



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia Regular Monthly Meeting scheduled for Monday, July 5, 2004 was cancelled in observance of July 4th holiday.

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, July 19, 2004 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were Administrative Services Director Jinna Garrison sitting in for County Manager William Wilson, County Attorney Jim Fortune, Community Development Director Chuck Taylor and County Clerk Phyllis Doane.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Kendall**
- II. INVOCATION - Rev. Reginald Jacobs**
- III. PLEDGE TO FLAG – Led by Chairman Kendall**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

Chairman Kendall recognized members of Boy Scout Troop 104 with their leader, Robby Callaway, who were working on their merit badge. Chairman Kendall gave each member present a Spalding Logo pin.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Twelve Months Ended June 30, 2004. Ms. Jinna Garrison, Finance Director, was present to answer any questions. Ms. Garrison reported that the County's expenditures are less than the revenues for the year. The Fund Balance has been increased \$3.5 Million.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis Financial Statements were unanimously approved by a vote of 5-0.

VI. CITIZENS COMMENTS

1. Southern Crescent Trailblazer representative Martha McDaniel would like to address the Board regarding a trail project. Mrs. McDaniel stated there were approximately 75 members in the Club with some of these members present tonight, which she recognized. She stated that Southern Crescent Trailblazers has received a grant from the U.S. Department of Interior for a project in Spalding County. She said this was a small project which is a trail to go behind the Flint River Regional Library along Grape Creek over to Hamilton Boulevard. The Club has asked the City if they would connect a sidewalk to the trail itself so it would afford connectivity from a big area of schools as well as residences. Hamilton Boulevard runs north/south. The County owns the property at the creek at Hamilton Boulevard. They are asking the property owners along this area to give them basically a long term lease on this piece of property. Some of the property owners have, in fact, agreed to the project. She said once this project is complete, it would be carried on the creek bed all the way out to East College Street and Macon Road (the triangle). The Club is asking the Board of Commissioners to support their project and once we get the easements for the property we would ask Spalding County to partner with the City of Griffin and be responsible for the paving of that area along the creek from Hamilton Boulevard to the Library, which would approximately be less than a mile.

Mrs. McDaniel asked for a Resolution in support of this trail project and that the County would be responsible for the paving of this project and requested it be placed on the Board of Commissioners' next regular scheduled meeting.

VII. PUBLIC COMMENT

Mr. Mike Wallace, 371 Wallace Road, addressed the Board on the opposition of rezoning of the land slated to be the warehousing development out on Wallace Road/Jackson Road as it will change the character and history of the neighborhood. This is the proposed industrial park site as part of the SPLOST. Mr. Wallace stated he believes that there is a number of acres of land contiguous with the existing industrial park that has infrastructure in place and the Crouch's are interested in selling this property and would work with the Development Authority.

Ms. Beth Wallace, 405 Wallace Road, addressed the Board in regards to her extreme displeasure in attaching the Wallace Road/Jackson Road rezoning to the SPLOST referendum. She said that she would not support this to the detriment of this neighborhood. She said the County is planning to impose a manufacturing warehousing facility right in the middle of surrounding homes. She said to develop this land would take millions of dollars and other projects on the SPLOST would benefit people more than this project would. She said that she also feels there are other sites more suitable for this type of development and they should be looked into as well. She asked the Board to take the Wallace Road/Jackson Road development off the SPLOST referendum and do not destroy their neighborhood.

Mr. John Dugdale, 1895 North Walkers Mill Road, addressed the Board on the Wallace Road industrial site. He said that the County is planning to go ten to twelve miles out in the country on some of the roughest AR-1 land available in the County and build and develop property for warehouses. He said this property is located near I-75 off the interstate and was supposed to be a future site for a mall or recreational center. He requested that the existing Griffin-Spalding industrial park be expanded.

Mr. Walter Cliff Futral, 4953 Jackson Road, addressed the Board on the SPLOST projects to be finalized tonight. He said he was in favor of the installation of sewer on the north side of the County, the UGA Griffin Campus four year college, the 800 MHz radio system and County infrastructure but opposed to the site for the proposed industrial park. He said the \$17 Million the

Authority needs to get this in place is a poor investment he believes. He agrees that the Authority needs more land to sell industries and has done a good job in marketing what they have; however, land is available at the present existing industrial park. He had spoken to Mr. Crouch today and they had offered to the County their six hundred acres at a price less per acre than at the granite hill and swamp property out in the County. Another site had also been offered to the Authority. With all the factors in place against this I-75 property, Mr. Futral asked the Board to table the SPLOST issue until the Griffin-Spalding Development Authority could come up with a durable site and fund it.

