



# Spalding County online

## Board of Commissioners

### EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, April 16, 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 – Led by Commissioner Johnie McDaniel in the absence of Rev. Valimont.

#### III. PLEDGE TO FLAG – Led by County Manager William Wilson

#### IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval of a Proclamation proclaiming the week of April 16-21, 2001 as “Spalding County 4-H Week”. Mathew Wilson, President of Spalding County 4-H was present to receive Proclamation. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Proclamation was unanimously approved by a vote of 5-0.*

## Proclamation

### “Spalding County 4-H Week”

**WHEREAS,** The mission of Georgia 4-H is to assist youth in acquiring knowledge, developing life skills and forming attitudes that will enable them to become self-directing, productive and contributing members of society; and

**WHEREAS,** 4-H reaches out to all students and there is no exception to this in Georgia. In 1999 more than 163,000 students in fifth through twelfth grades were enrolled in the Georgia 4-H Program with a total of more than 9,000 school clubs across the state; and

**WHEREAS,** Many Elected Officials in Georgia were former 4-H’ers, one being Georgia Governor Roy Barnes as well as 38 percent of the Georgia House of Representatives and 39 percent of the Georgia Senate; and

**WHEREAS,** 4-H is fun and very exciting. It is the best and largest youth-oriented organization available today; and

**WHEREAS,** During the week of April 16<sup>th</sup> through April 21<sup>st</sup>, many activities have been scheduled to celebrate this wonderful club and embrace its objectives.

**NOW THEREFORE BE IT RESOLVED,** by the Board of Commissioners of Spalding County that the week of April 16-21, 2001 is hereby proclaimed as

**“SPALDING COUNTY 4-H WEEK”**

in Spalding County and urge the citizens of our community to support and recognize the importance of this youth-oriented organization.

2. Consider approval of a Proclamation designating the month of April 2001 as “Child Abuse Prevention Month” in Spalding County. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel and Commissioner Johnie McDaniel simultaneously, the following Proclamation was unanimously approved by a vote of 5-0.*

## Proclamation

### “CHILD ABUSE PREVENTION MONTH”

- WHEREAS,** Child Abuse and neglect is one of the greatest ills of our society; and
- WHEREAS,** The Georgia Department of Human Resources investigates 45,000 to 50,000 cases of child abuse and neglect in the state every year and thousands of Georgia children are neglected or abused by their parents or caretakers; and
- WHEREAS,** DHR is responsible for caring for children who have been maltreated and for preventing further harm to them; and
- WHEREAS,** DHR’s county departments of Family and Children Services, the Georgia Council on Child Abuse and many local groups are working together to prevent child maltreatment and promote positive parenting; and
- WHEREAS,** These groups are reaching out in Georgia communities to educate people to become better parents, and remind them to spend time with their children, show them affection, teach them and support them; and
- WHEREAS,** As part of its ongoing outreach effort, DHR is giving every baby born in Georgia during the month of April 2001 an infant T-shirt displaying reminders about good parenting and a card from their county department of Family and Children Services.

**NOW THEREFORE BE IT RESOLVED,** by the Board of Commissioners of Spalding County that the month of April 2001 is hereby proclaimed as

### “CHILD ABUSE PREVENTION MONTH”

in Spalding County and urge fathers, mothers and communities to become involved in protecting Georgia’s children.

At this time County Manager Wilson introduced to the Board Mrs. Loretta Hays, Personnel Director. He commented that Mrs. Hays has been on board since January 24<sup>th</sup> and is doing a fine job and a great addition she is making to our staff.

#### V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider Financial Statements for the Nine Months Ended March 31, 2001. Ms. Jinna Garrison was present to answer any questions. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Financial Statements were unanimously approved by a vote of 5-0.*

#### VI. CITIZENS COMMENTS – n/a

#### VII. PUBLIC COMMENT

Ms. Jewel Walker-Harps, President of the Local Chapter of the NAACP, addressed the Commissioners regarding the SPLOST issue on the agenda. She asked the Board as they deliberate not to cut any of the items recommended on the June 19<sup>th</sup> Recreation SPLOST vote. She said that they have worked very hard for the Fairmont Center to get the things that they thought were needed for many many years.

Mr. Bain Proctor, 435 Audubon Circle, suggested that the Commissioners appoint a citizens over-site committee for the recreation SPLOST. He said that he feels that if the citizens were invited to the SPLOST meetings and SPLOST workshops, it would create a significant amount of trust from the community. He said that the each Commissioner could appoint three (3) to five (5) citizens to serve on this committee. He asked the Board to consider this idea. This will be discussed on a future agenda.

Mr. Ivan Taylor, 1245 Carver Road discussed the \$125,000 award to an employee of Griffin-Spalding County Airport. He wanted to know how much of this comes out of the taxpayers of Spalding County and how much comes out of the City. Commissioner Martha McDaniel stated she spoke with the City Manager about this, as Spalding County was not aware of this even taking place. She said that Mr. Rabun assured her that the City of Griffin was going to pay the entire amount. He asked the Board of Commissioners to re-examine the Airport Contract.

