will occur on a semi-annual basis and in accordance with the Vehicle Monitoring Form. The TPO shall provide the personnel, parts, equipment, and supplies necessary to perform all cleaning, preventive, and repair maintenance to keep vehicles clean and in good working order and to maintain the continuity of services. As a rule, the drivers shall do all cleaning and pre-trip inspections.

TPO shall submit copies of invoices of any work done on the vehicles to the County Manager for subsequent submission to GDOT. These invoices shall be part of the monthly reports. Vehicles of COUNTY utilized for the Section 5311 Program must be parked overnight and on weekends at locations approved by COUNTY.

Spalding County agrees that it will bear the expense of either replacing or rebuilding two (2) engines and/or transmissions in the County owned vehicles. The parties agree that in no event shall Spalding County's cost exceed \$16,000 total. The parties further agree that the cost of either rebuilding or replacing the engines and transmissions shall not include those parts, equipment and supplies necessary to perform routine maintenance on said vehicles.

#### QUALIFICATIONS AND TRAINING GUIDELINES

Spalding County Board of Commissioners and the TPO agrees to the following qualifications and training guidelines for personnel:

1. Driver Qualifications - TPO agrees that all drivers have or will be able to obtain a valid Georgia Drivers License. A Class C Georgia Commercial Drivers License (CDL) is required when COUNTY provides a vehicle that will transport more than 15 passengers (including driver); be able to read, write and make correct change; have the ability to physically assist in loading and unloading of elderly and handicapped passengers when necessary; have a minimum of five (5) years driving experience; have thorough knowledge of traffic safety and excellent driving record; have 20/20 vision (corrected) and be in good physical health; have the ability to deal effectively with the elderly, handicapped and general public; have the ability to arrive at work on time; and have favorable job history and satisfactory references.
2. TPO will design and provide a driver training program that includes the following:  
Use of equipment; defensive driving techniques; and CPR training; passenger assistance techniques for proper care and handling of disabled riders; emergency procedures; fare structures; system information; preventive maintenance requirements; and record keeping.
3. Dispatcher Qualifications - Dispatcher to be employed by TPO should have the following qualifications: knowledge of county and city roads; verbal communication skills (good telephone manners); high school graduate or equivalent; experience in dispatching; favorable job history and satisfactory references; an ability to coordinate variable routing needs.  
8
4. Dispatcher Training - The TPO shall design and provide a dispatcher training program that includes the following: Use of dispatching equipment; grouping of trips for more effective utilization of vehicles and resources or use of software to manage vehicle routing; emergency procedures; fare structures; system information; record keeping; and knowledge of special needs of social service agency clients.
5. TPO agrees to comply with all applicable Federal Regulations governing workplace anti-drug and alcohol programs in the transit industry including:  
49 CFR, Part 653 and 654, as amended;  
49 CFR, Part 40, as amended; and  
49 CFR, Part 29, "The Drug Free Workplace Act of 1988".

#### TPO ADMINISTRATIVE RESPONSIBILITIES

TPO shall operate the FTA Section 5311 program services in accordance with the guidelines and policies set by GDOT. TPO further agrees to maintain appropriate books, records, documents, papers, and other evidence pertaining to public transportation operations for the period of this Agreement and for three years beyond the period of this Agreement make such materials available for inspection, upon request by the County Manager or his designee, any COUNTY, and the GDOT or their representatives. These records shall include work orders generated for maintenance and records of payment for said maintenance. TPO shall be responsible for submitting monthly reports recording information submitted and recorded by drivers. The reports for the month ended shall be submitted to the County Manager of the Spalding County Board of Commissioners by the fifth (5th) day of the following month.

#### AUDITING

TPO shall maintain an acceptable accounting system in accordance with Federal and State regulations. TPO will be required to provide for an independent audit of administrative and operating expenses at the end of the agreement period. This end-of-year audit of administrative and operating expenses also constitutes the final financial report. A certified or licensed independent auditor shall perform the audit. Further details are included in relevant U.S. Office of Management and Budget (OMB) Circulars and/or written communications with the County Manager.

#### REVENUE AND EXPENSE REPORTING AND INVOICING

Revenue: There is a fare structure established by the COUNTY for the transit system. The fare amount is \$2.00 per one-way passenger trip. The fare schedule shall remain in force until COUNTY decide otherwise. Social

Service agency riders will be subsidized or paid for by the social service agency, Medicaid or other funding source. TPO shall be responsible for billing social service transportation expenses to the appropriate party on a monthly basis. All fares and purchase of service income shall be documented on the invoice submitted to the County Manager. All Purchase of Service Agreements will recover the fully allocated cost.

