



## **Regular Monthly Meeting**

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, February 7, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Eddie Goss presiding and Commissioners Cecil Davis, Johnnie McDaniel, Gwen Flowers-Taylor and Eddie Freeman present. Also present were Administrative Services Director Jinna Garrison, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. INVOCATION – Chairman Goss**
- III. PLEDGE TO FLAG – Led by Commissioner Flowers-Taylor**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION –N/A**
- V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**
- VI. CITIZENS COMMENTS – N/A**
- VII. PUBLIC COMMENT**

Sinclair Hollberg, 3335 Jackson Rd., Griffin, Georgia

Mr. Hollberg spoke, on behalf of the Griffin-Spalding Citizens for Responsible Government, in favor of returning the Wallace Road property back to its original zoning since the SPLOST referendum failed in 2004. He also addressed concerns about the Comprehensive Plan and Land Use Map, as well as the possibility of an access interchange to I-75 near Jenkinsburg Road and development of another industrial park in the immediate area, as well as expansion of sewer service in the northeast quadrant of Spalding County. He felt there should be more inclusiveness of public participation in the governmental process and urged commissioners to develop a mechanism to achieve that goal.

John Dugdale, 1985C North Walkers Mill Road, Griffin, Georgia

Mr. Dugdale, representing the Allied Ringgold Community Homeowners Association (or "The ARCH"), also spoke in favor of returning Wallace Road property back to its original zoning prior to the 2004 SPLOST referendum. He noted that commissioners stated at the time that if the SPLOST failed, they would be willing to put the property back as previously zoned. He urged commissioners to honor that statement and also to not pursue the I-75 interchange in the form of a Jenkinsburg Road exit. He did not want to see the County pursue the village node concept for this community since no local involvement was solicited in the decision to implement this concept, but rather was the desire of Mr. Newton Galloway with no hearings or citizen input. Should the County be willing to comply with these requests, Mr. Dugdale said they would be willing to drop the lawsuit against Spalding County.

Beth Wallace, 405 Wallace Road, Griffin, Georgia

Ms. Wallace spoke in favor of returning the Wallace Road property back to agricultural residential since the SPLOST issue failed. This is the 189.656 acre tract in Land Lots 25 and 40 of the 2<sup>nd</sup> Land District. There is no commercial development within a mile of this site,

but rather is surrounded by small farms and homes on all sides. All the adjacent property is zoned agricultural residential. There was no precedent set for changing the property from its original zoning district to the industrial manufacturing district. There is no infrastructure in place and the property's topography is not conducive for industrial. Truck traffic would pose a major problem. Neighbors do not want to move to avoid the problems that would accompany such development, and she submitted a petition with about 800 signatures of residents in the area who are opposed to having industrial manufacturing in the community.

Greg Pruitt, 55 Partridge Path, Griffin, Georgia

Mr. Pruitt urged commissioners to reconsider collection of impact fees at the time of permitting, preferring instead to pay them at time of occupancy. This procedure would place much less of a hardship on contractors since at the time of occupancy, they would have recouped their investment and have more cash available. Mr. Pruitt requested this issue be put on the next regular agenda.

Dick Morrow, 263 Westchester Drive, Griffin, Georgia

Mr. Morrow spoke regarding the Jenkinsburg interchange matter, saying it was an issue which goes back many years. This is the only parcel in Spalding County that touches I-75. It has long been recognized that Spalding County lost a great deal of tax-based business on this little piece of property because of no access to I-75 from Spalding County. Resolutions of support of a Jenkinsburg interchange are on file from the Chamber of Commerce, Spalding County Board of Commissioners, the Development Authority and the City of Griffin Board of Commissioners.

## VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of January 18, 2005 and the Zoning Public Hearing of January 27, 2005.

**On a motion to approve both sets of minutes by Commissioner Davis, seconded by Commissioner Flowers-Taylor, the motion carried by unanimous 5-0 vote.**

## IX. CONSENT AGENDA

1. Consider approval on second reading an Ordinance amending the FY 2005 Budget Ordinance for Spalding County to appropriate funds for HVAC repairs at the Personal Growth Center.

### AN ORDINANCE AMENDING THE FISCAL YEAR 2005 BUDGET ORDINANCE

*for*  
SPALDING COUNTY, GEORGIA

**WHEREAS**, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2005 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 July 1, 2004, be amended as follows:

**Section I. General Fund**

A. Revenues

Fund Balance From \$1,028,061 to \$1,044,561

B. Expenditures

Health From \$ 592,437 to \$ 608,937

Approved on first reading this 18<sup>th</sup> day January 2005.

