



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, January 5, 2004 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 Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

- I. **OPENING (CALL TO ORDER) – Chairman Morrow**
- II. **INVOCATION - Rev. Randy Valimont – Led by Commissioner McDaniel in the absence of Rev. Valimont.**
- III. **PLEDGE TO FLAG – Led by Commissioner Davis**
- IV. **Election of Chairman and Vice Chairman for Calendar Year 2004**

Commissioner McDaniel nominated Vice Chairman Michael Kendall. There were no other nominations. Chairman Morrow called for a vote for Commissioner Kendall as Chairman for Year 2004 and the vote was unanimous.

Chairman Morrow turned the gavel over to the new Chairman, Michael Kendall.

At this time Chairman Kendall presented a mounted gavel plaque to Commissioner Morrow for his dedication and service as Chairman for Year 2003.

Commissioner Morrow commented that working with these Commissioners and Staff has been a real pleasure and honor. He feels we have an excellent group and everybody has acted very professional and it has been a delight serving as Chairman for Year 2003.

Chairman Kendall asked for nominations for Vice Chairman for Year 2004. Commissioner Morrow nominated Cecil Davis as Vice Chairman. There were no other nominations and Chairman Kendall closed the nominations and called for a vote. Cecil Davis was unanimously elected Vice Chairman for Year 2004.

APPOINTMENTS:

County Manager – William P. Wilson, Jr.

County Clerk – Phyllis P. Doane

County Attorney – James R. Fortune, Jr.

*Motion made by Commissioner Kendall to appoint **William P. Wilson, Jr.**, as County Manager, **Phyllis P. Doane** as County Clerk and **James R. Fortune, Jr.** as County Attorney. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

- V. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION – n/a**
- VI. **PRESENTATION OF FINANCIAL STATEMENTS – n/a**

VII. CITIZENS COMMENTS – n/a

VIII. PUBLIC COMMENT

There was no one present who wished to make comments.

IX. MINUTES

1. Consider approval of the minutes of the combined Extraordinary Session and Zoning Public Hearing of December 15, 2003 and also Special Called Meeting of December 17, 2003. Commissioner McDaniel asked that the two sets of minutes be voted on separately as he was not present for the meeting of December 17, 2003.

Motion made by Commissioner Morrow to approve the minutes of December 15, 2003 with a few minor typographical corrections that he would address with Ms. Doane. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

Motion made by Commissioner Morrow to approve the minutes of the Special Called Meeting of December 17, 2003. Commissioner Davis seconded the motion and motion was approved by a vote of 4-0-1 with Commissioner McDaniel abstaining.

X. CONSENT AGENDA

1. Consider at second reading of Amendment to the Official Zoning Ordinance of the following:

- **Amendment to UDO #A-03-33:** Appendix A: Subdivision Ordinance – Section 408:A(4)—amend additional charge of the final plat fee.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.

Text Amendment #A-03-33

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING THE UNIFIED DEVELOPMENT ORDINANCE 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 as APPENDIX A, Subdivision Ordinance.

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Unified Development Ordinance of Spalding County;

WHEREAS, such text amendments to Unified Development Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Unified Development Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on December 15, 2003, 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 Unified Development Ordinance of Spalding County, Georgia is in conformance with

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 Unified Development Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision of the Unified Development Ordinance shall be amended by Deleting Appendix A, Subdivision Ordinance Section 408 A. 4. in its entirety and replacing said Section 408 A. 4. with the following:

4. One copy of the final plat in electronic CAD format (.dxf) registered in Georgia State Plane *West* NAD 1983 coordinates, submitted on a 3.5" floppy diskette or a CD-ROM. An additional charge of 20% of the final plat fee *or \$10.00 per lot, whichever is greater* will be required if a copy of the final revision is not submitted in electronic format. This fee must be paid before the final plat can be approved.

Section 3: The foregoing amendments to the Unified Development Ordinance of Spalding County 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. OLD BUSINESS – n/a

County Manager Wilson announced that we need to amend the Agenda Under Item No. XV, Closed Meeting as the County Attorney has requested an Executive Session to discuss pending litigation.

Motion made Commissioner Kendall to amend the agenda to add a Closed Session under Item No. XV. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

XII. NEW BUSINESS

Commissioner Morrow asked that the Board discuss items 1, 2 and 3 at one time as they are all related. The Board had no problem with this request.