Expenses and Invoicing: As part of the Monthly Operating Report, TPO shall submit monthly invoices to: County Manager, Spalding County Board of Commissioners, Post Office Box 1087, Griffin, Georgia 30224. Upon receipt of invoice and documentation by the County, the County shall pay the net amount due within 15 days.

#### ACCIDENT REPORTING

Driver shall report any accidents to TPO and the County Manager within one (1) hour of the occurrence or, if the offices are closed, before 9:00 a.m. on the following workday. A written report must be filed with the County Manager within 24 hours after the accident. This accident report shall describe the nature of the accident, the TPO's findings as to cause, personal injury sustained, property damage and information regarding the conduction of a post-accident drug and alcohol test for the driver. The driver shall give TPO a copy of the investigating officer's accident report. The TPO shall send copies of the investigating officer's report to the County Manager and GDOT District Representative in Thomaston within three (3) working days from the date of the accident. If the report is not available at that time, the report must be furnished within twenty-four (24) hours from the time said report is available to TPO.

#### FEDERAL COMPLIANCE

TPO must agree as a condition to receiving Federal assistance under Section 5311 of the Federal Transit Act, as amended, that:

1. No persons shall on the grounds of race, color, religion, creed, national origin, sex, age, or handicap be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity for which this recipient receives Federal financial assistance from the Federal Transit Act;
2. TPO shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, and shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, or national origin;
3. The TPO will conduct any program or operate any facility that receives or benefits from Federal financial assistance administered by the Department of Transportation in compliance with all requirements imposed by or pursuant to 49 CFR, Part 27, Non-discrimination on the Basis of Handicap in Federally Assisted Programs and Activities received or benefiting from Federal Financial Assistance.

#### PERFORMANCE EVALUATION

TPO is expected to meet the following minimum service targets. Quarterly meetings with the TPO, and the County Manager, will be conducted to discuss performance; and if needed, strategies to improve performance.

1. The service shall compliment and not duplicate other transportation service;
2. Monthly ridership should, on the average, exceed 500 (five hundred) passenger trips per vehicle;
3. Vehicle utilization should exceed 120 (one hundred twenty) hours per month per vehicle;
4. Vehicles must be available for service during the approved hours of service;
5. Vehicle trips for purchase of service agreements shall, at a minimum recover fully allocated costs;
6. Regular service ridership should exceed 0.5 passengers per vehicle per service mile
7. System must recover a minimum of 20% (twenty percent) of its public transportation cost from farebox

revenues generated through regular public transportation operations. Public transportation costs are defined as the total operating budget minus purchase of service agreements.

Additionally, the County Manager may, from time to time, issue administrative guidances to the TPO; guidances will be for the purpose of assisting the TPO meet performance standards and levels of service, as previously detailed in this agreement.

**ARTICLE IV**

**PURCHASE OF SERVICE AGREEMENTS**

Purchase of Service Agreements with any social service agency or any other organization shall be negotiated by TPO. All Purchase of Service Agreements must, at a minimum, recover fully allocated cost, as determined by prevailing federal and/or state guidelines.

**ARTICLE V**

**COMPLIANCE WITH LAWS**

TPO shall comply with relevant Federal and State Laws and Regulations pertaining to FTA Section 5311 Program Funds to include the Office of Management and Budget Circular 74-7 in the Hatch Act.

**ARTICLE VI**

**COMPENSATION**

TPO shall be reimbursed for the costs for the performance of this Agreement. Spalding County Board of Commissioners, upon justification of expenses and submission of documentation required by Spalding County and/or the Georgia Department of Transportation, shall pay the TPO \$6.00 (six dollars and no cents) per one-way passenger trip provided to the general public. It is understood the COUNTY will reimburse TPO up to \$22,500.00 (twenty-two thousand five hundred dollars and no cents) for services rendered between January 1, 2001 and March 31, 2001.

On behalf of the Board of  
Commissioners of Spalding County

(L.S.) MERRILL MASSENGALE  
Chairman, Board of Commissioners  
Post Office Box 1087  
Griffin, Georgia 30224

ATTEST:

(L.S.)PHYLLIS P. DOANE  
Clerk, Board of Commissioners of  
Spalding County

(L.S.) THOMAS MOBLEY  
Trans Star (on behalf of the TPO)  
222 South 14th Street  
Griffin, Georgia 30224

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public (Seal)

4. Consider amendment to Resolution Relative to the Procedures for the Disposition of Business During the Meeting of the Spalding County Board of Commissioners to provide for changing the date for adding items to the Agenda. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Resolution was unanimously approved by a vote of 5-0.*

**A RESOLUTION AMENDING  
THE RESOLUTION RELATIVE TO THE PROCEDURES  
FOR THE DISPOSITION OF BUSINESS DURING THE MEETINGS  
OF THE SPALDING COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Board of Commissioners of Spalding County have decided to change their date and time for receiving requests for agenda items; and

WHEREAS, the Board of Commissioners desire to amend this resolution so that it will be consistent with, and not in conflict with, the Code of Spalding County.