Mr. Zachary Holmes, 357 Moreland Road stated he had curiosity of what was going to come out of HB 489. He said that he knew that the City and County had hired a firm to help with it and he wanted to know if there were any plans as how to let the public know what was being collaborated. He said he and others have concerns. County Manager Wilson commented that the City and County have contracted with Governmental Solutions and they are two-thirds of the way finished with their evaluation on this and they will be making a formal report to both the City and County at a later date.

Mr. Fred Edwards, 747 Steele Road stated as Chairman of the Spalding County Water and Sewerage Facilities Authority he sent a letter to the Chairman of the City Commission stating that the Water Authority was in favor of forming a joint Water Authority and for them to contact him but he had not received a response to his letter. He wanted to know if the Commissioners knew if the City was receptive to this request and if not, why. Commissioner Morrow stated that he had talked to two (2) City Commissioners regarding this and they are receptive but not until they get the 404 permit for the new reservoir.

#### **VIII. MINUTES**

1. Consider approval of the minutes for the meeting of April 2, 2001. *Motion made by Commissioner Martha McDaniel to approve minutes. Commissioner Johnie McDaniel seconded the motion. Commissioner Morrow requested change, deleting the work "block" where is stated "brick or masonry block" on Special Conditions in paragraphs a and b on Application Nos. #01-02Z, #01-02AZ, #01-02BZ, #01-02EZ, #01-02CZ and #01-02DZ as this was the original intent. Commissioner Martha McDaniel amended her motion to include the change as well as Commissioner Johnie McDaniel his second and motion was unanimously approved by a vote of 5-0.*

#### **IX. CONSENT AGENDA**

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Items 1-4 on Consent Agenda were unanimously approved by a vote of 5-0.*

1. Consider at second reading an ordinance amending the FY 2001 Budget Ordinance for Lease Purchases.

#### **AN ORDINANCE AMENDING THE FISCAL YEAR 2001 BUDGET ORDINANCE FOR SPALDING COUNTY, GEORGIA**

**WHEREAS**, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2001 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

**WHEREAS**, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance to adapt to changing governmental needs during the fiscal year.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners the annual budget ordinance as approved, adopted and enacted on second reading on June 30, 2000, shall be amended as follows:

## Section I. General Fund

### A. Revenues

Other Financing Sources From \$ 0 to \$ 212,335

### B. Expenditures

Parks From \$ 1,351,707 to \$ 1,435,256

Public Works From \$ 3,043,244 to \$ 3,172,030

Approved on first reading this 2<sup>nd</sup> day of April 2001.

Approved, adopted and enacted on second reading this 16<sup>th</sup> day of April 2001.

2. Consider award of bid for press boxes and dugouts for Baseball Complex at Wyomia Tyus Olympic Park. Bid awarded to low bidder, Pitts Fabrications for \$5,126 per set.

3. Consider supplemental agreement with Hill Construction to pave Carver Road Fire Station Training Pad. The Supplemental Agreement was in the amount of \$36,187.50

4. Consider affirmation of a 5-year option to renew lease for property at 819-825 Memorial Drive. The renewal option commences July 1, 2001 for \$27,000 for year one (1) and increases \$600 per year each year thereafter and expires June 30, 2006.

## X. OLD BUSINESS

1. Consider request from Griffin-Spalding Chamber of Commerce. (Life from the table). *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the item was lifted from the table by a unanimous vote.*

Ms. Bonnie Pfrogner, Executive Director of the Chamber was present to address this item. Her request was for \$10,000 for promotional expenditures.

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the request for \$10,000 to come out of Tourism Funds was unanimously approved by a vote of 5-0.*

*Chairman Massengale stated in order to let our law enforcement officers leave as early as possible, he needed a motion to amend the Agenda to move up Item 4 on **Old Business** and 14 on **New Business**. Motion made by Commissioner Martha McDaniel to amend the Agenda. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

14. Consider request for a four-way stop at intersection of Birdie Road and Steele Road. Captain Beam was present to address this item and stated according to their computer records they do not show any accidents at this particular intersection; however, if the person is traveling the posted speed on Birdie Road, they would have time and distance of view to stop at an intersection if it was changed to a four-way stop. If the person is speeding, they will not have time to stop because of the curve there. He said that speeding is an issue they can address by running speed detection devices. He said that this four-way stop could cause some accidents initially but that is a chance you take when you install any four-way stop.

*Motion made by Commissioner Martha McDaniel and seconded by Commissioner Morrow to approve the four-way stop and motion was unanimously approved by a vote of 5-0. An ordinance will be drafted and approved on two readings.*

4. Discuss Sheriff's Department recommendation for No Parking on Richardson Road. Captain Beam and Sheriff Stewart were present to address this item. Captain Beam stated his recommendation was not to change the No Parking at this time and leave as is. Sheriff Stewart stated that he had been out there a number of times and we have not seen any problem with parking of Richardson Road. He said that he had even talked with some of the neighbors up there and the only problem they had was when Mrs. Anderson passed away and there was a lot of parking by relatives at that time. There is really no other place to park but the road because the driveways are so short in length. What is in affect at this time is no parking on the west side

of the road and he has not seen or heard of any body parking on the no parking side of the road. *No action was taken.*

