



# Spalding County online

## Board of Commissioners

### REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, February 5, 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) – Vice Chairman Johnie McDaniel**
- II. INVOCATION - Rev. Grady Morgan led the Invocation in the absence of Rev. Valimont.**
- III. PLEDGE TO FLAG – Led by Boy Scout Troop No. 2 of First Baptist Church**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval of a Proclamation proclaiming the week of February 4-10, 2001 as “Boy Scouts Week” in Spalding County. Mr. William Baldwin was present to receive this Proclamation on behalf of the Boys Scouts of Griffin, Spalding County and Troop #2 of the First Baptist Church was recognized and each scout was given a Spalding County logo pin. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the following Proclamation was unanimously approved by a vote of 5-0.*

### Proclamation

#### “Boy Scouts Week”

- WHEREAS,** The Boy Scouts of America are celebrating the ninety-first anniversary of their founding; and
- WHEREAS,** Griffin and Spalding County have supported the Boy Scouts since 1910; and
- WHEREAS,** The Boy Scouts promise to do their Duty to God, Country, and to help other people; and
- WHEREAS,** The Boy Scouts promise to keep themselves physically strong, mentally awake, and morally straight; and
- WHEREAS,** The Boy Scouts promise to obey the Scout Law—the twelve points being trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

**NOW THEREFORE BE IT RESOLVED,** by the Board of Commissioners of Spalding County that the week of February 4-10, 2001 is hereby proclaimed as

#### “BOY SCOUTS WEEK”





**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, Jerry M. Greer, applicant, 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 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 January 25, 2001, 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 117 of the 3<sup>rd</sup> District of Spalding County, Georgia, containing 2.514 acres, more or less, and being more particularly described as follows:

Beginning at a point on the Southerly right of way line of Slaughter Road (80' R/W) 1198.59 feet easterly along said right of way line from its intersection with the South boundary of said Land Lot 117; From said Point of Beginning, run thence Easterly along the Southerly right of way line of Slaughter Road and following the curvature thereof 250.75 feet to a point; run thence south 00 degrees 39 minutes 18 seconds west 431.76 feet to a point; run thence North 87 degrees

42 minutes 40 seconds West 250.10 feet to a point; run thence North 00 Degrees 39 minutes 18 seconds East 444.01 feet to the point of beginning.

From "AR-1, Agricultural and Residential" to "R-4, Single Family Residential" 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 February 5, 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 117 of the 3<sup>rd</sup> Land District of Originally Monroe, now Spalding County, Georgia, consisting of approximately 2.51 acres, zoned R-4.

(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.

2. Consider at first reading an ordinance amending the Spalding County Code relative to Specifications for Driveways. *Motion to approve made by Commissioner Martha McDaniel, and seconded by Commissioner Morrow for discussion.* Commissioner Morrow stated he would like to propose an amendment to the first reading of the ordinance which is to reduce the thickness of concrete from 6" to 4" as Spalding County is the only surrounding county that requires 6" of concrete and this is very expensive to the taxpayers of Spalding County.

*Commissioner Morrow made a motion to amend the ordinance to include reducing the thickness of concrete requirement from 6 inches to 4 inches. Commissioner Kendall seconded the amendment for purpose of discussion.*

Building Official Mac Gregory was asked for his opinion on this reduction and he stated as far as he knew no driveway has ever had to be replaced for not holding up under the pressure of trucks, tractors, etc.

County Manager Wilson stated that the opinion of a county engineer was that the 6-inch section was probably required to offer additional safety factor to cover areas of driveway sub grade that made not be up to standards since the county could not possibly inspect every square foot of all the driveway sub grades. Integrated Science recommends that if 4 inches is used, the owner needs to provide an inspection report from an independent testing agency along with concrete mixed data from the concrete provider. Mr. Wilson stated that the City of Griffin does require the 6 inches.

Commissioner Morrow commented that if an individual had to provide the testing inspection report, this would cost more than the 6 inches of concrete. He said this was an engineer over-kill.

