



Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, October 8, 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 – Led by Rev. Mike Freeman in the absence of Rev. Valimont.

III. PLEDGE TO FLAG – Led by County Manager Wilson

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval of a Proclamation “Nunc Pro Tunc” honoring Dick Brooks as Griffin Exchange Club’s Man of the Year for 2000. Proclamation was presented 9/25/01 by Chairman Massengale. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Proclamation was unanimously approved by a vote of 4-0 (Commissioner Morrow was absent at this time).*

A PROCLAMATION HONORING THE SELECTION OF DICK BROOKS AS THE GRIFFIN EXCHANGE CLUB’S MAN OF THE YEAR FOR 2000

WHEREAS, the Griffin Exchange Club has selected Dick Brooks as its 2000 Man of the Year; and

WHEREAS, Mr. Brooks is a native of Griffin, and married to the former Cathy Langford, as well as the loving father of three children, Bryan, Kevin, and Lindsey; and

WHEREAS, Mr. Brooks is an active member of the First United Methodist Church, serving as past Chairman of its administrative board, finance committee, and music committee, as well as a participant in the Chancel Choir and the Board of Stewards; and

WHEREAS, Mr. Brooks is a Senior Vice President for First National Bank of Griffin and has received numerous honors and awards over the years, including Young Man of the Year by the Griffin-Spalding Jaycees, Outstanding Citizen of the Year for 1997 by the Griffin-Spalding Chamber of Commerce, and selection as General Griffin for the present year; and

WHEREAS, Mr. Brooks’ vision and love for the Spalding County community is evidenced by the numerous civic and charitable activities in which he has taken a leadership role; and

WHEREAS, Mr. Brooks’ civic and charitable activities include past service with the Boy Scouts of America Flint River Council, and current service with the Griffin Association of Retarded Citizens, the Griffin-Spalding Chamber of

Commerce, United Way Executive Committee, Partners in Education, the Griffin Rotary Club, the Griffin Elks Club, and the Griffin-Spalding Historical Society.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County that Tuesday, September 25, 2001 is hereby proclaimed as

“Dick Brooks Day”

to recognize his contributions to Spalding County and honor his selection as Man of the Year.

BE IT FURTHER RESOLVED that a copy of this Proclamation is to be spread upon the minutes of the proceedings of this Board to memorialize Mr. Brooks’ contributions to the citizens of Spalding County and commemorate his selection as the Griffin Exchange Club’s Man of the Year for 2000.

This the 25th day of September 2001 .

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS

1. Mr. Norm Shatzoff is present to propose that September 11th of every year hereafter be a day of remembrance for the terrorist attacks on the World Trade Center in New York.

Mr. Norman Shatzoff gave his address as 760 Hudson Road spoke about the terrorist attacks of September 11, 2001. He lost a relative at the World Trade Center bombing and thanked everyone who had made condolences to him and his family. He said, “That this is a unfortunate case but it is not the end of our misfortune. He feels that this thing is going to happen the rest of our lives. He said that he feels that is necessary for us not to allow the events of last month to go sanitized as has so many other things that have happened over the years.” He said that people need to be reminded of what and can happen every year and requested that Spalding County take the lead and name September 11th as a day of remembrance.

Motion made by Commissioner Martha McDaniel that we spread upon the minutes that September 11th hereafter in Spalding County will be called a day of remembrance and that we ask our legislative delegation to introduce legislation in the state with the state legislative body to do the same. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

VII. PUBLIC COMMENT

Ms. Gwendolyn Flowers, 134 Spalding Street, made comments regarding the liquor license application the Board is considering tonight. This license is for 1301 N. Hill Street. She had concerns regarding vagrancy, drug dealings going on in front of this establishment. She said that there are children who go to Atkinson Elementary School who walk by there twice a day and was concerned for their well being. She asked that the Board place some restrictions on this establishment to make the owners responsible for the activities outside of the store.

Mr. Ivan Taylor, 1245 Carver Road, made comments regarding the Carver Railroad crossing status. He said that he had not heard anything since speaking to the Commissioners and he is aware they are slow to respond but ask that the County keep after them as this is a hazard to traffic.

