



# Spalding County online

## Board of Commissioners

### EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, July 15, 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 Merrill Massengale, Johnie McDaniel and Michael Kendall present. Commissioners Dick Morrow and Martha McDaniel were absent. 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 Johnie McDaniel**
- II. INVOCATION - Rev. Randy Valimont – Led by Chairman McDaniel in the absence of Rev. Valimont.**
- III. PLEDGE TO FLAG – Led by Commissioner Michael Kendall.**
- VI. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Mr. Rob Alexander, a representative from GRTA (Georgia Regional Transportation Authority) is present to introduce the Board of Commissioners to the QuickLink Program, which is the Express Bus Service from Macon to Atlanta. *Mr. Rob Alexander was not present for the meeting.*

### V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Twelve Months Ended June 30, 2002. Ms. Jinna Garrison, Finance Director, was present. *Upon motion by Commissioner Massengale, seconded by Commissioner Kendall the Financial Statements were unanimously approved by a vote of 3-0.*

At this time Chairman McDaniel recognized Finance Director Jinna Garrison for her accomplishment as Spalding County was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (GFOA) for its comprehensive annual financial report (CAFR) for the year ending June 30, 2001. Additionally Ms. Garrison has been honored with the Award of Finance Reporting Achievement. The Certificate of Achievement is the highest form of recognition available in the area of governmental accounting and financial reporting. Chairman McDaniel, on behalf of the Spalding

County Commission, thanked Ms. Garrison for the job that she is doing and appreciation for the way that she does it and salute you in receiving this recognition.

## **VI. CITIZENS COMMENTS**

1. Representative John P. Yates is present to discuss Birdie Road. Representative John Yates addressed his concerns regarding the four-way traffic signs at Patterson at Birdie Road intersection and also Steele at Birdie Road intersection. He handed each commissioner a package of information he had obtained and put together. He said that these four way stops should not have passed and hoped that the Board would not feel reluctant to make a change from what has already been voted in. He said as the report shows that the traffic signs should not be installed to control speed and should be considered for number of accidents. The report shows that stop signs should not be installed on a major street unless justified by a traffic engineering study and no study was made. He said that in fact this was the most dangerous thing that the county could have done because there is not a hazard there since Public Works has cut the trees in the right of way, which should have been done. There are six (6) stop signs on Birdie Road on its 5.2 miles, more than any major road in the county.

He wanted to know what would it take to do the right thing on Birdie Road. He said would it make a difference if he got proof that there was more traffic on Birdie Road than any of the side roads coming in or if got 500 signatures wanting to change this action taken to install the stop signs. There was a discussion on what citizens should make the decision about the traffic signs being out there or not.

It was noted that the stop signs have been on Birdie for at least eight or ten months already and the commissioners have not heard a word of complaint about them.

The Board asked Mr. Yates to gather more information from the citizens to help the Board decide if there is any other action that needs to be taken. Chairman McDaniel asked County Manager Wilson to contact the school officials to see if the stop signs have had any impact on the safety to the entrance to the schools.

Mr. Yates commented that the Sheriff has proved already that there is no safety problem that warranted the four way stop signs. Nobody has been killed and nobody has been hurt in the six wrecks that have happened in the past nine months.

## **VII. PUBLIC COMMENT**

Mr. Tony Reed, 1465 Wesley Drive, addressed the Board regarding the Tree and Landscape Ordinance that is in effect in Spalding County. He said that he is part owner of C & R Fleet Service, a truck repair business, located on O'Dell Road. He said that he wanted to make the Board aware of some problems that the ordinance has caused in making it hard for small businesses such as his to comply with. He said that trees and trucks do not mix. He said that they do realize that the County needs these types of ordinances; however, these ordinances are very prohibitive to small business moving here. The present ordinance requires commercial enterprise to have fifteen (15) trees per

acre plus landscaping also. Mr. Reed stated that their business is on four (4) acres and according to the present ordinance that requires sixty (60) trees. He said with the drought and not being able to water these trees, he could go bankrupt just trying to keep the required number of trees. He said that the ordinance is too stringent and should be reviewed closely by the Board of Commissioners.

Chairman McDaniel commented that he had talked with Mr. Reed in length about this and this ordinance needs to be changed and he was going to recommend to the Planning Commission that they take a look at it, especially since we are in a drought and have been for the last four or five years. He said as hard as it is for the commercial ventures, it's much easier for subdivisions. He said that we need to be commerce friendly if we expect to grow our industrial base.

Mr. John Kelley, 2500 West Ellis Road, addressed drought concerns. He asked the Board to consider two things, one was a moratorium on all new building in the county and two was to increase the efficiency of the users.