Mr. Jim Wallace, 405 Wallace Road, addressed the Wallace Road/Jackson Road site for an industrial park. Mr. Wallace stated that the topography of the land is awful and there is granite on the proposed site. He also said there are other areas available that you can move these type parks to.

Ms. Jean Wallace Brown, 5668 Jackson Road, addressed the Board regarding the proposed site for industrial development on the SPLOST list. She said that her land joins the farm property that she has lived on for 78 years and does not want to move. She is concerned that there is over 2,000 sq. ft. of warehouses and loading docks backed up to her property line. She said this use of the land will destroy their rural home-agricultural community and she will fight to keep it zoned this way. She asked the Board to remove this project from the SPLOST.

Ms. Nancy Burks Cook, 3951 Jackson Road, addressed the Industrial Park SPLOST project. She stated she agreed with the statements made tonight and ask that the Board have SPLOST items that will benefit the County and the City.

Mr. Sinclair Hollberg, 3335 Jackson Road, addressed the Industrial Park SPLOST project. He asked the Board to reconsider the industrial park site on Jackson Road. He stated it has a long history of residential flavor. He asked the Board to look at other areas better suited for industrial parks.

Mr. Jesse Branch, 245 Jenkinsburg Road, addressed the Industrial Park SPLOST project. He stated that approving the proposed industrial site would be asking him give up his dream, which is a little space that he could call home.

Mr. Nathaniel Barlow, Jr., Chairman of Bethany Grove Church, which is located at 603 Wallace Road, addressed the Industrial Park SPLOST project. He stated that he does not live in this community but he grew up in this Church and supports the Wallace community. He said that these warehouses will be right across the street from the church as it is on the corner of Wallace and Jackson Roads. He stated that this would devastate their church.

Mr. Harry Clark, 603 Wallace Road, asked the Board to let this proposed property remain AR-1.

Ms. Kay Penn, 665 Jenkinsburg Road, addressed the Industrial Park SPLOST project. Ms. Penn commented that she has spoken to nine of the Authority members stating to them that she was totally opposed to the development in the Wallace neighborhood. She said that she knows that the Crouch's wish to sell their property and there are better choices. She stated that this project on the SPLOST will defeat the SPLOST.

Mr. Abrey Allen, a member of Bethany Grove CME Church, spoke in support of the Wallace family. He stated rezoning this property and putting in this industrial park would devastate the church family and the Board's decision will affect lives in the community.

Mr. Mildred Wallace, 235 Wallace Road, stated she was opposed to the industrial site on Wallace Road/Jackson Road.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of June 21, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel minutes were approved by a vote of 4-0-1 with Commissioner Davis abstaining as he was not present for the meeting.*
2. Consider approval of the minutes of the Special Called Meeting of June 24, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner Goss minutes were approved by a vote of 3-0-2 with Commissioners Davis and McDaniel abstaining as they were not present for the meeting.*
3. Consider approval of the minutes of the Zoning Public Hearing of June 24, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner Goss minutes were approved by a vote of 3-0-2 subject to the corrections of a typographical error mentioned to the Secretary with Commissioners Davis and McDaniel abstaining as they were not present for the meeting.*

IX. CONSENT AGENDA – n/a

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Consider Resolution authorizing the Chairman to execute an EIP Grant Application. McAsh Properties' representatives are present to discuss this project.

Mr. Kip Holden, architecture for McAsh Properties made a presentation to the Board. McAsh Properties is in the process of purchasing the old Coca Cola building and to turn this property and other surrounding properties into a mixed use type of commercial facility with restaurants, retail establishments that would create a very busy area and present a gateway for Griffin on the eastern side. This would also create job opportunities. The grant itself is that the State of Georgia through certain avenues would basically grant Spalding County an amount of money that they could choose to lend to McAsh Properties for the purchase and improvement of this property. McAsh will repay the funds and these loan proceeds will be used to capitalize a County Revolving Loan Fund to be loaned out for future economic development projects.

