



Spalding County online

Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, October 20, 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, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

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

1. Representatives of Comcast are present to give an update on the cable television rebuild project. Mr. Andy Macke, Director of Government Community Affairs for Comcast and Steve Rhodes, local operations manager were present for the meeting. Mr. Macke addressed the Board on the project rebuild stating the rebuild was almost complete with approximately twelve miles to complete. The customers will be switched over on November 11, 2003 with new channel lineup. He stated there would be over three hundred channels and there would be an adjustment in the rate according to which package the customers want to pay for. He said there are still more improvements to come over the next six to eight months period.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Three Months Ended September 30, 2003. Ms. Jinna Garrison, Finance Director, was present to answer any questions. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Financial Statements were approved by a vote of 4-0-1 (Commissioner Kendall was not present for vote).*

Commissioner Kendall came in at 6:05 P.M.

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 October 6, 2003. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

1. Consider at second reading an ordinance amending the FY 2004 Budget Ordinance to provide for AMBUCS donation and reimbursement for broken window at Fairmont Park. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Budget Ordinance at second reading 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

Donations and Contributions	From	\$	0	to	\$	
1,000						
Miscellaneous Income	From	\$	893,420	to	\$	893,660

B. Expenditures

Parks	From	\$1,650,630	to	\$	
1,651,870					

Approved on first reading this 6th day October 2003.

Approved, adopted and enacted on second reading this 20th day October 2003.

X. OLD BUSINESS

1. Consider at second reading an ordinance amending the Spalding County Code, Part VII, Section 7-1004 and the addition of Section 7-1010 to provide for “No Parking Zones” on Spalding County property and also to provide for towing of unauthorized vehicles parking on Spalding County property. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Ordinance No. 2003-08 was approved by a vote of 4-1 with Commissioner Goss voting in opposition.*

SPALDING COUNTY, GEORGIA MOTOR VEHICLES AND TRAFFIC ORDINANCE NO. 2003-08

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA; TO PROVIDE FOR NO PARKING ZONES ON SPALDING COUNTY PROPERTY; TO PROVIDE FOR A NEW SECTION 7-1010 TRESSPSS TOWING FOR VEHICLES PARKED ON PROPERTY OF SPALDING COUNTY; 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 7-1004, paragraph (b) Signs as follows:

7-1004 (b) Signs is hereby stricken in its entirety and in lieu thereof is a new paragraph (b) Signs, to read as follows:

“The Public Works Director or his designee shall place and maintain, in conformity with the Uniform Regulations of the Department of Transportation of the State of Georgia, a sign or signs warning, marking or designating the aforesaid zone as a “No Parking” zone.”

Section 2. That the Code of Spalding County, Georgia be amended in Part VII, Chapter 1, Section 7-1004 by adding a new paragraph (d) to read as follows:

“(d) *No Parking Zones on Spalding County Property:* No vehicle shall be parked or left standing, whether attended or unattended, upon any property belonging to Spalding County, which is marked by “No Parking” signs.”

Section 3. That the Code of Spalding County, Georgia be amended in Part VII, Chapter 1, by the addition of a New **Section 7-1010** to be styled trespass towing for vehicles parked on property of Spalding County as follows:

Sec. 7-1010. Trespass towing for vehicles parked on property of Spalding County.

- (a) It shall be unlawful and a violation of this Chapter for any person to park overnight, any motor vehicle, trailer, tractor or any wheeled vehicle, whether or not motorized, on any

property belonging to Spalding County, which is posted by a sign stating that overnight parking and/or unauthorized parking is prohibited.

- (b) Any vehicle found in violation of this section shall be removed at the expense of the owner.
- (c) The sign, which shall inform the public that overnight parking or unauthorized parking on the property of Spalding County is prohibited, shall also provide information as to where the vehicle may be recovered, the cost of said recovery and information regarding the form of payment that is acceptable.

Section 4. 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 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

2. Consider at second reading an ordinance amending Part V, Chapter 1 of the Spalding Code to provide for a new Section 5-1020 Theft of Utilities. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Ordinance No. 2003-09 was unanimously approved by a vote of 5-0.*

**ORDINANCE NO. 2003-09
ORDINANCE TO AMEND PART V, PUBLIC UTILITIES,
CHAPTER 1, BY ADDING SECTION 5-1020**

AN ORDINANCE PROHIBITING CERTAIN PRACTICES AND PROCEDURES RELATING TO THEFT OF UTILITIES, THE ILLEGAL RESTORATION OR OBTAINING OF ELECTRICAL, GAS OR WATER SERVICE BY OTHER FRAUDULENT MEANS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the incidents of theft of electricity, gas and water and damaging, injuring or interfering with property of utility companies has greatly increased; and

WHEREAS, the County Commissioners of Spalding County have determined that certain practices must be prohibited in order to protect the health, safety and welfare of the citizens of this County.

