



Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, May 21, 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 William Wilson**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval "Nunc Pro Tunc" of a Joint City/County Proclamation proclaiming Sunday, May 13, 2001 as "Soulful Sunlighters Day" in Griffin and Spalding County, Georgia. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Proclamation was unanimously approved by a vote of 5-0.*

Joint City/County Proclamation

"Soulful Sunlighters Day"

WHEREAS, the Soulful Sunlighters, began singing gospel music in and around 1934 as The Harmony Kings; and

WHEREAS, the original members of The Harmony Kings, now Soulful Sunlighters were Deacon Clinton Watson, Sr., Deacon Will Thrash, Brother Nathaniel Lindsey, Rev. Willie B. Harris and Brother K. Watson; and

WHEREAS, despite the fact many individuals have come and gone as members of the Soulful Sunlighters, the group has continuously sung a joyful noise unto the Lord and has never strayed from its original gospel music roots; and

WHEREAS, the Soulful Sunlighters, individually and as a group, have endured and continued to prosper, notwithstanding the many hardships, trials and deprivations that life will inevitably present to us all, and

WHEREAS, over the years, the Soulful Sunlighters have graciously donated their time and efforts to countless fund raising activities for area churches and organizations; and

WHEREAS, Deacon Clinton Watson, Sr. was correct when he insisted that God would reward the Soulful Sunlighters for all of their cheerful giving, and that some day "it will all payoff"; and

WHEREAS, the Soulful Sunlighters' generosity, longevity and consistency is a continuing inspiration to other gospel groups, artists, and to many citizens of this City, County and State; and

WHEREAS, the City of Griffin and Spalding County alike, are proud to call Clinton Watson, Jr., Horace Watson, Albert Lee Watson, C.C. Watson, Bob Goen, Wilbur Head, Kenny Watson, Clifford Williams, Russell Daniel, Ronald Garside, Robert Colvin and Rev. Hebrew McDonald, the current members of the Soulful Sunlighters, as our Sons.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County and the Board of Commissioners of the City of Griffin that Sunday, May 13, 2001 is proclaimed as

“SOULFUL SUNLIGHTERS DAY”

In the City of Griffin and Spalding County in recognition of the outstanding contributions, the pride, the joy, the inspiration, and of course, the gospel music that the Soulful Sunlighters have brought to this community.

This 13th day of May 2001.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Ten Months Ended April 30, 2001. Ms. Garrison was out of town; therefore County Manager Wilson presented the Financial Statements. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel Financial Statements were unanimously approved by a vote of 5-0.*

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Ivan Taylor, 1245 Carver Road, read a letter written by Mr. Ed Cole regarding the water situation. His letter stated that he had attended a meeting at the Henry County Water & Sewerage Authority office and Henry County expects to be maxed out on their water supplies by Year 2003 with good luck. His letter went on to say by 2003 Spalding County’s tie into Henry and Butts Counties will be dry pipes.

Mr. Taylor also addressed the issue of brick mailboxes. In his opinion he feels that the mailboxes should be put back two (2) wheels off the road where vehicles would miss the mailbox and the stand it is on.

VIII. MINUTES

1. Consider approval of the minutes for the Regular Meeting of May 7, 2001. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA – n/a

X. OLD BUSINESS

1. Consider at second reading an ordinance amending the Spalding County Code relative to Board of Commissioners. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following ordinance was approved by a vote of 4-1 with Commissioner Morrow voting against the motion.*

ORDINANCE NO. 2001-04

**ORDINANCE TO AMEND PART II, DIVISION I, CHAPTER 1,
GENERAL PROVISIONS OF THE CODE OF LAWS AND ORDINANCES OF SPALDING
COUNTY, GEORGIA, BOARD OF COMMISSIONERS
AND PART II, DIVISION II, CHAPTER 1, GOVERNMENT AND ADMINISTRATION OF THE
CODE OF LAWS AND ORDINANCES OF SPALDING COUNTY, GEORGIA**

**BE IT RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF
SPALDING COUNTY AND IT IS HEREBY RESOLVED AND ORDAINED:**

Section 1. To amend Division I, Part II, Board of Commissioners, Chapter 1, General Provisions, Section 2 as follows:

