



Spalding County online

Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, August 20, 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, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

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

1. Consider approval of Financial Statements for the One Month Period Ended July 31, 2001. Ms. Jinna Garrison, Finance Director, was present to answer any questions. Commissioner Johnie McDaniel asked about General Fund Capital Outlay. Ms. Garrison stated that this was prior year encumbrances that were rolled over into this fiscal year.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the Financial Statements were unanimously approved by a vote of 5-0.

- VI. CITIZENS COMMENTS – n/a**

VII. PUBLIC COMMENT

1. Mr. Fred Edwards, 747 Steele Road commented that he would like to compliment the Sheriff's Department. He said that they had a problem in their neighborhood and the Sheriff Department took care of a drug problem and they did one fine job.

VIII. MINUTES

1. Consider approval of the minutes for the Regular Meeting of August 6, 2001. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel, minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

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

1. Consider at second reading an ordinance amending the FY 2002 Budget Ordinance to provide for outstanding encumbrances for FY 2001.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2002 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 may amend its annual budget ordinance so as to adopt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 30, 2001, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance	From	\$ 650,000	to	\$ 903,863
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B. Expenditures

Board of Elections	From	\$ 51,297	to	\$ 51,509
Administration and Finance	From	\$ 413,417	to	\$ 414,205
Information Systems	From	\$ 119,211	to	\$ 122,599
Tax Commissioner	From	\$ 623,980	to	\$ 633,021
Janitorial Services	From	\$ 101,661	to	\$ 103,310
General Appropriations	From	\$ 2,369,376	to	\$ 2,388,888
Superior Court	From	\$ 504,900	to	\$ 504,967
Judicial Circuit	From	\$ 632,265	to	\$ 632,486
Clerk of Court	From	\$ 686,955	to	\$ 687,135

State Court	From	\$ 452,169	to	\$ 452,378
Solicitor	From	\$ 93,531	to	\$ 94,840
Magistrate Court	From	\$ 536,763	to	\$ 536,845
Sheriff	From	\$3,254,000	to	\$ 3,384,123
Jail	From	\$3,892,321	to	\$ 3,896,735
Narcotics	From	\$ 495,817	to	\$ 499,343
Correctional Institution	From	\$4,131,390	to	\$ 4,144,974
Coroner	From	\$ 44,107	to	\$ 44,175
Animal Control	From	\$ 222,751	to	\$ 223,297
Emergency Management	From	\$ 11,105	to	\$ 11,646
Public Works	From	\$2,625,180	to	\$ 2,677,973
Solid Waste	From	\$ 733,651	to	\$ 736,680
Garage	From	\$ 193,855	to	\$ 193,886
Recreation	From	\$ 498,591	to	\$ 500,971
Parks	From	\$1,456,237	to	\$ 1,462,185
Cooperative Extension Service	From	\$ 79,783	to	\$ 80,005

Section II. Emergency Telephone System Fund

A. Revenues				
Fund Balance	From	\$ 630	to	\$ 2,964
B. Expenditures				
Emergency Communications	From	\$ 1,224,015	to	\$ 1,226,349

Section III. Multiple Grant Fund

A. Revenues				
Fund Balance	From	\$ 0	to	\$ 45
B. Expenditures				
Enrichment of Young Minds	From	\$ 0	to	\$ 45

Section IV. Fire Fund

A. Revenues				
Fund Balance	From	\$ 346,000	to	\$ 400,129
B. Expenditures				
Fire Department	From	\$ 3,691,763	to	\$ 3,745,892

Section V. Hotel/Motel Tax Fund

A. Revenues				
Fund Balance	From	\$ 0	to	\$ 2,607
B. Expenditures				
Tourism	From	\$ 75,000	to	\$ 77,607

Section VI. Water & Sewerage Authority Fund

A. Revenues				
Fund Balance	From	\$ 173,231	to	\$ 173,260
B. Expenditures				

Water Department From \$ 3,937,231 to \$ 3,937,260

Approved on first reading this 6th day of August, 2001.

Approved, adopted and enacted on second reading this 20th day of August, 2001.

2. Consider at first reading an ordinance amending the FY 2002 Budget Ordinance to provide for appropriations to the Health Trust Employee Fund. The budget amendment is to provide an additional \$100,000 for the Health Trust Employee Fund. ***The Ordinance will be incorporated into the minutes on second and final reading.***

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Consider approval for new Alcoholic Beverage License for 2001 Retail Package Store, Beer and Wine License for the following:

- Michael Davis d/b/a The Pantry, Inc., 3420 Jackson Road

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Alcoholic Beverage License was approved by a vote of 4-1 with Commissioner Johnie McDaniel voting against the motion.

