



Spalding County online

Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, May 20, 2002 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 McDaniel**
- II. INVOCATION - Rev. Randy Valimont**
- III. PLEDGE TO FLAG – Led by Chairman McDaniel**
- V. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

2. A representative from Sullivan, Sturdivant & Ogletree is present to present a check from the Georgia Indigent Defense Council in the amount of \$5848.75. Sam Sullivan presented the check from the Georgia Indigent Defense Council to Chairman McDaniel stating that this was the last installment to Spalding County paid through the State for this year.

3. Ms. Joy Maltese, District Four Health Services, is present to present a check for the fitness stations at the Wyomia Tyus Olympic Park (WTOP). Ms. Maltese presented a check in the amount of \$13,500 to Chairman McDaniel for the grant proceeds. This grant is through the Cardiovascular Disease Prevention Program from the State of Georgia.

In relation to this grant award, Commissioner Martha McDaniel announced that Spalding County had received a grant from GEFA (Georgia Environmental Facilities Authority) in the amount of \$30,000 to rubberize the WTOP walking trail.

4. Consider approval of a Proclamation Honoring The Vietnam Veterans as well as all Veterans and the Exhibition of the Vietnam Wall to be displayed in Griffin during Memorial Day Weekend. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the following Proclamation was unanimously approved*

by a vote of 5-0. The Proclamation was presented to Gene Turkett and Colonel Allan Imes.

Proclamation

“ In Honor of the Vietnam War Veterans And the Vietnam War Memorial Wall Exhibition”

WHEREAS, The Vietnam War is commonly recognized as lasting from 1959 to 1975, but, in fact, could be considered to have begun earlier; and

WHEREAS, Over 3,403,100 Americans served in the Southeast Asian Theater during the Vietnam War; and

WHEREAS, More than 2,644,000 Americans served within the borders of South Vietnam; and

WHEREAS, At least 454,079 Americans were wounded or injured fighting the Vietnam War and over 58,200 Americans died fighting communism and aggression in South Vietnam; and

WHEREAS, Since 1982, the Vietnam Veterans Memorial located in the nation’s capital has honored the sacrifices of our nation’s armed forces in this conflict by listing the names of those killed pursuing freedom’s cause; and

WHEREAS, A scale model of this national monument shall be placed on display in Spalding County during Memorial Day weekend at Wyomia Tyus Olympic Park.

NOW THEREFORE BE IT PROCLAIMED, that the Board of Commissioners of Spalding County, on behalf of the citizens of the City of Griffin and Spalding County, hereby welcome the historic visit of the Vietnam Wall Experience during the weekend of May 24-26, 2002 and urge all citizens to pay tribute and respect to the names of those on the Wall, and Vietnam War veterans in general, as well as all men and women who have so honorably served their Country at anytime during the life of this great United States of America.

5. Consider approval of a Proclamation designating the week of May 19-25, 2002 as “Crime Victims’ Rights Week” in Spalding County. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the following Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

**A PROCLAMATION HONORING THE ACCOMPLISHMENTS OF VICTIM RIGHTS
ADVOCATES AND VICTIM ASSISTANCE PROGRAMS IN SPALDING COUNTY**

- WHEREAS,** The year 2002 marks the twenty-second anniversary of the commemoration of National Crime Victims' Rights Week; and
- WHEREAS,** The victims' rights community in America has, for nearly three decades, dared to dream of a nation that is free from violence and an America where crime victims are consistently provided supportive services to help them cope with the trauma of crime and victimization; and
- WHEREAS,** Over 30,000 federal and state laws have been passed that define and protect the rights of crime victims; 32 states have passed constitutional amendments that afford victims important participatory rights throughout the criminal and juvenile justice systems; and a federal constitutional amendment is currently pending in the U. S. Congress; and
- WHEREAS,** Important partnerships have been formed among criminal and juvenile justice agencies, allied professionals, and victim service to ensure that crime victims are treated with dignity and respect; and
- WHEREAS,** Phyllis Wilcox, a Spalding County resident, was instrumental in the creation and organization of the state victims witness assistance program; and
- WHEREAS,** Ms. Wilcox has been recognized by numerous leaders, organizations, and publications in Georgia for her founding role in developing the modern victim witness assistance program for this state; and
- WHEREAS,** Ms. Wilcox's efforts have been built upon by the efforts of the two victims witness assistance programs covering Spalding County, operated by the Spalding County Sheriff's Department and the Griffin Judicial Circuit District Attorney, respectively.

