



# Spalding County online

## Board of Commissioners

### EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Thursday, January 23, 2003 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 5:00 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Cecil Davis and Eddie Goss present. Commissioner Johnie McDaniel was absent as he was out of town. 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 Morrow**
- II. INVOCATION - Rev. Randy Valimont – Led by Commissioner Eddie Goss in the absence of Rev. Valimont.**
- III. PLEDGE TO FLAG – Led by Chairman Morrow**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

Boy Scout Troop #2 from the First Baptist Church was present for the meeting. Chairman Morrow recognized the troop and presented each member a Spalding County logo pin.

### **V. PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of Financial Statements for the Six Months Ended December 31, 2002. Ms. Jinna Garrison was present to answer any questions the Board members might have. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the Financial Statements were unanimously approved by a vote of 4-0.*

### **VI. CITIZENS COMMENTS – n/a**

### **VII. PUBLIC COMMENT – No comments were made.**

### **VIII. MINUTES**

1. Consider approval of the Minutes of the Special Called Meeting and Regular Monthly Meeting of January 6, 2003, Special Called Meeting of January 10, 2003 and of January 15, 2003. *Upon motion by Commissioner Goss, seconded by Commissioner Davis the minutes were unanimously approved by a vote of 4-0.*

**IX. CONSENT AGENDA – n/a**

**X. OLD BUSINESS**

1. Consider appointments to Boards, Authorities and Commissions.

**A. APPOINTMENTS BY THE BOARD OF COMMISSIONERS:**

1. **Spalding County Library Board of Trustees- 4 Year Term**
  - a. To succeed S. J. Overstreet (Sara), Four-year term to expire 12-31-06 - **Tabled**
2. **Spalding County Personnel Appeals Board- 3 Year Term**
  - a. To succeed Ms. Lee Turner, Three-year term to expire 12-31-05 – The only name in the nomination book was Carol Jones, Human Resources Director of First National Bank. **Appointed Carol Jones by a unanimous vote of 4-0.**
3. **Butts, Henry, Lamar & Spalding County Development Authority – 3 Year Term**
  - a. To succeed Daa’ood Amin, Three-year term to expire 12-31-05 - **Reappointed**
  - b. To succeed Warren Scoville, Three-year term to expire 12-31-04 – **Appointed Don King**
4. **West Central GA Regional MHDDAD Board – 3 Year Term**
  - a. Vacant - A Three-year term to expire 01-31-06 - **Tabled**
  - b. To succeed William Nesbit, Three-year to expire 7-31-05 - **Tabled**
5. **Griffin-Spalding Area Transportation Planning Coordinating Committee**
  - a. To succeed Bobby Hart, One-year term to expire 12-31-03 – There were two (2) names in the nomination book, Bennie Owens nominated by Commissioner Morrow and William Bryant nominated by Commissioner McDaniel. **Bennie Owens** received four votes and was appointed to the Committee.

2. Consider at first reading an ordinance amending the Spalding County Code, Part II, Chapter 11, Section 2-11006 regarding changes to the Smoking Policy. *Upon motion by Commissioner Goss, seconded by Commissioner Davis ordinance at first reading was approved by a vote of 3-1 with Commissioner Morrow voting in opposition. **The ordinance will be incorporated into the minutes on second and final reading.***

3. Consider approval of Memorandum of Agreement to Partner with Spalding County Collaborative Authority for Families and Children, Inc. *Upon motion by Commissioner Goss, seconded by Commissioner Davis the following Agreement was unanimously approved by a vote of 4-0.*

MEMORANDUM OF AGREEMENT TO PARTNER WITH  
SPALDING COUNTY COLLABORATIVE AUTHORITY  
FOR FAMILIES AND CHILDREN

This agreement is made between Spalding County Board of Commissioners, hereinafter called the PARTNER, and the Spalding County Collaborative Authority for Families and Children, Inc., hereinafter called the SCCAFC.

WHEREAS, the PARTNER desires to create a quality of life in our community which supports and encourages the development of healthy families and facilitates the physical, mental, emotional, spiritual, social, educational, and economic growth of individual citizens; and

WHEREAS, the PARTNER desires to create, maintain, and nurture a culturally diverse and collaborative community partnership that focuses on families, is driven by consumer needs, and is outcome accountable, to address the full range of human need through integrated services; and

WHEREAS, the PARTNER agrees to create a mutually supportive forum for discussion of family support issues and how to respond as a community based on Family Connection principles that recognize the root causes and interrelatedness of problems affecting families; that emphasize prevention, early intervention, and maintenance across the life span while recognizing the necessity of adequate treatment and crisis services; that are based on knowledge of the community's needs and assets and an expanding circle of inclusion; that include a mechanism for consumer participation and feedback; that are committed to a long term process of planning, implementation and evaluation; that recognize and support families of all compositions, that recognize support systems for individuals with no families, and provide a family network for those who have no one; and

