



Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, March 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.

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 Chairman Morrow.**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval of a Proclamation proclaiming Saturday, March 15, 2003 as “Master Gardener Appreciation Day” in Spalding County. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Proclamation was unanimously approved by a vote of 5-0.* Chairman Morrow read the Proclamation into the minutes and presented it to Wade Hutcheson and Helen Grayson.

Proclamation

“Master Gardener Appreciation Day”

- WHEREAS,** The Master Gardener Program is a national volunteer horticultural educational training program sponsored by the Cooperative Extension Service of the U.S. Department of Agriculture, and the counties of the cooperating states; and
- WHEREAS,** The Master Gardener Program provides avid gardeners with intensive education in research-based horticultural principles and pest control practices; and
- WHEREAS,** New Master Gardeners must provide at least 50 hours of community volunteer service through their County Extension Offices, working on community and school beautification projects, conducting garden clinics and answering questions; and
- WHEREAS,** Spalding County Master Gardeners in 2002 volunteered 690 hours representing \$10,622 in labor, traveled 3,667 miles, answered 44 telephone calls, provided technical information/service to 1,771 citizens; and
- WHEREAS,** On Saturday, March 15, 2003, Master Gardeners throughout Georgia and Spalding County will celebrate Master Gardener Day by providing horticultural education, plant and soil testing clinics, and lectures in shopping malls and gardening centers; and
- WHEREAS,** In the spirit of volunteerism, Master Gardeners have provided and continue to provide valuable services to Georgia communities through education and training programs.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that Saturday, March 15, 2003 is hereby proclaimed as

“MASTER GARDENER APPRECIATION DAY”

And give recognition to the many contributions of Master Gardeners in recreation, therapeutic and beautification efforts and thank the Master Gardeners for their spirit of volunteerism.

2. Consider approval of a Proclamation proclaiming the week of March 2-8, 2003 as “Women in Construction Week” in Spalding County, Georgia. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

“Women In Construction Week”

WHEREAS, The National Association of Women in Construction South Atlanta Alliance Chapter has distinguished itself as the voice of women in construction in Spalding County, Georgia; and

WHEREAS, The work done by the National Association of Women in Construction South Atlanta Alliance Chapter has benefited Spalding County, Georgia through community development and educational programs; and

WHEREAS, The National Association of Women in Construction South Atlanta Alliance Chapter has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS, The construction community, represented by National Association of Women in Construction South Atlanta Alliance Chapter, has been a driving force in fostering community development through renovation and beautification projects; promotion of skilled trades careers; and a positive vision of the future; and

WHEREAS, The National Association of Women in Construction South Atlanta Alliance Chapter has sought to achieve successful results for Spalding County, Georgia and surrounding areas in a cooperative spirit with other organizations.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that we recognize the National Association of Women in Construction South Atlanta Alliance Chapter and its many dedicated volunteers for its steadfast work on behalf and support of women in construction and hereby proclaim the week of March 2-8, 2003 as:

“WOMEN IN CONSTRUCTION WEEK”

In Spalding County and encourage our citizens to congratulate the organization on its many accomplishments.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

There was no one present who wished to make comments.

VIII. MINUTES

1. Consider approval of the Minutes of the Extraordinary Session of February 17, 2003, Special Called Meeting and Zoning Public Hearing of February 27, 2003. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA – n/a

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Representatives from Integrated Science and Engineering will present preliminary engineering report for Cabin Creek Basin sewer improvements. Brian Upson advised the preliminary engineering report

prepared for the 2003 CDBG Grant Application estimated the cost to tie on thirty-one homes located on Bourbon Street and Greenbriar Drive to sewer with asphalt overlay on both streets would be \$612,000 exclusive of grant administration fees in the amount of \$30,000 and a proposed Capacity Recovery Fee of \$68,200. The County is currently in litigation with the City of Griffin regarding the legality of the CRF and until this is settled, there will have to be a delay in applying for the grant. The proposed CDBG grant to be applied for is in the amount of \$500,000.

2. Consider recommendation from the Parks and Recreation Advisory Commission requesting funds for three seniors to attend the National Senior Games to be held in Hampton Roads, Virginia in June. Director Louis Greene was present to address this item. He stated that he had funds budgeted to take care of the registration fees for the three gentlemen; however, did not have funds available for their travel expenses. This is the first time that any seniors have won State championships to go to National. *Upon motion by Commissioner McDaniel, seconded by Commissioner Kendall funds in the amount of \$1758 to be taken out of the contingency fund was approved by a vote of 4-1 with Commissioner Davis voting in opposition.*

3. Consider rental rates and policies for the two shelters at Wyomia Tyus Olympic Park as recommended by the Parks and Recreation Advisory Commission. Director Louis Greene addressed this item also. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel rental rate for the two shelters at \$75.00 each for a five-hour period was unanimously approved by a vote of 5-0. The five-hour periods are from 8:00 a.m. – 1:00 p.m. and from 2:00 p.m. – 7:00 p.m.*