Commissioner Morrow explained that EIP stands for Employment Incentive Program, which is a grant program redevelopment which creates jobs. Mr. Morrow stated if Mr. Brad Wynne, should default on this loan from the County through DCA, DCA will not hold the County responsible for the debt as DCA will have a lien position on the property. Mr. Wynn has agreed to pay all the costs for writing this grant. Mr. Wynn has agreed to pay all the costs associated with the architect. There is no monetary investment by the County for this project and this is a great opportunity for the City and County to work together on a project that will dramatically impact the City of Griffin.

Motion made by Commissioner Davis to approve Resolution authorizing Chairman to execute the EIP Grant Application. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.

RESOLUTION
Employment Incentive Program (EIP) Project
Multi-Commercial Development

WHEREAS, the Georgia Department of Community Affairs has established the Community Development Block Grant, Employment Incentive Program (EIP) grants to assist cities and counties with improvements for economic development in Georgia, and

WHEREAS, in Spalding County the need exists to preserve and restore old commercial facilities to accommodate new and expanding commercial space for businesses in Spalding County, and

NOW THEREFORE, BE IT RESOLVED by the Spalding County Board of Commissioners that Spalding County supports the application for \$500,000.00 in EIP grant funds. The grant funds will be used to make a loan to a commercial developer, approved by Georgia Department of Community Affairs as the sub-recipient, who will use the loan to acquire the Old Griffin Bottling Company and adjacent properties. Terms of the loan will be established by the Georgia Department of Community Affairs during the grant application process.

BE IT FURTHER RESOLVED that the EIP loan proceeds will be used to establish a County Revolving Loan Fund for future economic development in the County.

BE IT FURTHER RESOLVED that the Spalding County Board of Commissioners recognizes the City of Griffin's efforts to apply for Georgia Cities Foundation funds and Downtown Development Revolving Loan Funds to assist the developer in financing the renovation of the aforementioned properties.

BE IT FURTHER RESOLVED that the, Chairman is authorized and directed to act as the official representative of the Spalding County Board of Commissioners to act in connection with the application and to be responsible for compliance with the applicable state and federal requirements of the program and to provide such additional information as may be required.

BE IT FURTHER RESOLVED that the Chairman, is authorized to execute the application, including all appropriate documents, on behalf of the Spalding County Board of Commissioners.

BE IT FURTHER RESOLVED that a true and dedicated commitment has been made to the project for the successful acquisition and renovation of the "Old Griffin Bottling Company" for a multi-commercial facility.

BE IT RESOLVED this 19th day of July, 2004.

2. Consider approval of final plat of Mill Park Subdivision Phase II, located off East McIntosh Road and Pineview Road. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis final plat was unanimously approved by a vote of 5-0.*

3. Consider acceptance of Warranty Deed for Derek Court and Nicholas Court located in Mill Park Subdivision Phase II off East McIntosh Road and Pineview Road. *Upon motion by*

Commissioner McDaniel, seconded by Commissioner Davis acceptance of Warranty Deed was unanimously approved by a vote of 5-0.

4. Consider Resolution to Provide Procedures for Judicial In Rem Tax Lien Foreclosure for Spalding County. Ms. Sylvia Hollums, Tax Commissioner was present to answer any questions. County Attorney Fortune explained this Resolution to the Board. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION

A RESOLUTION TO PROVIDE PROCEDURES FOR JUDICIAL IN REM TAX LIEN FORECLOSURE; TO PROVIDE DEFINITIONS; TO PROVIDE FOR RELATED MATTERS; TO REPEAL COFLICTING RESOLUTIONS AND ORDINANCES AND FOR OTHER PURPOSES

WHEREAS, the General Assembly enacted Article 5 of Chapter 4 of Title 48 of the Official Code of Georgia relating to tax sales by providing for a method of judicial in rem foreclosure of executions; and

WHEREAS, many Spalding County tax parcels upon which taxes are owned present collection difficulties as well as health and safety hazards to the public and burdensome maintenance responsibility; and

WHEREAS, the said judicial in rem tax foreclosure appears to provide an effective and efficient means of tax foreclosure designed to avoid title objections to property sold at tax sales.