By deleting in Section 2.11 Compensation, paragraph (a) in its entirety and inserting in lieu thereof new paragraphs to read as follows:

“(a) Effective July 1, 2000, the chairman of the board of commissioners shall be paid a salary at the annual rate of thirteen thousand dollars (\$13,000) for his services, and each of the other

commissioners of said board shall respectively be paid a salary at the annual rate of twelve thousand dollars (\$12,000) for his services. Said salaries shall be apportioned and payable for the remainder of 2000 and for all subsequent years at said respective annual rates from the funds of Spalding County. Such salaries shall be payable, as accrued, in monthly installments or other periodic installments at the discretion of the majority of said commissioners.

Nothing herein shall be construed to prevent the board of commissioners from receiving any other compensation mandated by the State of Georgia over and above those sums set out in the paragraph above.”

Section 2. To amend Division II, Part II, Chapter 1, Section 2 as follows:

By deleting in Section 2-1007. Agenda. Paragraph (b) in its entirety and inserting in lieu thereof a new paragraph to read as follows:

“(b) Members of the public may request to be placed on the agenda for any regular meeting. To be considered, this request must be submitted to the county manager and received on or before 12:00 noon on the Tuesday which precedes the regular meeting.”

By deleting in Section 2-1010. Order of business the entire section and inserting in lieu there of a new section to read as follows:

- I. Opening (Call to Order)
- II. Invocation
- III. Pledge to Flag
- IV. Presentations, Proclamations and Recognitions
- V. Presentation of Financial Statements
- VI. Citizen Comments
- VII. Public Comments
- VIII. Minutes
- IX. Consent Agenda
- X. Old Business
- XI. New Business
- XII. Report of County
- XIII. Report of Commissioners
- XIV. Closed Meeting
- XV. Adjournment

By deleting in Section 2-1012. Public Participation paragraph (b) in its entirety and inserting in lieu thereof a new paragraph (b) to read as follows:

“(b) *Citizen comments.* The sixth agenda item of the meeting shall be reserved for comments from citizens who have asked to be placed on the agenda. All members of the public who wish to address the board under the citizen comments section must submit their name and the topic of their comments to the county manager by 12:00 noon on the Tuesday, which precedes the regular meeting. These individuals will be allotted five (5) minutes to make their comments and their comments must be limited to their chosen topics and relate to matters pertinent to the jurisdiction of the board of commissioners. These limits can be waived by a majority vote of the board.”

Section 3. This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia, as prescribed by Section 2-1005 of the Code of Spalding County.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed.

2. Consider at second reading an ordinance amending the Spalding County Code to provide for a Four Way Stop at Birdie Road and Steel Road Intersection. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the following ordinance was unanimously approved by a vote of 5-0.*

**SPALDING COUNTY, GEORGIA
FOUR-WAY STOP
ORDINANCE NO. 2001-05**

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR FOUR-WAY STOP INTERSECTION ON CERTAIN COUNTY ROADS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1007, Traffic Control Devices, by inserting new paragraph (15), said new paragraph to read as follows:

"(15) Birdie Road at Steele Road. "

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

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

3. Consider at second reading an ordinance amending the Spalding County Code relative to Article D, General Business and Occupation Tax. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the following ordinance was unanimously approved by a vote of 5-0.*

ORDINANCE NO. 2001-06

ORDINANCE TO AMEND PART VI, CHAPTER 1, ARTICLE D, GENERAL BUSINESS AND OCCUPATION TAX OF THE SPALDING COUNTY CODE

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY AND IT IS HEREBY RESOLVED AND ORDAINED:

Section 1. To amend by adding a new section to be designated as Section 6-1120 to read as follows:

“(a) It shall be unlawful and a violation of this article for any person to sell more than five (5) used motor vehicles in any calendar year from any location which has not been zoned C-1B as required by the zoning ordinance of Spalding County.

(b) For the purposes of this section, the term “used motor vehicle” shall mean any motor vehicle or car other than a motor vehicle which has never been the subject of a retail sale by a new motor vehicle dealer or a used motor vehicle dealer and which is the subject of a retail sale for a consumer for his or her own use or of a resale to another licensed dealer.