WHEREAS, the PARTNER desires to help build a service system to benefit families and build a health community and neighborhood environment for families and individuals; and

WHEREAS, the PARTNER mutually agrees that such services will be undertaken and conducted both by the PARTNER individually and by the SCCAFC; and

WHEREAS, the purpose of this system is to encourage and empower families in Spalding County, Georgia, to access services in the areas of education, employment, child care, income support, health, mental health, nutrition, recreation, early intervention, maintenance, and related services; and

WHEREAS, the goal of the PARTNER is to design a reconfigured continuum of service and provide effective and efficient outreach, intake, service planning, provision, and evaluation of services, the PARTNER agrees to:

- 1) Contribute available staff time to the collaborative planning process;
- 2) Provide current agency/organization-specific data services; provide available baseline statistics related to outcomes; and funding streams to identify potential new flexible resources to contribute to collaborative efforts;
- 3) Participate in development of an information management system for a comprehensive community-mapping plan with indicators, needs, assets, and resources;
- 4) Participate in the formal creation of a collaborative board or authority and to adopt policy where possible in support of collaborative efforts;
- 5) Agree to share information about grant availability, notify the SCCAFC of intent to apply for new human services grants as well as solicit the support of the SCCAFC as the collaborative body for available new human services grants whenever possible.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed as of the 21<sup>st</sup> day of January 2003.

## **XI. NEW BUSINESS**

1. Consider approval of Resolution and Order Appointing William G. Murray as a Tax Assessor of Spalding County, Georgia. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution and Order was unanimously approved by a vote of 4-0.*

### **RESOLUTION AND ORDER APPOINTING WILLIAM G. MURRAY AS A TAX ASSESSOR OF SPALDING COUNTY, GEORGIA**

WHEREAS, William G. Murray was heretofore appointed by the Board of Commissioners of Spalding County Georgia, as a member of the Board of Tax Assessors of Spalding County, Georgia, to serve for a term of six years ending on December 31, 2008; and

NOW, THEREFORE, BE IT, AND IT IS HEREBY RESOLVED AND ORDERED that William G. Murray be, and he is, hereby appointed as a Tax Assessor of Spalding County, Georgia, and as a member of the Board of Tax Assessors of said County for a six year term thereof, ending December 31, 2008, and which said appointment shall be, and become effective on January 6, 2003, and the within order making and evidencing such appointment shall be transmitted to the Clerk of the Superior Court of Spalding County, Georgia, so that it may be regularly entered upon the records of the Superior Court of said County, and so that a certificate from said Clerk may be issued after the said appointee has taken the oath required by law, which shall constitute the commission of said appointee, William G. Murray, as a member of said Board of Tax Assessors, all as required by law.

2. Consider Resolution to extend the C-2 Moratorium through March 31, 2003. *Upon motion by Commissioner Goss, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 4-0.*

**RESOLUTION TO ENACT A  
MORATORIUM ON THE APPROVAL OF CONSTRUCTION PLANS FOR  
IMPROVEMENTS AND THE ISSUANCE OF  
BUILDING PERMITS FOR THE LOCATION AND PLACEMENT  
OF IMPROVEMENTS ON CERTAIN REAL PROPERTY  
WITHIN SPALDING COUNTY**

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 is empowered to consider and enact zoning and development regulations governing the development of property within Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County exercised its authority to enact zoning and development regulations by adopting the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County on January 4, 1994, and various other ordinances governing development thereunder (generally attached as Appendices) to such ordinance;

WHEREAS, the Board of Commissioners of Spalding County is also empowered with the authority and obligation to develop and prepare comprehensive land use planning within the boundaries of Spalding County, Georgia, and is currently engaged in the preparation of a new comprehensive land use map for such development;

WHEREAS, the Board of Commissioners has reviewed the existing Zoning Map of Spalding County and has noted thereon that certain real properties located in residential and agricultural areas were and have been zoned for heavy commercial and industrial uses for many years, which uses are incompatible with the adjoining residential developments;

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the citizens of Spalding County for the adoption of appropriate zoning resolutions to which correct this problem and to consistently zone such properties with the manner in which the are being used; and

WHEREAS, the Board of Commissioners desires to briefly control and prohibit heavy commercial and industrial developments on such properties until such time as these zoning issues can be addressed which development may adversely affect the implementation of the comprehensive land use map of Spalding County and negatively impact the aesthetic development of adjoining residential property in Spalding County;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, and the following Resolution shall be and is hereby enacted, as follows:

Section 1: Enactment of Building Permit Moratorium. The Board of Commissioners of Spalding County hereby enacts and directs any and all applicable agencies of Spalding County to enforce a moratorium on issuance of any new building permits for any development to be located on any and all property which is presently classified and shown on the Zoning Map of Spalding County as lying within the Manufacturing (C-2) district which does not abut and/or is not contiguous to a Street or Road, Arterial (as defined in Section 202(JJJ) of the Zoning Ordinance of Spalding County).

