



Spalding County online

Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, August 18, 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 Administrative Services Director Jinna Garrison, County Attorney Jim Fortune and County Clerk Phyllis Doane. County Manager William Wilson was absent due to a death in the family.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Morrow**
- II. INVOCATION - Rev. Randy Valimont – Led by Rev. Mike Freeman in the absence of Rev. Valimont.**
- III. PLEDGE TO FLAG – Led by Chairman Morrow**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Louis Greene, Director of Parks and Recreation, would like to recognize the Men's 40 & Over Softball Team "Griffin Thunder" who won the state tournament. Mr. Greene introduced Hobie Davenport, Coach of the "Griffin Thunder" Team. Mr. Davenport recognized the members of the team and introduced the members present, who were Scotty Smith, Mike Chapman, Bruce Skinner. He said they outscored their opponents 75 runs to 33 runs. Mr. Greene presented each member of the team a laminated picture of the article that ran in the *Griffin Daily News*.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of the Financial Statements for the One Month Ended July 31, 2003. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Financial Statements were unanimously approved by a vote of 5-0.*

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 Regular Monthly Meeting of August 4, 2003. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the minutes were approved by a vote of 4-0-1 with Commissioner Davis abstaining as he was not present for the August 4th meeting.*

IX. CONSENT AGENDA – n/a

X. OLD BUSINESS

1. Consider at second reading an ordinance amending the Spalding County Code relative to the addition of a three way stop sign at School Road and Elder Road. *Upon motion by Commissioner Morrow, seconded by Commissioner Goss the following ordinance was unanimously approved by a vote of 5-0.*

**SPALDING COUNTY, GEORGIA
THREE-WAY STOP
ORDINANCE NO. 2003-06**

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR THREE-WAY STOP INTERSECTION ON CERTAIN COUNTY ROADS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

Section 1. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1007, Traffic Control Devices, paragraph (b) by adding subparagraph (4) as follows:

“(4) School Road at Elder Road”.

Section 2. The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia; and, upon the erection of signs as required herein by the public works forces of Spalding County, Georgia.

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

2. Consider at second reading an ordinance amending the FY 2004 Budget Ordinance to provide for receipt of the Health Rocks Grant Funds. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following ordinance was unanimously approved by a vote of 5-0.*

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2004 BUDGET ORDINANCE**

**FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2004 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 26, 2003, be amended as follows:

Section I. General Fund

A. Revenues

Intergovernmental Revenue	From	\$	926,220	to	\$	927,220
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B. Expenditures

Recreation	From	\$	573,659	to	\$	574,659
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Approved on first reading this 4th day August 2003.

Approved, adopted and enacted on second reading this 18th day August 2003.

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

- **Application #03-01Z:** McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners—Westmoreland Road – 50 acres – R2 & AR-1 to R-1, Conditional.
- **Application #03-01AZ:** McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners—Westmoreland Road – 50 acres – AR-1 to R-1, Conditional.

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

**APPLICATIONS OF McCAMY, PHILLIPS, TUGGLE & FORDHAM
SELF-EMPLOYED RETIREMENT TRUST/CAROLE C. CARLISLE
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-01Z AND 03-01AZ

**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 “R-2, Single Family Residential and AR-1, Agricultural and Residential;”

WHEREAS, McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, applicant, applied for a change in zoning classification to be applied to the within described property to “ R-2, Single Family Residential;”

WHEREAS, such applications were filed with Spalding County, Georgia on January 23, 2003;

WHEREAS, such applications were reviewed by the Spalding County Planning Commission, and a hearing on the applications were conducted by the Board of Commissioners of Spalding County, Georgia on June 26, 2003, pursuant to O.C.G.A. § 3-66-1, 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 or parcel of land lying and being in Land Lot 36 of the 3rd Land District of Spalding County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the westerly right-of-way line of Westmoreland Road and the southerly right-of-way line of Georgia Highway 92, thence along said westerly right-of-way of Westmoreland Road a distance of 1440.16' to an I.S.F. at the intersection of the Land Lot Line 36, 35, 61, and 62, said point being the true POINT OF BEGINNING; Thence North 01°09'21" West a distance of 1098.59 feet to a point; thence South 89°38'40" West a distance of 367.33 feet to a point; thence North 01°09'21" West a distance of 375.00 feet to a point; thence South 89°38'40" West a distance of 1095.69 feet to a point; thence South 89°59'21" West a distance of 1001.85 feet to a point; thence South 89°42'48" West a distance of 575.14 feet to a point; thence South 00°03'34" West a distance of 1474.45 feet to a point; thence North 89°45'06" East a distance of 3071.26 feet to a point; and said point being the POINT OF BEGINNING.