(c) The term “person”, “used motor vehicle dealer”, “used car dealer”, or “licensee”, means any person who, for commission or with intent to make a profit or gain of money or anything of value, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of an interest in used motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person.

(d) The sale of five (5) or more used motor vehicles in any one (1) calendar year shall be prima facie evidence that a person is engaged in the business of selling used motor vehicles.”

Section 2. This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia, as prescribed by Section 2-1005 of the Code of Spalding County.

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

4. Consider at second reading an ordinance amending the FY 2001 Budget Ordinance to adopt a budget for Law Library Fund and Confiscated Asset Fund. *Upon motion by Commissioner Martha McDaniel,*

seconded by Commissioner Johnie McDaniel the following ordinances were unanimously approved by a vote of 5-0.

**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. Law Library Fund

A. Revenues

Fines and Forfeitures	From	\$	0	to	\$	55,000
Interest	From	\$	0	to	\$	300

B. Expenditures

Law Library Expense	From	\$	0	to	\$	55,300
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Approved on first reading this 7th day of May 2001.

Approved, adopted and enacted on second reading this 21st day of May 2001.

**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. Confiscated Assets Fund

A. Revenues

State Forfeitures	From	\$	0	to	\$	13,500
Interest Operating Account	From	\$	0	to	\$	30

B. Expenditures

Forfeitures Paid to NTF	From	\$	0	to	\$	13,530
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Approved on first reading this 7th day of May 2001.

Approved, adopted and enacted on second reading this 21st day of May 2001.

5. Consider at first reading an ordinance to amend the Spalding County Code to provide for "No Parking" on South Pine Hill Road and also to amend Part VII, Chapter 1, Section 7-1004 paragraphs 28

and 29. (Lift from the table). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel item was lifted from the table by a unanimous vote.*

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.

6. Chairman Massengale would like to discuss possible changes to the Mailbox Ordinance. (Lift from the table). *Upon motion by Commissioner Massengale, seconded by Commissioner Morrow item was lifted from the table by a unanimous vote.*

Commissioner Massengale commented that there are no laws governing the type of mailboxes that can be put up; however, there is a DOT resolution that recommends no permanent structures to be placed in the road right of way. The mailbox is not the property of the State of Georgia but the property of the U.S. Postal Service. The right of way is county property owned by the citizens of this county. Residents are requesting to build brick mailboxes and there is an ordinance against doing so.

Commissioner Martha McDaniel had suggested that brick mailboxes be allowed on streets where the speed limit is less than 35 MPH, which would apply to most subdivision streets. Mr. Massengale did not share her feelings and made a suggestion to let everybody do what they want and do away with the ordinance that already exists.

Motion was made Commissioner Massengale to do away with the mailbox ordinance that presently exists. Commissioner Morrow seconded the motion. After a lengthy discussion by County Attorney Fortune and the other commissioners, motion was made by Commissioner Martha McDaniel and seconded by Commissioner Johnie McDaniel to call the question. Motion to call question failed by a vote of 3-2 with Commissioners Kendall and Dick Morrow voting against the motion to call the question. The discussion continued.

The question was called on motion made by Commissioner Massengale to eliminate the Mailbox ordinance in its entirety. The motion failed by a vote of 2-3 with Commissioners Martha McDaniel, Johnie McDaniel and Kendall voting against the motion. The Mailbox ordinance stays as it is.

XI. NEW BUSINESS

Motion made by Commissioner Morrow to amend the Agenda to allow to hear a request from Ms. White for an amplification request. She had come in last week to get a permit for a family reunion but was told she did not have to get one. Then she found out later that she did. That is why the agenda needed to be amended. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

Ms. LaShanya White gave her address as 1145 Spring Creek Circle and requested a permit to use an outside P.A. system on May 25th from the hours of 9:00 p.m. until 1:00 a.m. and all day of May 26th and 27th for a family reunion gathering at her residence. She said that the people did not have a problem with their noise but just wanted her to have a permit. She said that they need the microphone for the music and for parking.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the permit for amplification for the dates and hours mentioned above were approved by a vote of 3-2 with Commissioners Johnie McDaniel and Kendall voting against the motion.