NOW, THEREFORE, IT IS HEREBY RESOLVED that pursuant to O.C.G.A. § 48-4-75, et. Seq., and in addition to and as an alternative to non-judicial tax foreclosure, the Spalding County Sheriff or Tax Commissioner as Ex-Officio Sheriff, be directed and is hereby directed to undertake foreclosure of delinquent tax executions, except against the properties whose homeowners **qualify for the Spalding County “special exemption law” (elderly, disabled veterans as per Georgia Laws, 1978, p. 2373) or the “disabled veterans exemption” (VA approved, 1986 Georgia Laws Act #1629)**, or are laboring under financial hardship and have worked out and are diligently following and approved payment plan with the Spalding County Tax Commissioner’s Office.

BE IT ORDAINED by the Board of Commissioners of Spalding County, Georgia, and it is hereby ordained by the authority of same that the following ordinance is hereby adopted:

JUDICIAL IN REM TAX FORECLOSURE ORDINANCE

I. Definitions

(a) Interested Party means:

- (A) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (B) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and
- (C) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records maintained by the Tax Commissioner, Clerk of Superior Court, or other records maintained in the Spalding County Courthouse.

“Interested Party” shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected.

(b) Redemption Amount means the full amount of the delinquent ad valorem taxes, accrued interest at the rate specified in O.C.G.A § 48-2-40, penalties as determined in accordance with O.C.G.A. § 48-2-44, and cost incurred by the County in collecting such taxes including without limitation the cost of title examination and publication of notices.

II. The Petition

(a) After an ad valorem tax lien, based upon a digest approved in accordance with law, becomes payable and is due and thereby delinquent for a period of 12 months following the date upon which the taxes initially became

delinquent, the Sheriff or Tax Commissioner as Ex-Officio Sheriff may commence tax foreclosure in accordance with this Ordinance.

(b) The Sheriff or Tax Commissioner as Ex-Officio Sheriff shall commence tax foreclosure by filing a petition in the Spalding County Superior Court. Said petition shall have form and content substantially identical to that set forth in O.C.G.A. § 48-4-78(g) and shall provide:

- (1) The identity of the petitioner and the name and address of the individual responsible for collecting the delinquent taxes;
- (2) The property address;
- (3) A description of the property;
- (4) The tax identification number of the property;
- (5) The calendar year or years for which the taxes are delinquent;
- (6) The principal amount of the delinquent taxes together with interest and penalties; and
- (7) The names and addresses to whom copies of the petition are to be sent in accordance with paragraph herein.

(c) The petitioner shall mail copies of the petition by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the petition shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property.

(d) Simultaneous with the filing of the petition, the petitioner shall file a lis pendens notice at the office of the Clerk of Superior Court of Spalding County.

(e) Within 30 days of the filing of the petition, a notice of the filing of the petition shall be published twice in the official organ of Spalding County.

Said notice shall specify:

- (1) The identity of the petitioner and the name and address of the individual responsible for collecting the delinquent taxes.
- (2) The property address;
- (3) A description of the property;
- (4) The tax identification number of the property;
- (5) The applicable period of tax delinquency;
- (6) The principal amount of the delinquent taxes together with interest and penalties; and
- (7) The date and place of the filing of the petition.

III. The Hearing

(a) The petitioner shall request that a judicial hearing on the petition occur not earlier than 30 days after the filing of the petition. At such hearing any interested party shall have the right to be heard and to contest the delinquency of the taxes or the adequacy of the proceedings. If the Superior Court determines that the information set forth in the petition is accurate, the Court may render its judgment and issue an order finding that:

- (1) The taxes are delinquent;
- (2) Proper notice has been given to all interested parties;
- (3) The property as described in the petition be sold in accordance with the provisions of O.C.G.A. § 48-4-75 et. seq.;
- (4) The property shall be sold free and clear of all liens, claims and encumbrances other than:
 - (A) Rights of redemption provided under federal law;

- (B) Tax liens held by Georgia governmental entities other than the petitioner, which are superior to the taxes identified in the petition by virtue of the provisions of O.C.G.A. § 48-2-56(b)
- (C) The holders of easements and right-of-way described in O.C.G.A. § 48-4-77(1)(c); and
- (D) The holders of the benefits or burdens of any real covenants filed of record as of the date of filing of the petition.
- (E) The sale shall become final and binding 60 days after the date in accordance with O.C.G.A. § 48-6-81.

(b) If upon production of evidence by any party, the Court determines that any interested party died within the six month period of time immediately preceding the filing of the petition, the Court may postpone the hearing for a period up to six months, to allow the administrator or executor adequate time to close the estate.