NOW, THEREFORE, BE IT ORDAINED BY THE SPALDING COUNTY BOARD OF COMMISSIONERS that the following Ordinance is hereby adopted:

Section 1. To amend Part V, Public Utilities, Chapter 1 by adding a new section as follows:

Section 5-1020. Theft of Utilities.

“(a) That the following practices or acts are hereby declared to be illegal and are prohibited by the Spalding County Board of Commissioners:

- (1) The cutting, removing or in any manner making ineffective any seal, locking band or lock on an electric, gas or water meter.
- (2) Restoration of service by any means after service has been terminated for nonpayment, or obtaining electricity, gas or water without making the proper deposit with a utility company or receiving proper authorization from a utility company.
- (3) Obtaining electricity, gas or water by use of jumper wires, or by any other means which bypass a metering device either partially or completely.
- (4) Damaging or tampering in any manner with any part of a metering device belonging to a utility company.
- (5) Changing or altering the normal installed position of a metering device in any fashion which causes the normal accurate recording of utility service received to be altered and inaccurate.
- (6) Obtaining electricity, gas or water by use of a metering device which is not authorized by a utility company.
- (7) Interfering with the automatic registration, recording and transmission of electricity, gas or water consumption when readings are recorded and/or transmitted electronically.
- (8) Fraudulently obtaining, or attempting to obtain, service from a utility company by using a false name or identification.
- (9) Fraudulently obtaining, or attempting to obtain, service from a utility company by placing the account in the name of someone else after the service has been disconnected for nonpayment or theft of service while the person in whose name the service was in when disconnected is still living at the location of the service.
- (10) Any other reception of electrical power, gas service or water service without proper authorization from a utility company.

(b) Alleged violations of this Ordinance shall be tried in the Magistrate Court of Spalding County. Any person found guilty of violating any section or part of this ordinance shall be fined a sum not less than \$250.00 nor more than \$1,000.00 on each count. Each day that the violation continues is a separate count.

(c) Any person found violating any section or part of this ordinance will be required to make full restitution to the utility company for the cost of the services obtained in violation of the ordinance, for damage to equipment of a utility company and for all associated costs of the investigation. In calculating the amount of restitution to be paid, the Court is authorized to consider the following evidence:

- (1) The cost of the service received as a result of violating this ordinance shall be computed by the utility company.
- (2) The cost of any damage to utility equipment shall be based on the actual costs. Costs may be computed and updated annually.
- (3) Investigative and any associated costs will be computed and updated annually by the utility company.

(d) Any person in possession of any premises as owner, occupant, or tenant who is found to have an electric, gas or water meter which has been tampered with or altered in violation of this ordinance or found to be receiving electricity, gas or water as a result of any of the methods described above shall be presumed to have knowingly violated the terms of this ordinance. Such receipt of electricity, gas or water shall be deemed prima facie evidence of an intent to defraud or deprive the utility company of recovering proper charges for payment for such service.

(e) All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

(f) That the provisions of this ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

(g) The Spalding County Board of Commissioners finds that there is a continuing problem with persons illegally obtaining electricity, gas and water by various means and that this results in a loss of revenue to utility companies and creates a dangerous situation that can result in the loss of life or property. This ordinance shall be cumulative to O.C.G.A. § 16-7-25, and is enacted pursuant to O.C.G.A. §16-7-25(c).

(h) For purposes of this ordinance, “utility company shall be defined as any company, electric membership corporation, municipality, or political subdivision engaged in the manufacture or sale of electricity, gas or water.”

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

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

XI. NEW BUSINESS

1. Consider request for outside amplification permit from Michael Tomarchio, 4820 Highway 16 West. Mr. Tomarchio was present and requested outside amplification for a holiday party at his residence on October 24, 2003. He requested from 5:00 p.m. until 12:00 a.m.; however, Sheriff Stewart recommended the hours of 5:00 p.m. until 11:00 p.m.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the outside amplification was approved from the hours of 5:00 p.m. - 11:00 p.m. by a unanimous vote of 5-0.

2. Consider request from Young Life to hold a 5k Run/Walk on November 15, 2003 at Wyomia Tyus Olympic Park. Young Life is an outreach program in Griffin that works with high school students and this would be a fundraiser with all proceeds from the event going to Young Life.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the request from Young Life to use Wyomia Tyus Olympic Park was unanimously approved by a vote of 5-0.