Approved, adopted and enacted on second reading this 7<sup>th</sup> day February 2005.

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**On a motion by Commissioner McDaniel to approve this item on second reading, seconded by Commissioner Davis, the vote was unanimous at 5-0.**

**X. OLD BUSINESS – N/A**

**XI. NEW BUSINESS**

1. Consider approval for new alcoholic license for 2005 – Retail Sales Convenience Store – Beer & Wine for the following: Lucky Star Enterprises, Inc., d/b/a Petro Food Mart & Deli (formerly North Star Grocery), 1639 North Hill Street, Griffin, Georgia – New Owner: Shakeel Lalani.

Administrative Services Director Jinna Garrison said this application is from a new owner of an existing business. There are no problems with the application.

**Commissioner Davis made a motion to approve, seconded by Commissioner Freeman, and the motion passed by a vote of 4-1 with Commissioner McDaniel opposing.**

2. Consider request of Public Defender for additional investigator position.

Arthur English, Public Defender, spoke in favor of his request for an additional investigator position for his office for FY 2005 (February 2005 through June 2005). His office is up and running and Superior Court Judges seem pleased with the operation. There are, however, manpower problems. He had anticipated picking up about 100 felony cases initially but actually received 340. There have been 482 felony files opened since January 2005. They did not anticipate these large numbers until the fall. There are 145 cases on the table for the February trial calendar. This request would be a full-time staff position funded by Spalding County to remain in Spalding County. His funds request is for \$26,464.81 for the remainder of FY2005, bringing his total funds allotment for FY2005 to \$166,484.84. This is a permanent position that is desperately needed and he expected to include it in the FY2006 budget. The case load would eventually grow to the point where this position was needed anyway; he simply did not expect it to be so soon in the year.

There are 4 investigators now that are shared in the circuit. They visit every jail in all four counties every day in order to achieve the goal that no one goes more than 24 hours without seeing a lawyer, weekends notwithstanding. They cover holidays, as well.

Around 83 people on January 3, 2005 had not seen a lawyer for whatever reason, and this caused a great backlog. Consequently, it took the first month to get caught up and preoccupied some of his colleagues who could not, as a result, work in the field, do research or interview witnesses. They have been getting ready for the February 14 trial calendar, for which they did not anticipate having any cases. As it turns out, however,

they have 145 cases now and have had six weeks to prepare. Some have been worked out with the District Attorney's office, but they still take in about 8-15 cases per day. The other counties in the circuit have either made arrangements with the Public Defender's Office specifically to handle or not handle their old cases. Spalding County had decided not to place the old cases with the Public Defender's Office but there was some debate between the office of Sullivan, Sturdivant & Ogletree and the Office of Public Defender about cases which were not clearly defined. So, they told County Attorney Jim Fortune the Public Defender's Office would take everyone who didn't have a lawyer at that point, which they supposed would total around 100 cases but ended up being almost 350. His budget request was predicated on the assumption there would be 100 cases to pick up. Superior Court and Juvenile Delinquency cases are the responsibility of the Public Defender's Office.

Mr. English responded to Commissioner Freeman that, to the best of his knowledge, everyone who was in jail or had been through the Spalding County jail since January 1 has had the opportunity to have a court-appointed lawyer. They are trying to locate those out on bond during that time, although most did not bond out before they met with them. They are in the jail every single weekday.

Mr. English answered Commissioner Flowers-Taylor that when his office came online with the new state system January 1, 2005, the general proposition was that cases which had arisen before this date fell under the old system. In Spalding County that would have been handled by Sullivan, Sturdivant & Ogletree. They reached an agreement with Mr. Fortune that, for whatever reason they had been denied or perhaps weren't thought to qualify, the Public Defender's Office would take any cases that had no legal representation. Some who might not have qualified before the new guidelines might possibly qualify after this date. The number of such cases ended up being more than three times than anticipated. The trial calendar has to be the priority since they are coming up for jury trials and this process has simply swallowed up his resources. Added to the backlog are the additional 50-100 new cases per week for Spalding County alone.

Other counties, such as Upson, have provided additional resources for taking on their pipeline cases. His office is now pulling from other counties now and new cases are getting backlogged. Pike County is not a big issue with only 6% of the caseload. Fayette and Upson are not insignificant, even when compared to Spalding, but both are providing additional resources. He urged commissioners not to look at this request as a measure to simply get "caught up." He planned his budget as tight as possible with unknown estimates for the pipeline cases. He anticipated the caseload to grow in the latter half of the year, but he simply didn't anticipate starting with 350 cases instead of from none. The caseload will only grow and the problem will not go away. There are guidelines set forth by the state for establishing indigency that are based on federal poverty guidelines. Indigent is considered someone who makes 200% of the federal poverty guidelines (\$38,000 for a person with a spouse and two children), and that person would qualify for anything below that.

