



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, April 7, 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 declaring Monday, April 21, 2003 as “ Special Olympics Day in Spalding County”. Commissioner McDaniel read the Proclamation into the record and Chairman Morrow presented it to Janice Day and participants of Special Olympics.

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

Proclamation

“IN HONOR OF THE GRIFFIN-SPALDING SPECIAL OLYMPICS”

- WHEREAS,** the Special Olympics is a year-round comprehensive program of sports training and athletic competition for individuals with cognitive disabilities; and
- WHEREAS,** the Special Olympics provides opportunities at all levels of ability by assessing athletic skills based upon age as well as performance; and
- WHEREAS,** the Special Olympics offers a unique opportunity for individuals to enhance gross motor skills, physical fitness and self-esteem, in addition to socialization skills; and
- WHEREAS,** the Special Olympics provides a welcome recreational activity that Special Olympians can enjoy with their family as well as friends; and
- WHEREAS,** the Griffin-Spalding Special Olympics has been an accredited program under the Special Olympics Georgia umbrella since 1968, offering bowling, basketball, roller skating, ice skating, bocce, softball, volleyball, badminton, table tennis, golf, aquatics, gymnastics and athletic field events, in addition to equestrian riding.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County, Georgia that the Board hereby declares Monday, April 21, 2003 as

“SPECIAL OLYMPICS DAY IN SPALDING COUNTY”

and encourages all citizens of Spalding County to reflect upon the important mission served by the Griffin-Spalding Special Olympics, as well attend the events scheduled in conjunction with the Griffin-Spalding Special Olympics.

2. Consider approval of a Proclamation designating the month of April 2003 as “Child Abuse Prevention Month” in Spalding County, Georgia. Commissioner Davis read the Proclamation into the record and it was presented to Dr. William Colvin.

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

Proclamation

“CHILD ABUSE PREVENTION MONTH”

- WHEREAS,** Thousands of Georgia’s children are abused and neglected each year; and
- WHEREAS,** Child abuse and neglect ruin children’s lives, destroy families, and contribute to serious societal problems, including juvenile delinquency and teen pregnancy; and
- WHEREAS,** Prevent Child Abuse Spalding is committed to preventing child maltreatment and promoting positive parenting; and
- WHEREAS,** Prevent Child Abuse Spalding and its parent organization, Prevent Child Abuse Georgia, are hosting public awareness events throughout Georgia during April to coincide with national Child Abuse Prevention Month; and
- WHEREAS,** As part of its ongoing outreach efforts, Prevent Child Abuse Spalding is promoting awareness of child abuse and neglect prevention by distributing blue ribbons during April 2003.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County that the month of April 2003 is hereby proclaimed as

“CHILD ABUSE PREVENTION MONTH”

in Spalding County and urge all citizens to protect Georgia’s children and help prevent child abuse and neglect.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Mark Scudder, 1714 Ridge Street, addressed the ordinance on no swimming in lake at Spalding County Park facilities. He referred to the article that ran in the “*Griffin Daily News*” regarding this ordinance. He said that he did not want to see any child drown in the lake and recommended that the only way you will keep children out of the lake was to put a fence around it.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of March 17, 2003, Special Called Meeting of March 19, 2003, Special Called Meeting of March 27, 2003 and Zoning Public Hearing of March 27, 2003. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

1. Consider at second reading an ordinance amending the Spalding County Code by adding Article B to Part XI, Offenses, Chapter 2, to provide for no swimming or wading at Spalding County Park facilities. Chairman Morrow commented that there is a little problem with the way the ordinance is written, as we did not intend to make criminals of folks in streams on county right of way picking up trash. He felt that

in Section 11-2008 we should eliminate “or stream” to correct this ordinance. The other Board members also felt this way.

Motion made Commissioner Morrow to pass this ordinance amending the code by adding Article B, Part XI, Offenses, Chapter 2 with the change that we strike “or stream” from Section 11-2008. Commissioner McDaniel seconded the motion for purpose of discussion.

Commissioner McDaniel asked is this second reading? He was answered this is first reading. He asked are we actually passing this or should the motion be something else. County Attorney Fortune stated that the motion should be to amend this and this would be a first reading and place back on Consent Agenda for second reading.