2. Consider Contract for the Collection of Delinquent Property Taxes with DTSi. Ms. Sylvia Hollums, Tax Commissioner was present to answer any questions. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following contract was unanimously approved by a vote of 5-0.*

**CONTRACT FOR THE COLLECTION OF DELINQUENT PROPERTY TAXES
FOR
SPALDING COUNTY, GEORGIA**

**State of Georgia
County of Spalding**

THIS AGREEMENT, stated by and between:

**SPALDING COUNTY, GEORGIA
A PUBLIC SUBDIVISION OF THE STATE OF GEORGIA**

Hereinafter referred to as “SPALDING COUNTY”, AND

**DELINQUENT TAX SOLUTIONS, INC.
2200 Hewatt Road – Suite 302D
Snellville, GA 30039**

Hereinafter referred to as “**DTSi**”. This agreement shall be known as the “**TAX COLLECTIONS AGREEMENT**”.

WHEREAS, the Office of the Tax Commissioner is engaged in the billing and the collection of county real property and personal property ad valorem taxes and is desirous of obtaining the services of **DTSi** in an effort to quickly and efficiently collect its delinquent county taxes without any additional cost to those citizens of **Spalding County** who have timely submitted and paid their respective County tax liabilities, and;

WHEREAS, **DTSi** has submitted its proposal to assist the Office of the Tax Commissioner with the collection of its valid and outstanding tax delinquencies with a program of payment of its fees from the additional statutory charges which can be levied against the delinquent tax payer and his respective property without the County incurring costs for the services performed by **DTSi**, and;

WHEREAS, the proposal of such services was submitted to the Office of the Tax commissioner and approved by all interested parties, and;

WHEREAS, the use of the services provided by **DTSi** will result in a concentrated effort to collect the delinquent taxes without the necessity of adding additional staff to the Office of the Tax Commissioner’s payroll or additional equipment cost and should improve the county’s tax collection ratio.

NOW, THEREFORE, in consideration of mutual benefits flowing between the parties to this agreement, it is hereby agreed between the parties as follows:

1. **Term**

This Tax collections Agreement, shall begin on the 20th day of August, 2001, and terminate on December 31, 2001 and automatically roll over unless terminated with notice by November 1, 2001, as hereinafter provided.

2. **Obligations of the Office of the Tax Commissioner and Spalding County**

The Office of the Tax Commissioner agrees to assist **DTSi** in its task of fairly, quickly and efficiently collecting and returning the outstanding tax obligations owed to Spalding County. To accomplish this goal, the Office of the Tax Commissioner will supply **DTSi** with a list of all those parcels that it wishes to be collected upon. It is understood that **DTSi** will act in reliance on the accuracy of the information provided by the Office of the Tax commissioner and the county Assessor’s Office and **DTSi** is instructed to accept said list as a true and correct representation of the status of the respective account as shown on the tax records of the county. **DTSi** will accept the list as presented and immediately begin Stage 1 of the collection process as outlined in its proposal to the Office of the Tax Commissioner and agrees to provide:

- a. Correct name and address (when possible) of the property owner.
- b. The correct Map and Parcel number of the land tract.

- c. A copy of the respective tax execution (fifas) for each year intended for collection.
- d. At the time that a parcel is turned over to **DTSi** for collection, the Office of the Tax Commissioner must flag that respective parcel in its computer system to insure that the applicable penalties, interest charges and applicable fees are collected.
- e. With the exception of any legally privileged information submitted by taxpayers of the County, the Office of the Tax Commissioner will provide **DTSi** with complete access to its tax and real estate records, to include mapping and prior appeals records.
- f. In the event **DTSi** receives a request from the taxpayer to send him copies of relevant tax records, such as executions or assessment records, the Office of the Tax Commissioner agrees to provide such documentation to the taxpayer without charge to **DTSi**.
- g. The Office Commissioner will promptly notify **DTSi** when it received any notice of filing of a debtor's petition in bankruptcy, which affects the collection of a particular account or accounts. Upon receipt of this information, **DTSi** will immediately cease any further collection effort on this account until notified by the County's attorney or the County Tax commissioner's Office of the dismissal of the bankruptcy case, the Office of the Tax commissioner will include the applicable administrative or title examination fee as allowed by the court and upon recovery of the same, **DTSi** will be entitled to received its normal fee from the collection. **DTSi** will fully cooperate with the Office of the Tax Commissioner in its attempt to prosecute its rights in Bankruptcy Court.