1. Consider authorizing submission of Application for Georgia Indigent Defense Council Funds for FY 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow submission of application was unanimously approved by a vote of 5-0.*

2. Consider request from Parks and Recreation to start an Adventure Camp for boys and girls ages 13-18 years old. *Motion made by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel to approve request. Commissioner Martha McDaniel stated that Camp Thunder was supporting this scholarship and everything will be covered except paying the bus driver. She asked that a letter be written in appreciation for the grant. Motion was unanimously approved by a vote of 5-0.*

3. Consider approval of final plat of Huntington South Subdivision, located off Carver Road and also the acceptance of right-of-way (ROW) deed for Huntington Way and Huntington Terrace (Huntington South Subdivision). *Upon motion by Commissioner Massengale, seconded by Commissioner Morrow*

final plat and acceptance of right of way deeds for Huntington Way and Huntington Terrace were unanimously approved by a vote of 5-0.

4. Elect voting delegate for the NACO 2001 Annual Conference. *Commissioner Martha McDaniel is attending this conference; therefore motion was made by Commissioner Massengale, seconded by Commissioner Johnie McDaniel to elect Martha McDaniel as the voting delegate. Motion was unanimously approved by a vote of 5-0.*

5. Consider request from Atlanta Gas Light Company for refund on ad valorem taxes in the amount of \$16,779 for 1996-1998 tax years. County Attorney Fortune addressed this request. Mr. Fortune explained when Atlanta Gas turned in their inventories for those years of collection, they inadvertently identified inventory, which was stored out of state and not subject to taxation. They discovered their mistake and came back within the three (3) year period and requested a refund, which they are rightfully entitled to.

Motion made by Commissioner Martha McDaniel to approve their request for ad valorem tax refund. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson commented that Ms. Linda Meggers at the Reapportionment Office has set up a meeting with Spalding County either Tuesday, September 11th or Wednesday, September 12th to come up and work on redistricting. The consensus of the Board was Tuesday, September 11, 2001.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall requested that the discussion of sales tax for the industrial park be put back on an agenda so we can make some decisions and set a deadline.

Commissioner Johnie McDaniel had no comments.

Commissioner Martha McDaniel had no comments.

Commissioner Morrow stated that he had asked Sheriff Stewart to consider reducing the speed limit on S. Pine Hill Road down to SR 362 from 45MPH to 35MPH. Part of the road is City and it is 35 MPH and the City cannot control the traffic because of the County's 45MPH. Both speed limits need to be the same. Mr. Morrow stated that he has also asked Commissioner Perdue to work on a four-way stop at Pine Hill and Poplar Street.

Commissioner Martha McDaniel commented that there was also a problem with Memorial Drive. She said that it starts out in the County with 45MPH, then to the City at the library with 35MPH and then back to the County with 45MPH. She said that she was well aware that this was a DOT problem but feels that it would be better if the speed limit was 35MPH from City Limits to Wilson Road. She asked County Manager Wilson to contact DOT and ask them to study this.

Commissioner Massengale stated that a citizen who had had some used tires placed on his property and wanted to know how he could dispose of them had contacted him. Mr. Massengale said he called down to the commissioner's office and after research by staff found out that there is a company in Jackson, Georgia called Greenman Technology that will take used tires for \$1.00 each.

XIV. CLOSED MEETING

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

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

Those present were Commissioners Merrill Massengale, Johnie McDaniel, Martha McDaniel, Michael Kendall and Dick Morrow, County Manager William Wilson, County Attorney Jim Fortune, Community Development Director Michael Sabine 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 May 21, 2001.

2.

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

3.

The executive session was called to order at 7:10 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 21st day of May 2001.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 21st day of
May 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 Johnie McDaniel the Board voted unanimously to come out of Closed Meeting and go back into Open Session.

Motion made by Commissioner Morrow to have a Special Joint Meeting with the City of Griffin next Tuesday at a mutually convenient time at the County Courthouse Annex to discuss the Sewer Capacity Recovery Fee and proposed amendments to the Water Contract. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

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
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