Section 2: Enactment of Construction Plan Moratorium. The Board of Commissioners of Spalding County hereby enacts and directs any and all applicable agencies of Spalding County to enforce a moratorium on acceptance and approval of any construction plans for any development to be located on any and all property which is presently classified and shown on the Zoning Map of Spalding County as lying the Manufacturing (C-2) district which does not abut and/or is not contiguous to a Street or Road, Arterial (as defined in Section 202(JJJ) of the Zoning Ordinance of Spalding County).

Section 3: Definition.

For purposes of this Moratorium, a tract does not “abut” or is not “contiguous” to a Street or Road, Arterial when:

- a. such tract does not share any point of common boundary with the right of way of a Street or Road, Arterial;
- b. such tract does not share any point of common boundary with another tract zoned Manufacturing C-2 which abuts a Street or Road, Arterial; or

c. such tract does not share any point of common boundary with another tract zoned Manufacturing C-2 which is not also contiguous by sequential boundaries to another tract(s) also zoned Manufacturing C-2 that ultimately abuts a Street or Road, Arterial. For purposes of example, a tract which is zoned Manufacturing C-2 shall be contiguous to a tract which abuts a Street or Road, Arterial if all tracts located between the subject tract and the tract which is zoned Manufacturing C-2 and also abuts a Street or Road, Arterial are also similarly zoned Manufacturing C-2.

Section 4: Duration. The moratorium period which commenced on Tuesday, August 20, 2002 at 12:00 a.m. and shall hereby be extended and shall terminate on March 31, 2003 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County.

Section 5: Impact on Other Development Ordinances. The provisions of this resolution shall not restrict or prohibit any other development of any real property except that specifically stated herein.

3. Consider declaring surplus and authorizing sealed bid for pine and hardwood timber located on the Shoal Creek Road C&D Landfill property. County Manager Wilson stated that the City and County jointly own the Byne Property known as C&D Shoal Creek Landfill and the expansion will take into account this 103 acres and the City and County will share equally in the profits of the sale of the timber.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the Board voted unanimously to authorize sealed bids for the timber on the Shoal Creek Road C&D Landfill property.*

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

County Manager Wilson gave an updated report on the 2001 CDBG Grant the County received for renovation of the Highland Mills Sewer Plant System and also reported on the events of the Sewer Task Force Meeting of Tuesday, January 21, 2003. Mr. Wilson advised that the County has been working on a 2003 CDBG grant application for sewer on the North side of Griffin and we currently have a CDBG grant that was awarded in 2001 for the Highland Mill project. The original scope of the Highland Mills project was to construct new collector lines and make minor renovations to the existing plant and to contract with the City of Griffin for operation of the plant. The scope was changed in mid 2002 to construct a lift station and force main and connect to the City's sewer system. Since that time we have been notified by the City that a Capacity Recovery Fee will be assessed on this project in the amount of \$202,400. The Sewer Task Force had previously asked the City to waive these fees but was reported back by the two City representatives that they are not interested in waiving these fees. The Capacity Recovery Fees are the subject of a lawsuit between the City and the County and whether and to the extent the City is authorized to collect such fees are subject to the final adjudication of that lawsuit. Due to these facts, Mr. Wilson has asked HDR/WL Jorden to move ahead with the initial project. Mr. Wilson advised we were informed Tuesday by McIntosh Trail that we could apply for this other CDBG grant with one outstanding as long as some work is going on in that area. The Highland Mills grant project expires September 2003.

### **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall had no comments.

Commissioner Goss made brief comments about the Spalding County Collaborative Authority encouraging the other commissioners to attend some of their meetings. He said it would be worth your time to sit in on some of their meetings.

Commissioner Davis had no comments.

Commissioner Morrow announced to the Board that March 22, 2003 would be the date of their retreat. He said that he had requested three agenda items (1) impact fees (2) nuisance ordinance to help clean up trash and (3) the dog restraint district around the City of Griffin as a possible compromise to having a countywide leash law. He asked the Board members to let County Manager Wilson know if they had any items they would like to have on the agenda for discussion.

### **XIV. CLOSED MEETING**

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the Board voted unanimously to go into a Closed Meeting.*

1. The County Attorney desires a Closed Meeting to discuss potential/pending litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Cecil Davis, Eddie Goss, 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 January 23, 2003.

2.

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

3.

The executive session was called to order at 5:45 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)\_\_\_\_\_.

This the 23<sup>rd</sup> day of January 2003.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 23<sup>rd</sup> day of  
January 2003.  
Phyllis P. Doane  
Notary Public  
My commission expires: March 13, 2006

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

*Upon motion by Commissioner Davis, 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 Davis, seconded by Commissioner Goss the meeting was unanimously adjourned at 6:00 P.M.*

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

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