1. Representative Yates is present to discuss the Birdie Road/Patterson Road Intersection.

Representative Yates came forward and addressed the Board. The Department of Transportation sets up rules and regulations on multiway stop intersections. Mr. Yates stated that Birdie Road is a major thoroughfare, not a State road and understands that D.O.T. does not have the right or responsibility of dictating what the Board does on a county road. However, their guidelines are as follows and he gave reasons why this should not have been a multiway intersection. (1) Stop signs should not be used for speed control. He stated that Birdie Road has 6 stop signs on its 5.2 miles – more than any major road in the county. (2) Consideration of number of accidents. According to letter from Sheriff Stewart, there were only 6 accidents during a 29 month period with only 2 of them where the four-way stop signs may have helped. Accidents were not a cause for action. (3) Multiway stop application is used where the volume of traffic on the intersecting roads is approximately equal. A traffic study was not done on this road at time of application. Birdie Road traffic is far greater than Patterson Road. (4) Stop signs should not be installed on a major street unless justified by a traffic engineering study. Birdie Road is a major road and no study was made.

He presented to the Board a letter from Tim Riordan, Pastor of Crestview Baptist Church stating that the Church, at its future location, did not want the four way stop intersection.

When the four way stop was first considered Public Works recommended that this be put there. His reason was based on the vegetation not being cut on Patterson Road. He said that vegetation was on county right of way and the county could dispose of it at any time.

He presented a picture to each Commissioner showing a sign that is located on High Falls Road approaching Georgia 16 that says "GA 16 Traffic Does Not Stop". He recommended that regular signage and additional signs stating "Birdie Road Traffic Does Not Stop" be placed on Patterson Road crossing Birdie to alert the public now that the four way stop signs have been up awhile. He stated that the 35MPH sign that is on the eastern section of Birdie Road should also be placed on the western section of Birdie, which would slow down the traffic going through the intersection. Commissioner Morrow also

requested that the school zone at Beaverbrook on Birdie be changed from 35MPH to 25 MPH. County Manager Wilson is going to look into this also.

2. Consider adoption of criteria from the Manual on Uniform Traffic Control Division (MUTCD) to determine if an intersection should be controlled as a multiway stop application. Commissioner Morrow recommended that the Board adopt the Manual on Uniform Traffic Control Division as their guidelines to determine multiway stops. Commissioner McDaniel commented that he would be willing to readdress this four way stop intersection; however, he wanted to talk further about adopting these State guidelines.

Commissioner McDaniel commented that Mr. Yates stated in his letter that we are encouraged to follow these guidelines but that is not a mandate and there are some things in the criteria that he does not feel comfortable with, especially minimum traffic volumes on county roads versus state roads.

County Manager Wilson addressed this. He said that he really did not want to do an ordinance on these State guidelines but would use them as some sort of measure. He said that he would also check with other counties and also with ACCG to see if they adopt these or if they use a modification of the State guidelines.

Motion made by Commissioner Kendall to table this item until County Manager Wilson can report back on his survey. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

3. Consider at first reading an ordinance amending the Spalding County Code, Section 7-1007, Traffic Control Devices, to remove the Birdie Road/Patterson Road Intersection from the list of designated four way stop intersections. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel first reading subject to additional signage was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

4. Consider authorizing the Chairman to sign a Letter of Support for the Griffin-Spalding County Board of Education regarding the relocation of the A.Z. Kelsey Middle School. The letter states that the Board of Commissioners supports the Griffin-Spalding Board of Education in their decision to relocate the A.Z. Kelsey Middle School in the current school zone.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis authorization for Chairman to sign Letter of Support was unanimously approved by a vote of 5-0.

5. Consider approval of final plat for Stanfield West Phase V located off Rover-Zetella Road. Mr. Greg Pruitt was present to answer any questions. County Manager Wilson stated that Mr. Kenway authorized the relocation of the water line because of problems with the other four phases and this has caused some questions. He said that the county would be relocating the five (5) fire hydrants because of the new ditch line once the subdivision is up and operational. Mr. Wilson commented that there is a 15 ft. utility easement behind the county right of way. Public Works Director Jake Garner has reviewed the retention ponds and noted that there are several small deviations in the ponds that could hold water and will need to be addressed.

