

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their Extraordinary Session on Monday, January 23, 2006 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 Edward Goss presiding and Commissioners Cecil Davis, Gwen Flowers-Taylor, Eddie Freeman and Johnie McDaniel present. Also present were County Manager William Wilson, County Attorney Jim Fortune, Administrative Services Administrator Jinna Garrison, Community Development Director Chuck Taylor, and Executive Secretary Teresa Watson.

I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.

II. INVOCATION – Rev. Michael Moore

III. PLEDGE TO FLAG - Led by James R. Fortune, Jr.

Commissioner Davis made a motion to amend the agenda to add a closed meeting as the last item of business, seconded by Commissioner Freeman. Motion carried unanimously.

Chairman Goss thanked the Staff for all their help during his year as Chairman, which he considered to have been a successful one. He noted the new Dundee Lake Park was opened, a successful SPLOST referendum passed and development impact fees were implemented.

IV. ELECTION OF CHAIRMAN AND VICE CHAIRMAN - CALENDAR YEAR 2006

Chairman

Commissioner McDaniel nominated Commissioner Davis as Chairman. Commissioner Goss nominated Commissioner Freeman for the position, as well. Commissioner Flowers-Taylor made a motion to close nominations, seconded by Chairman Goss. The vote was unanimous at 5-0 to close nominations, and the vote was as follows:

The motion to elect Commissioner Davis failed by a vote of 2-3 with Chairman Goss and Commissioners Freeman and Flowers-Taylor voting in opposition.

The motion to elect Commissioner Freeman as Chairman passed by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition. Commissioner Freeman presided over the remainder of the meeting as Chairman.

Vice Chairman

Commissioner McDaniel nominated Commissioner Davis as Vice Chair. Commissioner Goss nominated Commissioner Flowers-Taylor. Chairman Goss moved the nominations be closed, seconded by Commissioner McDaniel, and motion to close carried by a 5-0 vote.

The motion to elect Commissioner Davis as Vice Chair failed by a 2-3 vote with Chairman Freeman and Commissioners Goss and Flowers-Taylor voting in opposition.

The motion to elect Commissioner Flowers-Taylor as Vice Chair passed by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.

V. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

The Presentation of the Gavel Award to outgoing Chairman Edward Goss, Jr. was made by Chairman Freeman. He congratulated Commissioner Goss on a job well done.

VI. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statement for six months ended December 31, 2005.

Commissioner McDaniel made a motion to approve the Financial Statement for the Six Months ended December 31, 2005, seconded by Commissioner Flowers-Taylor. Motion carried by a unanimous 5-0 vote.

VII. CITIZENS COMMENTS – N/A

VIII. PUBLIC COMMENT

Walter Cliff Futral, 4953 Jackson Road, Ringgold Community

He congratulated the Board on diligently and effectively performing what is often a thankless job under adverse circumstances. He thanked Commissioner Eddie Goss for fine representation of all citizens but particularly those in his district.

Loretta Johnson, 1607 Rosewood Drive, Griffin, Georgia

Ms. Johnson wondered how Dr. Valdon Smith, whose term expired 12/31/05, was not reappointed but yet acted as Chairman at the last meeting of the Board of Health. She was concerned about this situation at the Board of Health and would like to hear comments. The coverage provided in the media has been very distressing and the board appears to be out of control. She urged commissioners to remember that appointed board members are accountable to the Board of Commissioners just as the commissioners are accountable to the people of Spalding County.

Commissioner Goss said Dr. Smith's term, although technically expired, would continue until a successful replacement is appointed and that the County Attorney concurred this was the acceptable practice. Commissioner Goss said the Chairman of the Board of Health, for whatever reason, decided to allow Dr. Smith to chair this meeting.

Commissioner Flowers-Taylor said this practice was not a rule, nor was it a written policy but merely the way it has always been done in the past. More discussion followed, and Ms. Johnson was concerned over possible additional lawsuits if any of the proceedings handled at this meeting could be construed as illegal or non-binding.

Mr. Fortune said an appointee continues to serve until a qualified replacement is appointed to the position. Otherwise, there would be Boards with no representation to take action when appointments are not successful, such as was the case at the January 9 meeting this year when a consensus could not be reached on a great many appointments. While he was not the attorney for the Board of Health, he did not see where the Spalding County Board of Commissioners could be held responsible for any alleged misconduct or be bound by actions of the Board of Health. The Board of Health is a free-standing board and not a department of the county and no control is exercised over the Health Department.