NOW, THEREFORE BE IT PROCLAIMED that the Board of Commissioners of Spalding County do hereby designate the week of May 19 to May 25, 2002 to be **Crime Victims' Rights Week** in Spalding County and that our individual and collective efforts reflect the dreams we dare to have of a nation where no crime victim goes unserved and every crime victim is afforded rights and services and fair treatment by the justice system and by society.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Ten Months Ended April 30, 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Financial Statements were unanimously approved by a vote of 5-0.*

VI. CITIZENS COMMENTS

1. Ms. Millie Holliday and Dr. Denise Wesley, Griffin Housing Authority, are present to talk about grant programs for public housing for the revitalization project for the North Hill Street area. Ms. Holliday was present and introduced Mr. Art Milligan to the Board. Mr. Milligan has been in public housing for fifteen years. He now owns his own consulting firm and his expertise is in redevelopment in rural areas such as ours. Ms. Holliday discussed the origins of Public Housing Authority and what they have evolved into today and gave a brief status of Griffin Housing Authority as it is from beginning to present. The Housing Authority is funded through HUD. The perception is that the Housing Authority belongs to the City of Griffin and the Commissioners appoint the Housing Authority Board members. The City Charter that was adopted in 1950 was set up with the government entity as the City of Griffin. Some research would have to be done to find out what kind of role the Spalding County Board of Commissioners could play in this Authority.

Mr. Milligan discussed the opportunities for revitalization in the Griffin community focusing on the North Hill Street area. He said there were numerous financial instruments that are available for the Housing Authority can use and work with the County. One is to issue bonds, another is to issue bonds with tax credits through the State and apply for tax credit funding, another is 501(c) 3 bonding , CHDO loan programs as well as conventional financing funding. He said the Housing Authority also has a capital fund, which is approximately \$500,000 a year, which can be used as a leverage to the borrowing of monies in a different area. He said all of these are debt instruments.

Mr. Milligan discussed Revitalization Opportunities such as Acquisition and Rehabilitation of Existing Apartments, New Construction, Revitalization of Existing Public Housing Stock into Mixed Income Housing Authority and the HOPE VI funding.

Commissioner Kendall stated that we are missing out on a lot of opportunities somewhere that we could be taking advantage of if we had somebody who was in place between the two (2) bodies to try to pursue funding. He said that he feels this community could be served well if we could figure out a way to give this job to somebody or hire a consultant.

Commissioner Martha McDaniel agreed with Mr. Kendall that if we want to pursue this then we have got to have an independent person who can walk through the maze because it is not an easy task to take on and very overwhelming and time consuming.

Commissioner Morrow recommended that Mr. Milligan come to the next Long Range Planning Committee Meeting and make a talk and proposal and then the Commissioners

on the committee go back to their respective Boards. The next Committee meeting is May 29th at 12:00 noon and Mr. Milligan was invited to come to the meeting.

Commissioner Kendall asked the Board if they could put Commissioner Morrow as the one to interface with Ms. Holliday and Commissioner Martha McDaniel volunteered to be the assistant. The Board agreed to these two commissioners to be their representatives and bring some kind of report back to them at the first meeting in July.

VII. PUBLIC COMMENT

There was no one present who wished to make comments.