Commissioner Freeman said this agreement was executed before he and Commissioner Flowers-Taylor assumed office. He said he would like to table this and look at the agreement, as well as the agreement pertaining to Juveniles and get a better idea of what is being looked at. He said he did not have enough information to decide.

Mr. English said his office was statutorily responsible for Superior Court and Juvenile Delinquency cases. Juvenile Depravation, State Court and Magistrate Court, are handled on a private contract basis through the County with Sullivan, Sturdivant & Ogletree. He felt they had their cases in control.

Commissioner Davis said Mr. English obviously had a problem that needed some resolution, and he asked if Commissioner Freeman would be comfortable with granting this position to the Public Defender's Office for a five-month period to support the caseload and then review it at the time the FY2006 budget is prepared.

Commissioner Freeman said he was concerned the office had four investigators now and asked how many were working Spalding County.

The immediate problem is the February trial calendar here first. He has brought in a Fayette County attorney here full-time and borrow from other offices for other resources to prepare. They went through a 402 case calendar in Superior Court last week and 125 case preliminary calendar with Judge Cavanaugh. In trying to accommodate all the judges with current caseload, the new cases are not being processed.

Mr. Fortune agreed that the unknown factor were the pipeline cases and many were just sitting in jail with no one working their case. No one realized the significant number of people who were in the jail with no lawyer, some for quite a while. Some didn't qualify for indigent defense but some did, and they all had to be processed. They estimated a 50-75 case range initially that turned out to be 340 which was a great surprise. This is for one term of court.

Mr. English said they had over a third of the February trial calendar when they were anticipating having none, and it took four attorneys, including himself, assigned to deal with this calendar.

**Commissioner Davis made a motion to approve this request for the balance of FY2005 and review the position during preparation for the FY2006 budget.**

Mr. English responded to Commissioner McDaniel that there are eight total people in Spalding now: four lawyers (two of whom have to travel throughout the circuit), two investigators and two secretaries, but these four investigators have to travel throughout the circuit. Most other counties have four lawyers, one investigator and one secretary.

Mr. English answered Commissioner Freeman that the number of cases at the beginning of Superior Court this month were 402, and 148 are left after pleadings, dismissals, etc. They actually will try between two and six, but the problem is that you don't know which ones will be tried, and all the cases are of the most serious variety with 20-year possible sentences or multiples thereof. There are murder, child molestation, aggravated assault on law enforcement personnel, and other serious cases on the calendar.

Commissioner McDaniel asked if there were limitations on the number of cases investigators could handle as is the case with attorneys.

Mr. English responded no and stated he gave up attorney positions initially to get additional investigators because he knew this circuit had the fifth largest caseload in the State behind the circuits for Fulton, DeKalb, Cobb and Gwinnett counties. He is trying to structure his budget requests in a graduated fashion so he can build his staff without overtaxing the budget all at once. He reiterated he needed this position now.

Commissioner McDaniel said this process was a hole the State Legislature shot in every county's financial boat, and it would only continue to grow if they do not review the arrangement. It is another of the unfunded mandates and is rife with the law of unintended consequences.

Commissioner Freeman said, having been in probation for many years, he could identify with caseload problems. Out of 300 or so from court, he would end up with half on probation. There were indigent defense attorneys then, too, such as Scott Ballard who seemed to do a good job with it.

Mr. English said they have taken in over 1000 cases so far circuit-wide only a month into the year. Under the new indigency guidelines, fewer than 12 people of those interviewed by his office have not qualified. The more lenient standards, based on a statewide average, allow for much greater numbers of people qualifying for indigent

representation. Traffic cases can even result in indigent defense qualifications if there is a chance of jail time. There is also a significantly higher case count this year than in years past, close to double.

**Commissioner Davis reiterated his motion to approve this request for an additional \$26,464.81 for an investigator position for the balance of FY2005 and review the position during preparation for the FY2006 budget.**

Chairman Goss asked, before they proceeded any further, if Commissioner Freeman had wanted to make a motion to table when he was discussing his desire to table.

Commissioner Freeman responded yes, stating he would like to review the agreement since he and Commissioner Flowers-Taylor were not involved in the process initially.