Commissioner Davis wondered if the Board of Health didn't file for coverage under their insurance, then who was liable for all the legal entanglements. Mr. Fortune said technically if a verdict is returned against the Health Department, then the Health Department would be responsible. He was not sure if they had assets out of which they could satisfy a judgment.

IX. MINUTES

1. Consider approval of the minutes of the Regular Monthly Meeting of January 9, 2006.

Commissioner McDaniel made a motion to approve the minutes of the January 9, 2006 Regular Monthly Meeting. Commissioner Flowers-Taylor said, although she was not present at this particular meeting, she felt the statement on page 7 that Commissioner Davis made a motion to appoint James Campbell was in error. Commissioner Davis said he did make the motion to appoint James Campbell. Commissioner Freeman said he thought he had made the motion. Commissioner McDaniel said he would amend his motion to approve the minutes with the correction that Commissioner Freeman's name would be substituted for Commissioner Davis on the appointment of James Campbell, seconded by Commissioner Flowers-Taylor. After research of the audio tape, it was determined the minutes were correct as originally presented with Commissioner Davis making the motion to appoint James Campbell and Commissioner Freeman seconding. The motion to approve was unanimous at 5-0.

X. CONSENT AGENDA

1. Consider approval at second reading an Ordinance amending the FY 2006 Budget Ordinance to provide for receipt of a Homeland Security Grant.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2006 BUDGET ORDINANCE
FOR SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2006 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, 2005, be amended as follows:

Section I. Fire Fund

A. Revenues

Intergovernmental Revenue From \$ 0 to \$184,577

B. Expenditures

Fire Department From \$4,530,122 to \$4,714,699

Approved on first reading this 9th day of January, 2006.

Approved, adopted and enacted on second reading this 23rd day of January 2006.

Commissioner McDaniel made a motion to approve the Ordinance amending the FY 2006 Budget Ordinance to provide for receipt of a Homeland Security Grant, seconded by Commissioner Goss. Motion carried by a unanimous 5-0 vote.

XI. OLD BUSINESS

1. Consider appointments to various Boards, Commissions and Authorities.

Incumbent/ <i>New Appointee</i>		Board/ <i>Action Taken</i>	Term to Expire
William	Nesbit	Region One MHDDAD Planning Board (West Central Ga.)	