IV. The Sale

- (a) At any time prior to the moment of sale, any interested party may redeem the property from the sale by payment of the redemption amount to the petitioner, whereupon the petitioner shall dismiss the proceedings.
- (b) Following the hearing and the order of the Court in accordance with O.C.G.A. § 48-4-79, a sale of the property shall be advertised and conducted on the date, time, and in the manner of which are required by law of sheriff's sales. Such sale shall not occur earlier than 45 days following the date of the order.

- (c) Except as otherwise authorized by law, the minimum bid price for the sale of the property shall be the redemption amount. In the absence of any higher bid, the petitioner may, but shall not be obligated to, tender its own bid in an amount equal to the minimum bid price and thereby become the purchaser at the sale.
- (d) From and after the moment of the sale and tender of the successful bid price, the sale shall be final and binding, subject only to the right of the owner of the property to redeem the property from the sale upon payment into the Superior Court of the full amount of the minimum bid price of the sale. Such right of redemption of the owner shall exist for a period of 60 days from and after the date of the sale and shall be in accordance with the following provisions:
- (1) Redemption by an owner shall result in a dismissal of the proceedings, and the petitioner shall refund to the purchaser the full amount paid by the purchaser at the sale;
 - (2) For purposes of redemption under this section, “owner” shall mean the owner of record of fee simple interest in the property as of the date of filing of the petition, together with such owner’s successors-in-interest by death or operation of law. This right of redemption shall not otherwise be transferable; and
 - (3) This right of redemption shall automatically terminate and expire upon failure to redeem within the 60-day period following the date of the sale.
- (e) If the property is not redeemed by the owner in accordance with subsection herein, the within 90 days following the date of the sale, the petitioner cause to be executed and delivered to the foreclosure sale purchaser a deed for the

property in substantially the form set forth in O.C.G.A. § 48-4-81(g), together with a real estate transfer tax form.

(f) Within 90 days following the date of the sale, the petitioner shall file a report of the sale with the Superior Court, which report shall identify whether the sale took place, the foreclosure sale price, and the identity of the purchaser.

(g) If the foreclosure sale price exceeds the minimum bid amount at the foreclosure sale, the petitioner shall deposit the surplus amount into the registry of the Superior Court. Such surplus shall be distributed by the Superior Court to the interested parties, including the owner, as their interest appears and in the order in which their interest exist.

V. Effective Date

This Resolution shall become effective this 22nd day of July 2004.

VI. Conflicting Resolution and Ordinances Repealed

All resolutions and ordinances in conflict with this Resolution are repealed.

Approved by the Board of Commissioners of Spalding County in a Board Meeting held for official purposes this the 22nd day of July 2004.

5. Consider authorizing the Chairman to sign a Letter of Support for McIntosh Trail MH/DD/AD CSB (Community Service Board) to expand program to serve additional homeless persons. *Upon motion Commissioner Morrow, seconded by Commissioner McDaniel approval for Chairman to execute Letter of Support was unanimously approved by a vote of 5-0.*

6. Consider submission of 2004-2005 VOCA (Victims of Crime Act) Grant Application and authorize Chairman to execute application. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel submission of VOCA grant application and authorization for Chairman to execute same was unanimously approved by a vote of 5-0.*

7. Consider at first reading an ordinance amending the Spalding County Code to provide "No Parking" on High Falls Road, Bucksnot Road, Green Valley Boulevard and Boyd's Crossing Road. *Upon motion by Commissioner Goss, seconded by Commissioner Davis 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.***

8. Consider bids for 2004 LARP resurfacing program. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel low bid of Hill's Construction Co., Inc. in the amount of \$392,494.75 was unanimously approved by a vote of 5-0. Project expected to start within 60 days.*

9. Consider Georgia Department of Transportation Contract for the Amelia Road Project. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis GDOT Contract for Amelia Road in the amount of \$104,739.38 was unanimously approved by a vote of 5-0.* It was noted that the County is still waiting on GDOT approval of the bridge design before putting project out to bid. Project is expected to be bid in August of September.

10. Consider at first reading an ordinance amending the FY 2005 Budget Ordinance to provide for prior year encumbrances. *Upon motion by Commissioner Davis, 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.***

11. Consider at first reading an ordinance amending the FY 2005 Budget Ordinance to provide for carryover of LLEBG Funds for the Sheriff's Department. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis, 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.***

12. Consider at first reading an ordinance amending the FY 2005 Budget Ordinance to provide for an NFL Grant to the Parks and Recreation Department. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis, 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.***

13. Commissioner Davis and County Attorney Fortune would like to discuss proposed Trust Indenture Agreement and Trust Assurance Agreement with Minerva Spring Lake, L.P. for proposed wastewater treatment plant.