#### **VIII. MINUTES**

1. Consider approval of the minutes of the Regular Monthly Meeting of July 1, 2002. *Upon motion by Commissioner Massengale, seconded by Commissioner Kendall the minutes were unanimously approved by a vote of 3-0.*

*Chairman McDaniel asked for a motion to amend the agenda to remove Item No. 11 under New Business. Motion made Commissioner Johnie McDaniel, seconded by Commissioner Kendall and unanimously approved by a vote of 3-0.*

#### **IX. CONSENT AGENDA – n/a**

#### **X. OLD BUSINESS**

1. **Lift from the table.** Consider approval for new Alcoholic Beverage License for 2002 Consumption of Premises, Beer and Wine for the following:

- Kenneth D. Woo, AV-KEN Corporation d/b/a The Tropic, 2043 North Expressway

*Motion made by Commissioner Massengale, seconded by Commissioner Kendall to lift item from the table and unanimously approved by a vote of 3-0.*

Assistant County Manager Sabine stated that he had done as the Board had instructed to send a memo to the Sheriff's Department to check premises for video poker machines and a report had been received that the video poker machines had been removed. The Sheriff's Department also noted that Mr. Woo was planning to move his business in two months and recommended denial for application as once Mr. Woo moved to another location, he would have to submit a new application for approval.

*Mr. Woo was not present for the meeting and without a full Board to consider this, Commissioner Kendall made motion to table item until the August 5, 2002 meeting. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 3-0.*

**2. Lift from the table.** Consider request from Douglas E. Stowers of New Era Baptist Convention Center for an amplification permit for outside activities at 1229 Green Valley Road for the week of July 21-25, 2002.

*Motion made by Commissioner Kendall, seconded by Commissioner Massengale to lift from the table and motion was unanimously approved by a vote of 3-0.*

Rev. Stowers was present to answer any questions that the Board might have. He commented that the application was for the Congress of Christian Education, which meets once a year on the site of 1229 Green Valley Road. They were requesting to use a P.A. system inside a tent. He said they were asking for the hours of 8:30 a.m. until 9:00 p.m. from July 22-25, 2002 and hours between 4:00 p.m. and 9:00 p.m. on Sunday, July 21, 2002. He said the amplified sound system would be used for assemblies for singing, speeches and music.

*Motion made by Commissioner Kendall to approve the outside amplification permit for the dates and times mentioned above. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 3-0.*

## **XI. NEW BUSINESS**

1. Consider special event request from Southside Riders Association for Country Rock Spring Fling Event to be held Saturday, September 14, 2002. Mr. Michael Brooks was present to answer any questions on this request. The request is for the hours of 11:00 a.m. until Midnight and as previously to be allowed to serve alcohol on the premises outside the establishment in plastic cup containers.

*Motion made by Commissioner Kendall, seconded by Commissioner Massengale to approve request. The motion passed by a vote of 2-1 with Commissioner Johnie McDaniel voting against the motion.*

2. Consider request from Free Praise Worship Center, Inc. for an amplification permit on Saturday, August 10, 2002 at 615 Northside Drive in the Spalding Heights Subdivision. Rev. Danny Stewart was present to answer any questions regarding this request. He said that this is an outreach event, which includes different gospel groups, to sing and requested the permit from 11:00 a.m. until 3:00 p.m. He said that he has obtained permission from the property manager to hold this event.

*Motion made by Commissioner Kendall, seconded by Commissioner Johnie McDaniel to approve this outside amplification permit and motion was unanimously approved by a vote of 3-0.*

3. Consider request from Free Praise Worship Center, Inc. for the use of the Memorial Drive Parking Lot facility for an "Open Air Revival" July 25, 26 and 27. County

Manager Wilson stated that the entire complex is rented out this year and he had asked Rev. Stewart to obtain permission from all our tenants to have this event and have it set up in this parking lot. Mr. Stewart said that he had contacted two (2) out of the three (3) churches and all the other businesses except for Weyerhaeuser (formerly Willamette), who rent the Old Cook's Building. Mr. Wilson commented that he needed to get the permission from Weyerhaeuser as they park trucks down there.

*Motion made by Commissioner Kendall to approve contingent upon Mr. Stewart getting the necessary approval from the other tenants. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 3-0.*

4. Consider Resolution Endorsing the Recommendations of the ACCG/GMA Joint Task Force Quality Growth. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 3-0.*

**A RESOLUTION  
ENDORISING THE RECOMMENDATIONS OF THE  
ACCG GMA JOINT TASK FORCE QUALITY GROWTH**

WHEREAS, it is the desire of local governments to promote sound growth management decisions in ways that ensures continued prosperity and a high quality of life for all Georgians; and

WHEREAS, the Association County Commissioners of Georgia and the Georgia Municipal Association convened a Joint Task Force on Quality Growth to recommend actions for fostering quality growth in the state; and

WHEREAS, there is a need for the creation of a coordinated state policy on growth management which provides support for local government growth management decisions; and

WHEREAS, incentives are needed for local governments to promote development that is consistent with principles of quality growth; and

WHEREAS, Georgia law should be amended to give local governments greater ability to manage growth and to provide support for local government land use decisions; and

WHEREAS, key institutional stakeholders should be included in the comprehensive planning process; and

WHEREAS, training programs should be used to educate local elected and appointed officials and key local staff regarding growth management; and

WHEREAS, technical assistance programs should be instituted that assist local governments in creating an environment that promotes quality growth.

NOW, THEREFORE, BE IT RESOLVED, that SPALDING COUNTY endorses and supports the vision and goals outlined in the April 2002 report titled, "Recommendations for Achieving Quality Growth in Georgia" as issued by the Joint Task Force on Quality Growth.