*Vice Chairman McDaniel called for the vote on the motion to amend the ordinance to change from required 6 inches to required 4 inches and the motion passed unanimously by a vote of 5-0.*

Vice Chairman McDaniel called for a vote on the motion on the floor with amendment and motion was unanimously approved by a vote of 5-0. **The ordinance will be incorporated into the minutes on second and final reading with the amendment.**

Commissioner Martha McDaniel asked for a five-minute recess to allow the Boy Scouts to leave the meeting, which Vice Chairman McDaniel acknowledged.

Vice Chairman McDaniel called the meeting back to order.

3. Consider appointments to Boards, Authorities and Commissions.

### **BOARD APPOINTMENTS FOR TERMS BEGINNING 1-1-2001**

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

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

- a. Vacant, Two-year term to expire 03-01-02 – Tabled – Requires a recommendation from the Spalding County Board of Health.

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

- a. A Three-year term to expire 7-31-02 – Tabled – Has to meet specific qualifications and also has to come from a recommendation from the Spalding County Board of Health.

9. **Community Relations Council**

- a. Post #1, To succeed Fred Edwards, III, One-year term to expire 12-31-01 - **Tabled**
- b. Post #3, To succeed Ruth Daniel, One-year term to expire 12-31-01 - **Tabled**

11. **Griffin-Spalding Area Transportation Planning Coordinating Committee**

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

Commissioner Johnie McDaniel nominated Allan McCallum to fill this position. There were no other nominations. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel Allan McCallum was unanimously appointed to this position.*

#### **XI. NEW BUSINESS**

1. Consider request from MINERVA Properties. Mr. Brian Davison was present to discuss this request. The request is to allow Henry County Water & Sewerage Authority to provide water and sewer to a portion of Spalding County (96) acres for their proposed golf community, Blue Sky Golf & Country Club. He said that low-end price range of homes would be \$130,000 with the bulk being in the \$190,000 to \$300,000 range and some of the lots on the lake may exceed \$500,000. The entire project is 962 acres and 96 of those acres are located in Spalding County. He said that Trestle Road runs through the property and it would be realigned and also paved for safety reasons. County Manager Wilson commented that if approved there would have to be Intergovernmental Agreements which would be forthcoming.

*Motion made by Commissioner Martha McDaniel to approve their request in concept. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

2. Consider Local Law Enforcement Block Grant for Fiscal Year 2001 in the amount of \$48,742.00 to purchase law enforcement equipment. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow LLBEG was unanimously approved by a vote of 5-0.*

3. Pastor Jerome Garland desires to discuss approval of Letter of Consent to receive grant funding from Office of Governor Children and Youth Coordinating Council (CYCC). Pastor Garland gave his address as 1104 North Second Street and stated he was trying to design a program at his church (Community Ministries) that will require them to obtain a grant. The program is for juvenile prevention focusing on after school, weekend and summer programs. The church is committed to helping decrease academic failures and the dropout rate in this county. Their goal is to increase the grade point average by at least one letter grade after the individual has completed the program, to improve school attendance and prevent participation from entering the juvenile system. He said the grant was a maximum of \$150,000 over a three-year period with \$50,000 maximum per year. He said they could accommodate fifty (50) kids in the initial program. Pastor Garland had documentation showing that Community Ministries, Inc. has 501(c) (3) exemption through the Internal Revenue Service.

Commissioner Kendall apprised the Board that the Hospital Authority and the Health Board have been grappling over this question of funding for religious based initiatives. He said that he admired Pastor Garland for his initiative but feels like if the Board approves this, that it will set a precedence for other religious based programs coming forth asking for assistance by the county. He said there are a whole lot of faith-based organizations in this community who are looking for funding and how are we going to decide which ones to support or not support.

*Motion made by Commissioner Martha McDaniel to authorize approval of Letter of Consent for Community Ministries, Inc. to receive a grant from the Office of Governor Children and Youth Coordinating Council (CYCC). Commissioner Morrow seconded the motion.*

Commissioner Johnie McDaniel commented that Pastor Garland is here making his request to us and it was not fair to impose some rules on him at this time when there are no rules in place; however, I agree that we need to require some specific information and establish standards for these type of requests if the Board agrees.