		Dr. Nesbit was not up for reappointment because he had already served two consecutive terms. Commissioner Flowers-Taylor had not realized this appointment would be handled tonight but it was on the agenda.	
<i>Merrilee</i>	<i>Reeves</i>	<i>Appointed on motion by Commissioner Freeman, seconded by Commissioner McDaniel by a 4-1 vote with Commissioner Flowers-Taylor opposing.</i>	6/30/2008
John	Picklesimer	Board of Appeals & Adjustments Unsafe Bldg. Abatement Code	
<i>John</i>	<i>Picklesimer</i>	<i>Reappointed on a motion by Commissioner Goss, seconded by Commissioner McDaniel by a vote of 5-0.</i>	12/31/2009
Vicki	Massengale	Griffin-Spalding Community Collaboration Council	
<i>Linda</i>	<i>Jeffries</i>	<i>Appointed on a motion by Commissioner Goss, seconded by Commissioner McDaniel by a 5-0 vote.</i>	12/31/2006
Ray	Dender	Griffin-Spalding County Development Authority	
Ray	Dender	<i>Motion to reappoint by Commissioner McDaniel, seconded by Commissioner Davis. Vote 2-3 with Chairman Freeman and Commissioners Flowers-Taylor and Goss voting in opposition.</i>	
<i>Sinclair</i>	<i>Hollberg</i>	<i>Appointed on a motion by Commissioner Goss, seconded by Commissioner Flowers-Taylor by a vote of 3-2 with Commissioners McDaniel and Davis voting in opposition.</i>	12/31/2008
		Commissioner McDaniel said he wanted to state again that appointing someone in active litigation against Spalding County to a board position is just not right and is, in fact, reprehensible. Legal fees to defend against Mr. Hollberg have already topped \$39,000 and will continue. Commissioner Goss said Mr. Hollberg is exercising his right and he did not think it right to bring up in a public forum since the matter is in litigation. While possibly demeaning, Commissioner McDaniel said it was a matter of public record. Commissioner Flowers-Taylor said her uncle Gary Reid also served sometimes while bringing actions against the County on behalf of the NAACP. She felt it was reprehensible not to let such people serve if they desire to help. Commissioner Davis said his desire to reappoint Ray Dender was simply because he was such a positive role in that capacity and was requested by authority members.	
Cynthia	Anderson	Griffin-Spalding County Hospital Authority	
Cynthia	Anderson	<i>Motion to reappoint by Commissioner McDaniel, seconded by Commissioner Davis. Vote 2-3 with Chairman Freeman and Commissioners Flowers-Taylor and Goss voting in opposition.</i>	
<i>Enid</i>	<i>Loftus-Jones</i>	<i>Appointed on a motion by Commissioner Flowers-Taylor, seconded by Commissioner Goss by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.</i>	12/31/2009
		<i>Motion to appoint all five single nominations for five vacant seats on the Keep Griffin/Spalding Beautiful Committee as noted below * by Commissioner Davis, seconded by Commissioner McDaniel. All appointed by a 4-1 vote with Commissioner Flowers-Taylor opposing.</i> Commissioner Flowers-Taylor asked about the work of this committee saying she did not really see where they did very much. She was directed to the monthly minutes provided by the Keep Griffin/ Spalding Beautiful Committee which are circulated to commissioners, as well as informational comments by County Manager Wilson on activities.	
Diane	Dunaway*	Keep Griffin/Spalding Beautiful Committee	
<i>Patricia</i>	<i>Smith</i>		12/31/2007
Joe	Estenes*	Keep Griffin/Spalding Beautiful Committee	
<i>Consuelo</i>	<i>Molyneux</i>		12/31/2007
Patricia	Grant*	Keep Griffin/Spalding Beautiful Committee	
<i>William Ray</i>	<i>Corley</i>		12/31/2007
Barbara	King*	Keep Griffin/Spalding Beautiful Committee	
<i>Barbara</i>	<i>King</i>		12/31/2007

Sylvia	Mitchell*	Keep Griffin/Spalding Beautiful Committee	
<i>Jimmy</i>	<i>Passmore</i>		12/31/2007
Scott	Ballard	Local Law Enforcement Block Grant Advisory Commission	
<i>Scott</i>	<i>Ballard</i>	<i>Reappointed by virtue of his position as District Attorney on a motion by Commissioner McDaniel, seconded by Commissioner Davis by a vote of 5-0.</i>	12/31/2006
Marvin	Brooks	Local Law Enforcement Block Grant Advisory Commission	
<i>Marvin</i>	<i>Brooks</i>	<i>Reappointed on a motion by Commissioner McDaniel, seconded by Commissioner Davis by a vote of 5-0.</i>	12/31/2006
Valdon	Smith	Spalding County Board of Health	
Robert	Hall	<i>Commissioner Davis made a motion to appoint Dr. Hall, seconded by Commissioner McDaniel. Vote was 2-3 with Chairman Freeman and Commissioners Flowers-Taylor and Goss voting in opposition.</i>	
<i>William</i>	<i>Colvin</i>	<i>Appointed on a motion by Commissioner Goss, seconded by Commissioner Flowers-Taylor by a 3-2 vote with Commissioners Davis and McDaniel voting in opposition.</i>	12/31/2011
Edward	Beall	Spalding County Board of Tax Assessors	
<i>Renee</i>	<i>Futral</i>	<i>Appointed on a motion by Commissioner Goss, seconded by Commissioner Flowers-Taylor by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.</i>	12/31/2011
Ed	Beall		
Lee	Beckham	Spalding County Library Board of Trustees	
<i>Vanessa</i>	<i>Hollis</i>	<i>Appointed on a motion by Commissioner Flowers-Taylor, seconded by Commissioner Goss by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.</i>	12/31/2009
Lee	Beckham		
William	Wilson	Spalding County Library Board of Trustees	
William	Wilson	<i>Motion to reappoint William Wilson made by Commissioner McDaniel, seconded by Commissioner Davis, failed by a 2-3 vote with Chairman Freeman, Commissioner Flowers-Taylor & Goss opposing.</i>	
<i>Geraldine</i>	<i>Jackson</i>	<i>Appointed on a motion by Commissioner Flowers-Taylor, seconded by Commissioner Goss by a vote of 3-2 with Commissioners Davis and McDaniel voting in opposition.</i>	12/31/2009
Dick	Morrow	Spalding County Water & Sewerage Facilities Authority	
Elizabeth	Hackbart	<i>Motion to appoint Elizabeth Hackbart by Commissioner Flowers-Taylor, seconded by Commissioner Goss failed by a 2-3 vote with Chairman Freeman, Commissioners Davis and McDaniel opposing.</i>	
Dick	Morrow	<i>Motion to reappoint Dick Morrow by Commissioner Davis, seconded by Commissioner McDaniel failed by a vote of 2-3 with Chairman Freeman and Commissioners Goss and Flowers-Taylor opposing.</i>	
<i>David</i>	<i>Lamb</i>	<i>Appointed on a motion by Commissioner McDaniel, seconded by Commissioner Davis by a vote of 3-2 with Commissioners Flowers-Taylor and Goss opposing.</i>	12/31/2011

