



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, February 3, 2003 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, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

I. OPENING (CALL TO ORDER) – Chairman Morrow

II. INVOCATION - Rev. Randy Valimont – Led by Commissioner Johnie McDaniel in the absence of Rev. Valimont.

III. PLEDGE TO FLAG – Led by Chairman Morrow

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

At this time Chairman Morrow recognized Boy Scout Troop No. 13, who was attending the meeting. Mr. Morrow presented each troop member and leaders a Spalding County logo pin.

1. Miller Edwards of Mauldin & Jenkins is present to present the FY 2002 Comprehensive Annual Financial Report. Mr. Edwards came forward and gave a brief summary of the Financial Report and to answer any questions the Board might have. He said that the County received a "Clean Opinion". He gave a summary of the finance position of the County as of June 30, 2002. He said of the \$16.5 Million showing in cash, there is \$1.8 Million cash on hand available for other things. For the general fund the County took in \$25.7 Million in total revenue and spent \$26.671 Million, a difference of \$965,000, which drew down the fund balance \$1 Million. He said that the County was very lean at June 30th and stressed that the County needs to be careful with fund balance. With the County being a \$26 Million operation in the General Fund revenues, a million dollars goes by quick. He said that a good job was done in managing the budget. The departments that the Board of Commissioners and County Manager Wilson have control over, only one of them, Voter Registration, went over their budget in the amount of \$609 and that was because of extra cost of elections for FY 2003. The excess costs associated with the jail placed the public safety budget \$985,772 over budgeted and this was offset by the under expenditure of the other departments. The County SPLOST bond service debt was over funded and that leaves an excess of \$894,000 to be used for SPLOST projects. Mr. Edwards stated that recommendations have been made to some of the elected official's departments and they are being addressed.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Robert McIntyre, 124 Magnolia Drive, addressed the cost effectiveness of the new complex that houses the C.I. inmates. The facility houses 384 inmates and they are being utilized by the County, City and school system.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session and Zoning Public Hearing of January 23, 2003. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the minutes were approved by a vote of 4-0-1 with Commissioner McDaniel abstaining from voting. He was not in attendance for either of the meetings.*

IX. CONSENT AGENDA – n/a

X. OLD BUSINESS

1. Consider the reappointment of Ms. S. J. Overstreet to the Spalding County Library Board of Trustees, Term to expire 12-31-06. *Commissioner Morrow nominated the reappointment of Ms. S.J. Overstreet. There were no other names in the book. Commissioner McDaniel made a motion to reappoint Ms. S. J. Overstreet to the Spalding County Library Board of Trustees. Commissioner Morrow asked for a show of hands on motion and motion was unanimously approved.*

2. Consider at second 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 McDaniel the following ordinance was unanimously approved by a vote of 5-0.*

ORDINANCE NO. 2003-01 ORDINANCE TO AMEND PART II, CHAPTER 11 SMOKING POLICY SECTION 2-11006

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY AND IT IS HEREBY RESOLVED AND ORDAINED:

Section 1. To amend Part II, Government and Administration, Chapter 11 Smoking Policy, Section 2-11006 of the Spalding County Code as follows:

Section 2-11006 by striking it in its entirety and inserting in lieu thereof a new Section 2-11006 to read as follows:

“The following areas have been approved as designated smoking areas, and have been approved by the City of Griffin and/or Spalding County as may be required:

- (a) The muster room in the public works department;
- (b) The bay areas of all Spalding County fire stations; and
- (c) The sallyport area of the Spalding County Courthouse.”

Section 2. This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia, as prescribed by Section 2-1005 of the Code of Spalding County.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed.

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

- **Rezoning Application #02-26Z:** John T. Bolton, owner—Greg Pruitt Construction Company, Agent – Wilder Way (Stanfield West Subdivision Phase V) 64.75 acres, more or less, AR-1 to R-5 Conditional.

Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was approved by a vote of 3-2 with Commissioners Morrow and McDaniel voting in opposition.