**Commissioner McDaniel seconded the motion of Commissioner Davis to approve this request for the balance of FY 2005 to terminate at end of fiscal year and be reviewed for FY 2006 budget at that time.**

Commissioner Davis felt this problem wouldn't go away and waiting thirty days won't change it.

**The motion failed by a vote of 2-3 with Commissioners Freeman, Flowers-Taylor and Goss voting in opposition.**

Mr. English thanked commissioners for their time.

Commissioner McDaniel urged the Board not to leave Mr. English out in the cold. If they wanted the matter tabled, he requested they make a motion.

**Commissioner Freeman made a motion to table the issue, seconded by Commissioner Flowers-Taylor.** He said they were not privy to any of the information and he wanted to review the situation. **The motion passed by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.**

County Attorney Fortune asked that a time be placed on the request to table, and consensus was to table to the next regular meeting.

**Chairman Goss asked for another vote and the motion to table to the next meeting passed by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.**

3. Consider request from Cagle Homes for improvements to Pauper Cemetery on Carver Road.

Mr. Fortune felt the applicant was requesting to use the Spalding County Pauper Cemetery as part of their greenspace for a residential development that will be within the City of Griffin. He said Mr. Wilson had understood that Cagle Homes might want to purchase the cemetery, and it was his contention the Paupers Cemetery could not be sold. Mr. Fortune said it was Mr. Wilson's opinion that since they don't own the cemetery property, it would not be proper to allow them to use it as greenspace for their development.

Mr. Brian Cagle of Cagle Homes said Mr. Wilson had jokingly asked if they would be interested in buying it, and he stated they would be open to it if it were possible. Mr. Cagle asked if Mr. Fortune had understood Mr. Wilson did not like the idea.

Mr. Fortune responded that was correct. He may have misunderstood Mr. Wilson, but it was his understanding he was against it.

Mr. Cagle said he had felt Mr. Wilson was all for the concept when they met. They spoke at length on two occasions and his impression was that Mr. Wilson favored the concept in both instances. Mr. Wilson had told him it just had to be presented to the Board of Commissioners.

Mr. Fortune asked if that was the case, was there any urgency to getting a ruling today or could the Board of Commissioners perhaps table it until February 21, 2005 at the next meeting.

Mr. Cagle said they had a February 21 meeting with the City's Planning Commission. He clarified that Cagle Homes wanted to use the cemetery to make up a 9% area in greenspace they were lacking in the development requirements, but the cemetery would never be used. They have asked the City if they will allow them to use the cemetery in the greenspace calculation, and they are requesting the County allow the same. In exchange for this permission, they will agree to build a rock wall across the front of the cemetery with a wrought iron gate and clear it with a fence entirely around it. He felt this would be a win-win situation for the County.

Mr. Fortune reiterated he may have misunderstood Mr. Wilson and did not want to prejudice the case before the Board of Commissioners, but the clear impression he had from Mr. Wilson was that he did not like the idea. He said the Board of Commissioners would most probably entertain the idea of tabling the issue if he so desired.

Commissioner McDaniel said he could not believe the City would bend their rules so much as to allow someone else's property to be used in calculating the development's greenspace. That would not happen at the County level, and it certainly surprised him that the City would allow it. He asked why the developer can't get 25% greenspace on their own tract.

Mr. Cagle said the development was laid out to make the lots larger than what is required. They are asking for 6.4 units per acre density while 12 units per acre is allowed in this zoning district. So they are spreading out the lots and doing two units per building rather than eight units per building. They could get 25% if they cram all the units together. These are fee-simple town homes, purchased just like a regular house.

Commissioner McDaniel felt it would be hypocritical to approve this request for high density as much as the Board has worked to control density, as well as setting a dangerous precedent. Mr. Cagle, he felt, did have a couple of options within his own plan to afford the 25% greenspace requirement, and he urged him to do that. The bottom line is that this property does not belong to Cagle Homes.

Mr. Cagle said regardless of how the Board voted tonight, it would not affect whether the City would allow him to use the property in his greenspace calculation. The only thing he was requesting of the County is permission to put a nice rock wall across the front with a wrought iron gate. The City has already indicated him to use the area in his greenspace calculation. This one acre of land will never be built on by the City, the County or any developer, so the bottom line is that it is, in fact, greenspace and will always be.

Commissioner Flowers-Taylor said three city commissioners she had spoken with were not in favor of this rezoning at all from industrial to high density residential. So, she felt Mr. Cagle had perhaps misled the Board when he indicated the City said it would be okay. The chances of getting this rezoned to high density are probably slim to none. As far as the Spalding County Board of Commissioners, she would never vote to allow him to use a cemetery to help create the greenspace he would need for his development. She resented him even making the request.