Commissioner Appointed	Board	For a Term to Expire	
<i>Johnie</i>	<i>McDaniel</i>	Chamber of Commerce Board of Directors Johnie McDaniel – currently serving	12/31/2006
<i>Cecil</i>	<i>Davis</i>	Griffin Downtown Council-Main Street Advisory Board Cecil Davis – currently serving	12/31/2006
<i>Eddie</i>	<i>Freeman</i>	Griffin-Spalding Area Transportation Committee Eddie Freeman – currently serving	12/31/2006
<i>Johnie</i>	<i>McDaniel</i>	Griffin-Spalding Area Transportation Committee	12/31/2006

		Johnie McDaniel – currently serving	
<i>Edward</i>	<i>Goss</i>	Griffin-Spalding Community Collaboration Council Edward Goss – currently serving	12/31/2006
<i>Eddie</i>	<i>Freeman</i>	Griffin-Spalding County Airport Commission Eddie Freeman – currently serving	12/31/2006
<i>Eddie</i>	<i>Freeman</i>	Griffin-Spalding County Development Authority Eddie Freeman – currently serving	12/31/2006
<i>Gwen</i>	<i>Flowers-Taylor</i>	Griffin-Spalding County Hospital Authority Johnie McDaniel – currently serving	12/31/2006
<i>Cecil</i>	<i>Davis</i>	McIntosh Trail Community Service Board Cecil Davis – currently serving	12/31/2006
<i>Edward</i>	<i>Goss</i>	McIntosh Trail RDC Board of Directors Edward Goss – currently serving	12/31/2006
<i>Edward</i>	<i>Goss</i>	Sewer Task Force Gwen Flowers-Taylor – currently serving	12/31/2006
<i>Johnie</i>	<i>McDaniel</i>	Sewer Task Force Johnie McDaniel – currently serving	12/31/2006
<i>Edward</i>	<i>Goss</i>	Spalding County Board of Health Edward Goss – currently serving	12/31/2006
<i>Gwen</i>	<i>Flowers-Taylor</i>	Spalding County Water & Sewerage Facilities Authority Gwen Flowers-Taylor – currently serving	12/31/2006
<i>Edward</i>	<i>Goss</i>	West Central Georgia Private Industry Council, Inc. Edward Goss – currently serving	12/31/2006
<i>Johnie</i>	<i>McDaniel</i>	Spalding Co. Parks and Recreation Advisory Commission Johnie McDaniel – currently serving	12/31/3006

XII. NEW BUSINESS

1. Consider approval of a new Alcohol License for 2006 – Retail Sales – Beer and Wine – for the following: Rafiq M. Merchant, applicant for Air Foodmart, Inc., d/b/a/ BP Foodshop, located at 390 Airport Road, Griffin, GA. This new convenience store, licensed in December 2005, sells gasoline.

Mr. Wilson said all criteria have been met for issuance of this new license and the applicant was present to answer any questions.

Commissioner Davis made a motion to approve issuance of a new Alcohol Licenses for 2006 for BP Foodshop, seconded by Commissioner Davis. Motion to approve carried by a 4-1 vote with Commissioner McDaniel opposing.

2. Consider Resolution in Support of HB 962, the Fair Annexation Act, amending Chapter 36 of Title 36 of the Official Code of Georgia Annotated relating to municipal annexation.