**APPLICATION OF JOHN T. BOLTON
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-26Z

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

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

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

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

WHEREAS, John T. Bolton, applicant, applied for a change in zoning classification to be applied to the within described property to “R-5, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on September 23, 2002;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on January 23, 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 Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

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

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

All that tract, parcel or lot of land situate, lying and being in Land Lots 12 and 21 of the 2nd Land District of originally Monroe County, now Spalding County, Georgia, containing 64.75 acres more or less, Tract “A” as shown on that certain plat of survey entitled “Compiled Plat for John T. Bolton”, dated July 18, 2002, prepared by G. Tim Conkle, Registered Land Surveyor No. 2001, said survey attached hereto as Exhibit “A” and incorporated herein by express reference, said property being more particularly described as follows:

POINT OF BEGINNING is located at the northeast corner of Lot 32 of Stanfield West Subdivision, a copy of a plat of such recoded in Plat Book 23, Pages 467 – 470, Spalding County Clerk of Superior Court, Georgia, records. From said POINT OF BEGINNING travel South 88 degrees 24 minutes 20 seconds West a distance of 380.48 feet to a point; thence South 5 degrees 39 minutes 16 seconds East a distance of 15.42 feet to a point; thence North 88 degrees 28 minutes 14 seconds West a distance of 836.32 feet to a point; thence North 0 degrees 11 minutes 57 seconds East a distance of 1,906.46 feet to a point; thence South 86 degrees 13 minutes 22 seconds East a distance of 1,569.15 feet to a point; thence South 02 degrees 10 minutes 47 seconds East a distance of 1,047.80 feet to a point; thence South 27 degrees 50 minutes 27 seconds West a distance of 883.02 feet to said POINT OF BEGINNING.

From “AR-1, Agricultural and Residential” to “R-5, Single Family Residential” District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote

the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. All homes shall have a minimum heated area of 1,250 square feet.
- b. All homes shall have a two-car garage.
- c. Open ditch low profile ditches.
- d. All homes shall have sodded front yard from the front of the house to the road.
- e. 50' front yard setback.
- f. Buffer on north and west side of the property.
- g. Two to three trees per lot as appropriate.
- h. Greenspace on final plat on west and north side of the property.
- i. Site built homes only.

Section 3

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

On February 3, 2003, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract, parcel or lot of land situate, lying and being in Land Lots 12 and 21 of the 2nd Land District of originally Monroe County, now Spalding County, Georgia, containing 64.75 acres more or less, Tract "A" as shown on that certain plat of survey entitled "Compiled Plat for John T. Bolton", dated July 18, 2002, prepared by G. Tim Conkle, Registered Land Surveyor No. 2001, said survey attached hereto as Exhibit "A" and incorporated herein by express reference, located on Wilder Way (Phase V Stanfield West Subdivision), zoned R-5, Conditional

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

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

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

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

XI. NEW BUSINESS

Chairman Morrow advised that the agenda needs to be amended to add an item no. 12 to read as follows: Consider resolution to enact a moratorium on the acceptance of special exception applications for the location and operation of solid waste disposal facilities (landfills) in the AR-1 (Agricultural and Residential) District within Spalding County. *Upon motion by Commissioner Goss, seconded by Commissioner Davis the amendment to the agenda to add an item was unanimously approved by a vote of 5-0.*

1. Ed Rutter, telecommunications consultant with Georgia Municipal Association, is present to discuss non-compliance and transfer issues related to the Spalding County cable television franchise. Mr. Rutter advised the Board that he had been asked to make a recommendation on the non-compliance issue. He said you had two (2) options, to revoke the franchise with Insight or find a reasonable resolution. He said the non-compliance has been caused by Central Georgia EMC requiring permits for access to the poles. He said that have not been able to get a timetable from EMC but have been able to come up with a cure and reasonable timetable to cure the non-compliance. The recommendation is that the company be required to make a payment of \$25,000 for missing the deadline of August 22, 2002, establish a new deadline, which is six months after Central Georgia EMC completes the pole-made ready work and issue pole permits, establish a \$350 a day penalty for missing the new dead line and establish a procedure for the collection of the penalty. He was also recommending that the County transfer the franchise to

Comcast Communications as he feels it will provide potential better upgrades and services for the citizens of Spalding County.