NOW, THEREFORE, IT IS RESOLVED, that Section 1-08 of the Resolution relative to the organization of and the procedures for the disposition of business during the meetings of the Spalding County Board of Commissioners is hereby amended by striking the first paragraph of said section in its entirety and inserting in lieu thereof a new paragraph to read as follows: "Any requests to be placed on the Agenda for any regular meeting, including supporting documentation, must be received by the County Manager on or before 12:00 noon on the Tuesday that precedes the regular meeting."

**XI. NEW BUSINESS**

1. Consider at first reading an ordinance amending the Spalding County Code relative to Specifications for Driveways. *Motion made by Commissioner Martha McDaniel, seconded by Commissioner Morrow to approve on first reading. After discussion regarding making the designee as Building Inspections Department as final authority Commissioner Martha McDaniel withdrew her motion as well as Commissioner Morrow his second.*

*New motion was made by Commissioner Martha McDaniel to table this ordinance for further language clarification, seconded by Commissioner Johnie McDaniel and unanimously approved by a vote of 5-0. This will be on the February 5<sup>th</sup> agenda for first reading.*

2. Consider authorizing Chairman to execute Software License and Support Services Agreement with VisiCraft for the Tax Commissioners' office. Ms. Sylvia Hollums, Tax Commissioner was present to answer any questions the Board might have. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Agreement was unanimously approved by a vote of 5-0.*

3. Consider at first reading an ordinance amending the FY 2001 Budget Ordinance to provide for additional funding for the Employee Benefit Trust Fund. The amount of budget amendment was \$500,000 to come out of Fund Balance into the General Fund.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel ordinance was unanimously approved by a vote of 5-0. The Ordinance will be incorporated into the minutes on second and final reading.*

4. Consider final plat of Park Place Subdivision, located off Lakeside Road. Community Development Director Michael Sabine was present to address this item. He said that there was one condition to place on this final plat which involves an out parcel, one-half acre, to be transferred to the Homeowners Association or incorporated into a conforming lot that is developable under the Spalding County Subdivision Ordinance upon completion of construction of Phase I and II.

*Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Morrow final plat was unanimously approved by a vote of 5-0 with condition stated above.*

5. Consider revised final plat for Deer Creek Subdivision, located off of Macon Road. *Reluctantly motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel revised final plat was unanimously approved by a vote of 5-0.*

6. Consider appointment at large to the Board of Zoning Appeals to fill the unexpired term of Kenny Young (12-31-01) due to his resignation. Chairman Massengale stated that there were two (2) nominations in the appointment book for this position.

Commissioner Johnie McDaniel nominated Ed Williams and Commissioner Kendall nominated Greg Pruitt. Chairman Massengale called for the vote. *Ed Williams received two (2) votes (Commissioner Johnie McDaniel and Commissioner Martha McDaniel) and Greg Pruitt received three (3) votes (Commissioners Massengale, Kendall and Morrow). Mr. **Greg Pruitt** was appointed to the seat.*

Commissioner Johnie McDaniel asked that a letter of Appreciation under the signature of the Chairman be sent to Mr. Kenny Young for his years of service on this Board.

7. Consider at first reading amending the FY 2001 Budget Ordinance to provide for purchase of radios by the Sheriff's Department from drug funds. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the ordinance was unanimously approved by a vote of 5-0. The Ordinance will be incorporated into the minutes on second and final reading.*

8. Consider Resolution to support proposed legislation that would establish a Minimum Compensation for Commissioners.

The Resolution would support the following:

- 1) Establish a minimum salary for part-time commissioners at 20% of sheriff's minimum base salary; and establish a minimum salary for part-time board chairmen at 10% more than the other part-time board members.
- 2) Establish a minimum salary for full-time board chairmen, sole commissioners and CEOs at 10% more than the sheriff's minimum base salary.
- 3) Provide for a "longevity" increase in the base salary of 5% at the end of each 4-year term of office and COLA adjustments equal to what the sheriff's, probate judges, clerks of court, tax commissioners and magistrates receive.
- 4) Authorize a supplement of 20% to all commissioners who successfully complete the voluntary commissioner training certification program offered by the Carl Vinson Institute of Government.