4. Consider recommendations from the Parks and Recreation Advisory Commission regarding signage and rules to be used at the multi-use trail at Wyomia Tyus Olympic Park. Director Louis Greene addressed this item also. He stated that the signs will be posted in various places in the park and the asphalt trail at the four trailheads will have pictures depicting approved uses which are: use by pedestrians, bicyclists and skaters; allowing pets and animals; not allowing motorized vehicles and users under 16 years of age required to wear helmet while skating and biking. He also presented a sign for all the parks stating what is not permitted adding usage of all tobacco products except in parking lot areas and no swimming or wading in lake to the already approved list.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the recommendations from the Parks and Recreation Advisory Commission regarding signage and rules of multi-use trail and all park facilities were unanimously approved by a vote of 5-0. County Attorney Fortune was directed to draw up a county ordinance allowing no swimming or wading in lake to be presented to the Board of Commissioners' at their March 17, 2003 meeting for consideration.

5. Consider Memorandum of Understanding between Plant the Future and Spalding County to accept financial contributions on behalf of Spalding County "Friends of the Park" Committee. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the following Memorandum of Understanding was unanimously approved by a vote of 5-0.*

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into between Plant The Future, Inc., (hereinafter referred to as "Plant The Future"), and Spalding County, a political subdivision of the State of Georgia on behalf of the Spalding County "Friends of the Park" Committee, (hereinafter referred to as "Spalding County")

WHEREAS, private citizens of Spalding County desire to make tax deductible contributions to improve the quality of life in Griffin and Spalding County through environmental preservation and enhancements of recreational areas; and

WHEREAS, citizens specifically desire to make contributions to plant trees and provide for other landscaping activities on County owned property; and

WHEREAS, Plant The Future is a 501 (c)(3) organization and is agreeable to assist in this endeavor;

NOW THEREFORE, in consideration of mutual benefits flowing to the parties hereto, the receipt and sufficiency of which are hereby acknowledged, this memorandum of understanding is entered into as follows:

Plant The Future agrees that it shall do the following:

- (a) Accept financial contributions on behalf of the Spalding County "Friends of the Park" Committee;
- (b) Agrees to segregate said funds and not to comingle those with other funds of Plant The Future;
- (c) To provide quarterly reports to the Spalding County "Friends of the Park" Committee as to its current financial condition or more often on request;
- (d) Agrees to provide each donor with a letter acknowledging receipt of the tax deductible donation;
- (e) Agrees that, upon proper presentment of bills for payment by the Spalding County "Friends of the Park" Committee, that it shall pay same and insure the payment is made in a timely fashion.

Spalding County (on behalf of the Spalding County "Friends of the Park" Committee), agrees that it shall:

- (a) Promptly present bills for payment to Plant The Future, Inc.;
- (b) Shall not request that any fund be paid to Spalding County or to the Spalding County "Friends of the Park" Committee;
- (c) Shall direct the expenditure of the donations for the purpose of improving and maintaining landscaping for parks and recreation areas of Spalding County;
- (d) Agrees that it shall reimburse Plant The Future for any expenses incurred on behalf of Spalding County "Friends of the Park" Committee.

It is agreed that either party may terminate this Agreement upon ninety (90) days notice to the other party.

IN WITNESS WHEREOF, the undersigned has hereunto set their hands and seals this 3rd day of March 2003.

Plant The Future, Inc.

Jerry Walker, President

Spalding County

Dick Morrow, Chairman

6. Consider request from Narcotics Task Force regarding outstanding invoices for hangar construction. The request was to ask for assistance on paying the remaining bills with an estimated total of \$45,044.07 according to their records. The Narcotics Task Force would reimburse when reimbursement is handled through Drug Enforcement Agency. *Upon motion by Commissioner Davis, seconded by Commissioner Goss outstanding invoices were approved by a unanimous vote of 5-0 with reimbursement by the Narcotic Task Force from federal forfeitures.*

7. Consider renewal of Lease Agreement between Spalding County and Weyerhaeuser Company for a five-year automatic renewal period expiring December 31, 2007. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Lease Agreement was unanimously approved by a vote of 5-0.*

8. Consider annual renewal of Lease Agreements between Spalding County and Divine Faith Ministries, Inc. for property at 841 Memorial Drive and 843-845 Memorial Drive. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel Lease Agreements were unanimously approved by a vote of 5-0.*

9. Consider Resolution authorizing the Chairman to execute Quit Claim Deed. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION

WHEREAS, L.S. Land Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Florida has previously conveyed real property to Spalding County for construction of a road and;

WHEREAS, considerable time has elapsed since that conveyance and Spalding County has no present intention of using said real property for the construction of a public road and;

WHEREAS, there is currently pending a civil action known and designated as L.S. Land Company, Inc. vs. Spalding County, same being civil action number 99-V-1971, in the Superior Court of Spalding County, Georgia and;

WHEREAS, the parties are desirous of settling all issues between themselves for the purpose of terminating said litigation and;

WHEREAS, Tim Whalen, Chief Appraiser for the Spalding County Board of Tax Assessors, values the tract of real property described in Exhibit "A", attached hereto as having a fair market value of \$500.00 and;

NOW THEREFORE BE IT RESOLVED, by Spalding County Board of Commissioners that upon payment of the sum of \$500.00, Spalding County will convey to L.S. Land Company, Inc., that certain real property being described in Exhibit "A", attached hereto.