Commissioner Morrow withdraw his motion as well as Commissioner McDaniel his second.

Motion made by Commissioner Morrow to amend the ordinance to remove “or stream” in Section 11-2008. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

Motion made by Commissioner Morrow to approve the amended ordinance at first reading. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0. The amended ordinance will be incorporated into the minutes on second and final reading.

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Consider assignment of Consulting Engineer designation from Integrated Science and Engineering to Paragon Consulting Group, Inc. Mr. Brian Upson was present to answer any questions the Board might have. Mr. Upson is no longer affiliated with ISE and we need an assignment for his new firm to continue doing our engineering projects. The same individuals are working with Mr. Upson.

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

CONSENT TO ASSIGNMENT

WHEREAS, the Master Services Agreement between Integrated Science & Engineering, Inc. (“ISE”) and Spalding County dated February 17, 2003 (the “Master Services Agreement”) has been assigned by ISE to Paragon Consulting Group, Inc., by agreement dated April 4, 2003; and

WHEREAS, Section 7.4.2 of the Master Services Agreement provides that it can be assigned if the other party consents in writing; and

WHEREAS, this matter came before the Board of Commissioners of Spalding County, Georgia, pursuant to proper notice.

NOW THEREFORE, the Board of Commissioners of Spalding County, Georgia, does hereby consent to the aforesaid assignment.

DATED at Griffin, Georgia this April 7, 2003.

2. Consider at first reading an ordinance amending the FY 2003 Budget Ordinance to provide for an operating transfer to the Workers Compensation Trust Fund. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the 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.*

3. Consider authorizing U&CF (Urban & Community Forestry) greenspace grant application on behalf of Spalding County Parks & Recreation Department. This grant was applied for last year but we did not receive award of grant. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis submission of grant application was unanimously approved by a vote of 5-0.*

4. Consider request from Parks and Recreation Advisory Commission to provide a letter of support for Community Center of Personal Enrichment (C.C.O.P.E.) The CCOPE would like to apply for a grant; however, a letter from Board of Commissioners has to accompany the grant application stating that

Spalding County will lease the trailer at Fairmont Park to the organization for The Enrichment of Young Minds Program for five years on a yearly basis for \$1.00 per year provided the grant is awarded.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the request for letter of support was unanimously approved by a vote of 5-0.

5. Consider authorizing U.S. Fire Administration (USFA) Assistance to Firefighters grant application on behalf of Spalding County Fire Department. The grant requires a 10% match and the County would be applying in three areas which are: (1) Firefighter Wellness and Fitness; (2) replace outdated self-contained breathing apparatus and (3) diesel exhaust removal system. The 10% cash match is budgeted in the proposed FY 2004 Budget.

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel approval to submit grant application was unanimously approved by a vote of 5-0.

6. Consider approval of amended final plat for Lake Park Commons Subdivision, located off Swint Road & Morgan Road. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis amended final plat was unanimously approved by a vote of 5-0.*

7. Consider Relocation Agreement with Georgia Power Company for relocation expenses for the Birdie Road Intersection Improvement Project. County Manager Wilson stated that Georgia Power is seeking reimbursement estimate cost of \$17,239.00 for utility relocations, which pre-date the county's right of way. *Upon motion by Commissioner McDaniel, seconded by Commissioner Goss Relocation Agreement was unanimously approved by a vote of 5-0.*

8. Consider appointment of Michael Soper to fill an unexpired term on the Keep Griffin/Spalding Beautiful, Inc. Committee (term of John Ballard expiring 12/31/03). *Upon motion by Commissioner Davis, seconded by Commissioner Goss the appointment of **Michael Soper** was unanimously approved by a vote of 5-0.*

9. Consider acceptance of Highland Mill Wastewater Treatment Plant. There was a provision that the Board of Commissioners placed on this acceptance and that was Mr. Tenison would pay the \$1200 grant application fee and \$2,000 towards the 2001 CDBG grant application. Mr. Tenison paid the \$3200 today.

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel acceptance of Highland Mill Wastewater Treatment Plant by Warranty Deed was unanimously approved by a vote of 5-0.