Commissioner Kendall disagreed with Commissioner Johnie McDaniel in that he feels that the standards need to be in place before approving any support for any church. *After much discussion Commissioner Morrow made a motion to call the question. Commissioner Martha McDaniel seconded the motion and motion to call question passed by a vote of 4-1 with Commissioner Kendall voting against. The motion on the table to approve Letter of Consent passed by a vote of 4-1 with Commissioner Kendall voting against the motion.*

4. Consider adoption of FY 2002 Budget Calendar. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the FY 2002 Budget Calendar was unanimously approved by a vote of 5-0.*

5. Consider resolution authorizing reimbursement from Bond proceeds. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 5-0.*

#### RESOLUTION

**WHEREAS**, Spalding County, Georgia (the “County”) intends to pay for certain capital costs incurred in connection with the acquisition and construction of the Green Valley Industrial Park Expansion; and

**WHEREAS**, all or a portion of the costs of the Project will be financed with the proceeds of tax-exempt obligations (the “Bonds”) to be issued by the County; and

**WHEREAS**, prior to the issuance of the Bonds, the County or the Griffin-Spalding County Development Authority may pay for all or a portion of the costs of the Project; and

**WHEREAS**, the County may reimburse itself or the Griffin-Spalding County Development Authority with Bond proceeds for the costs of the Project paid by it prior to the issuance of the Bonds; and

**NOW, THEREFORE**, be it resolved by the Board of Commissioners of the County, and it is hereby resolved by the same, as follows:

1. The County reasonably expects to reimburse itself or the Griffin-Spalding County Development Authority with Bond proceeds for the costs of the Project paid by it prior to the issuance of the Bonds.
2. The maximum principal amount of debt which the County presently expects to be issued relating to the Project is currently estimated to be \$7,500,000.

Adopted this the 5<sup>th</sup> day of February, 2001.

6. Consider request from Greg Pruitt Construction Company. The request was for the county to initiate rezoning to Planning & Zoning Board for property he owns between High Falls Road and Head Road to an R-2 zoning district, which is 1250 sq. ft. He said that he has built three (3) houses, which are rental property and needs to do something productive with the rest of his property. This initiation by the Board will keep Mr. Pruitt from having to pay the cost of a rezoning application.

Vice Chairman Johnnie McDaniel stated there were some individuals present that wished to make comments on this item and he wanted to know what was the pleasure of the Board.

*Motion made by Commissioner Morrow, seconded by Commissioner Martha McDaniel and unanimously approved to allow public comment.*

Mr. Boyd Mitchell, 3914 High Falls Road, asked the Board not to reconsider the request from Mr. Pruitt. He said that Planning Commission denied this once, and the Board of Commissioners denied this once. He said that Mr. Pruitt built the three (3) houses in such a way that he could come back and ask for a variance. He said that most of this area is rural and feels that property values have already been affected by the construction of the three (3) homes.

Dr. William R. King, 1105 Pine Valley Road, stated that he owns property in this area and asked the Board not to reconsider his rezoning request. He asked that the Board keep this part of Spalding County rural and keep this AR-1.

*Motion made by Commissioner Martha McDaniel to deny Mr. Pruitt's request for the Board to initiate rezoning. Commissioner Massengale seconded the motion and motion passed by a vote of 3-2 with Commissioners Morrow and Kendall voting against the motion stating they just wanted Mr. Pruitt to be treated fairly.*

7. Consider at first reading an ordinance amending the FY 2001 Budget Ordinance to provide for reimbursement for School Resource Officers. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale 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 at first reading an ordinance amending the FY 2001 Budget Ordinance to provide for transfers and new position at the Law Enforcement Complex. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

9. Consider approval for new Alcoholic Beverage License for 2001 Retail Package Store—Beer and Wine License for Sadru Ali d/b/a Zetella Express, 4289 Highway 16 West. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Alcoholic Beverage License was approved by a vote of 4-1 with Commissioner Johnnie McDaniel voting against the motion.*