VIII. MINUTES

1. Consider approval of the minutes for the Extraordinary Session of September 17th, Public Hearings of September 20th, Special Called Meeting of September 24th and 27th and Public Hearing of September 27, 2001. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnnie McDaniel the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA – n/a

X. OLD BUSINESS

1. Consider appointments to the Airport Study Committee. *Motion made by Commissioner Morrow, seconded by Commissioner Martha McDaniel to approve the following appointments to the Airport Study Committee. Motion was amended by Commissioner Morrow, seconded by Commissioner Martha McDaniel to add both of them to this Committee. Motion with amendment was unanimously approved by a vote of 5-0.*

Appointments made by Commissioner Morrow – Ron Alexander and Don Taliaferro
Appointments made by Commissioner Martha McDaniel – Doug Washington and Don Cash
Appointments made by Commissioner Johnie McDaniel – Ed Williams and Jeff Sliger

Commissioner Massengale and Commissioner Kendall did not have their appointments ready to be made; therefore they will make their appointments at the October 22, 2001 meeting.

Commissioner Morrow stated that he would initiate the first meeting of this committee after the October 22nd meeting.

2. **Lift from the table.** Consider at first reading Amendment to **UDO #A-01-014**—Appendix A. Subdivision Ordinance – add Article 7. Conservation Subdivisions.

Upon motion by Commissioner Johnie McDaniel, seconded simultaneously by Commissioner Morrow and Commissioner Martha McDaniel the item was lifted from the table by a unanimous vote.

There was some discussion regarding this Amendment to the UDO. Assistant County Manager Sabine had asked Jake Garner, Public Works Director, Rocky Kenway, Water Superintendent and Samuel Gardner, Fire Chief to review and make comments regarding this conservation subdivision ordinance.

*After discussing their comments, motion made by Commissioner Morrow to approve Resolution with the following changes to be made before second reading. The changes to be made were as follows: (1) width of streets and private drives be 20 ft. in width in lieu of 18 ft. for access of emergency vehicles and (2) private common drives be no longer than 750 ft. for access to fire hydrants. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution with provisions will be incorporated into the minutes on second and final reading.***

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

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the following Rezoning Resolutions were unanimously approved by a vote of 5-0.

- **Rezoning Application #01-15Z:** MRC Development, Inc., Owner—Omni Consulting Services, Agent – 1519 Zebulon Road – 31.95 acres, R-1 and C-1 to R-1, C-1 & C-1A.

**IN RE:
APPLICATION OF MRC DEVELOPMENT INC., OWNER
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-15Z

RESOLUTION AMENDING

**THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "C-1, Highway Commercial and R-1, Single Family Residential;"

WHEREAS, OMNI Consulting Services, applicants, applied for a change in zoning classification to be applied to the within described property to "C-1, Highway Commercial, C-1A, Neighborhood Commercial, and R-1, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on June 28, 2001;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on July 28 and August 28, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described properties:

All that tract or parcel of land lying and being in Land Lot 119 of the 2nd Land District of Spalding County, Georgia, containing 26.26 acres of land, more or less, being more particularly described as follows:

Beginning at an iron pin at the intersection of the southern land lot line separating Land Lots 118 and 119, and the western right of way of U.S. Route 19, said point being the POINT OF BEGINNING:

thence running S 11°33'21"E a distance of 191.27 feet to a point;
thence running S 09°08'18"E a distance of 189.47 feet to a point;
thence running N 89°31'24"W a distance of 303.52 feet to a point;

thence running S 02°10'12"E a distance of 341.87 feet to a point;
thence running N 89°50'21"W a distance of 554.39 feet to a point;
thence running S 03°00'51"E a distance of 248.00 feet to a point;
thence running N 89°50'21"W a distance of 882.96 feet to a point;
thence running N 00°25'46" W a distance of 429.06 feet to a point;
thence running N 00°25'46" W a distance of 491.41 feet to a point;
thence running N 89°31'24"E a distance of 1657.48 feet to the POINT OF BEGINNING

From "C-1, Highway Commercial" and "R-1, Single Family Residential" to "R-1, Single Family Residential" District.

All that tract or parcel of land lying and being in Land Lot 119 of the 2nd Land District of Spalding County, Georgia, containing 1.31 acres of land, more or less, being more particularly described as follows:

Beginning at an iron pin at the intersection of the southern land lot line separating Land Lots 118 and 119, and the western right of way of U.S. Route 19, thence running S 11°33'21"E a distance of 191.27 feet to a point; thence running S 09°08'18"E a distance of 189.47 feet to a point; said point being the POINT OF BEGINNING:

thence running S 06°37'10"E a distance of 176.37 feet to a point;
thence running N 89°35'40"W a distance of 320.98 feet to a point;
thence running N 02°10'12"W a distance of 181.73 feet to a point;
thence running S 89°31'24"E a distance of 303.52 feet to the POINT OF BEGINNING.