3. Legal Representation

The County Attorney will represent the Office of the Tax Commissioner in all legal challenges of actions involving the collection of the accounts. In the event a lawsuit is filed seeking to prevent the collection of any account or to otherwise halt or restrain the collection of said account, **DTSi** will immediately turn over to the county Attorney's office, a copy of its full file, detailing its collection efforts to date and **DTSi** agrees to assist the County Attorney in the defense of the suit. The County represents and warrants to **DTSi** that the information provided to **DTSi** is accurate and complete. As between County and **DTSi**, County agrees and covenant that it shall bear the responsibility for any inaccuracies in such information. As between County and **DTSi**, **DTSi** agrees and covenants that it shall bear the responsibility for any mistakes or errors committed by **DTSi** in the collection of any account, so long as such mistake or error is not caused by inaccurate information supplied by the County.

4. Obligations of DTSi

DTSi will accept the list given to it by the Office of the Tax Commissioner and will immediately commence to use its best effort in the Stage 1 collection process, in accordance with approved collection procedures of the Fair Debt Collection Practices Act and all other applicable state and federal laws.

In Stage 1, **DTSi** shall perform the following tasks as required to give notice of the tax delinquency to the taxpayer and attempt to collect on the account without the necessity of levy and sale of property. **DTSi** will begin the process of verification and skip tracing as needed. If required, a minimum of two (2) specific collection letters will be sent to the taxpayer.

In the event the tax account is not paid to the Office of the Tax Commissioner during the Stage 1 process, **DTSi** agrees, upon receipt of instruction from the Office of the Tax Commissioner to commence its Stage 2 collection process which may result in a levy on the property and possible sale of the same to satisfy the tax liability.

In Stage 2, **DTSi** shall, when necessary:

- a) Run a computerized search of the bankruptcy records under the name of the taxpayer.
- b) Run an examination of the real estate records of the County to determine the present ownership of the property in question and all parties entitled to receive notice of tax sale on the property.
- c) Prepare a levy notice to the defendant in fifa and the current record holder and the current mortgage or interest holders.
- d) Conduct a diligent search of all general execution docket and federal and state tax records.
- e) Prepare a description of the property to submit to the newspaper for legal advertisement.

In the event the Office of the Tax Commissioner elects to proceed with the levy and sale of a parcel, **DTSi** will supply the necessary levy information to the Tax commissioner as Ex-Officio Sheriff to begin the levy and sale process.

5. Payment of Services Rendered.

It is the intent of **DTSi** that its collection services not be an expense chargeable to the County's taxpayers who pay their taxes in a timely manner and that services as rendered by **DTSi** be paid by its collection efforts. It is expected that **DTSi** will be paid form those fees added to the tax bill, as permitted by State law. Such fees cover, **but are not limited to**, the review of IRS and Bankruptcy liens, Skip trace fees, Title Examination, certified mail to all defendants in Fi-Fa, Advertising Preparation for the legal organ of the county, and other services as needed.

The following is an outline of the payment schedule allowed to **DTSi**:

1. For all accounts turned over to **DTSi** and collected during the Stage 1 process, **DTSi** will be paid \$50.00 for any and all parcels.
2. For all accounts turned over to **DTSi** and collected during the Stage 2 process, **DTSi** will add an additional \$100.00 to raise the total fee to \$150.00 to cover record research and the notification processes

6. Payments Made By Taxpayers.

It is intended that all payments made by the taxpayers or other interested parties on these accounts shall be made directly to the Tax Commissioner of Spalding County and not to **DTSi**. **Under no circumstance will DTSi accept or receipt for any tax payment.**

7. Cost incurred by the Office of the Tax Commissioner

The Office of the Tax Commissioner is responsible for recovering costs incurred for legal advertisement, Sheriff Services, Recording Fees and Deed Preparation. These fees are allowed to be recovered by the County under Georgia law during the collection process.

8. Entire Agreement

This contract constitutes the sole and only agreement between the parties hereto; this contract correctly sets forth the obligations of all parties involved as of its date. Any supplementation or modification of this agreement must be in writing and signed by both parties.