Mr. Paul Foye, local manager of Insight Communications, was present and County Manager Wilson asked him if he would come to the Commissioners' meeting once a month and give a progress report on the rebuild.

2. Consider Resolution addressing non-compliance issues relative to cable television franchise with Insight Communications. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA TO AMEND THE CABLE FRANCHISE AGREEMENT TO EXTEND THE TIME PERIOD TO REDESIGN AND REBUILD THE CABLE TELEVISION SYSTEM AND TO ESTABLISH MONETARY PENALTIES AND A PROCEDURE FOR ASSESSING AND COLLECTING THE PENALTIES IF INSIGHT COMMUNICATIONS, INC, INSIGHT COMMUNICATIONS MIDWEST, LLC (SUCCESSOR IN NAME TO INSIGHT COMMUNICATIONS OF INDIANA, LLC) AND/OR ITS SUCCESSORS OR TRANSFEREES ARE UNABLE TO COMPLY WITH THE NEW TIME PERIOD FOR COMPLETION AND ACTIVATION OF THE REDESIGN/REBUILD IN SPALDING COUNTY, GA.

WHEREAS, Spalding County, GA has issued a nonexclusive cable franchise to Insight Communications, Inc. effective August 22, 2000 to occupy and use the rights-of-way within the corporate limits of the County to provide cable services through a communications system; and

WHEREAS, the Responsible Franchising Official, the Chairman of the Board of Commissioners, notified Insight Communications, Inc., Insight Communications Midwest, LLC (successor in name to Insight Communications of Indiana, LLC) by letter dated September 9, 2002 that they were in violation of the terms and conditions of the Cable Franchise Agreement, Sections 3.1.1 General Obligations and Appendix A System Characteristics; and

WHEREAS, the Responsible Franchising Official, the Chairman of the Board of Commissioners, has determined that a violation, Event of Default, has occurred, that the violation was not fully excusable but that Insight Communications, Inc. has proposed a cure and a schedule for accomplishing the cure that is reasonable in his opinion; and

WHEREAS, the Chairman of the Board of Commissioners has determined that a reasonable monetary damage for violating the terms and conditions of the Cable Franchise Agreement is \$25,000.00 and that the Cable Franchise Agreement should be amended to acknowledge and establish the revised and mutually agreed to timetable for completion of the redesign and rebuild of the system and to provide for penalties and a procedure for collecting the penalties to be collected from the Franchisee if the reasonably acceptable revised timetable is not complied with.

NOW, THEREFORE, BE IT RESOLVED that the County does hereby amend the Cable Franchise Agreement, dated August 22, 2000, to which the Franchisee has agreed, as acknowledged by the signatures of its authorized representatives, a signed copy of which is attached to and hereby made a part the amended Cable Franchise Agreement, on the following terms and conditions:

- I. The parties agree that a payment of \$25,000.00, made payable to Spalding County and delivered upon execution of this agreement, is reasonable and represents the sum total of all monetary damages to be assessed against the Company for violating the original terms and conditions of the Cable Franchise Agreement, mainly Section 3.1.1 General Obligations and Appendix A, System Characteristics; more specifically, that the redesign and rebuild of Franchisee's cable system would be complete within twenty-four (24) months of the Effective Date of the Cable Franchise Agreement, August 22, 2000.
- II. The County through negotiations has established as the new date for completion of the redesign and rebuild of the cable system in Spalding County, GA as six months after CGEMC completes all pole make ready work more specifically six (6) months from the date that the last pole permit required to complete the upgrade is received by the franchisee) agreed to by Insight and CGEMC and CGEMC issues all required pole permits and hereby amends the terms and conditions of the Cable Franchise Agreement to reflect that date.