Said tract containing 100.148 acres or 4,362,447 square feet, more or less.

From "R-2, Single Family Residential and AR-1, Agricultural and Residential" to "R-1, Single Family Residential Low Density" 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:

1. A maximum of 99 lots;
2. No exposed foundation visible;
3. Sodded front yards;
4. Underground utilities;
5. Porches must be underpinned and finished with the character of house;
6. Screening on lots that back up to other lots;
7. All detention facilities shall be landscaped to minimize visibility;
8. The subdivision entrance shall be designed and implemented by a landscape architect;
9. Streetlights and sidewalks throughout the subdivision;
10. Restrictive covenants;
11. Taxes on the open space would be pro-rated by the lots; and
12. The Westmoreland name not to be associated in any way with this subdivision.

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 August 18, 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 or parcel of land lying and being in Land Lot 36 of the 3rd Land District of Spalding County, Georgia, containing 100.148 acres or 4,362,447 square feet, more or less, located off Westmoreland Road, zoned R-1, 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.

4. Commissioner Kendall to make his appointments to the Development Impact Fee Advisory Committee. *Commissioner Kendall appointed Carol Harvey as his real estate/developer/contractor appointment and Cessal Taylor as his citizen at large appointment.*

5. Consider approval of tap fees as recommended by the Spalding County Water & Sewerage Facilities Authority. Commissioner Davis commented that the current tap fee is \$570 and has remained that way since 1991. The Water Authority met April 30, 2003 and voted unanimously to raise the fees to \$1200 with an existing lateral to \$900 and requested that the Board of Commissioners consider their recommendation at a meeting. Mr. Greg Pruitt addressed the Board at their meeting and asked the Water Authority to reconsider as developers/contractors do everything except set the water meter when they do a development. This was readdressed and re-discussed at the next Water Authority meeting and the Board voted unanimously to stay with the original plan of tap fees being \$900 and \$1200 based on the information which they had, which was a survey of cost analysis from surrounding counties.

Mr. Ray Browning asked to address the Board of Commissioners regarding this item. Mr. Browning gave his address as 128 Meadowvista Drive. He challenged these figures as this only pertains to new construction and feels the fee needs to be looked at very thoroughly. When a developer puts in a new subdivision, they put in everything except the meter itself. He said that he did some research on this and Clayton County is the only county near us that has a fee structure like this but they already have an impact fee and their fee structure is if you already have a lateral, there is a \$675 impact fee and that applies no matter where you are placing it and a \$200 activation fee and a \$60 deposit fee making a total of \$935. If they have to tap the line the impact fee remains the same and the deposit remains the same; however, the fee for tapping the line goes to \$775 and that is done by a sub-contractor. This puts the fee very much in line with the recommendations from the Water Authority; however, our local builders group recognizes the need for impact fees and has supported impact fees. He suggested to the Board of

Commissioners not to raise the fee and access everything and include the impact fee and do it right.

Commissioners Morrow and McDaniel felt that the Water Authority should consider a charge for setting the meter alone with no tapping cost.

After a discussion regarding water tap fees and impact fees, motion made by Commissioner Davis to table to a date uncertain giving an opportunity for this to be discussed again at the October Water Authority Meeting. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

XI. NEW BUSINESS

1. Consider request from Main Street Advisory Board for funding from tourism funds. The request is in the amount of \$14,580 to encourage tourism in Griffin, GA. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow request was approved by a vote of 4-1 with Commissioner Kendall voting in opposition.*

2. Consider Resolution with Johnson Controls, Inc. for Phase II authorizing the execution and delivery of a Master Lease, Equipment Schedule & Related Instruments Relative to the Law Enforcement Complex. The total cost of this project is approximately \$900,000 and will be leased purchased over a ten year period. This project includes lighting retrofitting, water conservation, installing seven (7) HVAC units with thermostats at the Jail and also a new roof on the portion of the Old Jail.