10. Consider proposal from Allen-Smith Consulting to write FY 2001 CDBG Application. This is for the Highland Mills Sewer Improvements at a cost of \$2,000. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale proposal was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion.*

11. Consider proposal from Governmental Solutions Ltd. For a joint tax equity study with the City of Griffin. The cost is \$39,750 to be split 50-50 between the City of Griffin and Spalding County. *Motion made by Commissioner Martha McDaniel to approve the proposal, seconded by Commissioner Massengale.*

Commissioner Kendall asked for discussion on this motion. He said that he felt that this was a waste of money for this company to study the tax equity and tell us where our tax dollars are going. He said that he felt like the staff could do whatever they intend to come in and do. He also asked that someone from the firm come to explain what they intend do.

*After much discussion, Commissioner Martha McDaniel withdrew her motion as well as Commissioner Massengale his second.*

*Motion made by Commissioner Martha McDaniel to table this item until the February 19, 2001 meeting and have staff have representation from Governmental Solution present at the meeting. Commissioner Morrow seconded the motion and motion was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

12. Consider Proposal of Services from HDR/WL Jordan to provide engineering services for the evaluation of short-term needs for a proposed treatment plant along SR-16. *Motion made by Commissioner Martha McDaniel, seconded by Commissioner Massengale to approve proposal. After finding out Commissioner Kendall has scheduled a Sewer Task Force Meeting tomorrow afternoon to discuss this and the impact that sewer will have on the next SPLOST issue and the new industrial park, Commissioner Martha McDaniel withdrew her motion as well as Commissioner Massengale his second.*

*Motion made by Commissioner Martha McDaniel to table this item until the February 19, 2001 meeting to allow the Sewer Task Force to meet and discuss this. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

13. Consider payment of expenses for McIntosh Trail Regional Transit Program for November and December 2000. The cost of expenses is \$3,165.60. *Upon motion by Commissioner Massengale, seconded by Commissioner Morrow the expenses were unanimously approved by a vote of 5-0.*

County Manager Wilson stated there is a representative here tonight from TransStar to give the Board a report on the new program. She said that the company had lost \$6,000 in January because of the inability to cross County lines. She said they would honor their three (3) month contract but would really like to terminate if the Board would agree.

Community Development Director Michael Sabine said that he had been dealing with the Public Transportation Program for the past two (2) years. He said that we had tried the Regional Program and the County Program and he would recommend that the Board not continue the program because it would be very costly to Spalding County.

*Motion made by Commissioner Martha McDaniel to amend the Agenda to consider termination of the Public Transportation Contract. Commissioner Morrow seconded the motion.*

Commissioner Kendall asked for discussion and he said that he felt like this should not be considered tonight as there are people who depend on this transportation program and they need to have notification. He suggested that this be placed on the February 19<sup>th</sup> agenda for discussion.

*Commissioner Martha McDaniel withdrew her motion to amend the agenda as well as Commissioner Morrow his second.*

*Vice Chairman McDaniel asked County Manager Wilson to place this on the February 19<sup>th</sup> agenda.*

14. Consider setting dates for SPLOST Public Hearings. The dates which have been recommended are February 8, 2001 at 6:00 PM at City Hall of Sunny Side,; February 15, 2001 at 6:00 PM at Courthouse Annex and February 20, 2001 at 6:00 PM at City Hall of Orchard Hill. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the dates, times and places were unanimously approved by a vote of 5-0.*

16. Request a public hearing date to establish street lighting district for Park Place Phase I Subdivision. The recommendation is at 5:45 on Monday, February 19, 2001. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow recommended date and time was unanimously approved by a vote of 5-0.*

17. Consider Resolution authorizing Moratorium on Shooting Facilities in PRRRD District. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 5-0.*

## **RESOLUTION**

### *A Resolution Relative to Site Plan Submittals*

WHEREAS the Board of Commissioners has reviewed the status of enterprises in the Planned Residential Recreation Resort District (PRRRD) and;