III. The County has determined that the existing Cable Franchising Agreement is unclear as to what, if any, penalties are available to the County to assess the Franchisee if the Franchisee violates the amended terms and conditions of the Cable Franchise Agreement as it relates to the amended completion date for the redesign, rebuild and activation of the cable system. The County hereby amends the Cable Franchise Agreement by establishing specific Monetary Damages to be assessed against the Performance Bond established in Section 10.6 of the Franchise Agreement. The monetary damages are established at \$350.00 per day for each day the redesign, rebuild and activation of the system rebuild is not complete in accordance with the new date reflected above. The Franchisee hereby waives the seven (7) day notice provision required in Section 10.6.3 of the Cable Franchise Agreement and further agrees that the County may withdrawal from the Performance Bond on the 10th, 20th and 30th of each month of the period of non-compliance with the amended timetable for completion. The Franchisee will replenish the Performance Bond in accordance with Section 10.6.5 of the Cable Franchise Agreement.

BE IT FURTHER RESOLVED, that the Chairman is authorized to prepare and execute any agreements or other documents necessary or appropriate to implement this Resolution, provided such have been approved as to form by the County Attorney.

3. Consider Resolution addressing transfer of cable television franchise from Insight Communications to Comcast. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA TO TRANSFER THE CABLE FRANCHISE AGREEMENT FROM INSIGHT COMMUNICATIONS OF INDIANA, LLC TO INSIGHT COMMUNICATIONS MIDWEST, LLC AND TO THEN TRANSFER THE CABLE FRANCHISE AGREEMENT TO COMCAST OF MONTANA/INDIANA/KENTUCKY/UTAH.

WHEREAS, Spalding County, Georgia has issued a nonexclusive cable franchise to Insight Communications Company, L.P. effective August 22, 2000 to occupy and use the rights-of-way within the corporate limits of the County to provide cable services through a communications system; and

WHEREAS, Insight Communications Midwest, LLC, the successor in name to Insight Communications of Indiana, LLC requested that the Cable Franchise Agreement in Spalding County be transferred to InterMedia Partners Southeast by letter dated October 4, 2002 and accompanied by the filing of FCC Form 394 as required by the Cable Act.

WHEREAS, the proposed transferee has now changed from InterMedia Partners Southeast to Comcast of Montana/Indiana/Kentucky/Utah.

WHEREAS, the Board of Commissioners has determined that the proposed Transferee has the necessary legal, financial and technical abilities as required by the Cable Act to own, construct and operate a cable television system in Spalding County, Georgia and the proposed Transferee will accept the terms and conditions of the Spalding County Cable Television Agreement as amended.

NOW, THEREFORE, BE IT RESOLVED that the County does hereby transfer the Cable Franchise Agreement, dated August 22, 2000, to Comcast of Montana/Indiana/Kentucky/Utah, effective with the adoption of this Resolution by the Board of Commissioners and accepted by the proposed Transferee, Comcast of Montana/Indiana/Kentucky/Utah, as acknowledged by the signatures of its authorized representative below.

BE IT FURTHER RESOLVED that the Chairman is authorized to prepare and execute any agreements or other documents necessary or appropriate to implement this Resolution, provided such have been approved as to form by the County Attorney.

4. Consider approval of amended final plat for The Orchard Subdivision, located off Zebulon Road. The amended plat provides for setback to be reduced from 100 ft. to 50 ft. excluding Lot No. 17. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the amended final plat was unanimously approved by a vote of 5-0.*

5. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for appropriation from the Broad Street Renovation Account. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow first reading of ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

6. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for Georgia Heritage Grant for renovations to the original Spalding County Courthouse. This grant was used to replace replica windows in the Old Courthouse. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel first reading of ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

7. Consider Local Government Project Agreement for improvements at Vaughn Road/SR-16/Rover-Zetella Intersection. County Manager Wilson stated that the County would be responsible for reimbursable utility costs estimated at \$290,000 and the Water Authority would have to absorb \$75,000 in utility relocation costs and recommended that Agreement be approved with monies coming out of SPLOST fund.