THIS BOARD FURTHER RESOLVES that the Chairman of the Spalding County Board of Commissioners shall be authorized to execute a quitclaim deed conveying said property and that same shall be attested to by the Clerk. All proceeds arising from such sale shall be paid into the County Treasury.

10. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to correct a posting error providing for the GEFA Grant. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

11. Commissioner Kendall would like to discuss proposed local legislation creating election supervisor. Commissioner Kendall stated that a memo had been drafted by Assistant County Manager Sabine and endorsed by Ms. Helen Grayson, Chairman of the Board of Elections with the following changes that they feel need to be made to the proposed legislation.

1. The new department supervisor would be an employee of the County Manager, with policy direction from the Board of Elections.
2. The County would advertise for the position, which would fall under the Personnel Ordinance. The Manager, with participation from one or more members of the Board of Elections, would interview qualified candidates.
3. The Manager would appoint the department supervisor and supervise its administrative duties (sign time sheets, approve leave requests, etc.)
4. The Board of Elections would function as a policy and oversight board, ensuring that independent review of election activities continue. The department supervisor would be accountable to the Manager, but would also have the protections afforded to all civil service employees under the Personnel Ordinance.
5. The department supervisor would hire subordinate staff (clerk/registrar), subject to final authorization from the appointing authority (County Manager). (The amount of subordinate staffing would be determined by the Board of Commissioners through the budget like other departments.)
6. Compensation for the department supervisor and subordinate staff would be subject to the provisions of the Pay and Classification Plan/Personnel Ordinance.

Commissioner Kendall gave his full support to this proposal and stated this is exactly what he has tried to explain to Representative Yates that needs to be included in the legislation.

Motion made by Commissioner Kendall to draft a letter incorporating the above-mentioned recommendations and send under the signature of the Chairman and Ms. Grayson to Mr. Yates and the legislative delegation asking that these be incorporated into the legislative act being introduced for Spalding County. Commissioner McDaniel seconded the motion and motion was approved by a vote of 4-1 with Commissioner Goss voting in opposition.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson reminded the Board that there would be a Public Information Meeting on the SR362/Rover-Zetella/Moreland Road intersection on Tuesday, March 4, 2003 from 4:00 to 6:00 PM at the Williamson Volunteer Fire Department at 85 Midland Street in Williamson, GA.

County Manager Wilson reminded the Board that a Public Hearing would be held on Tuesday, March 4, 2003 at 6:00 P.M. at the Courthouse Annex Meeting Room to receive comment for the proposed 2003 CDBG grant and Ms. Jeannie Brantley from McIntosh Trail would be present to conduct the Public Hearing.

County Manager Wilson announced that there would be a Rail Rally to show our support for commuter rail on Wednesday, April 23, 2003 from 4:00 p.m. to 6:00 p.m. at the Welcome Center.

County Manager Wilson commented that we are having a private company to look at Highland Mills and give us a cost of the operation of the plant and also the cost of refurbishing the plant and would report back to the Board as soon as the report has come in. Bids have been taken for the sewer line installation and hopefully we will have this for the next agenda if the bids can be reviewed and evaluated by that time.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall had no comments.

Commissioner Goss had no comments.

Commissioner Davis discussed how zoning decisions affects the Griffin-Spalding County School system and asked for consideration that a member of the school board be appointed as an ex-officio member to the Planning and Zoning Board so the school board would be advised of these new developments.

County Manager Wilson commented that he had spoken with Assistant County Manager Sabine and Community Development Director Chuck Taylor regarding this and school information is going to be added to the staff reports as to what affect these new subdivisions would have on the school system.

Commissioner Davis stated that he would like for this to be brought up at the retreat on March 22nd.

Commissioner McDaniel had no comments.

Commissioner Morrow announced the future public forums that would be held for the SPLOST. Henry Walker and Wayne Brown, co-chairs of the Citizens for Economic Progress, would host these public forums. The schedule for the forums is March 10th at St. Phillips AME Church, March 11th at Orchard Hill City Hall and March 13th at SunnySide City Hall.

XIV. CLOSED MEETING

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

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.

1. The County Manager desires a Closed Meeting to discuss acquisition of real estate.
2. The County Attorney desires a Closed Meeting to discuss potential/pending litigation.

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 March 3, 2003.

2.

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

3.

The executive session was called to order at 7:30 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)_____;

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)_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 3rd day of
March 2003.
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 McDaniel, seconded by Commissioner Davis the Board voted unanimously to go out of Closed Meeting and go back into Open Session

No business was transacted at this time.

XV. ADJOURNMENT

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was unanimously adjourned at 7:48 P.M.

County Clerk

Chairman

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