Commissioner Goss had concerns with this final plat with mud in the road, drainage problems and meters probably covered with water and feels it needs to be addressed before the Board approves this final plat. Mr. Pruitt commented that he had put up a two year bond to take care of any problems, which is 20% of the total cost (\$26,704.30).

Mr. Wilson stated that a bond has also been put up in the amount of \$10,820, in case Mr. Pruitt's variance is not approved by Board of Zoning Appeals. The bond is to cover the installation of the detention pond fencing located within Phase V.

Motion made by Commissioner McDaniel to approve final plat pending Public Works Director final inspection approval. Commissioner Davis seconded the motion and motion passed by a vote of 4-1 with Commissioner Goss voting in opposition.

6. Consider acceptance of Warranty Deed for Wilder Way (an extension), Emanuels Way and Saint Luke Drive in Stanfield West Phase V. *Motion made by Commissioner Morrow to approve Warranty Deed for these streets pending final inspection approval by Public Works Director Jake Garner. Commissioner Davis seconded the motion and motion was approved by a vote of 4-1 with Commissioner Goss voting in opposition.*

7. Set a date for Public Hearing to establish a streetlight district for Stanfield West Phase V and Park Place Phase II. *Motion made by Commissioner Morrow to have the public hearing during the next regular meeting. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.*

8. Consider request from Next Generation Properties, LLC for the County to grant a license to allow them to place private utilities in public right of way. Mr. Curaton was present to answer any questions. County Manager Wilson stated that the County Code allows for private utilities as long as they are within a residential subdivision. Next Generation Properties intends on constructing a subdivision off Highway 155 with private utilities. Mr. Curaton addressed the Board. He said that in their subdivisions they maintain all their utilities. He said they feel that they can meet the stipulations required in the County Code.

Chairman Kendall wanted to know if the county has ever done one of these licenses before. The County has not done a private utility license. There was a question regarding the hold harmless clause that is stated in the ordinance if Next Generation Properties is not around and how it would affect the taxpayers.

Mr. Curaton stated that Next Generation Properties is partners in the homeowners association. All services are being provided by the normal providers of the area. They will be providing services up to the subdivision and Next Generation will take it from there. NexGen is working out an agreement with their service providers if they are not able to make said repairs, the service provider can take over those lines.

County Attorney Fortune recommended that the Board table this item until he can talk with these gentlemen from Next Generation Properties to find out what this license and hold harmless agreement should say if the Board wishes to grant this license.

Motion made by Commissioner Morrow to table this item until the next regular scheduled business meeting pending the resolution of the hold harmless agreement and the license. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

9. Consider appointments to Boards, Authorities and Commissions for Calendar Year 2004.

The procedure for making appointments and reappointments is that the names of the individuals need to be in the Nomination Book. If more than one name for a particular appointment is nominated and in the book, the names will be voted on in chronological date order as they were put in book and the individual who received three books is the appointed person for the position.

BOARD APPOINTMENTS FOR TERMS BEGINNING 1-1-2004

A. APPOINTMENTS BY THE BOARD OF COMMISSIONERS:

1. Spalding County Library Board of Trustees- 4 Year Term

- a. To succeed William S. McDaniel, Four-year term to expire 12-31-07 – **No name in book – Tabled**
- b. To succeed Nora LaSalle Sackett, Four-year term to expire 12-31-07 - Commissioner Goss nominated Susan McWilliams to fill this position. No other nominations in the book. *Susan McWilliams was unanimously appointed to this position.*

2. Spalding County Board of Zoning Appeals – 4 Year Term

- a. Post 3 Appointment To succeed Keith Dryden (resigned) Unexpired term to expire 12-31-04 - **Tabled**

3. Spalding County Personnel Appeals Board- 3 Year Term

- a. To succeed Christine James-Brown, Three-year term to expire 12-31-06 – Commissioner Goss nominated Christine James-Brown for reappointment. No other nominations in the book. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis Christine James-Brown was unanimously reappointed.*

4. Griffin-Spalding County Hospital Authority- 4 Year Term

- a. To succeed J. Henry Walker, Four-year term to expire 12-31-07 – There were three (3) names in the book for this position. Commissioner Davis nominated Phil Shaw. Commissioner