Motion made by Commissioner Morrow to approve the Local Government Project Agreement with monies to be funded with SPLOST money. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

8. Consider approval Resolution establishing Zero-Based Budgeting (ZBB) guidelines in preparing FY 2004 Budget. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

Resolution

WHEREAS the Board of Commissioners is charged under Georgia law with maintaining appropriate fiscal controls over departments and agencies receiving funds from the county treasury; AND

WHEREAS the Board of Commissioners desire to expend public funds with great care and due regard for the citizens remitting funds to the county treasury; AND

WHEREAS the Board of Commissioners recognize that the demands of new growth combined with increasing service-delivery needs require additional efforts to maximize the benefit of tax dollars expended; AND

WHEREAS the Board of Commissioners supports efforts to demonstrate additional accountability regarding public funds budgeted.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that the Board endorses and mandates the following measures relative to the preparation of the FY 2004 Spalding County budget:

1. All departments and agencies funded by the Board of Commissioners with funds deposited in the county treasury shall propose a line-item budget request consistent with Zero-Based Budgeting (ZBB) principles for consideration by the Board.
2. No department or agency funded by the Board of Commissioners shall receive funds from the county treasury unless said request, corresponding with ZBB, has been received, reviewed, and approved by the Board, consistent with the Board's lawful responsibility to enact a balanced budget under Georgia law.
3. In the event that any department or agency funded by the Board of Commissioners with funds from the county treasury shall not propose said request by noon on Friday, March 28, 2003, the Board of Commissioners shall direct the County Manager to prepare a budget for the respective entity consistent with ZBB principles.

BE IT FURTHER RESOLVED that the County Manager or his designee be directed to offer relevant assistance to any constitutional officer of Spalding County requesting assistance relative to ZBB efforts in the preparation of the FY 2004 Spalding County budget.

9. Consider approval of FY 2004 Budget Calendar. *Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the FY 2004 Budget Calendar was unanimously approved by a vote of 5-0.*

10. Consider Agreement between Griffin Tech and Spalding County for the use of training facilities, equipment, personnel, etc. for Firefighter I training program being conducted by Griffin Tech. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Agreement was unanimously approved by a vote of 5-0.*

**Griffin Technical College and Spalding County Fire and Emergency Services
AGREEMENT FOR CLINICAL SERVICES**

This Agreement is made and entered into this the 3rd day of February, 2003, by and between Spalding County Fire and Emergency Services and Griffin Technical College, hereafter referred to as “the Educational Institute”.

Whereas, the purpose of this Agreement is to guide and direct a working relationship between Spalding County Fire and Emergency Services and the Educational Institute in which learning experiences for the students of the Educational Institute are provided.

Whereas, the Spalding County Fire and Emergency Services agrees to allow the students of the Educational Institute the privilege of clinical experience as well as field work using the Spalding County Fire training facility and burn building so as to assist the students in improving their skills and knowledge.

Now, therefore, in consideration of the following promises, covenants, and conditions, the parties agree as follows:

SECTION A: The Educational Institute shall do or cause to be done the following:

1. Be responsible for the initial training and education of the student participating in an approved, Fire fighter I Fire Academy program. As well as provide the staffing which includes a teacher(s) for the Technical Certificate, instructional support staff and student services staff to assist with admissions, registration, and other support as provided for all credit programs;
2. Will insure that the individuals participating in this rotation have satisfactorily completed the necessary portions of their curriculum prior to beginning their Field training at Spalding County Fire and Emergency Services.
3. Provide adequate written information regarding the students and the training experiences needed 30 days prior to the scheduling of each education experience.
4. Will provide Spalding County Fire and Emergency Services with the objectives of the training ground rotation while assigned to Spalding County Fire and Emergency Services. A copy of those field activities in which the students may participate during the field training rotation must be submitted and will be incorporated herein by reference.
5. Assure observance by all of its participating students of existing Spalding County Fire and Emergency Services policies and procedures.
6. Initiate, as needed, appropriate follow-up with Spalding County Fire and Emergency Services concerning all students entering the field training experience, to ascertain appropriateness of performance, behavior, and need for restructuring of program.
7. Will insure that all students are covered by professional liability insurance, at a level of at least \$1,000,000.00 and provide evidence of coverage prior to scheduling for all students.
8. Will be responsible for any expense incurred the students due to illness or accident while participating in the program. Each student will be responsible for signing a waiver to this effect prior to their first field training exercise at Spalding County Fire and Emergency Services.
9. Agrees to ensure that all students training at Spalding County Fire and Emergency Services are assigned solely for the purpose of obtaining clinical education and experience. They will not be considered employees of Spalding County Fire and Emergency Services for the purpose of compensation or other purposes or benefits having to do with employee status.
10. Will withdraw from the training rotation program any student whom Spalding County Fire and Emergency Services requests to be withdrawn for reasons including, but not limited to, one whose behavior or work is hazardous or potentially hazardous to them selves or others.
11. Will insure that there is a qualified DTAE instructor at the Educational Institute who is ultimately responsible for the conduct and actions of the students and this person will be available at all times for the students and Spalding County Fire and Emergency Services. The name and contract number of each responsible instructor must be on file prior to the training ground rotation.
12. Will insure that all students report to the field training exercise in appropriate attire as follows: Black slacks (BDUs), Gray shirt with picture identification, to identify the student with Educational Institute, and present a professional appearance, Yellow turnout gear with yellow helmet to help identify the students.

13. Interpret and explain to current and prospective students the conditions and requirements for admission.
14. Provide textbooks, study guides, and other pertinent materials for student purchase in the Griffin Technical College bookstore.
15. Ensure that adequate library access and resources are available to support courses offered, to provide inter-library loan service and reference service by toll-free
16. Phone or FAX, bibliographies, and listings of materials.

SECTION B: Spalding County Fire and Emergency Services shall do or cause to be done the following:

1. Provide adequate clinical services for the Educational Institute in accordance with the objectives.
2. As requested by the Educational Institute, assist in a supervised orientation for the students and provide accessibility to any and all equipment as necessary for teaching purposes for the Fire Fighter programs.
3. Assist in the evaluation of the Educational Institute students' learning, performance and patient care and or Fire Fighter I Skills when availability allows.

SECTION C: The Educational Institute and Spalding County Fire and Emergency Services agree to be mutually responsible for the following:

1. Clinical and lab assignments for the Fire Fighter students taking part in the rotation, and or labs, based on the goals and objectives of the program availability of in-service instructors.
2. Both staffs will work together to maintain an environment which provides quality student learning.
3. The parties mutually agree that neither party will discriminate against any employee/student or applicant for employment or against any applicant for enrollment for a course of study or against any student in his/her course of study on the basis of race, color, sex, creed, national origin, age or handicap; provided such handicap does not preclude Spalding County Fire and Emergency Services such person's physical and mental ability to participate therein. The applicable provisions of Executive Order 11246,503 of the Rehabilitation Act of 1973 and the Vietnam Veterans Readjustment Assistance Act, and applicable regulation there under, are incorporated by reference.