From "R-1, Single Family Residential" to "C-1A, Neighborhood Commercial" District.

All that tract or parcel of land lying and being in Land Lot 119 of the 2nd Land District of Spalding County, Georgia, containing 1.18 acres of land, more or less, being more particularly described as follows:

Beginning at an iron pin at the intersection of the southern land lot line separating Land Lots 118 and 119, and the western right of way of U.S. Route 19, thence running S 11°33'21"E a distance of 191.27 feet to a point; thence running S 09°08'18"E a distance of 189.47 feet to a point; thence running S 06°37'10"E a distance of 176.37 feet to a point said point being the POINT OF BEGINNING:

thence running S 04°12'59"E a distance of 136.93 feet to a point;
thence running N 89°50'21"W a distance of 325.95 feet to a point;
thence running N 02°10'12"W a distance of 160.31 feet to a point;
thence running S 89°35'40"E a distance of 320.98 feet to the POINT OF BEGINNING.

From "R-1, Single Family Residential" to "C-1, Highway Commercial" District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

The front setback for the C-1A lot shall be reduced from 60-feet to 15-feet.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On September 27, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lot 119 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 31.95 acres, zoned C-1, C-1A and R-1, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Rezoning Application #01-17Z**: Jeff Treadway, Owner – Lot 6 Lakeside Road – 0.43 acres, R-1 to R-2.

IN RE:

**APPLICATION OF JEFF TREADWAY
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-17Z

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “R-1, Single Family Residential;”

WHEREAS, Jeff Treadway, applicant, applied for a change in zoning classification to be applied to the within described property to “R-2, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on July 26, 2001;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding

County, Georgia on August 28, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that lot, tract or parcel of land situate, lying and being in Land Lot 94, of the 3rd Land District of originally Henry, now Spalding County, Georgia and being more specifically described as follows:

Beginning at a point of the West property line of an unpaved road known as Walton Way, which point of beginning lies North 83.3 feet from point of the South original land lot line of said Land Lot 94 (and which last named point on said South original land lot line lies North 89 degrees 37 minutes West, as measured along said South original land lot line, 531 feet from the Southeast corner of said Land lot 94): and running from said beginning point North 9 degrees 6 minutes east, along said West property line of Walton Way, 101.7 feet, thence South 88 degrees 25 minutes West 186 feet; thence, South, 100 feet; thence North 88 degrees 25 minutes East, 170 feet to said West property line and the point of beginning.

From “R-1, Single Family Residential” to “R-2, Single Family Residential” District.

Section 2:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On September 27, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lot 94 of the 3rd Land District of originally Henry, now Spalding County, Georgia, consisting of approximately 0.43 acres, zoned R-2.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

XI. NEW BUSINESS

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

- Se Ky Chang, YJ Enterprises, Inc. d/b/a Young's Liquor, 1301 N. Hill Street – Liquor
- Se Ky Chang, YJ Enterprises, Inc. d/b/a Sam's Package Store, 1301 N. Hill Street – Beer & Wine

Commissioner Martha McDaniel had concerns regarding the comments made by Ms. Flowers regarding the activities being carried on in front of the store, hanging out, selling drugs and disturbing the neighborhood. Mr. Moon, an employee of three years, was asked to come up to the podium to address these concerns. She asked him if he could stop this from happening and he said that he would work very hard to keep this from happening. She asked if Mr. Moon would be willing to hire a security guard to keep the premises clear. The answer was yes if he could not control this himself. Other commissioners had concerns also. The license is only for about six weeks as this is for 2001 and they will have to renew their licenses for 2002 and the Board cannot take another look at the concerns at that time.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the 2001 Licenses were approved by a vote of 3-2 with Commissioners Johnie McDaniel and Massengale voting against the motion.

2. Consider request from Jan McCracken for residents of Cumberland Subdivision to maintain entrance of subdivision. County Manager Wilson stated that this is a very small island in the Cumberland Subdivision and the county maintains the grass. The neighborhood wishes to plant flowers and maintain the island if the Board has no objections.