Goss nominated John Abbott and Commissioner Kendall nominated himself for the position. The first name placed in the book was Phil Shaw. *A vote was called and Mr. Shaw received the required three votes of Commissioners Morrow, Davis and McDaniel. **Phil Shaw** was appointed to this position.*

5. **Griffin-Spalding County Development Authority – 3 Year Term**

To succeed Don King, Three-year term to expire 12-31-06 – The only nomination in the book was placed by Commissioner Morrow and that was the reappointment of Don King. ***Don King** was unanimously reappointed to this position.*

6. **Butts, Henry, Lamar & Spalding County Development Authority – 3 Year Term**

- a. To succeed Martha W. McDaniel, Three-year term to expire 12-31-06 – Martha W. McDaniel is no longer eligible to serve in this position. Commissioner Morrow nominated Alton Knight. No other nominations in the book. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow, **Alton Knight** was unanimously appointed to this position.*

7. **Spalding County Parks and Recreation Commission – 3 Year Term**

- a. (District #1) To succeed Wilbur Bailey, Three-year term to expire 12-31-06 – Commissioner Kendall reappointed **Wilbur Bailey**.
- b. (District #2) To succeed Grant Adams, Three-year term to expire 12-31-06 – Commissioner Davis appointed **David English**.
- c. (District #3) To succeed Mrs. Penny Wise, Three-year term to expire 12-31-06 – Commissioner McDaniel reappointed **Mrs. Penny Wise**.
- d. (District #4) To succeed Ronnie Perdue, Three-year term to expire 12-31-06 – Commissioner Morrow reappointed **Ronnie Perdue**
- e. (District #5) To succeed Regina Abbott, Three-year term to expire 12-31-06 – Commissioner Goss reappointed **Regina Abbott**.

8. **Griffin-Spalding County Airport Commission – 3 Year Term**

- a. To succeed Louis Thacker, Three-year term to expire 12-31-06 – Commissioner Morrow nominated Louis Thacker for reappointment. No other nominations were in the book. ***Louis Thacker** was unanimously reappointed to this position.*

9. **Spalding County Board of Health – 6 Year Term**

- a. To succeed John Roger Miller, Six-year term to expire 12-31-09 – Commissioner Goss nominated John Roger Miller for reappointment to this position. No other nominations in book. ***John Roger Miller** was unanimously reappointed to this position.*

10. **West Central GA Regional MHDDAD Board – 3 Year Term**

- a. Vacant - A Three-year term to expire 01-31-06 – **No action taken**

11. **Spalding County Water & Sewerage Facilities Authority – 6 Year Term**

- a. To succeed Julian Jones, Six-year term to expire 12-31-09 – Commissioner Goss nominated Julian Jones for reappointment to this position. No other nominations in the book. ***Julian Jones** was unanimously reappointed to this position.*
- b. To succeed Cal Oxford, Six-year term to expire 12-31-09 – Commissioner Goss nomination Cal Oxford for reappointment to this position. No other nominations in the book. ***Cal Oxford** was unanimously reappointed to this position.*

12. **Jail Population Management Task Force – 6 Year Term**

- a. To succeed Bonnie Pfrogner, Six-year term to expire 12-31-09 – Commissioner Goss nominated Bonnie Pfrogner for reappointment. No other nominations in the book. ***Bonnie Pfrogner** was unanimously reappointed to this position.*

13. **Board Of Appeals & Adjustments Unsafe Building Abatement Code- 4 Year Term**

- a. To succeed Doug Krepps, Four-year term to expire 12-31-07 – Commissioner Goss nominated Doug Krepps for reappointment to this position. No other nominations in the book. ***Doug Krepps** was unanimously reappointed to this position.*

14. **Keep Griffin/Spalding Beautiful, Inc. – 2 Year Term**

- a. To succeed Kathy Beheler, Two-year term to expire 12-31-05 – Commissioner Goss nominated Kathy Beheler for reappointment. No other nominations in the book. ***Kathy Beheler** was unanimously reappointed to this position.*