3. Judge Sid Esary would like to address the Board on the State Court private probation service contract. Mr. Esary commented that three years ago we entered into a private probation service contract with BI, which has been bought out recently by Maximus, a very large corporation, and he has become dissatisfied with their responsiveness to our needs. The contract runs one year at the time and either party has the right to terminate the contract upon giving notice to the other party prior to November 1st and he asked to terminate this contract as the County Commission has to approve it. Judge Esary stated that he would like to initiate a new private probation service and would bring back to the Board of Commissioners after contract is negotiated.

Motion made by Commissioner McDaniel to authorize Judge Esary to terminate the present private probation service contract with Maximus, formerly BI. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

4. Consider approval of Design Guideline Manual for Spalding County Parks. The Parks and Recreation Advisory Board recommends approval of the manual which outlines Spalding County's guidelines for architectural amenities, athletic amenities, general site amenities, parking and signage. There are guidelines for playground equipment that have been included to include smaller neighborhood park or subdivision park standards which could be applied to future subdivision and neighborhood pocket parks.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Design Guideline Manual for Spalding County Parks was unanimously approved by a vote of 5-0.

5. Consider approval of Memorandum of Understanding with SeniorNet for a SeniorNet learning center in Spalding County. This is a grant that Parks & Recreation applied for to teach seniors how to use the internet, e-mail, etc. and the grant was awarded. County Manager Wilson commented that we have worked out an arrangement with RESA to use a classroom in the Old Third Ward Building for exchange for some maintenance work to be done by Parks and Recreation to that building. The County will only have to provide some internet service.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Memorandum of Understanding with SeniorNet for a learning center was unanimously approved by a vote of 5-0.

6. Consider approval of upgrading Computer Aided Dispatch software and Motorola E-911 software and equipment at the 911 Center to provide for Wireless Phase II requirements. Ms. Trudy McDevitt, 911 Director, was present to address any questions the Board might have. County Manager Wilson commented that bids were taken to upgrade the CAD software and the low bid was Sunguard HTE in the amount of \$152,853 and the Motorola equipment is an upgrade of the dispatch software and is the soul source and this includes trade-in of our present equipment. This is budgeted for lease purchase and will be paid through the 911 Fees collected.

Ms. McDevitt commented that Phase II through cellular phone means that we will be able to locate them within fifty to sixty feet in addition to getting a number of the cell phone. With the CAD system upgrade, it will show when the officer is dispatched to a certain location where he is, the Fire Department, Sheriff Department, etc.

*Motion made by Commissioner McDaniel to approve low bid of Sunguard HTE for upgrade of CAD software in the amount of \$152,853. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0. **Reference Contract #2003-10-20(A).***

*Motion made by Commissioner McDaniel to approve proposal of Motorola, Inc. for the Plant VESTA Pallas E-911 System upgrade in the amount of \$309,858, which includes the trade in of CENTRALINK E-911. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0. **Reference Contract #2003-10-20(B).***

7. Consider Professional Services Agreement for pharmacy services for the Spalding County Detention Center. Captain Michael Ray from the Sheriff's Department was present to address this item. This is a pilot program with Department of Corrections and Medical College of Georgia throughout the State where we would receive our pharmaceutical medications. The Medical College of Georgia is a non-profit hospital and provides all the medical services for the Department of Corrections. They estimate that Spalding County would save 40% to 50% on prescription medications. The amount they will charge is at cost along; however, with each prescription there is a \$6.00 charge for overhead, shipping and billing maintenance.

Motion made by Commissioner McDaniel to approve Professional Services Agreement for Spalding County Detention Center with Medical College of Georgia. Commissioner Davis seconded the motion.

County Attorney Fortune stated that we need to give the current pharmacy provider a notice of termination of services before approving this contract. He asked Commissioner McDaniel to withdraw his motion and make another motion to enter into this contract when we have complied with notification of termination of the present contract. *Commissioner McDaniel withdrew his previous motion as well as Commissioner Davis his second.*

Motion made by Commissioner McDaniel to approve the Professional Services Agreement to be effective at such time as the current provider has been notified of the termination of the contract. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0. Reference Contract #2003-10-20(C).

8. Consider acceptance of 2003-2004 VOCA Grant and authorize Chairman to execute all necessary paperwork. This grant will again fund the full time position and part-time position at 85% with the remaining being paid out of the 5% funds. The grant award is in the amount of \$27,033 with matching funds of \$6,758 for a total amount of \$33,791.