5. Consider authorizing the Chairman to execute the Georgia Environmental Facilities Authority Agreement for Recycling and Waste Reduction Grant Funds for the Wyomia Tyus Olympic Park walking trail improvements. The grant proceeds is in the amount of \$31,000.

*Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale authorization was unanimously approved by a vote of 3-0.*

6. Consider authorizing Planning Commission to conduct public hearing on August 29, 2002 at 7:00 PM relative to Comprehensive Plan revision. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale authority was given for Planning Commission to conduct this public hearing by a unanimous vote of 3-0.*

7. Consider Budget Amendment as necessitated by termination of Jail Contract with the City of Griffin. The budget amendment is in the amount of \$55,000 (decrease in estimated revenues) due to this termination of contract. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Kendall the budget amendment was unanimously approved by a vote of 3-0.*

8. Consider approval of Pipeline Adjustment Agreement with Southern Natural Gas Co. for utility relocation on Birdie Road Project. Spalding County's portion of said estimate is 58.7% or \$29,476.21 with money being taken from SPLOST. *Upon motion by Commissioner Massengale, seconded by Commissioner Kendall Agreement was unanimously approved by a vote of 3-0.*

9. Consider DOT Local Government Project Agreement for intersection improvements to SR 362 at Pine Hill Road. County Manager Wilson explained that since we had sent in the first project agreement stating that we supported the project but did not have funds to commit, DOT has asked us to reconsider the project with them agreeing to buy rights-of-way and also handle the relocation of private utilities at an estimated cost of \$150,000 and Spalding County committing to relocate public utilities, which in this case is water lines at a cost to us of \$30,000.

*Upon motion by Commissioner Massengale, seconded by Commissioner Kendall Local Government Project Agreement with commitment of relocation of public utilities was unanimously approved by a vote of 3-0.*

10. Consider at first reading an ordinance amending Part V, Chapter 2, Section 5-2001 of the Spalding County Code relative to Water Supply and Distribution. County Attorney Fortune stated that this ordinance is to bring this ordinance up to date and give authorization to the County Manager or his designee to monitor the county water system

and the supply and distribution of water to the citizens and customers served by the county water system and allowed for the use of the news media to get the word out on restrictions rather than having to mail a notice to all 10,000 water customers of Spalding County.

*Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel first reading of ordinance was unanimously approved by a vote of 3-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

11. Consider request from the Griffin-Spalding Renaissance 2020 Committee for \$10,000 for the North Side Revitalization Project. *This item was removed from the Agenda.*

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

County Manager Wilson made the Board aware that Public Works Director Jake Garner had been admitted to Spalding Regional Hospital Monday morning complaining of tightness in the chest. He was having some tests run.

County Manager Wilson announced to the Board that Rex Schuder from Gwinnett County would be present Monday, July 22, 2002 at 10:30 a.m. to present a PowerPoint presentation on greenspace. The presentation would take place in the Courthouse Annex Meeting Room. The Parks and Recreation Advisory Board would be present and the Commissioners were invited to attend. He asked the members to let him know if they would be attending the presentation.

County Manager Wilson stated that there needs to be a workshop held to recommend some changes to the Conservation Subdivision Ordinance as well as the Tree and Landscaping Ordinance due to some current problems that have surfaced. It was determined that the Planning Commission and Wayne Moss from the Health Department also needed to be included in this workshop meeting. A date of Tuesday, August 6, 2002 at 6:00 p.m. was set up for this Joint Workshop.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall had no report.

Commissioner Massengale had no report.

Commissioner Johnie McDaniel urged the Commissioners to get familiar with the Landscape & Tree Ordinance and if they have any recommendations to pass on to the Planning Commission about it as he feels that the Board does need to charge them to take a look at the ordinance for possible changes as it is very obvious that there is some major flaws in it. County Manager Wilson stated that June of 1999 was when the Tree & Landscape Ordinance was adopted and he would make copies of the ordinance and place in each of the Commissioners' mailboxes for review.

Commissioner Johnie McDaniel commented that the minutes of Planning Board and Board of Zoning Appeals reflected that a couple of decisions have been made, one on a special exception and one on a variance that have concerned him. He said that the Special Exception on the Krepps property that was recommended for approval did not

even come close to a home occupation; however, fortunately we got to take a second look at that and secondly, last month an application came before them requesting the opportunity to build two (2) houses on one tract and that is pretty much prohibited by the code and a variance was granted on this application. He said that we need to put something in the code to prohibit this or we need somebody back in Planning Office to be able to say, "No, I cannot accept this application." He said we have to safeguard against this because it will set a precedence that we don't want to see in this county.

#### **XIV. CLOSED MEETING**

1. The County Attorney desires a Closed Meeting to discuss pending and potential litigation. *County Attorney Fortune stated that a Closed Meeting was not needed.*

#### **XV. ADJOURNMENT**

*Upon motion by Commissioner Kendall, seconded by Commissioner Johnie McDaniel the meeting was unanimously adjourned at 8:01 P.M.*

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County Clerk

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Chairman

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