*The Board went back to discussing items under Old Business.*

2. Consider projects for inclusion on a June 19, 2001 SPLOST referendum and resolution authorizing call for a special election. County Manager Wilson commented that he was making the following recommendation for a recreation SPLOST totaling \$11,250,000 for five (5) calendar quarters which includes Contingency, Underwriting and Program Management Fees and the following projects:

|  |             |
|--|-------------|
| Aquatics/Community Center (WTOP)   | \$5,780,000 |
| Gymnasium (WTOP)   | \$2,600,000 |
| Fairmont Pool Projects<br>(Pool, sign, parking, meeting room<br>and renovations) | \$1,806,000 |
| Senior Center Expansion  | \$ 350,000  |

He said that he was recommending that we proceed on a pay as you go basis with an estimated June 2002 construction start date and an estimated June 2003 completion date. He said that this would help us in two (2) ways. It will give us time to do the design and engineering for Fairmont and Senior Citizens Center projects and ample time to allow for revisions to the Aquatics/Community Center project. An added benefit is that the operational costs and staff funding would not have to be budgeted until FY 2004 which would allow the tax digest to grow and help offset these expenses. The Parks and Recreation Advisory Commissioner recommended projects totaling \$12,000,000 and the changes made was the deletion of the neighborhood parks and the skate park totaling \$900,000 to \$950,000. Mr. Wilson said He said this would keep us at the 15 to 18 months period and therefore the County could proceed with the second SPLOST vote in September if they choose with development authority projects. Mr. Wilson said that he would recommend that the county issue bonds in September to get the development project underway and pay interest on these bonds until we can start the collection on the industrial sales tax. The Development Authority members have told us that the park is almost out of room and industry is coming to us daily for location. He said one industry locating here could make up the interest that we pay.

Mr. Bain Proctor, Chairman of the Advisory Board discussed the operating costs of the Aquatics Center and Fairmont pool. He said that the Advisory Board recommended the pay as you go basis and everyone was in agreement to do without bonded indebtedness. He spoke on the two items that Mr. Wilson did not recommend, the neighborhood parks and the skate board park. He said that the neighborhood parks are something in the outlying county that people can come together and have a picnic and activities in the Brooks Community and the Vaughn Community. He said that the skateboard park has been discussed about two (2) years. He said that the Advisory Board feels that these projects are very important.

Mr. Grant Adams, member of the Advisory Board asked permission to speak at this time. Mr. Adams gave his address as 729 Clay Street and he had attended last Monday's meeting regarding the recreation SPLOST. He said that he came tonight thinking he would approve the \$6 Million package just for the aquatic center; however, after listening to a number of concerned citizens get up and speak, he said that he realized this was a needs package and not a wish list. He said that the Senior Citizens Center definitely need an expansion and Fairmont Park needs the zero entry pool which will introduce children in this area to water. He said that the community also needs the skate park. He said that the children are currently skating on public sidewalks and are being ticketed by the police. He said that these children are already disrespecting the law and with the skate park we can turn some of these children away from being having to be housed at our Spalding County jails. He said Wyomia Tyus Park was originally designed to be a regional park and it is time to finish what has been started at that park.

Commissioner Kendall commented that the wording on the ballot only states that we can spend \$11.25 Million on these items but are not bound on how much has to be spent on either project.

Commissioner Morrow commented that this where an over-site committee would be very helpful as they could help make sure the money goes to what they envision these projects to be.

The question at hand is to decide to sell bonds for these recommended projects or not sell bonds. After a lengthy discussion the following motion was made.

*Motion made by Commissioner Morrow to approve the Resolution given to us by County Manager Wilson that is labeled "pay as you go" that specifically approves \$11,250,000 for a June 19 SPLOST vote for the projects listed, an aquatic center, Fairmont pool and the Senior Center expansion. Commissioner Kendall seconded the motion and motion was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against going on record to say that she supported all these projects and will work very hard and hopefully they will pass; however, she serves as county representative on the Development Authority and I have voted one time to support a single vote in September so I am not in favor of having a June ballot for recreation by itself but in favor of having both on a ballot in September.*

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA CONTINUING THE IMPOSITION OF A ONE PERCENT SALES AND USE TAX AS AUTHORIZED BY ARTICLE 3 OF CHAPTER 8 OF TITLE 48 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; SPECIFYING THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAX ARE TO BE USED; SPECIFYING THE ESTIMATED MAXIMUM PERIOD OF TIME FOR WHICH SUCH TAX MAY BE IMPOSED; SPECIFYING THE MAXIMUM COST OF THE CAPITAL OUTLAY PROJECTS TO BE FUNDED FROM THE PROCEEDS OF SUCH TAX; REQUESTING THE BOARD OF ELECTIONS TO CALL AN ELECTION OF THE VOTERS OF SPALDING COUNTY TO APPROVE THE IMPOSITION OF SUCH TAX; APPROVING THE FORM OF BALLOT TO BE USED IN SUCH ELECTION; AND FOR OTHER PURPOSES.