WHEREAS the Board has determined that various incompatibilities exist between uses permitted within PRRRD and surrounding areas; and

WHEREAS the Board and the Spalding County Planning Commission are scheduled to consider amendments to refine uses permitted within PRRRD; and

WHEREAS the Board wishes to consider any proposed amendments in a comprehensive and deliberative manner;

THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that the Board shall not consider new site plans, or site plan amendments, for any property or enterprise located within PRRRD until such time as the Board has considered amendments to this District, as stated in action by the Board on January 25, 2001; or until ninety days from the effective date of this resolution, whichever is first. Be it further resolved that the Zoning Administrator shall not be empowered to accept any applications for site plans, or site plan amendments, for properties or enterprises within this District until the termination of this moratorium.

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

County Manager Wilson made the Board aware that we will be doing some bridgework on the bridge on Walkers Mill Road over Cabin Creek and we may have to close that bridge. He said this was a major thoroughfare and we will let you know later if the bridge will have to be closed or just close it during the day and open it in evenings.

County Manager Wilson stated that he had received correspondence from Commissioner Morrow regarding a speed limit reduction on Highway 362 and wanted the concurrence of the Board to run it through the normal channels of DOT. The request is to lower the speed limit to 35 MPH from Griffin City Limits to Carver Road intersection and 45 MPH from Carver Road passed Pine Hill Road intersection. The Board concurred for Mr. Wilson to send a letter to DOT.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall had no comments.

Commissioner Massengale had no comments.

Commissioner Martha McDaniel reported that after having the meeting about wetlands mitigation and the other things impacting property owners of Spalding County, she had a discussion with Mike Gleaton of Department of Community Affairs about these maps that the state is using for our criteria. He admits that those maps maybe incorrect and are very old and he said that he had no problem if Spalding County submitted their own maps. She suggested that we gather up as much information as we can to make a presentation to Mr. Gleaton.

Commissioner Morrow commented that the City of Griffin is having trouble with their mitigation issue for the new reservoir and that the County owns sixty (60) acres down on Line Creek and wondered if the Board might be interested in volunteering these acres as a possible mitigation site to help the City out in getting their new reservoir and help Spalding County to get water. County Manager Wilson was asked to notify the City to see if they would be interested in this suggestion.

Commissioner Johnie McDaniel asked for some assistance on getting job descriptions, limits of authority and their accountability on the County's boards, commissions and authorities. He said he was particularly interested in what the limits of authority might be, especially on advisory boards. County Manager Wilson was instructed to write the Chairman of each board, authority and commission to find out what they are doing to serve the community and degree of accountability.

#### **XIV. CLOSED MEETING**

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha 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.

1. The County Attorney requests a Closed Meeting to discuss pending litigation.
2. The County Manager desires a Closed Meeting to discuss acquisition of real estate.

#### **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 February 5, 2001.

2.

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

3.

The executive session was called to order at 8:40 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)\_\_\_\_\_;

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

\*During this discussion, the County Manager advised the Commissioners that Halpern Enterprises was interested in purchasing the Cook's Shopping Center property. The Commissioners instructed the County Manager to advise Halpern to make the County an offer and it would be considered at that time.

**No** Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

**No** Other (describe the exemption to the open meetings law):

\_\_\_\_\_ as provided in (insert the citation to the legal authority exempting the topic)\_\_\_\_\_.

This the 5th day of February 2001.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 5th day of  
February 2001.

(L.S.) M. Michael Kendall \_\_\_\_\_

(L.S.) Johnie A. McDaniel \_\_\_\_\_

Phyllis P. Doane  
Notary Public  
My commission expires: March 18, 2002

(L.S.) H. Merrill Massengale \_\_\_\_\_

(L.S.) Martha W. McDaniel \_\_\_\_\_

(L.S.) Dick Morrow \_\_\_\_\_

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

No business was transacted at this time.

**XV. ADJOURNMENT**

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the meeting was unanimously adjourned.*

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

\_\_\_\_\_  
Chairman

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