Commissioner Davis stated that this is an opportunity for the County to get the Water and Sewerage Authority into the sewer business at no cost to the County. Minerva is proposing to build the existing sewage plant with a capacity that would give us additional sewage in this area in the future. Minerva will build this plant and then deed it to the County in a Trust Agreement; we will own it and then we will then lease it back to Minerva for \$1.00 per year. Minerva will maintain this plant and will also fund depreciation and maintenance for it in case they go defunct. It has been determined that it will take Minerva seven to nine years to build out at which time the County should be in a position to keep all our water customers and run the plant ourselves. This is the County's growing area and the plant would be expandable to take on the new customers.

County Attorney Fortune explained that Minerva has to have the County as the Trustee in order for EPA to give them a license to build and operate this plant. The plant will be built to City specifications in case the plant was ever turned over to the City. Mr. Fortune stated that we would have to have an agreement with Minerva where once they reached a certain percentage of build out, the County would take it over at that point. Brian Upson is working on the calculations as when this would happen.

County Attorney Fortune asked the Board if they were comfortable with the County going forward in this direction where we are planning at some point in time after build out to take over and operate this sewer plant.

County Attorney Fortune explained that this would require a HB 489 amendment between the City and the County to some extent. Mr. Fortune said that this is one of the basins that the

County was supposed to take care of at some point in time. The City has no plans to serve this basin and there would be no problem with amending HB 489.

The consensus of the Board was they were O.K. with this concept and instructed Commissioner Davis and Mr. Fortune to proceed.

14. Commissioner Morrow would like to discuss installation of accel/decel lanes at Wills Walk and the lifting of stop work orders and inspections on Brian Jackson's development.

Mr. Jackson was present to address this item. Mr. Jackson said that he had hired Moore Brothers Paving to do a turn key job on these lanes at the entrance of Wills Walk Subdivision and the company was to begin construction this week. He stated that this was the wettest June that Spalding County has ever had and doing the project was not feasible. He said that the silt fence and the orange fence has been installed and the utility locates are still good.

Mr. Jackson stated that they are building some houses in Phase I Wills Walk and had purchased permits and built houses but is now unable to get cover up inspections for these houses. He said that they are at forty percent in completion of these houses and did not feel it was right to issue stop work orders because Wills Walk has not installed the accel/decel lanes. Ashland Properties is constructing the houses. He is affiliated with both companies and feels like these lines should not be crossed.

Community Development Director Chuck Taylor addressed this issue. Mr. Taylor stated if this Board does approve and releases them to continue permitting and inspections of the buildings, he recommends that we get assurances that the work is going to be completed and completed in such a way that the County does not have to repair. He recommended a Performance Bond with completion of the work and a two year Maintenance Bond.

Motion made by Commissioner Kendall to approve the lifting of stop work orders and inspections conditioned upon Mr. Jackson giving the County a Letter of Credit in the amount of \$18,000 with a completion date of the lanes being August 6, 2004 with a two year Maintenance Bond on the lanes. Commissioner Morrow seconded the motion and motion was approved by a vote of 4-1 with Commissioner Goss voting in opposition.

15. Consider finalizing list of projects for a November SPLOST referendum.

County Manager Wilson included a memo stating that as a joint City/County SPLOST, the City of Griffin and Spalding County have agreed upon the Development Authority, 800 MHz radio system and UGA Griffin Campus as countywide projects with the City's portion of the SPLOST distribution totaling \$4,298,655 and the County's portion of the SPLOST distribution totaling \$6,341,208 with proposed projects of \$750,000 for the expansion of the Senior Citizens Center, \$1,000,000 for resurfacing projects, \$1,500,000 for intersection improvements and \$2,591, 208 for unpaved roads.

Each of the five Commissioners discussed their priorities for the SPLOST referendum.

Commissioner Morrow stated that he was for everything County Manager Wilson had recommended except the SPLOST money being used for expansion of the Senior Center as he feels that could be done with impact fees over the next two to three years depending on the number of houses built. Commissioner Morrow stated he would rather see the \$750,000 placed into road infrastructure.