WHEREAS, Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, as amended (the "Act"), authorizes the imposition of a one percent sales and use tax for the purpose, inter alia, of financing certain capital outlay projects; and

WHEREAS, pursuant to an election held on July 9, 1996, the voters of Spalding County (the "County") approved the imposition of a one percent sales and use tax pursuant to the provisions of the Act, which sales and use tax, by its terms, expires on December 31, 2001; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia has determined that it is in the best interest of the citizens of Spalding County (the "County") that a one percent sales and use tax continue to be imposed in the County to raise not more than \$11,250,000 for the purposes of funding (i) the construction of an Aquatics/Community Center with gymnasium at the Wyomia Tyus Olympic Park, (ii) the construction of an outdoor pool, parking facilities, signage and meeting facilities and improvements to the gymnasium at Fairmont Park and (iii) renovations to the Senior Citizens Center;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Spalding County, Georgia, and it is hereby resolved by authority of the same as follows:

Section 1. Authorization of Sales and Use Tax. In order to finance the foregoing projects, there is hereby authorized to be levied and collected within the County an additional sales and use tax in the amount of one percent on all sales and uses in the County as provided in the Act. Collection of each tax shall commence immediately upon the termination of the collection of the present one percent sales and use tax in effect in the County. As required by Section 48-8-111(a) of the Act:

(a) a portion of the proceeds of such tax is to be used to finance a capital outlay project of the County consisting of the construction of an Aquatics/Community Center with gymnasium at the Wyomia Tyus Olympic Park;

(b) a portion of the proceeds of such tax is to be used to finance a capital outlay project of the County consisting of the construction of an outdoor

pool, parking facilities, signage and meeting facilities and improvements to the gymnasium at Fairmont Park;

(c) a portion of the proceeds of such tax is to be used to finance a capital outlay project of the County consisting of renovations to the Senior Citizens Center;

(d) such sales and use tax is hereby authorized to be imposed for a period of five consecutive calendar quarters commencing immediately upon the termination of the special one percent sales and use tax presently being collected;

(e) the maximum estimated cost of the projects to be funded from the proceeds of such sales and use tax is \$11,250,000;

(f) proceeds of the sales and use tax shall be deposited in a separate trust fund to be maintained by the County and applied toward funding the projects specified above.

Section 2. Call for Election. There is hereby called an election to be held in all the voting precincts in the County on the 19th day of June, 2001, for the purpose of submitting to the qualified voters of the County the question set forth in paragraph 3 below.

Section 3. Form of Ballot. The ballots to be used in such election should have written or printed thereon substantially the following:

|           |  |
|-----------|--|
| /_/_/ YES | Shall a special one percent sales and use tax be imposed in Spalding County for a period of time not to exceed five calendar quarters and for the raising of not more than \$11,250,000 for the purpose of (i) the construction of an Aquatics/Community Center with gymnasium at the Wyomia Tyus Olympic Park, (ii) the construction of an outdoor pool, parking facilities, signage and meeting facilities and improvements to the gymnasium at Fairmont Park and (iii) renovations to the Senior Citizens Center? |
| /_/_/ NO  |  |

Section 4. Manner of Election. The date of such election shall be and is hereby set for June 19, 2001, the polls of each election district of Spalding County shall be open at 7:00 a.m. and close at 7:00 p.m., and the election shall be held by the same persons and under and in accordance with the election laws of the State of Georgia, and the returns of such election shall be made to the Board of Commissioners of Spalding County and the Board of Elections of Spalding County (the "Board of Elections"), which shall count the votes, consolidate the returns and declare the result of said election in the manner required by law.

Section 5. Publication of Notice of Election. The Board of Elections is hereby authorized and requested to publish the notice of said election as required by law in the newspaper in which Sheriff's advertisements for Spalding County are published once a week for five weeks immediately preceding the date of the election in substantially the form attached hereto as Exhibit "A". Prior to the date of the election authorized herein, there shall be appointed proper Election Managers and Clerks to supervise and hold said election.

Section 6. Notice to Board of Elections. The Clerk of the Board of Commissioners of the County is hereby authorized and directed to deliver a copy of this resolution to the Board of Elections, with a request that the Board of Elections join in this call of the election.

Section 7. Further Authority. The proper officers and agents of the County are hereby authorized to take any and all further actions as may be required in connection with the imposition of such sales and use tax, the acquisition, construction and installation of the projects above described.

Section 8. Effective Date. This Resolution shall take effect immediately upon its adoption.

This 16<sup>th</sup> day of April, 2001.

SPALDING COUNTY, GEORGIA

By: (L.S.) H. Merrill Massengale  
Chairman, Board of Commissioners  
of Spalding County, Georgia

(SEAL)

\_\_\_\_\_  
Commissioner

By: (L.S.) William P. Wilson, Jr.  
Ex Officio Clerk, Board of  
Commissioners of Spalding  
County, Georgia

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

EXHIBIT "A"

NOTICE OF ELECTION

TO THE QUALIFIED VOTERS OF SPALDING COUNTY, GEORGIA:

NOTICE IS HEREBY GIVEN that on the 19th day of June, 2001, an election will be held at the regular polling places in all the election districts of Spalding County, Georgia, at which time there will be submitted to the qualified voters of Spalding County for their determination the question of whether a special sales and use tax of one percent shall be imposed on all sales and uses in Spalding County for a period of time not to exceed five calendar quarters, commencing immediately upon the expiration of the current special one percent sales and use tax, to raise not more than \$11,250,000 to be used to finance (i) the construction of an Aquatics/Community Center with gymnasium at the Wyomia Tyus Olympic Park, (ii) the construction of an outdoor pool, parking facilities, signage and meeting facilities and improvements to the gymnasium at Fairmont Park and (iii) renovations to the Senior Citizens Center.