SECTION D: It is further understood that:

1. This agreement shall remain in full force and effect at least a 3 year time frame, renewable for successive 3-year terms unless otherwise terminated 30 days prior to the date of expiration.
2. Either party may terminate this Agreement by thirty (30) days advance written notice provided students enrolled in the Fire Fighter I Certificate of Credit program at the time of notification will be allowed to finish the quarters needed to complete the certificate.
3. This agreement may be modified by mutual consent, provided any and all modification will be in writing and signed by both parties, Spalding County Fire and Emergency Services and the Educational Institute.
4. This agreement will be interpreted and construed by the Laws of the State of Georgia.
5. If any provision of this agreement is held to be illegal, invalid or unenforceable under present or future laws effective during the term of this agreement, the legality, validity and enforceability of the remaining provision shall not be affected thereby.
6. Under this agreement the relationship of the parties will be that of independent contractors. Neither party shall exercise control over the method, manner or means by which the other performs it duties.
7. Any addendums or amendments to this agreement are made a part of this agreement by reference.
8. This agreement cannot be assigned without written approval of both parties.
9. Griffin Technical College agrees and does hereby indemnify and agree to hold harmless Spalding County Fire and Emergency Services and Spalding County for any claims for personal injury or property damage, which may arise out of the performance of this contract. Griffin Technical College agrees that in the event a civil action is filed against either Spalding County Fire and Emergency Services and/or Spalding County then in such event Griffin Technical College shall immediately provide an adequate defense and satisfy any judgment, which may result from said civil action.

XII. E. COMPENSATION

1. No compensation will be granted to either party by the other.

SECTION E: IN WITNESS WHEREOF, this agreement is entered into on the first date above written.

11. Consider authorizing County Manager to execute deed and closing documents necessary to close the sale of timber in the Shoal Creek Road C&D Landfill property. County Manager Wilson advised that the high bid was \$153,000 and the City and County would split the proceeds 50/50. *Motion made Commissioner McDaniel to authorize County Manager to execute deed and closing documents for sale of timber. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

12. Consider Resolution to Enact a Moratorium on the Acceptance of Special Exception Applications for the location and operation of solid waste disposal facilities (landfills) in the AR-1 (Agricultural and Residential) District within Spalding County. *Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the following Resolution was unanimously approved by a vote of 5-0.*

**RESOLUTION TO ENACT A
MORATORIUM ON THE ACCEPTANCE OF
SPECIAL EXCEPTION APPLICATIONS
FOR THE LOCATION AND OPERATION OF
SOLID WASTE DISPOSAL FACILITIES (LANDFILLS) IN THE
AR-1 (AGRICULTURAL AND RESIDENTIAL) DISTRICT
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;

WHEREAS, the Board of Commissioners of Spalding County, Georgia is empowered in furtherance of its police power 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 Zoning Ordinance of Spalding County, in Section 503(B)(12), currently allows the location of solid waste disposal facilities to be located within the AR-1 (Agricultural and Residential) zoning district as a special exception use;

WHEREAS, the Board of Commissioners of Spalding County has determined that the requirements for the location of a solid waste disposal facility within the AR-1 (Agricultural and Residential) zoning district may be incompatible with the rural residential character of development within such districts;

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the citizens of Spalding County to consider adoption of appropriate zoning resolutions to correct this problem and to develop additional zoning criteria for the location of landfill and solid waste disposal facilities that are more consistent with industrial rather than residential developments; and

WHEREAS, the Board of Commissioners desires to briefly control and prohibit consideration of solid waste disposal facilities or landfills on real property lying within the AR-1 (Agricultural and Residential) zoning district until such time as such criteria can be adequately developed;

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 Moratorium on Solid Waste Disposal facilities and/or Landfills in the AR-1 District. The Board of Commissioners of Spalding County hereby enacts and directs any and all applicable agencies and departments of Spalding County to enforce a moratorium on the receipt, acceptance and filing of any application for a special exception seeking approval of development of any solid waste disposal facility or landfill, as currently allowed pursuant to Section 503(B)(12) of the Spalding County Zoning Ordinance on any property presently zoned and located within the AR-1 (Agricultural and Residential) zoning district.

Section 2: Duration. The moratorium period shall commence on Tuesday, February 4, 2003 at 12:00 a.m. and shall terminate on July 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.

XIII. REPORT OF COUNTY MANAGER

County Manager Wilson informed the Board that there would be a joint City/County Informational Meeting and presentation concerning 800 MHz trunk radio communications in the Courthouse Annex Meeting Room on February 12, 2003 at 10:00 A.M. and invited the Board to attend this meeting.