VIII. MINUTES

1. Consider approval of the minutes for the Regular Monthly Meeting of May 6, 2002. *Upon motion by Commissioner Morrow, 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 the addition of a three-way stop at the intersection of Chestnut Street at Poplar Street. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Ordinance was unanimously approved by a vote of 5-0.*

SPALDING COUNTY, GEORGIA THREE-WAY STOP ORDINANCE NO. 2002-04

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR THREE-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, in paragraph (b) by adding subparagraph (2) as follows:

“(2) Chestnut Street at Poplar Street.”

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.

2. Consider at second reading ordinances amending the Fiscal Year 2002 Budget Ordinance to provide for the following:

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel, the following budget amendments were unanimously approved by a vote of 5-0.

- To report federal seizure monies received and related expenditures in the Confiscated Assets Funds as required by the State Department of Audits.

**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 2002 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. Confiscated Assets Fund

A. Revenues

Federal Seizures	From	\$	0	to	\$	700,000
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B. Expenditures

Public Safety	From	\$	0	to	\$	700,000
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Approved on first reading this 6th day of May 2002.

Approved, adopted and enacted on second reading this 20th of May 2002.

- Final expenditures for the self-funded Health Insurance Program and monthly dental self-insurance program.

**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. Employee Benefit Trust

A. Revenues

Fund Balance Appropriated	From	\$	0	to	\$	62,130
Interest Operating	From	\$	0	to	\$	1,120
Contributions	From	\$	0	to	\$	263,000

B. Expenditures

General Appropriations	From	\$	0	to	\$	326,250
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Approved on first reading this 6th day of May 2002.

Approved, adopted and enacted on second reading this 20th of May 2002.

- To provide for a budget for CHIP program as required by State Department of Audits.

**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. CHIP Grant

A. Revenues

CHIP Grant Proceeds	From	\$	0	to	\$	16,670
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B. Expenditures

Housing Rehabilitation	From	\$	0	to	\$	16,670
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Approved on first reading this 6th day of May 2002.

Approved, adopted and enacted on second reading this 20th of May 2002.

- To provide for a budget for Law Library Fund as required by State Department of Audits.

**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 2002 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. Law Library Fund

A. Revenues

Court Revenues	From	\$	0	to	\$	49,000
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B. Expenditures

Law Library	From	\$	0	to	\$	49,000
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Approved on first reading this 6th day of May 2002.

Approved, adopted and enacted on second reading this 20th of May 2002.

- To provide for a budget for the Correctional Institution Capital Projects Fund as required by the State Department of Audits.

**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. Capital Projects - Grant

A. Revenues

Fund Balance Appropriated	From	\$	0	to	\$	1,066,400
Interest-Operating	From	\$	0	to	\$	38,000
Interest-Trust	From	\$	0	to	\$	2,000

B. Expenditures

Correctional Institution	From	\$	0	to	\$	1,106,400
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Approved on first reading this 6th day of May 2002.

Approved, adopted and enacted on second reading this 20th of May 2002.

- To correct a budget amendment made twice.

**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

Contributions & Donations	From	\$	24,400	to	\$	14,500
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B. Expenditures

Parks	From	\$	1,566,067	to	\$	
1,556,167						

Approved on first reading this 6th day of May, 2002.

Approved, adopted and enacted on second reading this 20th of May, 2002.

3. **Lift from the table.** Consider recommendations by the Parks & Recreation Advisory Commission relative to Consent to Conduct Background Check Form for Coaches and Officials. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the item was lifted from the table by a unanimous vote of 5-0.*

After a discussion regarding whether the Board had the correct draft of the proposed form, motion was made by Commissioner Morrow to table until County Attorney Fortune can retrieve his copy of the Background Check Form from his office. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0. When County Attorney Fortune returns with the form this item will be lifted from the table again.

XI. NEW BUSINESS

1. Consider request from Dr. John Eller to conduct a prayer service on the Courthouse steps on Friday, June 14, 2002 in recognition of Flag Day. Dr. Eller contacted the office staff and requested that his request be withdrawn from the agenda as eye surgery had been scheduled during this time.