The ballots to be used at such election shall have written or printed thereon substantially the following:

YES

Shall a special one percent sales and use tax be imposed in Spalding County for a period of time not to exceed five calendar quarters and for the raising of not more than \$11,250,000 for the purpose of (i) the construction of an Aquatics/Community Center with gymnasium at the Wyomia Tyus Olympic Park, (ii) the construction of an outdoor pool, parking facilities, signage and meeting facilities and improvements to the

NO

gymnasium at Fairmont Park and (iii) renovations to the Senior Citizens Center?

The several places for holding said election shall be at the regular and established voting precincts of the election districts of Spalding County, Georgia, and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election.

Those residents of Spalding County qualified to vote at such election shall be determined in all respects in accordance with the election laws of the State of Georgia.

This notice is given pursuant to a resolution of the Board of Commissioners of Spalding County and an order of the Board of Elections of Spalding County.

(L.S.) H. Merrill Massengale  
Chairman, Board of Commissioners  
of Spalding County

(L. S.) Helen Grayson  
Chairman, Board of Elections  
of Spalding County

CLERK'S CERTIFICATE

I, William P. Wilson, Jr., Ex Officio Clerk of the Board of Commissioners of Spalding County, DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the Board of Commissioners of Spalding County, Georgia on April 16, 2001, at a meeting which was duly called and assembled and open to the public and at which a quorum was present and acting throughout, which resolution has not been modified, repealed, revoked or rescinded as of the date hereof.

This 16<sup>th</sup> day of April, 2001.

(L.S.) William P. Wilson, Jr.  
Ex Officio Clerk, Board of Commissioners of  
Spalding County, Georgia

(SEAL)

A RESOLUTION OF THE SPALDING COUNTY BOARD OF ELECTIONS TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION TO DETERMINE THE IMPOSITION OF A ONE PERCENT SALES AND USE TAX AUTHORIZED BY ARTICLE 3 OF CHAPTER 8 OF TITLE 48 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; AND FOR OTHER PURPOSES:

WHEREAS, the Board of Commissioners of Spalding County (the "County Board") has furnished this Board with a certified copy of its resolution (the "County Resolution") calling an election pursuant to Section 48-8-111, et seq., of the Official Code of Georgia Annotated, as amended, to determine whether a one percent sales and use tax as authorized by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated shall be imposed for the purposes set forth in the County Resolution, and has requested that this Board join the County Board in the call of the election for such question on June 19, 2001; and

NOW, THEREFORE, BE IT RESOLVED by the Spalding County Board of Elections and it is hereby resolved by the authority of the same, that there be and there is hereby

called to be held in all the voting precincts in Spalding County, Georgia on the 19<sup>th</sup> day of June, 2001, an election by the qualified voters of said County to determine whether a one percent sales and use tax as authorized by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated shall be imposed, for the purposes set forth in the County Resolution.

BE IT FURTHER RESOLVED by the authority aforesaid that the Election Superintendent proceed to conduct such election pursuant to the applicable laws of the State of Georgia and the rules and regulations of this Board, that Managers and election officials for all voting precincts be appointed and that election returns be consolidated in the presence of the County Board and this Board and that the result be declared, all as is provided by law.

Adopted and approved this 16th day of April, 2001.

SPALDING COUNTY BOARD OF ELECTIONS

(SEAL)

By: (L.S.) Helen G. Grayson  
Chairman

Attest:

By: \_\_\_\_\_  
Secretary

GEORGIA, SPALDING COUNTY

I, \_\_\_\_\_, Secretary of the Spalding County Board of Elections, DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the Board in a meeting which was duly called and assembled on the \_\_\_\_ day of April, 2001, which was open to the public, and at which a quorum was present and acting throughout, which resolution has been modified, amended, revoked or rescinded, and the original of which resolution has been duly recorded in the Minute Book of said Board, which is in my custody and control.

WITNESS my official hand and the seal of said Board this \_\_\_\_ day of April, 2001.

\_\_\_\_\_  
Secretary

*Commissioner Martha McDaniel made a motion to have a five-minute recess, seconded by Commissioner Morrow and unanimously approved.*

*Chairman Massengale called the meeting back to order.*

3. Consider first reading of Amendment to the Official Zoning Ordinance and Official Zoning Map of the following:

- **Amendment to UDO #A-01-03:** Article 21A. S-3 Sensitive Land-Groundwater Recharge Protection District—add provision (proposed ordinance).
- **Amendment to UDO #A-01-04:** Article 21B. S-4 Sensitive Land-Wetlands Protection District—add provision (proposed ordinance).
- **Amendment to UDO #A-01-11:** Article 21, S-2 Sensitive Land-Watershed Protection District—add provision.