County Attorney Fortune suggested that the Board give them a license to be on our property to give the county control. Commissioner Martha McDaniel stated that she did not think that the county owned that property. That in fact, Mr. Carlisle owns this property. Ms. McDaniel suggested that before approval that Mr. Carlisle be contacted.

Motion made by Commissioner Martha McDaniel, seconded by Commissioner Morrow to table until the October 22, 2001 meeting and unanimously approved by a vote of 5-0.

3. Consider recommendation of HDR/WL Jorden to award Roadway Resurfacing Construction to low bidder, Hill Construction Co. in the amount of \$411,511.62 (Estimated cost \$550,000). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow contract to Hill Construction Co. was unanimously approved by a vote of 5-0. **Reference Contract #2001-10-08(A).***

4. Consider request from Hammond Services to place a pedestrian crosswalk for their employees on East McIntosh Road. Mr. Hammond has leased a vacant lot across from their work facility and would like to paint a pedestrian crossing and place crossing signage on East McIntosh Road to provide added safety to his employees.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel request was approved subject to Hammond Services incurring all the cost and maintenance of the crosswalk, by a unanimous vote of 5-0.

5. Consider request from Griffin-Spalding County School System to post signs on county right of way for a literacy campaign. Ms. Ramage, Reading Specialist for the Griffin-Spalding County School System was present to present her request. She said that they were sponsoring a community literacy campaign and would like to provide road signs printed with "Please Read to Your Children Every Day" and place strategically around Spalding County. She said that they would provide the signs, the posts and mount them at no cost to the County.

Commissioner Martha McDaniel made a motion to approve request subject to the School System paying for the signs and the post, delivering the signs to Public Works for installation and also the school checking to make sure they are in good repair.. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

6. Consider proposal from Governmental Solutions, Inc. to conduct further analysis of certain County provided services re HB 489. County Manager Wilson stated that he asked them to submit a proposal to evaluate and do a detail analysis of services provided by the Sheriff Dept., 911 and the Spalding County Court System. This would focus on the utilization of services the County provides. The cost of proposal is \$8500. He said that our 489 Agreement has an artificial end date of October 31, 2001 and we are asking the City to extend this date to December 31, 2002 to meet with the LOST guidelines for next year. The Tax Equity Study will be presented to the City Board and County Board on October 15, 2001 and the Board suggested that they hear the results of the study before deciding to vote on the proposal.

After a discussion motion was made by Commissioner Martha McDaniel to table. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

7. Consider at first reading an ordinance amending the Spalding County Code relative to "No Through Trucks" on Birdie Road. Both the Sheriff's Department and Public Works Department recommended this ordinance. *Upon motion by Commissioner Massengale, 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.***

8. Consider approval of final plat of Meadowview Subdivision, located off Georgia Highway 362 (Williamson Road). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel final plat was unanimously approved by a vote of 5-0.*

9. Consider acceptance of right-of-way deed for Rolling Hill Drive and Highpoint Court, located in Meadowview Subdivision Phase I. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel right-of-way deed was unanimously approved by vote of 5-0.*

10. Consider approval of actual costs for utility relocation on Boynton Road. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale actual cost was unanimously approved by a vote of 5-0.*

11. Consider at first reading an ordinance amending the FY 2002 Budget Ordinance to provide for additional appropriation in the amount of \$25,000 for Employee Benefit Trust Fund. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel 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 at first reading an ordinance amending the FY 2002 Budget Ordinance to provide for copiers for the Sheriff Dept. and also the Jail. *Upon motion by Commissioner Johnie 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.***

13. Consider Agency Contract for Fire Protection Services for the City of Orchard Hill. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale the following contract was unanimously approved by a vote of 5-0.*

AGENCY CONTRACT FOR FIRE PROTECTION SERVICES

STATE OF GEORGIA

COUNTY OF SPALDING

THIS AGREEMENT made and entered into on this the first day of October 2001, by and between the City of Orchard Hill, hereinafter sometimes referred to as the "Municipality", a municipal corporation of the State of Georgia, and the "COUNTY OF SPALDING", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

WITNESSETH:

THAT WHEREAS, the Municipality now deems it in the best interest of the City of Orchard Hill and its citizens for the Municipality to furnish fire protection services in the exercises of a governmental function of the Municipality, and has requested the County to aid and assist it in furnishing such fire protection services within the corporate limits of the Municipality; and

WHEREAS, the County has now established a Fire Protection District comprising all of the unincorporated area of Spalding County and is presently furnishing fire protection services for such Fire Protection District and is willing to serve as an agent of the Municipality in providing the equipment, personnel and supplies for furnishing such fire protection services within the corporate limits of the Municipality for the consideration hereinafter set out; and

WHEREAS, the County deems it in the best interest of both parties hereto to enter into the within agency contract;

NOW, THEREFORE, for and in consideration of the premises and the respective benefits to be derived by each party hereto and in consideration of the covenants and agreements hereinafter set forth and payments of money by the Municipality to the County, as hereinafter set out, it is hereby mutually understood and agreed by and between the parties hereto, as follows:

-1-

Beginning at 12:00 o'clock Noon on October 1, 2001, the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2002, which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand Three Hundred Forty-Eight Dollars and seventy-three cents (\$1,348.73) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2001, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2002, or until this contract is sooner terminated as hereinafter provided.

-3-

Time is of the essence of this contract and each of its provisions.

-4-

Notwithstanding anything herein contained to the contrary the within agreement may be terminated by either party hereto on the first day of any calendar month during the aforesaid twelve month term by giving notice in writing of such termination to the other party hereto at least thirty days in advance of the designated date of such termination, and thereafter this contract shall be terminated and neither party hereto shall be obligated to furnish fire protection services to the other party hereto, and no further monthly payments shall become due and payable thereafter by the Municipality.

-5-

Any notice contemplated or required by this contract shall be deemed effectively given when mailed by United States registered or certified mail, with the required postage prepaid, and addressed as follows:

If to the Municipality, address to:

City of Orchard Hill
P. O. Box 448
Orchard Hill, Georgia 30266

If to the County, address to:

County of Spalding
P. O. Box 1087
Griffin, Georgia 30224-1087

The parties hereto have respectively caused the within agreement to be duly executed in duplicate originals by and through their authorized officers and under their respective hands and seals on the day and year first above written.

TOWN OF ORCHARD HILL

(Seal of Municipality
affixed hereto)

By: (L.S.) Julian H. Jones
As Chairman of its Board
of Commissioners

Attest: (L.S.) Frances F. Jones
As Clerk of said Board

COUNTY OF SPALDING

(Seal of County
affixed hereto)

By: (L.S.) H. Merrill Massengale
as Chairman of its Board
of Commissioners

Attest: (L.S.) Phyllis P. Doane
as Clerk of said Board

14. Consider Resolution Reaffirming Necessity for "911" Charge. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION
REAFFIRMING NECESSITY FOR "911" CHARGE

WHEREAS, the Board of Commissioners of Spalding County have established an Emergency Telephone Number "911" service; and

WHEREAS, the laws of Georgia provide that the governing authority of a local government operating or contracting for the operation of an emergency "911" system shall, by resolution, reaffirm the necessity for the "911" charge, and

WHEREAS, this Board of Commissioners, as the governing authority of Spalding County, now desires to reaffirm the necessity for such "911" charge;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED that the Board of Commissioners of Spalding County does hereby reaffirm the necessity for the "911" charge of \$1.50 per month, per exchange access facility provided to the telephone subscriber and \$1.00 per month per wireless connection provided to each telephone subscriber.

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

15. Consider approval of Lease Agreement for 835 Memorial Drive (Willamette Industries). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the Lease Agreement was unanimously approved by a vote of 5-0.*

16. Consider payment of FY 02 McIntosh Trail RDC Local Dues in the amount of \$34,966. *Motion made by Commissioner Massengale to approve. Commissioner Kendall seconded the motion.*

State Law requires that you be a member of a RDC but there is no specific requirement that the dues have to be paid according to O.C.G.A. Title 50. County Manager Wilson stated that the services are available to the Board but whether the Board chooses to utilize those services is another matter and the Board in prior years has chosen not to utilize their services.

Chairman Massengale called the question and the motion to pay the dues failed by a vote of 2-3 with Commissioners Morrow, Martha McDaniel and Johnie McDaniel voting against the motion.

Motion made by Commissioner Johnie McDaniel to table this item indefinitely. Commissioner Martha McDaniel seconded the motion and motion passed by a vote of 3-2 with Commissioners Kendall and Massengale voting against the motion.