- b. To succeed Marvin Tackett, Two-year term to expire 12-31-05 – Commissioner Goss nominated Marvin Tackett for reappointment. No other nominations in the book. *Marvin Tackett was unanimously reappointed to this position.*
- c. To succeed Michael Soper, (resigned) Two-year term to expire 12-31-05 – No nominations in book. **Tabled**
- d. Sunny Side Representative (vacant) – Two-year term to expire 12-31-05 – No nominations in book. **Tabled**
- e. Diane Dunaway, Two-year term to expire 12-31-05 – Commissioner Goss nominated Diane Dunaway for reappointment. No other nominations in the book. *Diane Dunaway was unanimously reappointed to this position.*
- f. Mrs. Briddie Kruse (a non-member) – Vacant – No nominations in book. **Tabled**
- g. To succeed Louise Tipton (resigned), Two-year term to expire 12-31-05 – No nominations in book. **Tabled**
- h. Kevin Barkley (Orchard Hill Rep.), Two-year term to expire 12-31-05 – Commissioner Goss nominated Kevin Barkley for reappointment. No other nominations in the book. *Kevin Barkley was unanimously reappointed to this position.*

15. **Board of Directors, McIntosh Trail Regional Development Commission**

- a. To succeed Regina Abbott non-elected citizen appointee (Joint Appointment) – Commissioner Goss nominated Regina Abbott for reappointment. No other nominations in the book. *Regina Abbott was unanimously reappointed to this position.*
- b. To succeed Leola Hill (Minority Representative (elected or appointed or private citizen) (Joint Appointment) – Commissioner Kendall nominated Leola Hill for reappointment. No other nominations in the book. *Leola Hill was unanimously reappointed to this position.*
- c. To succeed Frank Thomas – Additional Appointment (for counties with a population exceeding 25,000) (Joint Appointment) – Mr. Thomas requested that he not be considered for another term. No nominations in the book. **This appointment was tabled.**

2004 is County's rotation for joint appointments

16. **Local Law Enforcement Block Grant Advisory Commission- 1 Year Term**

- a. Bill McBroom (Prosecutor's Office), One-year term to expire 12-31-04 – Commissioner Goss nominated Bill McBroom for reappointment. No other nominations in the book. *Bill McBroom was unanimously reappointed to this position.*
- b. Fred Roney (Court System), One-year term to expire 12-31-04 – Commissioner Goss nominated Fred Roney for reappointment. No other nominations in the book. *Fred Roney was unanimously reappointed to this position.*
- c. Reads Tootsie Powers in error as Mr. Raymond T. Ray, Jr. was appointed February 2003 to this position. (School System), One-year term to expire 12-31-04 – **Tabled**
- d. Marvin Brooks (Private Sector), One-year term to expire 12-31-04 – Commissioner Goss nominated Marvin Brooks for reappointment. No other nominations in the book. *Marvin Brooks was unanimously reappointed to this position.*

17. **Griffin-Spalding Area Transportation Planning Coordinating Committee**

- a. To succeed Bill Westmoreland, One-year term to expire 12-31-04 – Commissioner Morrow nominated Bill Westmoreland for reappointment. No other nominations in book. *Bill Westmoreland was unanimously reappointed to this position.*

- b. To succeed Bennie Owens, One-year term to expire 12-31-04 – Commissioner Morrow nominated Bennie Owens for reappointment. No other nominations in book. **Bennie Owens** was unanimously reappointed to this position.

B. COMMISSIONERS AS MEMBERS OF APPOINTED BOARDS: All One-Year Terms

The following appointments are made by the Chairman.

1. **Griffin-Spalding County Hospital Authority**
Ex-officio, to succeed Johnie McDaniel – **Reappointed.**
2. **Griffin-Spalding County Development Authority**
Chairman or designee voting member, to succeed Dick Morrow – **Reappointed.**
3. **Spalding County Parks and Recreation Commission**
Voting member, to succeed Johnie McDaniel – **Reappointed.** (Minutes of June 3, 1997 reflect that this is a voting member, not an ex-officio member as the amended Resolution of Parks and Recreation Commission states that the appointed county commissioner shall serve at the pleasure of the Board and shall have the right to vote on all Parks and Recreation Commission matters.)
4. **Griffin-Spalding County Airport Commission**
Ex-officio, to succeed Dick Morrow – **Reappointed.**
5. **Spalding County Board of Health**
Chairman or designee voting member, to succeed Mike Kendall - Commissioner Kendall appointed **Eddie Goss.**
6. **Spalding County Water & Sewerage Facilities Authority**
Chairman or designee, to succeed Cecil Davis – **Reappointed.**
7. **Board of Directors, McIntosh Trail Regional Development Commission**
County Representative, to succeed Eddie Goss – **Reappointed.**
8. **Downtown Council-Main Street Advisory Board**
Voting member, to succeed Cecil Davis – **Reappointed.**
9. **Griffin Area Chamber of Commerce Board of Directors**
Ex-officio, to succeed Johnie McDaniel – **Reappointed.**
10. **Two Rivers RC&D Council**
Voting member and alternate member:
To succeed Dick Morrow, voting member – **Reappointed.**
William P. Wilson, Jr., alternate member – **Reappointed.**
11. **West Central Georgia Private Industry Council, Inc. (PIC)**
Chief local elected official's committee
To succeed Eddie Goss – **Reappointed.**
12. **Community Services Board**
To succeed Cecil Davis – **Reappointed.**
13. **Griffin-Spalding Area Transportation Planning Coordinating Committee**
To succeed Dick Morrow – **Reappointed.**
To succeed Johnie McDaniel – **Reappointed.**
County Staff Appointee, To succeed Michael Sabine – Appointed **Chuck Taylor, Community Development Director.**