10. Consider bids for Highland Mill Sewer Improvements. Recommended bid is Davidson Bros. Utility Contractors alternate bid of \$422,343.52. The CDBG Grant awarded in 2001 was for \$500,000 and this will leave approximately \$47,650 for sewer plant improvements and \$30,000 for grant administration fees.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis alternate bid of Davidson Bros. Utility Contractors in the amount of \$422,343.52 was unanimously approved by a vote of 5-0. **Reference Contract #2003-04-07.***

11. Consider temporary closure of a portion of Trestle Road from a point north of Johnson Road intersection further northward to Henry County Line. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the temporary closure with conditions as follows was approved by a vote of 4-1 with Commissioner Goss voting in opposition.*

- 1.) A temporary turnaround and appropriate signage shall be installed at the Developer's cost;
- 2.) The new road shall be constructed in conformance with county specifications;
- 3.) The Developer agrees to convey the new roadbed and right-of-way to the County upon approval of the Public Works Director subsequent to its completion. The completed project shall be warranted under the surety provisions of Section 410(C) of the Spalding County Unified Development Ordinance;
- 4.) No construction traffic shall be permitted on Johnson Road or the open-portion of Trestle Road, with the limited exception that traffic directly related to the construction of water quality infrastructure, water pollution prevention infrastructure, and initial erosion control infrastructure improvements shall be permitted on Trestle Road from 6 AM until 6 PM until said infrastructure improvements are constructed.

12. Commissioner Kendall would like to review the variance procedures. Commissioner Kendall addressed his comments referring to a variance that was granted by the Board of Zoning Appeals on East

Northwood where the front door of two houses on separate lots on opposite sides of the street are facing the back door of another house. He said these two houses are squeezed in between a power transformer easement and stuck over behind these two houses. He said that it looks bad on him when things like this show up and people in his district ask him how this could happen. He feels that these decisions need to be made by the Board of Commissioners, not by the people appointed to these Boards. He said any time there is any controversy it is always sent up to us for a decision.

Commissioner McDaniel commented that he thinks the Board of Zoning Appeals serves a good purpose after having served five years on it himself; however, he feels we missed the boat by not giving them training and information they need to make the kind of decisions that need to be made. The purpose of the Board of Appeals is to apply the code, not try to do it with your heart. The spirit of a variance is to allow for minor modifications. He just feels that they do not have enough training and he would be willing to do some training for them as well as Zoning Attorney Newton Galloway.

No action was taken on this item.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson advised the Board that John Rivers, President of Roosevelt Railroad Corporation, had contacted him and he would like to donate the train trestle on Trestle Road to Spalding County if we were interested. He wants to preserve the historic value. Mr. Wilson said that he had liability concerns with the structure as well as the use of it. The Board was not interested at this time.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall had no comments.

Commissioner Goss had no comments

Commissioner Davis had no comments.

Commissioner McDaniel had no comments.

Commissioner Morrow commented that he had been unofficially notified that the City was considering re-opening City Court. They want to avail themselves to fine money. With the Board's approval he directed County Manager Wilson to discuss this with the City and get an official answer as to what their intentions are starting up City Court again.

Commissioner Morrow addressed MPO's. He said that we were told that ARC was our new home and then we were told we could appeal that decision. There was a joint meeting with the City, Carroll and Coweta Counties discussing forming our own MPO, trying to avoid the Atlanta Regional Commission. We got some cost estimates on forming our own and they were rather expensive. He, Commissioner McDaniel, County Manager Wilson and Assistant County Manager Sabine went and met with Mr. Chick Krautler and in the discussions we explained that we already have our regional transportation planning committee. They said that we already have our MPO set up on our own and they propose that we continue as we are doing with our own regional planning group, work with the DOT and sign a letter of agreement with ARC that allows us to continue operating independently and just send them our plans and they could put our plans into the computer air quality model. Mr. Krautler is going to propose this at the ACCG annual meeting this week and Mr. Wilson is going down to the meeting and listen to what he says and make sure it agrees with what we were told and put into writing a letter of understanding and present it to us for our review. We would not have to join the ARC and pay them any dues. Relative to our Regional Development Center affiliation, we would still be a part of McIntosh Trail Regional Development Center.

XIV. CLOSED MEETING

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

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

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 April 7, 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)*_____;

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 7th day of April 2003.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 7th day of
April 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 come 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 7:35 P.M.

County Clerk

Chairman

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