17. Consider grant award of \$9,000 for Purchases of Services for Spalding County Juvenile Court. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow grant award for Juvenile Services was unanimously approved by a vote of 5-0.*

18. Consider approval of contract in the amount of \$160,711 with DOHR, Division of Family & Children Services for CSBG FY 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale CSBG Contract was unanimously approved by a vote of 5-0.*

19. Commissioner Johnie McDaniel would like to discuss the necessity of sending a representative out of town to receive grant awards. Mr. McDaniel stated that we had been awarded grants twice this year and someone traveled to a specific location to get those and it usually requires an overnight stay. He recommended that independent commissioner travel other than ACCG sponsored meetings on a case-by-case basis be considered by the Board whether or not we approve the travel. He feels that this kind of travel should just not be automatic because it does involve money.

After a lengthy discussion and comments by other Commissioners, Commissioner Johnie McDaniel made a motion that all travel of independent commissioner for the Board of Commissioners place functions other than ACCG sponsored meetings on an agenda for approval. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson showed a plan to the Board where DOT proposes to realign Justice Boulevard, which would be closer to the old C.I. He stated this is a federal funded project completely. The only thing the County would be responsible for is the donation of right of way and relocation of utilities. The Board was O.K. with this project.

County Manager Wilson made comments to a memo he had written them regarding additional parking spaces for the Courthouse. The cost of rental would be \$1,000 per month plus the yearly taxes. He said that repairs would need to be made at a cost of approximately \$6,000, which the

owner was willing to waive rent for the first six months. The Board was not interested in renting this space.

County Manager Wilson reminded the Board that the Joint City/County Tax Equity Study meeting would be held at City Hall on Monday, October 15th at 5:30 p.m. The final draft will be distributed to the Board Thursday afternoon.

County Manager Wilson stated that the several of the members of the Board of Commissioners had requested a meeting with Planning & Zoning Board to discuss some zoning issues. The consensus of the Board was to have the joint workshop either Monday, October 22nd at 5:00 p.m. or Saturday morning, October 20th. The Board will be notified which time and date is scheduled.

County Manager Wilson updated the Board on the CDBG Grant for the Highland Mills Project. He said the project is moving along and a public hearing has been scheduled for November 7th at 12:00 noon. He said that the additional cost of design and engineer would be \$35,000 and asked if the Board would like for HDR/WL Jordan to do the additional work as they had done the preliminary work for the previous grant.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall asked if he could get a copy of the draft report from Governmental Solutions to see why we would be interested in doing a further study regarding HB 489. He said that we seem to be going in a different realm of inquiry. County Manager Wilson commented that the report could not be released until Thursday and it would be given to both Boards.

Commissioner Johnie McDaniel reiterated the comments made earlier by Mr. Ivan Taylor regarding the rough railroad crossing at Carver Road.

Commissioner Martha McDaniel had no comments.

Commissioner Morrow asked if we have a County Disaster Plan and are we prepared for a disaster if we have a problem here in Griffin, Spalding County. County Manager Wilson commented that we have had a couple of training sessions that EMA has conducted. We are also have gone through two or three updates on the Disaster Plan. Commissioner Massengale commented that we did have some kind of disaster Kenny West EMA Director would be the first to spring into action. Mr. Wilson stated that we do a have Disaster Plan Book and Commissioner Morrow was welcome to get it and review it.

Commissioner Massengale commented that he had requested that Wendell Beam make a recommendation for a four-way stop at Birdie and Patterson Roads with Crestview building a new church at this corner location. He said there is a lot of traffic at present but this would present even more traffic. He said that Major Beam has already looked at this and highly recommended the four-way stop. County Manager Wilson will get Sheriff's Department and Public Works to study and make their recommendation.

XIV. CLOSED MEETING

Motion made by Commissioner Morrow to go into Closed Session to discuss potential litigation after a five-minute recess. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.

1. The County Manager desires 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 October 8, 2001.

2.

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

3.

The executive session was called to order at 8:30 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 8th day of October 2001.

Spalding County Board of
Commissioners

Sworn to and subscribed
Before me this 8th day of
October 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 Morrow, seconded by Commissioner Massengale and unanimously approved the Board came out of Closed Session and went back into Open 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

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