Commissioner Davis agreed with the total recommendations by Mr. Wilson as he felt that the Senior Citizens Center was already overcrowded and needed expansion as soon as possible. He said this was the only recreation project that is on the proposed SPLOST.

Commissioner Goss agreed with the recommendations of the 800 MHz radio system, the Griffin UGA Campus and the other distribution as recommended but was totally against the Development Authority's project for an industrial park out I-75 at the Wallace Road/Jackson Road property. He feels that the Development Authority should look at purchasing the Crouch's property one more time as he feels it is a more desirable site. Commissioner Goss commented that we not only need sewer on the northeast side of Spalding County but is needed badly on Manley Road.

Commissioner Kendall feels that the County should include sewer in the County with all the development going on in northeast Spalding County instead of the \$4 Million for the UGA Campus project which is for the renovation of the Stuckey auditorium. He said with a company like Minerva showing up to build a sewer treatment plant in Northeast Spalding County, the County should partner with some of their money to help build the sewer plant.

Commissioner McDaniel agrees that there would be some tremendous advantage in being able to leverage the sewer plant but he feels the Board needs to look at what is going to benefit the most people, provide the most opportunity for the most people over the next six years. The Development Authority project does offer the potential for jobs and over a period of time the tax base will increase. The 800 MHz system will benefit everyone in the bounds and even outside the bounds of Spalding County. The UGA campus would provide an opportunity for a lot of kids to go to college who cannot get in a college because there is no room for them. It would have a regional impact over a period of a few years. The sewer project would be limited in scope because Spring Lake and Minerva are not that close into town. He feels that as a five member Board with everyone with their own opinions, we should walk away from this meeting united on what we consider to be these countywide projects where the entire community would be for the SPLOST.

Commissioner Davis stated that he has only heard one criticism tonight, which is the location of the industrial site. He stated he would like to postpone a decision on the SPLOST projects tonight to be able to visit with the Development Authority since he does not sit on that Board and find out if there is any opportunity for any other industrial site.

Commissioner Morrow, as a member sitting on the Development Authority Board, stated that the reality is that the Authority could not strike a deal with the Crouch's. The price went up at the last minute after months and months and the price put it out of the Authority's economic range of what they could develop it for and uses it for. There has been a huge change since the last time and that is non-attainment, which puts a whole new spin on this. He said that the biggest customer the Authority is talking to is distribution businesses you now see in Henry County and they are moving South and they want to be along I-75 to cut down the costs. There is no deal on the Crouch property at this time and this is the only other industrial site recommended by the Georgia Department of Trade and Industry and Georgia Tech. Mr. Morrow said the Authority looked at other pieces of property and the vote was unanimous on this piece of property that this would be the best possible use. He said that the four laning of Arthur K Bolton Parkway was going to change that property forever and this is part of the big master plan.

Motion made by Commissioner Davis to table this decision on SPLOST until the August 2, 2004 meeting to be able to talk with the Development Authority to see what other opportunities exist for an industrial site.

Commissioner McDaniel stated he would second the motion to table after making comments. He said that it is interesting that people doing the negotiations say that the price got too high on the Crouch property and became economically unfeasible to try to develop this and market it and the people not doing the negotiations saying that the Crouch property is available for a good price.

Commissioner McDaniel seconded the motion to table conditioned upon within a certain time frame that some members of this Board meet with the Development Authority.

Chairman Kendall stated if there needs to be a discussion on this industrial project, he feels this needs to be a public discussion for all the citizens to hear also. Commissioner McDaniel and Davis commented they did not have a problem with this request.

Chairman Kendall called the question to table to a date certain when the Development Authority members could be present to discuss this proposed industrial project site. Motion passed by a vote of 4-1 with Commissioner Goss voting in opposition.

XII. REPORT OF COUNTY MANAGER

Chairman Kendall announced that the Public Hearing for the final draft of the 2025 Comp Plan would be held Monday, July 26, 2004 at 6:00 P.M. at the Courthouse Annex Meeting Room.

Chairman Kendall announced that there would be a Special Called Meeting to adopt the 2004 Tax Levy on Tuesday, July 27, 2004 at 5:00 P.M. in the Courthouse Annex Meeting Room.

XIII. REPORT OF COMMISSIONERS

None of the members of the Board of Commissioners had a report.

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel the meeting was unanimously adjourned at 8:15 P.M.

County Clerk

Chairman

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