9. Termination

This agreement may be terminated by either party upon receipt of 30 days written notice. During the phase one collection period, *and in the event of such a termination notice*, it is understood that any files turned over the **DTSi**, and having been mailed within this time period, **DTSi** will be entitled to the associated fees collected during a 60 day period related to the mailing date of these files. During the phase two collection period, *and in the event of such a termination notice*, **DTSi** will finish the work on any scheduled tax sale, and the fees collected up to and including the day of the tax sale, **DTSi** shall be entitled to fees collected on these parcels.

10. Miscellaneous.

Time is of the essence of this agreement. The section headings of this agreement are for convenience sake only and shall not limit or otherwise affect any of the terms hereof. The laws of the State of Georgia shall govern this agreement. As used herein, the singular number shall include the plural, the plural the singular, and the use of the masculine, feminine, or neuter gender shall include all genders, as the context may require, and the term "person" shall include an individual, a corporation, an association, a partnership, a trust, an organization and a governing body. Invalidation of any one or more of the provision hereof shall not affect the validity of the remainder of this agreement, which shall remain in full force and effect.

So agreed and Executed in Duplicate Original on the 20th of August, 2001

By: (L.S.) H. Merrill Massengale, Chairman

Spalding County

Delinquent Tax Solutions, Inc.

Endorsed By: (L.S.) Sylvia W. Hollums

(L.S.) Richard Watson, President

3. Consider request from Tax Commissioner to accept credit card payments. Ms. Sylvia Hollums, Tax Commissioner was present to answer any questions and address this item. She stated she was requesting permanent allowance for use of credit cards in the collection of property taxes and all other monies collected by her office, including tag and title fees. She said that she only had to pay a merchant fee at 1.9% and no transaction fees.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow permanent allowance for use of credit cards for all monies collected was unanimously approved by a vote of 5-0.

4. Consider request from the Sheriff's Department to submit grant application for FY 2002 LLEBG. The grant request is in the amount of \$35,847 to be used for equipment to complete the mobile data unit.

Upon motion by Commissioner Morrow, seconded by Commissioner Massengale submission of grant application was unanimously approved by a vote of 5-0.

5. Consider request from the Sheriff's Department to apply for the Governor's Office of Highway Safety Grant in the amount of \$15,000. Major Greg Potter was present to address this item. The money is to be used to lower teenage driving accidents and fatalities in the community. This money would be used to teach students about the consequences of driving under the influence of alcohol and drugs. Major Potter stated that this is a non-matching grant.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow request to apply for grant was unanimously approved by a vote of 5-0.

6. Consider recommendation of bids from the Sheriff's Department for Inmate Medical Services. Major Greg Potter addressed this item. He said that they had placed a bid in the newspaper for inmate medical services and received three (3) bids. They were recommending Internal Medicine of Griffin, LLP at a cost of \$420,000 annually, which is \$35,000 per month.

Motion made by Commissioner Martha McDaniel to accept the recommendation of the Sheriff's Department, Internal Medicine of Griffin and they be awarded the contract for inmate medical services. Commissioner Morrow seconded the motion. County Manager Wilson asked Commissioner Martha McDaniel to add to her motion to delete a budgeted slot of position of LPN and allocate to medical services, which would help cover the budget deficit of \$115,000. Commissioner Martha McDaniel amended her motion to delete the LPN position and add the monies to the medical services line item. Commissioner Morrow amended his second as well.

There was a discussion by Dan Green regarding the \$300,000 budget that was allocated for inmate medical services. He said that they were required by law to provide medical services, food, and clothing to the inmates and in FY 2001 the amount spent was \$736,366 so we are already looking at a \$400,000 deficit.

Major Potter said that the Sheriff's Department asked for \$625,000 for inmate medical services for FY 2002 and the Board only allocated \$300,000. He said that \$150,000 of the \$300,000 was already gone. He said that they are going to exceed their medical expense budget by at least \$300,000 if not more. He said that they do not have any where in their budget to ship the funds to cover the cost of health services.

Mr. Green stated that they had 329 inmates when they took over in January 2001 and as of today there are between 380 and 390 inmates housed at the jail. The concern is the overcrowding and the growing population.

Commissioner Massengale stated that he sat in on a session of State Court last month and a lot of people get incarcerated because of violation of probation so they wind up back in the Spalding County Jail where they were once before and a lot of them can't pay the fine that they have to pay when they go to the Probation Office. He said that there has got to be some way to keep these people out of jail. He asked Judge Esary why couldn't these people do community service. Judge Esary said that had been tried, did not work because supervision was the problem.