Community Development Director Michael Sabine commented that the amendment S-2 would be the document as presented and S-3 and S-4, DCA has indicated they will approve these amendments after the revisions have been made to their satisfaction.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the above amendments to the UDO were approved unanimously on first reading. They will be presented for second reading after DCA approval and incorporated into the minutes.*

## **XI. NEW BUSINESS**

1. Consider appointment of Auditors for FY 2001 audit. Ms. Garrison, Finance Director, recommended the appointment of Mauldin & Jenkins for \$29,840. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel recommendation was unanimously approved by a vote of 5-0.*

2. Consider request from Spalding County Fire Department for submission of two Federal grants. The grants are as follows: Health screening and fitness program for personnel in the amount of \$13,200 with county match of \$1,320 and Thermal Imaging Camera in the amount of \$19,500 with county match in the amount of \$1,950.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow request for submission of grants were unanimously approved by a vote of 5-0.*

3. Consider Agreement with A & S Commissaries for Inmate Commissary Services for the Spalding County Sheriff's Department. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following contract was unanimously approved by a vote of 5-0.*

## **STATE OF GEORGIA COUNTY OF SPALDING**

### **AGREEMENT TO PROVIDE INMATE COMMISSARY SERVICES**

This AGREEMENT is made and entered into effective April 16, 2001 by and between Spalding County Sheriff's Department, Spalding County, Georgia ("Facility") and A&S Commissaries ("Provider").

PREMISE: WHEREAS, Provider is an inmate commissary service provider; and Spalding County Sheriff Department desires the services of the provider.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto do agree as follows:

1. **INTRODUCTION:** Strickland Consulting Group Inc., D/B/A A&S Commissaries is a Georgia Corporation with its principal office located at 165 Andrew Drive Suite 300, Stockbridge, Georgia 30281. Spalding County Sheriff's Department, with its principal office located at 401 Justice Boulevard, Griffin, Georgia 30224.

2. **DESCRIPTION OF SERVICES:** During the term of this AGREEMENT, Provider will furnish inmate commissary services exclusively, IBM Compatible Computer (if necessary), and Software System (if necessary), to support Inmate Commissary Services for Spalding County Sheriff's Department (Such equipment will remain the property of Provider).

3. **COMMISSION:** A&S Commissaries will pay a 15% commission based on total sales less US Postal Stamps and sales tax. The commission will be paid monthly to the Inmate Fund.

4. Either party may cancel this AGREEMENT within 30 days with written notice for any reason.

5. **TERMS OF AGREEMENT:** Providers services shall be for a term of 1 year beginning on May 1, 2001 and ending on April 30, 2002 with an option to extend the contract term for additional one (1) year periods.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed this 16th day of April 2001.

4. Consider request from Sheriff for payment of Department Employees for attending Washington Trip. *Major Greg Potter asked that this agenda item be withdrawn.*

5. Consider request from Spalding County Sheriff's Department for submission of a CopsMore grant. Major Greg Potter addressed this item. He said that they were applying for \$218,671.95 with a match of \$54,667.91 in the FY 2002 budget. The items applied for are Motorola Data System RF Upgrade; AFIS System Upgrade; MSF 5000 Repeater Upgrade; Patrol unit Video Cameras; Patrol unit Radar Systems; Motorola HT 1000 2-Way Radios and Motorola Patrol Lap Top Computers totaling \$218,671.65.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale submission of CopsMore grant was unanimously approved by a vote of 5-0.*

6. Consider Change Order No. 6 for the Spalding County Correctional Institution. The change order is in the amount of \$13,795 to install curbing under the security fence. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the change order was unanimously approved by a vote of 5-0.*

7. Consider Resolution in Support of CDBG Funding Application for Sewer Improvements. *Upon motion by Commissioner Johnnie McDaniel, seconded by Commissioner Massengale the following Resolution was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion.*

#### **RESOLUTION**

##### **Supporting Spalding County's Sewer Improvements CDBG Funding Application**

WHEREAS, the Georgia Department of Community Affairs has established the Community Development Block Grant program to assist cities and counties with improvements to public facilities, economic development, and housing in Georgia, and

WHEREAS, there exists in Spalding County a need to provide a decent, safe, and sanitary sewer system for the low and moderate income residents in the Crompton-Highland Mills area of Spalding County, and

WHEREAS, the proposed improvements are eligible for grant funds under the Georgia Department of Community Affairs, Community Development Block Grant funds, and

WHEREAS, the cost to implement and complete this project will exceed the \$500,000 grant from DCA,

NOW THEREFORE, LET IT BE RESOLVED by the Spalding County Chairman and Board of Commissioners that the County supports the application for CDBG funds and that the County is hereby committed to leverage the grant with cash and in-kind as follows: Engineering fees; Construction Activities; Local daily inspections (in-kind); Acquisition costs; and \$1,000 for audits as required by the Single Audit Act. These commitments include the County's required cash match of \$10,000. A separate letter detailing these costs will be submitted with the grant. The County will also operate and maintain the new improvements when the project is completed.