10. Consider Resolution of Intent to Reimburse or Refinance Costs for Vehicles and Equipment for Emergency 911, Parks & Recreation Department and Sheriff's Department totaling \$879,482.88 through ACCG lease purchase program. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION OF SPALDING COUNTY FOR DECLARATION OF OFFICIAL INTENT TO REIMBURSE OR REFINANCE COSTS FOR VEHICLES AND EQUIPMENT WITH TAX EXEMPT FINANCING

WHEREAS, the **SPALDING COUNTY** Board of Commissioners desires to acquire and equip **SPALDING COUNTY'S Emergency 911** with computer hardware & software, **Parks and Recreation Department** with vehicles and **Sheriff's Department** with vehicles, and

WHEREAS, the **SPALDING COUNTY** Board of Commissioners desires to declare its official intent to reimburse and refinance certain cost of the property by the issuance of bonds, lease or other obligations, to provide such reimbursement;

NOW THEREFORE, BE IT RESOLVED, that **SPALDING COUNTY** Board of Commissioners hereby declares pursuant to the Treasury Regulations Section 1.150-2 its official intent to reimburse and finance the costs for the property by the issuance of tax exempt bonds, a lease or other obligations, for the purpose of reimbursing costs of the property up to **\$879,482.88**.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed in the official minutes of the Board of Commissioners and made available for inspection by the public in accordance with the provisions of law.

ADOPTED IN LEGAL ASSEMBLY this 5th day of January , 2004.

11. Consider recommendation from Parks & Recreation Advisory Commission to establish an annual Bain Proctor Award for Volunteerism. This will be awarded in April of every year to a local citizen by the Board of Commissioners for volunteerism throughout the County. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel establishment of an annual Bain Proctor Award for Volunteerism was unanimously approved by a vote of 5-0.*

12. Consider adoption of Rental Agreement for Parks & Recreation Public Facilities as recommended by the Advisory Commission. There was some discussion regarding the fourteen day in advance to rent the facility and the Board recommended advance rental time subject to staff and security availability. There was also a discussing regarding the people that want to use the facility during regular hours of operation.

After discussion motion made by Commissioner Goss to table Rental Agreement until the next regular scheduled meeting to have Parks and Recreation Director Louis Greene present Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

13. Consider the temporary closing of Kennedy Road for construction of passing lanes on SR 155. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel authorizing Department of Transportation to close Kennedy Road was approved by a unanimous vote of 4-0 (Commissioner Davis absent at time of vote).*

14. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to provide for correction of error in previous budget amendment to the Water System Fund. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel first reading was unanimously approved by a vote of 4-0 (Commissioner Davis absent at time of vote). **The Ordinance will be incorporated into the minutes on second and final reading.***

15. Consider rescheduling the January 19, 2004 meeting due to observance of the Martin Luther King, Jr. holiday. *Upon motion by Commissioner McDaniel, seconded by Commissioner Kendall the meeting was rescheduled to Tuesday, January 20, 2004 by a unanimous vote of 4-0 (Commissioner Davis was absent at time of vote)*

16. Commissioner McDaniel would like to discuss the home occupation provisions in the AR-1 Zoning District. Mr. McDaniel stated that he had received a call from a lady on Steele complaining about trucks going in and out across the road directly from her property. These property owners have a home occupation at this address. There has been a history of complaints about this location. Mr. McDaniel said that he is sure this type problem exists throughout Spalding County and feels, having been part of zoning since the adoption of the UDO, a business, just as this, operated out of a residence really violates the spirit of home occupation ordinance. The home occupation is there to allow one the opportunity to operate a business out of their home. In the UDO there are two types of home occupation, minor and general. He feels that general is the one that may be causing the problem. He said that a permit was issued to this auto transport business because they are in the AR-1 district.