*After a lengthy discussion supporting this Resolution, motion made by Commissioner Martha McDaniel to table indefinitely. Commissioner Massengale seconded the motion and motion failed by a vote of 2-3 with Commissioners Kendall, Morrow and Johnie McDaniel voting against the motion.*

*Motion made by Commissioner Morrow that the Board go on record as being against this proposed legislation that would establish a minimum compensation for Commissioners. Commissioner Kendall seconded the motion.*

*Commissioner Kendall stated he felt like the Board should send a letter to ACCG stating that they are against this legislation. He said if we sit quietly on this they will assume that we are in favor of it.*

*Commissioner Johnie McDaniel called the question. Commissioner Martha McDaniel seconded the motion. Chairman Massengale called for the vote on the question. The motion to end the debate passed by a vote of 4-1 with Commissioner Kendall voting against the motion.*

*Chairman Massengale called the question on the original motion made by Commissioner Morrow. The motion passed by a vote of 3-2 with Commissioners Martha McDaniel and Commissioner Massengale voting against the motion.*

9. Consider authorizing property exchange on Hardy Lane. This is to exchange 0.20 acres at a value of \$800 for 0.110 acres at a value of \$1,100. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow exchange of property was unanimously approved by a vote of 5-0. County Attorney Fortune stated that this would have to be advertised for four (4) weeks by state law.*

## **XII. REPORT OF COUNTY MANAGER**

County Manager Wilson asked the Board if they would like to set up a 2002 SPLOST meeting to finalize the projects to be placed on the ballot. He said that the June date for vote would be June 19, 2001 and we would have to have everything ready by the end of March and the September date for vote would be September 18, 2001 and we would have to have everything ready by the end of June.

Commissioner Kendall stated it would be appropriate for this Board to establish some mechanism by which this decision is going to get made.

Commissioner Martha McDaniel stated that she would like very much to see representation and have a citizens committee like we did before.

Commissioner Morrow stated that we need to consider having some Public Hearings to get citizen input. Commissioner Kendall agreed and suggested that we have three public hearings in February, one on the north side, one in town and one on the south side and then have a joint City of Griffin, City of Sunny Side

and City of Orchard Hill meeting to give a summary of the projects and then we make the final decision of what goes on the ballot.

Chairman Massengale was designated for setting the time, date and place of each of the public hearings in the community.

### **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall had no comments.

Commissioner Johnie McDaniel had no comments.

Commissioner Martha McDaniel discussed the Mutual Aid Agreement with the City of Griffin regarding fires. She said that there was a fire at the Carver Road apartments and 911 dispatched the City and the Carver Road Fire Station is right around the corner. She said that there is a loose link in this chain. She said that she was still interested in the two (2) fire departments merging into one. County Manager Wilson stated that we had approved an Automated Aid Agreement but it was never approved by the City of Griffin. He said that he would check on the status of this Agreement.

Commissioner Morrow stated that surrounding counties give their building inspector and Planning and Zoning Official the right to make minor adjustments and variances and he would like to look at changing our ordinance to where the Zoning Official could make these minor variance decisions without going through the whole procedure.

Commissioner Massengale stated that within the next two weeks he would be asking for Dr. Jackson, the Mayor of the City of Griffin and Dr. Goodin, Chairman of the Griffin-Spalding County School Board to meet with him and he will bring a report back to this Board after the meeting.

### **XIV. CLOSED MEETING**

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the Board voted unanimously to go into Closed Meeting.*

Those present were Commissioners Michael Kendall, Dick Morrow, Martha McDaniel, Johnie McDaniel, Merrill Massengale, County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane. Also present was Community Development Director Michael Sabine.

1. The County Attorney desires a Closed Meeting to discuss potential litigation and pending litigation.

#### **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 January 22, 2001.

2.

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

3.

The executive session was called to order at 8:15 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:

**Yes** Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the

county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

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

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

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 22nd day of January 2001.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 22nd day of  
January 2001.

(L.S.) H. Merrill Massengale  
(L.S.) Johnie A. McDaniel  
(L.S.) Dick Morrow  
(L.S.) Martha W. McDaniel  
(L.S.) M. Michael Kendall

\_\_\_\_\_  
Notary Public  
My commission expires: March 18, 2002

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Board voted unanimously to come out of Closed Meeting and go back into Open Session.*

No business was transacted at this time.

#### **XIV. ADJOURNMENT**

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Board voted unanimously to adjourn.*

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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