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

RESOLUTION OF GOVERNING BODY

At a duly called meeting of the governing body of Lessee held in accordance with all applicable legal requirements, including open meeting laws, on the 18th day of August 2003, the following resolution was introduced and adopted:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the governing body of SPALDING COUNTY, GEORGIA (“Lessee”) desires to obtain certain equipment (the “Equipment”) described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the “Lease”) with FIRST SECURITY LEASING, INC., the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with FIRST SECURITY BANK (the “Escrow Agent”) pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the “Escrow Agreement”) and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal procurement requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with FIRST SECURITY LEASING, INC. and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Chairman of the Board of Commissioners of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The Chairman of the Board of Commissioners of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

Section 4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Date: August 18, 2003

SPALDING COUNTY, GEORGIA,
Lessee

By: (L.S.) Dick Morrow
(Signature of Secretary, Board Chairman
or other member of the Governing Body)

Attested By: (L.S.) Phyllis P. Doane
(Signature of one additional person who
can witness the passage of this Resolution)

INCUMBENCY CERTIFICATE

I do hereby certify that I am the duly elected or appointed and acting CLERK of **SPALDING COUNTY, GEORGIA**, a political subdivision duly organized and existing under the laws of the State of Georgia, that I have custody of the records of such entity, and that, as of the date hereof, the individuals named below are the duly elected or appointed officers of such entity holding the offices set forth opposite their respective names.

I further certify that (i) the signatures set opposite their respective names and titles are their true and authentic signatures and (ii) such officers have the authority on behalf of such entity to enter into that certain Master Lease Agreement dated as of September 3, 2002 between such entity and **FIRST SECURITY LEASING, INC.**

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
<u>Dick Morrow</u>	<u>Chairman, Board of Commissioners</u>	_____
_____	_____	_____

IN WITNESS WHEREOF, I have duly executed this certificate as of this 18th day of August, 2003.

By: (L.S.) Phyllis P. Doane
 Title: Board Secretary or Clerk

3. Consider approval of amended final plat for Autumn Ridge Subdivision Phase Two, located off Wilson Road. Chairman Morrow stated this was changed to provide for additional electrical easements for the City of Griffin MEAG Power. Commissioner Goss asked that a condition be added which is that the mud on Wilson Road caused from vacant lots be cleaned up. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis amended final plat was unanimously approved with the condition added by Commissioner Goss.*

4. Consider contract with McIntosh Trail RDC for CSBG Grant Administration. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the following contract was unanimously approved by a vote of 5-0.*

STATE OF G E O R G I A
SPALDING COUNTY

RDC

**CONTRACT BETWEEN SPALDING COUNTY BOARD OF COMMISSIONERS
 AND McINTOSH TRAIL REGIONAL DEVELOPMENT CENTER
 FOR CSBG GRANT ADMINISTRATION
 FY'2004**

THIS CONTRACT dated this 1st day of October, between the Spalding County Board of Commissioners (hereinafter referred to as "County") and the McIntosh Trail Regional Development Center (hereinafter referred to as "Subcontractor").

WHEREAS, both parties agree to exert their best efforts toward accomplishment of the above-stated goal;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set out, both parties agree as follows:

1. Engagement. The County agrees to engage the Subcontractor to utilize its best efforts to carry out the proposal described in Exhibit A attached hereto.
2. Compensation. For its efforts, the County agrees to pay to the Subcontractor a total of \$13,230.06 for its administrative services. The Subcontractor will submit a monthly request for reimbursement.

3. Working Facilities and Materials. Subcontractor will utilize its own facilities and provide its own materials; provided that the County agrees to supply, and hereby authorize the Subcontractor to utilize those facilities and source documents belonging to the County which are reasonably necessary to carry out the proposal which is the subject of the present agreement.