He said that a home occupation is permitted as an accessory use in AR-1 and AR-2 and in all residential districts it is a special exception, which comes under the Board's authority to issue. He feels that we should make home occupations general a special exception in AR-1 and AR-2 so the Board would get to

review the applications. He said that we might even just want to look at the ones that are non-agricultural in AR-1.

County Manager Wilson commented that staff would work with Zoning Attorney Galloway on a future amendment to the UDO regarding home occupation, general.

XIII. REPORT OF COUNTY MANAGER

County Manager Wilson commented that we had received a letter from Sheriff's Department requesting a continuance for the Revocation Hearing for Tony's One Stop that was scheduled for January 20, 2004 at 5:00 P.M. until the next Commissioners Meeting. He had been informed that the Department of Revenue Hearing for the third violation was scheduled for January 22, 2004 and this would allow CID to present all the cases to the Commissioners. The Board had no problem with this continuance.

County Manager Wilson commented that since we had already set up a meeting for 5:00 P.M. on January 20, 2004, he would like to suggest that this time be used to hear from FAA representative, Scott Seritt, regarding liability issues at the Griffin-Spalding County Airport. Mr. Wilson stated that staff and Commissioner Kendall would be meeting with City staff on Wednesday, January 7, 2004 to discuss the airport issue. The Board had no problem with having the Special Called Meeting agenda changed to hearing liability issues from the FAA representative.

County Manager Wilson announced that there would be a Special Called Meeting of the Griffin Area Transportation Committee on Wednesday, January 28, 2004 at 10:00 A.M. in the meeting room of the Courthouse Annex. Mr. David Studstill, Director of Planning, Data and Intermodal will be present with planning staff and district representatives to discuss current and future projects and the MPO process.

XIV. REPORT OF COMMISSIONERS

Commissioner Morrow made comments on the new audit. He said that the format has changed and it is lot easier to read. County Manager Wilson stated that we would be having representatives from Mauldin & Jenkins here in February to make a formal presentation to the Board. Commissioner Morrow said thanks to Mr. Wilson we came in way under budget total. Our fund balance jumped by \$1.7 Million.

Commissioner Goss addressed physical inventory audits on departments in the county. Mr. Wilson commented that we had inventory of all equipment but we do not keep physical inventory audits.

Commissioner Davis commented he had received a complaint on News Years Eve from a lady in Orchard Hill about pit bulls next door to her that were killing her dogs. He referred to her Code Enforcement and Animal Control to see if there was some legal form of relief for her. She called back today and said the problem was solved because they had come over and killed all her dogs. She was quite upset about this. Mr. Wilson commented to his knowledge there are not any restraint districts in the Orchard Hill area. Mr. Fortune commented that she had cause of action against whoever owns those dogs for damages.

Commissioner McDaniel had no comments.

Commissioner Kendall had no comments.

Motion made by Commissioner McDaniel to enter into a Closed Meeting to discuss pending litigation. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 5-0.

XV. CLOSED MEETING – Agenda amended to add a Closed Meeting requested by County Attorney Fortune.

Those present were Commissioners Dick Morrow, Michael Kendall, Cecil Davis, Johnie McDaniel and Eddie Goss. Also present were County Manager William Wilson, 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 January 5, 2004.

2.

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

3.

The executive session was called to order at 8:45 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)_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 5th day of
January 2004.
Phyllis P. Doane
Notary Public
My commission expires: March 13, 2006

Dick Morrow
Cecil L. Davis
Edward Goss, Jr.
Johnie A. McDaniel
M. Michael Kendall

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

No business was transacted at this time.

XV. ADJOURNMENT

Upon motion by Commissioner Kendall, seconded by Commissioner Morrow the meeting was unanimously adjourned at 8:50 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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