Mr. Wilson said this came as a request from Association County Commissioners of Georgia (ACCG). All counties are requested to approve the resolution. Counties will have some input into annexation if this legislation passes, whereas now they do not.

Commissioner Goss made a motion to approve the resolution as presented, seconded by Commissioner McDaniel. Motion carried by a unanimous vote of 5-0.

3. Consider establishing Communications Study Committee to recommend vendor for 800 MHz communications system.

Mr. Wilson said the Board requested in December that he come up with a proposed study committee for the 800 MHz Communications issue. He has reworked the makeup of an older board and developed a tentative time schedule for this 17-member committee. Mr. Wilson said if the committee was approved by the Spalding County Board of Commissioners tonight, Kenny Smith will place it on the agenda for the City Commissioners tomorrow night so they can make their appropriate appointments (City Commissioner, City At-Large Appointee and City Large User, probably Public Works).

Some discussion followed regarding positions placed on the committee. Commissioner Goss asked why the position of Administrative Services Director was placed on the committee, and Mr. Wilson said Ms. Garrison wanted to be placed on the committee since it was such a large project. She wants to oversee the functioning of payments and handling of funds when it comes to the RFP.

A motion to approve establishment of the Communications Study Committee was made by Commissioner McDaniel and seconded by Commissioner Davis.

Commissioner Goss urged everyone serving to be open-minded to ensure the County got the absolute best system for the money, regardless of the ultimate vendor chosen. Commissioner Freeman wanted to appoint Commissioner Goss as the county commissioner to serve on this committee and James Campbell as the County at-large position on this committee. Mr. Campbell is a retired FAA communications specialist.

Commissioner McDaniel accepted the amendments to his motion to appoint Commissioner Goss as the County Commissioner and James Campbell as the County At-Large position, as well as approval of the stated schedule. Commissioner Davis accepted the amendments to his second. The motion carried by a unanimous vote of 5-0.

XIII. REPORT OF COUNTY MANAGER

- Mr. Wilson said on March 30 from 8 am to 3 pm, a joint County/City blood drive would be held in this Annex Meeting Room. Everyone is being urged to donate.
- Chatham County correspondence regarding the Georgia Dept. of Corrections case was provided to commissioners earlier this year. Mr. Fortune said the case is on appeal, and the record has not been docketed yet. He will advise when that occurs and request a response. Spalding County would, in essence, adopt their brief without spending a great deal of attorney time and possibly show support to correct a practice that is currently grossly inequitable. The State is becoming slower and slower at picking up these detainees and they are clogging our jails tremendously. If we have to house them, the least they can do is to pay for it. He asked if this Board supported this effort to get the State to pay. There is presently a tremendous backlog at our detention center. Mr. Fortune and Mr. Wilson will watch the situation closely and advise of timing. Commissioner Freeman noted the Department will be moving from Atlanta to Tift College in the near future which might spur action and stated he would mention it to his good friends, the Chairman and commissioners from Chatham County, in the meantime.
- Mr. Wilson said the County has been asked by local developer to amend its ordinance as it relates to the sale of alcoholic beverages and distances from churches (currently 900 feet). State law stipulates no closer than 100 yards (300 feet) from a church and 200 yards (600 feet) from a school. Such distances are measured by the shortest direct route of pedestrian traffic, from one place to the next. County requirements can be more restrictive than state regulations but not less so.
- Mr. Wilson reminded of the annual Bain Proctor Award for which the Parks and Recreation Department would be accepting applications through March 1, 2006 at their offices.
- A publication of Henry County highlighted a story which noted they were saving thousands of dollars by contracting with the Spalding County Correctional Institution for an inmate work detail. A copy will be placed in each commissioner's box.
- Mr. Wilson said the County has been approached by Jack Park, an attorney for GDOT regarding property near the Butts County line on State Route 16, requesting a change to a commercial driveway (100 feet) rather than the originally requested residential driveway (20 feet) on property in the Arthur K. Bolton (AKB) overlay district. Initially, the Spalding County Board of Commissioners requested limited access from GDOT for Arthur K. Bolton Parkway so as not to have the road develop as the North 19/41 corridor has into Clayton County, and it was originally so designated all the way to I-75. However, Butts County elected to change the portion in their county. Spalding County has requested and received a delay to allow more time to study the issue. A frontage road was not designed in this area because it was a residential use of the property initially. The 100 foot driveway would allow commercial development of the property which is now desired instead of residential. Commissioner Goss stated he would like to meet with staff to review and discuss this issue as it was in his district.