Mr. Cagle said he was sorry if his intentions were misinterpreted. He thought Mr. Wilson was in favor of the request.

Commissioner Flowers-Taylor said she appreciated that but he didn't have a vote.

Mr. Cagle said he was not trying to indicate the City Commissioners had stated they were in favor of the request. He was indicating the City's Planning Staff was agreeable to the proposal.

Commissioner Flowers-Taylor said she was a resident of the City and would make sure she was at that meeting. She felt the City had been trying to become more compliant with what the County was doing in the area of density. She was not even totally agreeable to the County's definition of what constitutes greenspace, and she knew she would never consider a cemetery.

**A motion to deny was made by Commissioner Flowers-Taylor, seconded by Commissioner Freeman. The motion passed by unanimous 5-0 vote.**

4. Consider amendment to Contract for Provision of Indigent Defense with Sullivan, Sturdivant and Ogletree.

Mr. Fortune said with the constantly evolving elements with indigent defense being handed down by the State, it was apparent that some state court cases were not going to be handled. So they took out a list of those specific crimes they were going to handle in State Court and replaced it with this amendment to the agreement being considered tonight. They will handle everything in State Court except for violations of Spalding County Code of Ordinances and also would not include representation of individuals who are charged with misdemeanor violations of probation. This amendment does not result in any change in the money being paid per the contract. The amendment came about as a result of a letter from Sullivan, Sturdivant and Ogletree who offered to keep handling the cases or officially amend the contract, and Mr. Fortune felt it prudent to amend the contract. Mr. Fortune said he was satisfied with the amendment.

Commissioner Flowers-Taylor said she was confused about having two different agencies handling indigent defense. Arthur English, Public Defender, responded that House Bill 770 which is the Indigent Defense Act of 2003, passed two terms ago, set up the Public Defender system but did not fund it. It mandated the Public Defender should handle Superior Court and Juvenile Delinquency cases but allowed that other private contracts can be executed to provide an equivalent service for other areas. Spalding County chose Sullivan, Sturdivant & Ogletree to handle those others, such as State Court and Juvenile Deprivation cases, even though they could have elected to use his office. They can elect to do so in the future. Mr. English said he was happy either way. He was simply a public official providing a service. There is no conflict between Juvenile Deprivation and Juvenile Delinquency cases. When there are conflict of interest cases that arise with co-defendants, then the State pays for the conflict cases in the State Court and Juvenile Delinquency areas and Sullivan, Sturdivant & Ogletree pay for the conflict cases in the lower courts.

Mr. Fortune said if anyone runs any risk of being jailed for an offense, and that person qualifies as indigent, the courts are heading toward requiring the state or county, etc. to handle the case, so even traffic violations could conceivably be carried to this absurd. If you get a traffic ticket and refuse to pay it, you could conceivably be locked up and thereby qualify if you meet guidelines. Mr. English concurred.

Mr. Dick Morrow spoke, stating that for many years Sullivan, et. al. handled all the cases. When new state mandate came up, the Public Defender system was created for certain cases, so those type cases had to be transferred. Counties were allowed to continue with private contractors to handle the remaining cases for the lower courts and then, at the end of this contract, the Board of Commissioners may turn it all over to the Public Defender's Office or keep Sullivan et.al. for the State Court, Magistrate Court and Juvenile Deprivation cases. The Board of Commissioners deferred this final decision

until the Public Defender got on his feet with his new office. Lawsuits predicated the institution of a State-mandated Public Defender Office, much the same as occurred with the busing issues of the 1960s.

**Commissioner Davis made a motion to amend the Contract for Provision of Indigent Defense with Sullivan, Sturdivant and Ogletree as presented, seconded by Commissioner McDaniel. The motion carried by a unanimous 5-0 vote.**

5. Consider request from Parks and Recreation Advisory Board to update the Parks and Recreation Master Plan.

Ms. Garrison said the Parks & Recreation Advisory Board wants to issue requests for proposals to revise and update the current Master Plan which is 95% complete, so it's time to write the new one. The process will take probably a year and could cost between \$30,000 and \$60,000. This would be provided for in the FY2006 budget. This request is just for permission to issue requests for proposals.

**Commissioner McDaniel made a motion to approve the request to proceed, seconded by Commissioner Davis, and the motion passed by a unanimous vote of 5-0.**

6. Consider approval of lease agreement for 835 Memorial Drive, Griffin, Georgia.

This request is for a lease for American Mills/Fashion Industries.