Captain Green said that Judge Esary had over 300 slated for the next calendar and that probably 90 per cent of those are probation violators. There is community service done on weekends.

Commissioner Martha McDaniel stated that our long-range plans are to take the current C.I. and turn it into a work release program, which we hope would solve some of these problems. She said that this is one way to get these people working and paying and get them out of the jail. Capt. Green commented that this was an excellent idea.

*The Chairman called the question regarding the inmate medical services contract and the contract was unanimously approved by a vote of 5-0. **Reference Contract #2001-08-20(A).***

7. Consider Resolution to Abandon a Portion of Sandy Flat Road pursuant to Resolution of Intent adopted July 16, 2001. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION
TO ABANDON A PORTION OF
SANDY FLAT ROAD

WHEREAS, landowners contiguous to Sandy Flat Road contend that a portion of Sandy Flat Road has ceased to be used by the public to the extent that no substantial public purpose is served by said road and have requested the Board of Commissioners of Spalding County as the governing authority of said county, to abandon said road as a part of the county road system; and

WHEREAS, on July 16, 2001 the Board of Commissioners adopted a resolution of intent to consider the abandonment of a portion of Sandy Flat Road; and

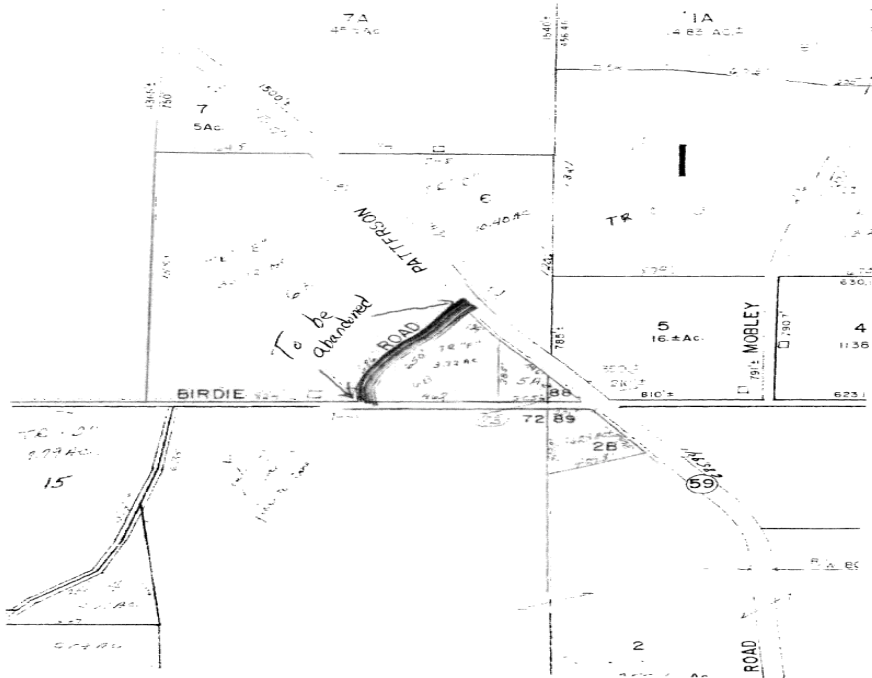
WHEREAS, a copy of such resolution along with a copy of said plat and sketch was sent to each of the contiguous property owners and to the local Postmaster for review with the rural mail carrier and to the Superintendent of the Griffin-Spalding County School System for review with the person in charge of the bus transportation for students in the local school system, and in addition thereto copies of such resolution were posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex; and

WHEREAS, no objections to such abandonment have been received;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that a portion of Sandy Flat Road lying and being in the Africa Militia District, running north northeasterly from its intersection with Birdie Road approximately 686 feet, to a point intersecting with Patterson Road that is more particularly described as being a point approximately 700 feet northwest of the intersection of Birdie and Patterson Roads as more particularly shown and designated on the plat or sketch attached hereto, has ceased to be used by the public to the extent that no substantial public purpose is served by it, accordingly, said road is hereby considered, ordered and declared abandoned, and it is further ordered that said portion of Sandy Flat Road shall hereafter cease to be a part of the county road system; and

IT IS FURTHER RESOLVED that a copy of the within resolution shall be transmitted to the Georgia Department of Transportation and to the Spalding County Board of Tax Assessors, so as to record the deletion of a portion of Sandy Flat Road as a part of the Spalding County road system; and

IT IS FURTHER RESOLVED that the within resolution shall become effective immediately and that all acts or resolutions, or parts thereof, in conflict herewith be, and the same are, hereby repealed.