2. Consider request from Griffin-Spalding Chamber of Commerce to use Courthouse steps for the 2002 Georgia Games Torch Run Ceremony to be held Monday, July 8, 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the request to use Courthouse steps was unanimously approved by a vote of 5-0.*

3. Consider request from Parks and Recreation Director Louis Greene for Variance of Operating Hours at WTOP during the Vietnam War Memorial Wall event. The request is variance in hours for this event would be 24 hours per day from Friday, May 24th through Sunday, May 26th.

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Morrow the request was variance of weekend hours was approved by a vote of 4-0 as Commissioner Martha McDaniel was absent from the room at time of vote.

4. Consider at first reading ordinance amending the Fiscal Year 2002 Budget Ordinance to make provision for the grant received from the Georgia Commission on Women for Osteoporosis prevention. *Upon motion by Commissioner Morrow, seconded by Commissioner Massengale budget amendment on first reading was approved by a vote of 4-0 as Commissioner Martha McDaniel was absent from the room at time of vote. **The Ordinance will be incorporated into the minutes on second and final reading.***

5. Consider Inmate Work Detail Contract with the Griffin-Spalding County School System. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Contract was unanimously approved by a vote of 5-0.*

**AGREEMENT BETWEEN
SPALDING COUNTY, GEORGIA AND GRIFFIN-SPALDING COUNTY BOARD
OF EDUCATION FOR USE OF INMATE WORK DETAILS**

THIS AGREEMENT is entered into this 20th day of May, 2002, by and between SPALDING COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as the "Spalding County"), and GRIFFIN-SPALDING COUNTY BOARD OF EDUCATION , a department, agency or subdivision of the State of Georgia, (hereinafter referred to as the "Agency"),

W ITNESSETH:

WHEREAS, the Agency wishes to utilize inmate work details ("Details") for services on public works projects of The Board of Education ; and

WHEREAS, Spalding County is willing and able to provide the Details to the Agency, under the terms and conditions of this agreement.

NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows;

I. OBLIGATION OF SPALDING COUNTY

- a. During the term of this Agreement, Spalding County shall supply the Agency, subject to the availability of State Inmates, with one (1) Detail, consisting of one (1) full-time Correctional Officer and not more than ten (10) inmates.

- b. In performing the work called for under this agreement, the Detail shall work an eight (8) hour day, Monday through Friday, this including transportation to and from the work site from Spalding County Correctional Institution, hereinafter referred to as "SCCI". The Detail may work outside of such hours due to inclement weather or other emergency conditions, if the Agency requests and the Warden at SCCI agrees.
- c. Spalding County shall be solely responsible for the custody, discipline and productivity of the Detail, and for providing clothing and health care to the Detail.
- d. Spalding County shall be responsible for transporting the Detail between SCCI and designated work sites.

2. RESPONSIBILITIES OF THE AGENCY.

- a. The Agency shall furnish all equipment, tools, safety equipment, and a transportation vehicle for the Detail between SCCI and designated work sites. The Agency shall further provide for or perform maintenance on all said equipment, tools and vehicle, and shall be solely responsible for replacement or repair of same. The agency shall provide, at its sole cost, automobile insurance for the transportation vehicle supplied to SCCI under this agreement. The vehicle shall be equipped with a mobile radio for the exclusive use of the Correction Officer, capable of communicating with law enforcement agencies and emergency medical personnel.
- b. The Agency shall provide general direction and supervision of the work to be performed under this Agreement, but no official or employee of the Agency shall exercise any immediate control, direction or supervision over any inmate of the Detail. The sole responsibility for directing, controlling and supervising said Detail shall be that of SCCI and its officials, Correctional Supervisors and employees. Directions as to work to be performed shall be communicated to the Correctional Officer for the Detail in question; who shall then direct the work of the Detail accordingly.
- c. In consideration of the work to be performed by the Detail under this Agreement, the Agency shall pay to Spalding County the following;
 - i. An amount equal to the salary, including fringe benefits, of one (1) Correctional Officer. Spalding County will provide the Agency with a schedule of

said salary and fringe benefits. Spalding County will provide the Agency with a monthly invoice for this cost, which shall name the Correctional Officer in question and the salary, including fringe benefits. Invoices will be mailed to:

Griffin-Spalding County Board of Education
Post Office Drawer N
Griffin, Georgia 30224

- d. The Agency shall be solely responsible for, and shall hold harmless SCCI, Spalding County, its elected officials, officers, agents, employees and representatives from any and all damages or injuries caused to person or property and from suits, claims or damages of any nature whatsoever resulting from the execution of this contract, unless said suit or claim arises solely out of the negligence of Spalding County.

3. TERM; RENEWAL; TERMINATION.

- a. This Agreement shall be for an a term beginning the 21st day of May, 2002, and ending the 20th day of May, 2003, unless earlier terminated in accordance with Section 3.
- b. This Agreement shall automatically renew for additional terms of one (1) year unless one party notifies the other in writing (given pursuant to Section 4.a herein) of their intent to terminate the Agreement. Said notice must be provided no less that thirty (30) days prior to the scheduled termination of the Agreement.
- c. Either party may terminate this Agreement upon ten (10) days, written notice (given pursuant to Section 4.a herein) for the default of the other party.
- d. Either party may terminate this Agreement without cause upon sixty days' written notice (given pursuant to Section 4.a herein) to the other party.

4. MISCELLANEOUS.

- a. All notices, demands, and request which may or are required to be given hereunder shall be in writing and shall be deemed to have been properly given when sent postage pre-paid by registered or certified mail (with return receipt requested) addressed as follows:

If intended for Spalding County:

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

If intended for SCCI:

Spalding County Correctional Institution
Warden Arsene Massac
295 Justice Boulevard
Griffin, Georgia 30224

If intended for the Agency:

Griffin-Spalding County Board of Education
Post Office Drawer N
Griffin, Georgia 30224

Either party may change the address and name of addressee to which subsequent notices are to be sent by notice to the other given as aforesaid.

- b. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Georgia.
- c. Entire Agreement; Amendment. This Agreement contains the entire agreement of the parties, and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect. No failure of either party to exercise any power given it hereunder, or to insist upon strict compliance by either party of any obligations hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of either party's right to demand exact compliance with the terms hereof. This Agreement may not be amended except by a writing signed by both parties.

WHEREFORE, the parties have set their hands and seals as of the date first above written.

THE AGENCY:

BY: (L.S.) Jesse E. Bradley, Jr.

Witness: (L.S.) Randy L. Hobbs

SCCI WARDEN:

By: (L.S.) Arsene C. Massac

Witness: (L.S.) Phyllis P. Doane

SPALDING COUNTY

By: (L.S.) Johnie A. McDaniel, Chairman

Witness: (L.S.) Phyllis P. Doane

6. Consider the FY 2003 Capacity Agreement with Georgia Department of Corrections relative to housing state inmates. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the FY 2003 Capacity Agreement depicting a total of 384 inmates was unanimously approved by a vote of 5-0.*

7. Consider proposal of Grant Thornton, Accountant and Management Consultants, for services to calculate arbitrage rebate on the 1997 SPLOST General Obligation Sales Tax Bonds. The cost of their services is \$3,000 and their services will enable the County to comply with the arbitrage rebate laws contained in Section 148(f) of the Internal Revenue Code of 1986 and applicable Treasury Regulations. The calculated fee is already budgeted in SPLOST.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the proposal was unanimously approved by a vote of 5-0.