County Manager Wilson informed the Board that the County would be implementing a five-year Capital Improvements Plan (CIP) in the FY 2004 Budget.

County Manager Wilson reminded everyone of the Comprehensive Plan Workshop on Saturday, February 8, 2003 from 9:00 A.M. until 12:00 P.M. in the Courthouse Annex Meeting Room facilitated by Jordan, Jones and Goulding.

County Manager Wilson advised the Board that he had received a memo from Tim Crane, Recycling Supervisor, stating he would like to request discontinuing of tin recycling at the center. We now recycle tin, aluminum and plastics in the same container and are having contamination problems. The aluminum cans could be placed in the container on site for the Burn Foundation and the small amount of tin placed in with regular household garbage, which would free up the entire container for plastic recycling. The Board had no problem with this procedure being implemented after proper notification is given to citizens.

County Manager Wilson addressed the High Falls Road Culvert Replacement. He advised the Board that the County closed the road January 2, 2003 and the news media was notified. There has been numerous problems and has developed into a major drainage project and advised the Board that the road will be closed an additional two (2) weeks to complete the remaining work and allow for the fiber-optic line to be sleeved/sheathed.

County Manager Wilson stated that we need some kind of resolution regarding community septic systems. We have been approached by a developer to allow a system in his subdivision on Tomochichi Road and need some direction as to whether or not the Board would entertain the idea. Mr. Reese was present and addressed the Board briefly. Commissioners Morrow and Goss will be meeting with Mr. Reese to listen to his proposal and bring a recommendation back to the Board at their next meeting.

County Manager Wilson advised the Board that Chief Kenneth Roberts had passed away and his funeral would be held Wednesday at 3:00 PM at Haisten/McCullough Funeral Home.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall had no comments.

Commissioner Goss had no comments.

Commissioner Davis had no comments.

Commissioner McDaniel made the Board aware that he had received e-mail from Mr. Tom Perdue, currently serving as President of the Board of Directors of the Griffin Chapter AMBUCS requesting that we consider giving them a position on the Parks and Recreation Advisory Board. They would like to have an influence on some of the decisions that might be made concerning tournaments.

There is a Resolution establishing this Advisory Board and we could possibly amend the Resolution to add another member. It was recommended that Parks and Recreation make a recommendation and report back to the Board.

Commissioner McDaniel encouraged everyone to attend the Comprehensive Plan Workshop Saturday morning.

Commissioner McDaniel commented that we have numerous requests to open dialogue with the City of Griffin to mesh our ordinances and work more closely regarding zoning procedures. He said that he

would like to see us make some effort getting them to the table to talk about some community planning. He asked County Manager Wilson to get a copy of the City's Comprehensive Plan and distribute it to each of the Commissioners.

Commissioner Morrow announced there would be an area transportation meeting on February 19th at 1:30 P.M. and as Chairman, he would like to send a letter personally inviting the State legislators to attend this meeting, if the Board has no objections.

XIV. CLOSED MEETING

Chairman Morrow stated that he had been requested to ask the Board to amend the agenda to delete item no. 1 in its entirety and add the following: The County Attorney desires a closed meeting to discuss acquisition of real estate. *Motion made by Commissioner Davis to delete item no. 1 under Closed Meeting and add acquisition of real estate. Commissioner Goss seconded the motion and motion was unanimously approved by a vote of 5-0.*

- 1. The County Attorney desires a Closed Meeting to discuss pending/potential litigation. (This item was deleted.)
- 2. The County Attorney desires a Closed Meeting to discuss acquisition of real estate.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, 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 February 3, 2003.

2.

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

3.

The executive session was called to order at 7:25 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:

No 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)*_____;

Yes 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 3rd day of February 2003.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 3rd day of
February 2003.

Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

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

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis 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 McDaniel the meeting was unanimously adjourned at 7:43 PM.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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