8. Consider Resolution authorizing the Chairman to execute a Lease Supplement in the amount of \$79,482.06 for equipment for the Parks and Recreation Department. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Resolution was unanimously approved by a vote of 5-0.*

**AUTHORIZING RESOLUTION
(LEASE SUPPLEMENT)**

A RESOLUTION TO AUTHORIZE AND DIRECT AN OFFICER OF THE COUNTY TO EXECUTE A LEASE SUPPLEMENT FOR A LEASE UNDER THE ACCG ALTERNATIVE LEASING PROGRAM; TO DESIGNATE SUCH LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the County has entered into a Master Lease (the “Master Lease”) dated as of 12/12/2000 with Association County Commissioners Of Georgia for the leasing from time to time personal or real property pursuant to one or more Lease Supplements.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY GOVERNING BODY OF THE COUNTY:

1. The **Chairman** of the County is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect a lease for Various Heavy Equipment; said officer of the County is authorized and directed in the name and on behalf of the County to execute and deliver:

- (a) a Lease Supplement in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and
 - (b) such other documents as may be deemed by such officer to be necessary or desirable to affect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.
2. If real property will be subject to the Lease Supplement, the **Chairman** of the County is hereby authorized and directed to execute and deliver a Warranty Deed to Associated County Commissioners of Georgia for the site(s) of such buildings, which site(s) will be subject to such Lease Supplement.
3. An appropriation from unappropriated and unreserved amounts in the County's current operating budget is made in the amount of **\$28,789.71** for the "Rentals", "Additional Rentals" and the "Termination Payment" during the "Starting Term" under the Lease Supplement.
4. The lease contemplated by the said Lease Supplement is hereby designated a "Qualified Tax-Exempt Obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.
5. This resolution shall be effective immediately.
9. Consider at first reading an ordinance to amend the FY 2002 Budget Ordinance to provide for lease purchase for Parks and Recreation Department. *Upon motion by Commissioner Johnie 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.***
10. Consider at first reading an ordinance amending the Spalding County Code relative to Street Use Ordinance. County Manager Wilson stated that this was for "No Thru Trucks" on Hudson Road and Green Valley Road. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***
11. Consider request from Spalding County Sesquicentennial Committee for amplification permit at Wyomia Tyus Olympic Park, September 3, 2001 from 5:00 P.M. to 9:00 P.M. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel request was amplification was unanimously approved by a vote of 5-0.*
12. Consider declaring surplus properties acquired at tax sales and authorize sale of properties. County Manager Wilson stated that there are seven (7) parcels we researched

with a total market value according to the 1999 tax digest of \$27,310. The descriptions are Lot 70, Runaway Lake, Tract D off Teamon Road, Lot 4 West Teamon, Lot 21 Horton Road, Lot 22, Horton Road, Lot 28 West Road and Lot 29, West Road. Mr. Wilson stated that they will be sold on the Courthouse steps and County Attorney Fortune will do the advertising and probably be sold on Tuesday, October 2nd.

Motion made by Commissioner Martha McDaniel to dispose and declare these pieces of property surplus. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

13. Consider recommendation from the Spalding County Records Committee with respect to the County's record retention program and records management ordinance. The recommendations are to adopt the April 2001 "Retention Schedules for Local Government Records" as approved by the Georgia Department of Archives and History and also that audiovisual tapes of County Commission meetings be retained for one year following the adoption of the official minutes of the respective meeting.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the recommendations were unanimously approved by a vote of 5-0. **Ordinance 2001-09 will be incorporated into the minutes on second and final reading.***

14. Commissioner Morrow would like to discuss the composition of the Airport Master Plan Citizens Study Group. Commissioner Morrow stated that he had met with some of the people in position of authority at the City and have agreed and compromised on a new plan. He read a Resolution that outlines a new plan as follows:

"Resolved: The Spalding County Commission recommends to the City of Griffin Board of Commissioners that the "Citizens Committee for the Airport Master Plan" have its membership selected on the following basis:

"Both the City and County Commissions each appoint twelve citizens to serve on the Committee. When those 24 citizens meet for the first time, they shall elect a chairman from within that group. After this has been done, either the City or County (depending upon whether it was a City or County appointment selected as chairman) will appoint a new member to fill the vacancy.