BE IT FURTHER RESOLVED that M. Michael Kendall, Chairman, is authorized and directed to act as the official representative of Spalding County to act in connection with the application and to be responsible for compliance with the applicable state and federal requirements of the program and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that Chairman Kendall of Spalding County is authorized to enter an agreement for engineering and grant administration services relating to the application and

subsequent grant (if funded) and to execute the application and other required documents on behalf of Spalding County including the grant award package (if funded).

BE IT FURTHER RESOLVED that the Spalding County Commissioners encourages the successful completion of these sewer improvements to serve the residents in the Crompton-Highland Mills area of Spalding County.

8. Consider Contract with WWTP, Inc. regarding Waste Water Treatment Plant. *Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the following contract was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion.*

## CONTRACT

This contract is entered into between WWTP, Inc., a Georgia Corporation (hereinafter referred to as "WWTP") and Spalding County, a political subdivision of the State of Georgia (hereinafter referred to as "Spalding County").

WHEREAS, WWTP owns and operates a certain waste water treatment plant that services the Crompton Highland subdivision in Griffin, Spalding County, Georgia; and

WHEREAS, WWTP desires to convey the waste water treatment plant, the equipment and machinery necessary to operate said plant and all sewer collection lines (the Plant) to Spalding County; and

WHEREAS, Spalding County is desirous of acquiring the waste water treatment plant; and

WHEREAS, Spalding County will apply for a Community Development Block Grant (hereinafter referred to as "CDBG") for fiscal year 2001.

NOW, THEREFORE, for and in consideration of the mutual benefits flowing to the parties hereto, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

-1-

Spalding County agrees that it shall apply for the FY 2001 CDBG grant from the Georgia Department of Community Affairs. The CDBG grant being sought by Spalding County is for \$500,000.

-2-

In the event that Spalding County is granted the \$500,000 CDBG grant by the Georgia Department of Community Affairs then, and in such event, WWTP will immediately convey both the real property described on Exhibit A attached hereto as well as the equipment and machinery located on said real property as well as any and all sewer collection lines to Spalding County. Spalding County agrees that it will accept said real property, equipment and sewer lines. Said conveyance shall be free and clear of all liens and encumbrances other than recorded easements and rights of way.

### EXHIBIT "A"

#### Tract I:

All that lot, tract or parcel of land lying being and situate in Land lots 125 and 132 of the 3<sup>rd</sup> Land District of originally Henry, now Spalding County, Georgia and being known and designated as "Area 2.458 acres" as shown on a property survey for WWTP, Inc. prepared by Bernhard, Harper and Associates, Inc. registered land surveyors. Said plat is dated April 11, 2001 and a copy thereof is recorded in Plat Book \_\_\_\_Page\_\_\_\_ of the Clerk of Superior Court records of Spalding County, Georgia. Said plat, and the metes, bounds, courses and distances as shown thereon, are hereby incorporated by reference and made a part of this description therein.

#### Tract II:

An easement for ingress and egress of varying width located in Land Lot 125 of the 3<sup>rd</sup> Land District of originally Henry County, now Spalding County, Georgia and being shown and designated as "Ingress/Egress Easement" on a property of survey for WWTP, Inc. prepared by

Bernhard, Harper and Associates, Inc. registered land surveyors. Said plat is dated April 11, 2001 and a copy thereof is recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_ of the Clerk of Superior Court records of Spalding County, Georgia. Said plat, and the metes, bounds, courses and distances as shown thereon, are hereby incorporated by reference and made a part of this description therein.

-3-

Upon the proper conveyance of the real property, equipment, machinery and sewer collection lines WWTP will no longer have any obligation to operate the sewer treatment plant and will no longer have any control over the day to day operations of said plant.

-4-

Spalding County agrees that if it should be granted the \$500,000 CDBG grant then it will use said funds to rehabilitate the existing sewer system as well as to make capital improvements to the system.

-5-

The parties further agree that if Spalding County is not granted the \$500,000 CDBG grant then, and in such event, this contract shall be null, void and of no effect and further that no party to this contract will have any obligation to perform under its terms.

WHEREFORE, the parties have affixed their hands and seals this 16th day of April, 2001.

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WWTP, Inc., President

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Spalding County Chairman

9. Consider Service Agreement with the City of Griffin for Highland Mill Wastewater Treatment System. County Manager Wilson stated that he had been quoted the cost would be \$800 per month for person to monitor and maintain plant on a weekly basis. He asked the Board to approve this contract in concept pending working out a fee schedule with the Board.

*Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel City of Griffin Service Agreement was approved in concept to work out a fee schedule by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion.*

10. Consider acceptance of deed to Kay Road. *Upon motion by Commissioner Kendall, seconded by Commissioner Johnie McDaniel acceptance of deed to Kay Road was unanimously approved by a vote of 5-0.*

11. Consider at first reading an ordinance amending the FY 2001 Budget Ordinance to provide for additional appropriation for employee benefits. The ordinance is in the amount of \$350,000 to be taken out of Fund Balance.