**A motion by Commissioner McDaniel to approve the lease agreement was seconded by Commissioner Davis and passed by a unanimous 5-0 vote.**

7. Consider approval of FY 2006 Budget Calendar.

Ms. Garrison noted budget worksheets would be handed out to department heads tomorrow morning.

**Commissioner Flowers-Taylor made a motion to approve the FY2006 Budget Calendar, seconded by Commissioner McDaniel, and the motion carried by a unanimous 5-0 vote.**

8. Consider approval for submission of Health Promotion Grant to Local Government Risk Management Services.

Ms. Garrison said this was a grant for which the County was eligible to apply because of its membership in ACCG and its coverage by Blue Cross/Blue Shield. They could possibly receive \$20 per employee, up to \$3500, to be used for wellness programs, i.e. health screenings, etc.

**A motion by Commissioner Davis to approve submission of the Health Promotion Grant, seconded by Commissioner McDaniel, carried by a unanimous vote of 5-0.**

9. Consider approval on first reading an Ordinance amending the FY 2005 Budget Ordinance for Spalding County to record the receipt of a donation from Griffin Young Life.

Young Life used the Wyomia Tyus Park for its turkey trot event and donated \$250 to the County.

**Commissioner McDaniel made a motion to approve the Budget Ordinance amendment as presented, seconded by Commissioner Flowers-Taylor, and the motion passed by a unanimous 5-0 vote.**

10. Consider approval on first reading an Ordinance amending the FY 2005 Budget Ordinance for Spalding County to provide for repairs at the Public Works Garage.

Ms. Garrison said the heater at garage unexpectedly went out with no money budgeted to repair or replace. The amount of the increase is about \$1255.

**Commissioner Davis made a motion to approve the Budget Ordinance amendment as presented, seconded by Commissioner Freeman, and the motion carried by a unanimous 5-0 vote.**

11. Discuss the collection of Development Impact Fees within the City of Griffin.

Mr. Fortune said he had initially prepared a contract and sent to City Attorney Drew Whalen who, a few days later, called to say they were not interested in collecting impact fees for the County. Mr. Fortune said he wasn't quite sure who "they" might be.

Commissioner Flowers-Taylor asked why the City should want to collect impact fees for the County; what benefit would it provide them? She had called the City Manager's office and asked where the City stood on this issue, and they responded they were just not interested in it. They would get a 3% fee for administrative costs if they should agree to do this, also.

Mr. Fortune said City residents are also citizens of Spalding County and benefit from County services. Some of the impact fees being collected will go toward various infrastructure improvements which will benefit everyone, City and County residents alike. Why should only the people in the unincorporated area of Spalding County foot the bill for these infrastructure improvements? The benefits and the burdens fall on everyone's shoulders equally. He said he got no vote, as was earlier pointed out for Mr. Wilson, but he failed to see where there was anything inequitable about this request. Mr. Fortune said he hoped the City did not see this as something the County was trying to burden them with since that truly was not the case.

**Commissioner Davis made a motion to formally submit the Intergovernmental Agreement for the Collection of Spalding County Development Impact Fees to the City of Griffin, as presented by County Attorney Fortune, along with a letter of explanation executed by Chairman Goss stating the importance, justification and benefit of impact fee collection. The motion was seconded by Commissioner Freeman and carried by a unanimous 5-0 vote.**

12. Consider request from City of Griffin for right-of-way encroachment for Regional Water Pipeline.

Mr. Fortune said the City is requesting encroachment right-of-way permits so they can run water lines for their new water plant in Pike County. Generally, Spalding County code stipulates no open cuts unless specifically permitted with special permission by the Building Inspector who, today, is the Public Works Director Jake Garner. There are three dirt roads on which they desire to make open cuts as opposed to boring and casing. It would cost \$32,000 more to do boring and casing versus open cutting, and they feel they could be in and out in one day. Mr. Wilson feels, and Mr. Fortune concurs, this \$32,000 in increased costs could eventually wind up as part of the formula for calculating the County's wholesale water rates, and so it's basically a question of increasing our own costs by refusing to let them use the open ditch method. Our engineers feel the situation doesn't relinquish any safety issues from a construction standpoint and it will not result in a dangerous situation. The Building Inspector would really like some direction from the Board of Commissioners.

Commissioners Davis and Flowers-Taylor said they would like to get the City's response on impact fees and explore other issues before making a decision on this request.

**Commissioner Flowers-Taylor made a motion to table the request indefinitely, seconded by Commissioner Freeman, and the motion carried by a unanimous vote of 5-0.**

## **XII. REPORT OF COUNTY MANAGER**

Ms. Jinna Garrison presented the following topics for consideration on behalf of County Manager William Wilson.