8. Consider approval of contractor for state-mandated Comprehensive Plan revision. The County Manager commented that the Committee consisting of Chairman Johnie McDaniel, himself, Dr. Mathiak Assistant County Manager Sabine, unanimously recommends Jordan, Jones and Goulding with work authorization not to exceed \$174,925. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel recommended contractor was unanimously approved by a vote of 5-0.*

9. Consider appointment to the Department of Family and Children Services Board of Directors to fill a vacancy by the retirement of Mr. Ralph Griffin. *Motion by Commissioner Martha McDaniel to table consideration of this appointment until the June 3, 2002 meeting. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

10. Consider authorizing the Chairman to execute the Maintenance Resolution with Department of Transportation for the SR 362 Project. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 5-0.*

MAINTENANCE RESOLUTION

GEORGIA, Spalding County,

WHEREAS, the Commissioners of Spalding County (hereinafter called the County) is being notified that the Georgia Department of Transportation (hereinafter called the Department) intends to relocate a section of Justice Boulevard (Spalding County Road 233) onto new alignment in said County as described in Order 3318 and as shown on the sketch map attached thereto; and

WHEREAS, the County will accept for maintenance, utility accommodation, and as a part of their local road system the new connector road (State Route 1072) when removed from the State Highway System, upon completion of the work required by the Department above.

NOW, THEREFORE, IT IS RESOLVED that the County will execute this resolution and that a signed copy of this resolution be furnished to the Department.

11. Consider authorizing the application of a GEMA Hazard Mitigation Planning Grant. County Manager Wilson stated this application is due by May 31st and Kenny West and Assistant County Manager Sabine will be working on the application. We are required to have an approved Hazard Mitigation Plan in place by November 2003 and this grant can help us work on this Plan.

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

Motion made by Commissioner Johnie McDaniel to lift from the table Item 3 under OLD BUSINESS, which is to consider the Consent to Conduct Background Check Form for Coaches and Officials.. Commissioner Morrow seconded the motion and motion to lift was unanimously approved by a vote of 5-0.

County Attorney Fortune presented his revised copy of form to Board of Commissioners; however, it was not the copy that was presented as an agenda item. Commissioner Kendall made some suggestions to change the revised copy before approving the Background Check Form. Since the Parks and Recreation Advisory Commission had not seen this revised form as they had unanimously voted to recommend the form on tonight's agenda, the Board felt that it would only be appropriate to send this back to them for their perusal with the endorsement of the Board of Commissioners.

Motion made by Commissioner Martha McDaniel to table this item and send the revised form with changes recommended by Commissioner Kendall back to the Parks and Recreation Advisory Board with the endorsement of the Board of Commissioners. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson reminded the Board that Budget Review Sessions would be held all this week in the Conference Room at 4:30 p.m.

County Manager Wilson reminded the Board of the Vietnam Memorial Wall event at Wyomia Tyus Olympic Park this weekend, May 24-26th and invited all the public to attend. The Park will be open all weekend.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall asked to amend the agenda to go into Executive Session to discuss potential litigation.

Commissioner Kendall gave a report on the Hospital Authority. He said they were having a meeting tomorrow to determine who is going to have the privilege of investing their \$32 Million. They have been trying to find a definitive answer as to what constitutes a legal investment.

Commissioner Massengale apologized for missing the last Commissioners' Meeting. He said in the last 7 1/2 years of serving Spalding County, he had only missed two (2) meetings total, one a death in the family and the other was the automobile accident.

Commissioner Martha McDaniel had no comments.

Commissioner Morrow had no comments.

Commissioner Johnie McDaniel had no comments.

Chairman McDaniel entertained a motion to amend the agenda. *Commissioner Martha McDaniel made the motion to amend the agenda. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

Chairman McDaniel entertained a motion to go into a Closed Meeting to discuss potential litigation. *Commissioner Morrow made the motion to go into Closed Meeting. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

XIV. CLOSED MEETING

The following were present: 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 May 20, 2002.

2.

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

3.

The executive session was called to order at 7:35 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 May 2002.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 20th day of
May 2002.

Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

(L.S.) Martha W. McDaniel

(L.S.) Johnie A. McDaniel

(L.S.) M. Michael Kendall

(L.S.) Dick Morrow

(L.S.) H. Merrill Massengale

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

No business was transacted at this time.

XV. ADJOURNMENT

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the Board unanimously adjourned the meeting at 7:55 p.m.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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