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

12. Consider changes to the Spalding County Position and Pay Plan. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following changes were unanimously approved by a vote of 5-0.*

|   |  |
|---|--|
| Assistant County Manager – Currently Pay Grade 49 | \$50,062 - 74,317                        |
| <u>Change to Pay Grade 42</u>                     | \$44,707 - 66,367                        |
| GIS Coordinator -                                 | Currently Pay Grade 36 \$40,116 - 59,552 |
| <u>Change to Pay Grade 25</u>                     | \$31,701 - 47,060                        |

13. Consider request from South Hampton Mobile Home Park for permission to place Warning Signs for Utility on County Right-of-way (Hillview Road). County Manager Wilson stated that there are water and sewer lines on the county right of way that were damaged the earlier part of the year.

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel permission to place warning signs was unanimously approved by a vote of 5-0.*

14. Item No. 14 was moved up on the agenda.

15. Consider at first reading an ordinance to amend the Spalding County Code to provide for “No Parking” on South Pine Hill Road and to amend Part VII, Chapter 1, Section 7-1004, paragraphs 28 and 29. *Motion was made by Commissioner Martha McDaniel to approve with Commissioner Johnie McDaniel seconding the motion for discussion.* Commissioner Morrow stated that there were a couple of businesses that would be affected by this and County Manager Wilson was asked to write Alexandria Airplane and Jackson Beverages to see if they had any problems with this No Parking.

*Commissioner Martha McDaniel withdrew her motion after discussion as well as Commissioner Johnie McDaniel his second.*

*Motion made by Commissioner Morrow to table this ordinance, seconded by Commissioner Martha McDaniel and unanimously approved by a vote of 5-0.*

16. Consider at first reading an ordinance amending the Spalding County Code relative to Board of Commissioners. County Attorney Fortune commented that this is to bring our ordinance up to date with the changes that have been made. Commissioner Martha McDaniel made Mr. Fortune aware that effective July 1, 2001 the state has passed a law that all certified county commissioners will receive an additional \$100/month and asked that this be added to this ordinance.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale ordinance was approved on first reading to allow County Attorney Fortune to add a new paragraph to provide for the additional \$1200 per year. Motion was approved by a vote of 4-1 with Commissioner Morrow voting against the motion. **The ordinance will be incorporated into the minutes on second reading with additional paragraph.***

17. Consider request from Georgia Department of Corrections to waive tap fee for Griffin Diversion Center. County Manager Wilson stated that the amount requested to be waived is \$2,325 and he recommended that this request be denied.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the request was regretfully denied by a unanimous vote of 5-0.*

18. Consider rental policy for Parks and Recreation facilities. County Manager Wilson stated that we have a situation at the Senior Center where a local church has rented this on a monthly basis for recurring services. He said it was not the intention for this facility to be rented on a recurring basis but to be rented out for a special occasion. He said that a second church inquiring about the rental has already contacted us.

*Motion made by Commissioner Martha McDaniel to notify the church that is currently renting the Senior Center on Sunday and any other applicant that this is designed for an occasional use rental fee and to authorize County Attorney Fortune to draft an amendment to the Senior Citizens Center policy which would prohibit organizations from renting facilities on a recurring weekly/monthly basis. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

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

County Manager Wilson made the Board aware that in the latest issue of *Georgia Trend* the per capita personal income of Spalding County in 2000 was \$23,420. He said that we have surpassed Barrow, Butts, Carroll, Clayton, Henry, Newton, Paulding and Walton Counties.

County Manager Wilson stated that he had been contacted by the *Griffin Daily News* to place an ad for Spalding County in the Generation Edition and the one he was developing he was advised he could not do; therefore he will be working on a press release on “What did you do with the money”?

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall had no comments.

Commissioner Johnie McDaniel had no comments.

Commissioner Martha McDaniel discussed brick type mailboxes on county roads. She asked that the current ordinance be changed to allow these type mailboxes on curb and gutter subdivisions. County Attorney Fortune was authorized to write an ordinance with revisions to allow this.

Commissioner Morrow stated that he believes our present zoning system in Spalding County is a total disaster. He said that there are two (2) serious flaws which are (1) no provisions for mixed use and (2) zoning is based on lot size and should be based on density demanding two (2) acre minimum zoning throughout the county with a one (1) acre maximum lot size. He said that we have these “cookie cutter” subdivisions with standard setbacks and we need to throw this whole system out and consider an entirely new zoning system. He said that he would like this to be an item for discussion on the Joint Workshop with Planning & Zoning Board and Board of Zoning Appeals.

Commissioner Morrow stated that he felt like the Board should seriously consider an impact fee on all constructions in Spalding County and use the money to buy green space and park space.

Commissioner Massengale had no comments.

*Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the agenda was amended to add a Closed Meeting to discuss pending litigation and unanimously approved by a vote of 5-0.*

## **XIV. 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.

### **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 April 16, 2001.

2.

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

3.

The executive session was called to order at 9:05 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 16<sup>th</sup> day of April 2001.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 16th day of  
April 2001.  
Phyllis P. Doane  
Notary Public  
My commission expires: March 18, 2002

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

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

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

\_\_\_\_\_  
Chairman

.....

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