- Bain Proctor Volunteer of the Year Award – recommendations are still being accepted for the award.
- Status of Backflow Prevention Program – The Water Authority has heard from Dr. Brant Keller regarding the required installation of backflow prevention devices for approximately 4000 of the 10,000 meters in the County system. The County has been installing them on all new meters put in since 1988, so there are only about 4000 that need such devices installed. There is a deadline of December 31, 2005 to meet this State requirement. Mr. Kenway, Water Superintendent, has estimated it will take about \$297,500 to perform these installations and the associated work that must be done. She and Mr. Wilson have determined they can provide funds in the Water Authority's FY2005 budget for about \$200,000, and the remaining \$100,000 would be included in the FY2006 budget.
- The possibility of Spalding County taking over City Park Pool – Mr. Wilson was approached by Dr. Keller to see if the County has any interest in taking over the City Park Pool. Our Parks and Recreation and Construction personnel have looked at the facility, as well as a private consultant. It will take about \$120,000 to bring the pool up to par. Should the Board of Commissioners desire to assume responsibility for the pool, day-to-day operations would be handled by organizations such as the Griffin Gators, and the County would handle maintenance and repair. The pool would no longer be a free facility but would incorporate an admission fee for pool use.
- Appointment to Spalding County Water Authority to fill the unexpired term of Mr. Roy Shuford – Mr. Shuford's passing left a vacancy that will be filled at the next regular meeting.
- Appointment to Spalding County Personnel Appeals Board to fill the unexpired term of Wayne Smith due to resignation – this appointment will also be made at the next regular meeting.
- Development of a Spalding County Bad Check Policy – Mr. Wilson would like to develop a policy in writing. Ms. Garrison said she had continued with the policy of her predecessor which was to not accept any more checks after one bad check. Mr. Wilson proposes a two-strike policy. No action occurs after the first bad check, but after a second one is issued, no more checks will be accepted by the County.
- Public transit as detailed in letter from McIntosh Trail Regional Development Center – They would like to know if Spalding County is interested in the concept of public transit.
- Status of effort to determine accuracy of City of Griffin's contention that Spalding County owes in excess of \$900,000 for alleged overpayment of water bills by the City to the County. Ms. Garrison stated it is the opinion of Spalding County Staff that, based on the great number of errors and irreconcilable differences found in the analysis process that is ongoing, they have no confidence in the accuracy of the reports provided by the City to justify this claim of overpayment. The temporary analyst has reviewed January, February and March of 2000 and July through December of 2004. She has found a great many errors and is not able to recalculate/reconstruct the bill as executed by the City. The City explains their report to the County is basically a "picture in time" and can change. She and Mr. Wilson have no confidence in accuracy of these reports and they

would like some direction from the Board as to how to proceed. It has been suggested they should request an audit of the City's Oracle and Banner computer systems, the cost of which should be borne by the City. The auditor needs to have expertise in Oracle, and she knew that firms such as K P M G specialize in Oracle. Prior to January of 2000, the County received monthly reports showing details such as customer, address, meter reading date, consumption, billing date and amounts. When the City converted to the Oracle system in January 2000, they received no more reports until September 2003 when, all of a sudden, the City said they could produce them again. So, they have reports but cannot reconcile them.

Commissioner Davis noted the City was, in fact, in violation of their agreement when no reports were provided for 3-1/2 years to the County. They cannot even tell the County if it ever got paid for all its customers during that period of time. The number of customers fluctuated unrealistically from month to month with the billing for those months not rising or falling appropriately with the number of customers. Commissioner Davis said he would like for the temporary employee contracted to audit these water reports to give a report to the Board of Commissioners.

Commissioner Flowers-Taylor said this was the same computer system that charged some residents \$5000 for a month's utility bill on occasion. She herself received a bill for \$1965 one month in 2000.

Ms. Garrison said the contract calls for the City to pay the County on collected amounts and they had paid on billed amounts, which the County pointed out to them repeatedly. As to the many inaccuracies: For the first three months of 2000, almost every account was affected in some way – either it was incorrect or could not be recalculated to reconcile. The errors are much fewer and the reports much better now, but still some errors exist per page of the report and many cannot be recalculated. She and Mr. Wilson are not comfortable with City's explanation. The County has requested the City prove this amount was owed and they cannot comply.