4. Term. The term of this Contract is October 1, 2003 through September 30, 2004; and shall not be renewed or extended except by agreement in writing, signed by both parties, and attached hereto.

5. Relationship Between Parties. The Subcontractor is retained and engaged by the County only for the purposes and to the extent set forth in the present agreement and exhibits attached hereto, and the relationship between the County and the Subcontractor shall be that of independent contractor and subcontractor. The Subcontractor shall be free to utilize those employees, working materials and source materials that, in its opinion, are necessary to complete the proposal which is the subject of the present contract.

6. Termination. This Contract shall not be terminated prior to expiration of the term hereinabove set forth except for cause and upon payment by the County of the pro-rata portion of this Contract which is completed at the time of the early termination thereof.

7. Remedy. The parties hereto agree that standard remedies will be available for breach of this Contract. Breach of contract will occur whenever the County fails to perform duties as outlined herein or whenever the Subcontractor fails to perform duties as outlined in Exhibit A to this Contract. Standard remedies include remediation to resolve problems causing such breach. Should remediation fail, dissolution of the relationship between the two parties may be implemented.

8. Contingent Upon Federal Funds. Notwithstanding any other provision of this Contract, in the event that any of the sources of funding for these contract services no longer exist or the funding level of such sources is reduced, the County shall reserve the right to immediately terminate this Contract without further obligation of the County as of the moment of notification of termination.

9A. Non-discrimination in Employment Practices. The Subcontractor agrees to comply with Federal and State laws, rules, and regulations and the Department of Human Resources policy relative to non-discrimination in employment practices because of political affiliation, religion, race, color, sex, handicap, age, or national origin. Non-discrimination in employment practices is applicable to employees, applicants for employment, promotions, demotions, dismissals and other elements affecting employment/employees.

9B. Non-discrimination in Client/Client Service Practices. The Subcontractor agrees to comply with Federal and State laws, rules, and regulations and the Department of Human Resources policy relative to non-discrimination in client and client service practices because of political affiliation, religion, race, color, sex, handicap, age, or national origin. Neither shall any individual be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted or sponsored by the Department of Human Resources.

10. Special Conditions. In providing services under this Contract, the Subcontractor agrees to comply with the following special conditions:

- a. That no portion of the CSBG allocation shall be used in connection with activities relating to providing voters and prospective voters with transportation to the polls or providing similar assistance in connection with an election or any voter registration activity.
- b. That no portion of the CSBG allocation shall be used in connection with political activities as set forth in the United States Code Title 5, Chapter 15, Section 1502(a)(i)(2) and (3).

11. Entire Agreement. THIS CONTRACT AND EXHIBIT "A" ATTACHED HERETO CONSTITUTE THE SOLE AND ENTIRE AGREEMENT BETWEEN THE PARTIES AND NO MODIFICATION HEREOF SHALL BE BINDING UNLESS ATTACHED HERETO AND SIGNED BY BOTH OF THEM. NO REPRESENTATION, PROMISE, OR INDUCEMENT NOT INCLUDED IN THIS CONTRACT SHALL BE BINDING UPON EITHER PARTY HERETO.

IN WITNESS WHEREOF, the County and Subcontractor have caused this Contract to be executed as of the day and year first above written.

SPALDING COUNTY BOARD OF COMMISSIONERS

McINTOSH TRAIL REGIONAL DEVELOPMENT CENTER

BY: (L.S.) Dick Morrow, Chairman

BY: (L.S.) Lanier Boatwright

WITNESS: (L.S.) Phyllis P. Doane, Clerk

WITNESS: (L.S.) Pamela Mostiller

5. Consider approval of 2004 LARP request. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow 2004 LARP Priority List for Spalding County was unanimously approved by a vote of 5-0.*

6. Commissioner Goss to make 5th District appointment to the Parks and Recreation Advisory Commission to fill an unexpired term held by Diane Massengale. Term to expire 12-31-04. *Commissioner Goss appointed Ernest Wimbush, Jr. to fill the unexpired term of Diane Massengale.*

7. Consider granting license to Springs Industries to replace gas lines within Bleachery Street right of way. Dundee Mills installed a 4" and 6" gas line in the roadway of Bleachery Street decades ago and these lines have become unserviceable and need to be replaced. Springs would like permission to install in the right of way under the street utilizing directional borings for minimum disturbance to the roadway. Representatives from Springs have met with the Public Works Director and Water Superintendent and have agreed that this would be the best procedure for installation. Springs is to provide as-builts and hold harmless to the county for this project. County Attorney Fortune stated that Springs attorney's have worked with him on the particular of this license.