Motion made by Commissioner McDaniel to accept the VOCA grant and authorize the Chairman to execute all paperwork. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

9. Consider approval of Tax Audit Program Services Agreement with Mendola & Associates, LLC. County Manager Wilson stated that Mendola has been doing these for a number of years through the Tax Assessors department and the money is budgeted. He said that fee services will be based upon professional time incurred and will be billed at the rate of \$75.00 per hour. Fees for services will be billed monthly. The Tax Assessors budgeted \$10,000 in FY 2004 for these services.

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the Tax Audit Program Services Agreement with Mendola & Associates, LLC was unanimously approved by a vote of 5-0. Reference Contract #2003-10-20(D).

10. Consider request from Central Georgia EMC for utilities relocation on bridge replacement project SR 155 over Cabin Creek. County Manager Wilson stated that traditionally we have agreed to pay the actual cost for project after the work is completed. The estimated cost of relocation is \$11,400. Mr. Wilson commented that this is a funded SPLOST Project.

Motion made by Commissioner McDaniel that we approve payment of utilities relocation for the actual cost. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

11. Consider at first reading an ordinance amending the Spalding County Code, Part VII, Chapter 2, Section 7-2002 relative to junked or abandoned motor vehicles. Commissioner Morrow discussed this new ordinance. This ordinance applies to two or fewer inoperable automobiles that are junked or abandoned and requires that they be screened by being in a building or a fence surrounding them to prevent them from being seen from any public street or from any other private property. The ordinance will not become effective until 120 days after the date of final adoption on second reading, which would be March 3, 2004.

*Upon motion by Commissioner Davis, seconded by Commissioner Morrow 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.***

XII. REPORT OF COUNTY MANAGER

County Manager Wilson announced that the Legislative breakfast with Commissioners would be held at McIntosh Trail Meeting Room on Friday, October 31, 2003 at 8:30 a.m. All constitutional officers and judges have been invited. The cost for the breakfast buffet would be \$5.00.

County Manager Wilson announced that we had received notification that the Christmas Parade would be held Sunday, December 7, 2003 at 2:30 p.m. and the Chamber wanted to know as soon as possible who would be participating in order for them to arrange transportation.

County Manager Wilson advised the Board that the Birdie Road traffic signal would be placed on flash this Wednesday, October 22nd and would be operational the following Wednesday, October 29th.

County Manager Wilson advised the Board that the Highland Mill Sewer Rehabilitation project was almost complete. Paving was done last week and contractor was working on punch list items.

County Manager Wilson stated the deadline for the ISTE A grant application is November 3, 2003 and asked Commissioner Morrow the status of the project or projects that the Southern Crescent Trailblazers had discussed at their last meeting to recommend for the grant. Mr. Morrow stated the group was working on the projects but did not think their report would be ready for grant application submission.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall informed the Board that he and Mr. McDaniel, along with a cross section of people, met this past Friday at McIntosh Trail at the request of the Governmental Affairs Committee of the Chamber of Commerce. The purpose of the meeting was to discuss how to develop a Joint Planning Commission as recommended and encouraged by the facilitator, Mike Gleaton of DCA. The representatives of each entity present all agreed that they would like to have a meeting between the City Commissioners, County Commissioners and the School Board to discuss some mechanism by which we can all try to be in unison so everybody will know what it is that the other entities are doing. We need to have some kind of long range plan of what is taking place or going to take place in this community, especially with big ticket items.

The DCA representative was suggesting combining the City and County Planning Commissions but the people attending the meeting did not feel that this would be a good idea as we would have to have one zoning ordinance and did not see that happening any time soon.

The result from the meeting was to have a meeting with the City, County and School Board to discuss the initiation of a governmental association, whose job would be to essentially try to coordinate what each entity is doing.

County Manager Wilson was authorized by the Board to communicate to the City of Griffin and School Board that the County has discussed this and we would be interested in meeting with them

to discuss this issue of better communication between entities. Commissioner McDaniel commented that McIntosh Trail was interested in facilitating this meeting.

Commissioner Goss had no comments.

Commissioner Davis had no comments.

Commissioner McDaniel commented that he liked the idea Commissioner Kendall came up with regarding a governmental association to come together periodically.

Commissioner McDaniel discussed delinquent taxes and asked the Board to consider requesting at some interval or intervals a report from the Tax Commissioner of tax monies collected so we can keep abreast of the status of tax collections as tax season is upon us. The Board also requested a report of the collection of back taxes also. County Manager Wilson would relay their requests for reports to the Tax Commissioner.

Commissioner Morrow announced that the Farmland Protection Program at Gordon College is Friday, October 24th and encouraged the other Commissioners to attend this meeting.

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned at 7:26 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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