Commissioners Davis and McDaniel stated they wanted proof from actual records before payment would be authorized, and they had not been able to obtain definitive results. The direction of the Board of Commissioners was to proceed with requesting an audit of the City's water records by an auditing firm of the County's choosing for an audit through the system, rather than around the system as explained by Ms. Garrison, at the City's expense. To audit around a system is to take the output from the financial computer system and, if that output appears reasonable, deem the computer system to be working properly. To audit through a computer system takes specialized software that the auditors use to actually run through the computer system to verify the accuracy of the output. It was estimated that the audit cost may reach \$50,000 to \$100,000, but it would enable the County to receive valid trustworthy data from the City's water records. Ms. Garrison said the County would want to choose the auditor to ensure that the firm specialized in Oracle and were independent of the City and County.

Commissioner Davis said, and others concurred, that the Board was in favor of proceeding as recommended by Ms. Garrison.

### **XIII. REPORT OF COMMISSIONERS**

Commissioner Freeman had no comments.

Commissioner Flowers-Taylor said she would like to see the Board of Commissioners address the concerns of those speaking during Public Comment tonight regarding the return of the Wallace Road property to its original zoning district prior to the failed SPLOST referendum. There will be an ordinance change soon that will not allow zoning to be done that is incompatible with the Land Use Plan, and once this occurs, it would be difficult for these residents to address their concerns. She felt bad there was not a greater participation by the public but did recall the Board of Commissioners saying at the time that if SPLOST

didn't pass, they would revisit returning the property's zoning to its original zoning district. She felt that once a decision was made to rezone the agricultural area industrial there was not a real effort made to involve the residents of the area. When more people of the area are involved and made to feel a part of the process, a better response is ensured and the community gets more of what the community really wants. She wanted to see the County not just bowl and roll over these type issues but rather look at what options are for rezoning of individual properties or whatever.

Additionally, as a member of the Griffin-Spalding Watch & Pray effort, Commissioner Flowers-Taylor wanted to see the Spalding County Board of Commissioners take a stand and commit to do as much as the City of Griffin has done with Watch & Pray. Their mission is to take back the neighborhoods in the City of Griffin and in Spalding County from drugs, criminals, prostitutes, etc., one neighborhood at a time. Over the past three years, the crime rate for the City of Griffin has dropped almost 33% and not a single violent crime in that time period up until the murder two months ago. Their next area of concentration will be Spalding Heights which is in her district and is the most crime- and drug-ridden area of the County. The problems in this area are astronomical and far-reaching. Most of the County's negative statistics come from this north corridor area.

Commissioner Davis had no comments.

Commissioner McDaniel said he appreciated the way Commissioner Flowers-Taylor felt about being inclusive, and he saw two people in the audience tonight who participated in the Comprehensive Plan and Future Land Use Map development who received the word that it was underway. The County is only required to do so much in the way of advertisement and getting the word out. He felt if the Board was not careful, it could tear down the Comprehensive Plan and the Land Use Map because some didn't like it or felt they were not involved in the process. He urged the new commissioners to be careful about emotional issues. He also cautioned about the tabling of agenda items unnecessarily without valid reason since it places a hardship on those requesting action. Commissioner McDaniel said he, along with Commissioners Davis and Goss, had years of experience on the Board, and one could not just catch up on that from one meeting to the next. He encouraged the commissioners to ask questions prior to a meeting if they felt they didn't have enough information so as not to postpone dispensing with the items of business except when absolutely necessary. He said the commissioners mentioned, Mr. Wilson, Mr. Taylor or any Staff would be more than happy to try to get the questions answered. There will obviously be times when an item will need to be tabled, but he felt this item tonight really didn't need to be tabled. Mr. English was now between a rock and a hard place and would have to wait at least two more weeks before he can even begin the process of getting a person on board. Some questions will arise at times during the meeting, but please use resources available to everyone to become educated and answer advance questions prior to the meeting whenever possible.

Chairman Goss reiterated that he wanted to see the Wallace Road rezoning issue mentioned by Commissioner Flowers-Taylor addressed, and he requested it be placed on the next agenda and for Community Development Staff to begin the process.

Commissioner Freeman said he wanted to comment on Commissioner McDaniel's remarks. Being new on the Board of Commissioners, he was going to ask questions if he felt there was something with which he was dissatisfied. Having been in the judicial system for a number of years, he has seen things that were not kosher and that was the reason for his questioning now.

#### **XIV. ADJOURNMENT**

**Chairman Goss made a motion to adjourn at 8:10 p.m., seconded by Commissioner McDaniel and unanimously approved by a 5-0 vote.**

Please send comments to [updates@griffinwebdesign.com](mailto:updates@griffinwebdesign.com)  
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