Upon motion by Commissioner Goss, seconded by Commissioner Davis granting of license to Springs Industries was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

There was no report.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall addressed the problems some residents have been experiencing at Spalding Heights. He said that he and Commissioner Morrow had met with the resident manager last week to address some of the concerns and discussed the prospect of getting some of the management people for the apartment complex to meet with some of our officials from Spalding County to try to see if there is something we can do to try to address some of these problems. The School Board has also contacted us about some of their concerns at this complex. The complex is privately owned and 100% HUD. The County has no minimum housing code. The Board had no problem with he and Mr. Morrow meeting with these people.

Commissioner Kendall addressed the upcoming Joint Special Called Meeting to discuss the Airport Master Plan. He wanted to know if the Board was going to meet previous to this meeting and agree upon a position to pursue at this meeting. Commissioner Morrow commented that both Boards have to individually approve the Plan and if either Board votes in opposition, the Plan is dead. The joint meeting is to let the consultants present and explain the Plan to everyone and then both Boards will have to have their individual meeting to vote on the Plan. He said that you will be able to approve the Master Plan without endorsing the runway expansion.

Commissioner Kendall stated he was approached by Mr. Elmer George last week with the prospects of having a Joint City/County Planning Board and asked if the Board had seen the proposed outline and legislation that he wanted to talk about. This was presented at the Governmental Affairs Breakfast and this committee is setting up a sub-committee to study this and make some recommendations.

Commissioner Kendall addressed the annexation that the City has requested on Northside Drive. He said what they are proposing has caused a lot of concern and feels it would be imperative for this Board to be involved in the engagement rules. Commissioner Morrow commented that the developer did not like the county standards and he is shopping venues because the city has lower standards for house sizes and greater density. It was agreed that Commissioner Kendall and Commissioner Morrow address the county's concerns with this annexation and development.

Commissioner Goss addressed the nuisance ordinance regarding junk cars, refrigerators, etc. He said his biggest concern is refrigerators and we might have to institute an ordinance disallowing refrigerators to be left in back yards. He and County Manager Wilson had discussed his concerns and would be working on a stronger enforceable nuisance ordinance.

Commissioner Goss addressed lack of quorums for county zoning meetings. At the last meeting of the Board of Zoning Appeals there was not a quorum present with Greg Pruitt and Bobby Hart being the only members present and no business could be transacted. It was very embarrassing for Spalding County as we had some attorneys from out of town representing New Era present for the meeting. Commissioner Morrow addressed the absences of the Appeals Board and some were grounds for dismissal. Some of the members' job situation has changed. He said that we need to work on some resignations and replace with people that can attend these meetings.

Commissioner Davis had no comments.

Commissioner McDaniel said that he thinks their confusion as to what Mr. George is looking for. He feels that Mr. George is addressing Long Range Planning rather than the Planning & Zoning Commission.

Commissioner McDaniel said a word of accommodation to the citizens of Spalding County for their representation to all the Comprehensive Plan Workshops and he said that he appreciates the fact that people are interested in shaping the direction of this County for the next twenty years.

Commissioner Morrow had no comments.

XIV. CLOSED MEETING

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

1. County Attorney Fortune desires a Closed Meeting to discuss pending litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Cecil Davis, Johnie McDaniel and Eddie Goss. Also present were Administrative Services Director Jinna Garrison, 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 August 18, 2003.

2.

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

3.

The executive session was called to order at 7:20 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)_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 18th day of
August 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

Please send comments to webmaster@spaldingcounty.com
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