At the end of this process the committee will consist of 24 members and one chairman for a total of 25 voting members"

If the City of Griffin Board of Commissioners agrees to this method, the Spalding County Board of Commissioners will commence choosing its twelve appointments. There are no pre-conditions for committee membership. Any citizen, including Commissioners, may be selected for inclusion by the respective Commission."

Motion made Commissioner Morrow that we adopt the above Resolution and that it be sent to the City of Griffin requesting that they adopt this Resolution at their next regular scheduled

meeting. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

15. Consider changing Regular Meeting of September 3, 2001 to Tuesday, September 4, 2001 (September 3rd is a county holiday). Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the Regular Meeting was changed to September 4th and unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson asked the Board to amend the agenda for two (2) items. The first item is consider approval of payment of actual utility relocation cost to Central Georgia EMC for utility relocation on Hickory Circle and the second item is to go into Executive Session to discuss potential litigation.

Motion made by Commissioner Martha McDaniel to amend the agenda. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

Motion made by Commissioner Martha McDaniel to approve the actual cost of utility relocation on Hickory Circle to come out of SPLOST funds. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

Motion made by Commissioner Martha McDaniel to amend the agenda to discuss potential litigation under Item No. 14. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

County Manager Wilson commented that the City of Griffin Fire Department would like to use the Park and Ride Lot on the weekends for driver training. He said he told them that they would have to work in with the schedule of Griffin Technical College as they are already using it for CDL training. The Board had no objections to their request.

County Manager Wilson commented that Governor Barnes notified us today that the CDBG grant was approved in the amount of \$500,000 for the Highland Mills Sewer project. He said that we would be getting the project underway soon.

County Manager Wilson announced his appointment of Michael E. Sabine as Assistant County Manager. He said Mr. Sabine would take over his duties effective August 24th. He said that we would immediately start looking for a Community Development Director and he passed out a press release. Mr. Wilson stated that Mr. Sabine had graciously accepted this challenge and I feel he will be a great addition to the Administrative Staff. He has done a lot of things above and beyond community development for me over the past eight and one-half months and I am looking forward to working with him. The Board congratulated Mr. Sabine on his appointment.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall reported back to the Board regarding the dental program that the Hospital Authority is implementing. He said that they had hired a young lady to run this program and feels that this is something that the community is certainly going to be benefited by. Mr. Wilson commented that he already had crews working down there getting the office ready.

Commissioner Kendall invited everyone to the public hearing that the school board is having Tuesday at 7:00 p.m. at Kelsey Avenue Middle School. He said the purpose of this hearing is the renaming of the school and what happens to the school should the SPLOST pass next month. One of the proposals is to create a replacement school for Kelsey Avenue Middle School and also where the location of the school would be.

Commissioner Johnie McDaniel had no comments.

Commissioner Martha McDaniel had no comments.

Commissioner Morrow spoke regarding the Doc Holliday stamp cancellation ceremony to celebrate the 150th birthday of Doc Holliday. He said that he attended this ceremony and the interesting thing was that 1,000 people came and got a stamp cancelled with Doc Holliday's 150th birthday commemorative stamp on it. He said that when the society has an event annually, people from all over the world show up because Doc Holliday's name is so widely known. He said that we have a multi-million dollar marketing name in Griffin, GA that we do not take advantage of and it's a shame that we have this tremendous tool and none of us in government support it so he would like to throw out the idea that maybe we ought to consider pushing a little harder on Doc Holliday festivals from the government standpoint and we could use the money for a worthy cause like park land adding to our greenspace.

Commissioner Massengale had no comments.

XIV. CLOSED MEETING

Motion made by Commissioner Morrow, seconded by Commissioner Martha McDaniel to go into a Closed Meeting to discuss potential litigation.

Those present were Commissioners Michael Kendall, Dick Morrow, Martha McDaniel, Johnie McDaniel, Merrill Massengale, County Manager William Wilson, Assistant County Manager Michael Sabine, 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 August 20, 2001.

2.

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

3.

The executive session was called to order at 7:20 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 20th day of August 2001.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 20th day of
August 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

Motion made by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel to come out of Closed Meeting and go back into Extraordinary Session.

No business was transacted at this time.

XV. ADJOURNMENT

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

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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