- Mr. Wilson noted that SB163, a septage bill held over from the last session, was discussed at the last Water Authority meeting. ACCG strongly opposes this senate bill which they feel erodes local control over significant and often contentious land use decisions and impacts counties' constitutional right of home rule. The Water Authority directed that Mr. Wilson write a letter to Pike, Butts, Lamar and Meriwether counties regarding a possible joint regional septage facility, and this had been done. He will elaborate on responses at a later date.
- Mr. Fortune's opinion on the issue of Spalding County entering into a trustee agreement with the Spring Lake Sewer Treatment Plant is that it is a legal, binding document. However, the Water Authority wants the Board of Commissioners to consider an intergovernmental agreement to stipulate that all future trustee agreements would go to the Water Authority for approval, not the Board of Commissioners. Earlier this past December the Water Authority took back rate setting power and they would like to become more active and involved in future trustee documents, as well. Commissioner Flowers-Taylor said they understood the County could enter into agreements based on Mr. Fortune's opinion, but they would like to stipulate in an intergovernmental agreement that all future trustee documents come to the Water Authority. Mr. Fortune needed some clarification as to whether or not the Authority wanted to be the ones to approve the agreement or did they, in fact, want to be the trustee. After further discussion, Mr. Fortune said he would attend the next meeting of Water Authority in April to further define and clarify their desires. He will then draft and return an agreement to accommodate their wishes.
- Mr. Wilson said issues with the auto salvage yard on High Falls Road were continuing. They have worked for months proposing solutions and timeframes that will benefit all involved. Copies of proposed resolutions have been provided to all commissioners. Commissioner Goss is to meet with Community Development staff to review and discuss this issue as it is in his district.
- The last water audit report from the City of Griffin, discussed at the last Water Authority meeting, as well, determined that overpayment of water revenues total \$237,140.19 rather than the original request of an amount in excess of \$900,000. The Water Authority directed Mr. Wilson to inform the City it would respond as soon as detailed reports still to come from the City could be reviewed. They want the situation over with a resolution as quickly as possible, but they do want to ensure the amount due is verifiable since the amount is significantly less than what was originally requested. The new report format is much more acceptable and fosters greater confidence in the integrity of the system, but not all the reports have been made available for review yet. The general consensus of Board was to agree with the desires of the Water Authority in their direction to Mr. Wilson.
- Mr. Wilson reminded commissioners of the Motorola presentation on Thursday, January 26, at 4 p.m., before the zoning public hearing that night.

XIV. REPORT OF COMMISSIONERS

Goss: He questioned the proposal that the salvage yard plant Leyland Cypress 6' apart. The growth rate is about 4 years for small caliper trees, and he wondered if the County could require larger trees or trees planted closer together. Mr. Belcher would probably work with the County on tree size and perhaps stagger the planting. Chairman Freeman said 8' to 12' trees would be good sized trees and he suggested staggering.

Flowers-Taylor: Many task forces requiring appointments by the Board of Commissioners don't have enough tasks to do as evidenced by the fact that some rarely meet. She would like to discuss a future review of some of these task forces and she requested this item be put on the Board of Commissioners retreat agenda for March 11, 2006. Also, she was concerned about establishing with greater certainty the policy whereby person in an appointment continues to serve until a replacement is appointed. Generally speaking, a person serves until he/she is relieved. If this is the case, they need the policy to be better defined. A County resident earlier this week asked her about the Health Department lawsuit initiated by Mr. Wayne Moss, as well. Commissioner Flowers-Taylor commented that residents are exposed to inaccurate data that is biased in some of the local media, and

she felt it was incumbent upon commissioners to help ensure the proper information is disseminated without a lot of misinformation.

Davis: He continues to be interested in health services provided by the Board of Health and is very concerned about the problems that exist there. He was distressed there might be some exposure to the County on the uninsured and personnel issues, and he would like to see a regular progress report from that Board since the Board of Commissioners does subsidize this entity.

McDaniel: No comments.

Freeman: Chairman Freeman concurred with Commissioner Davis' recommendation but would like to wait for implementation of the new board to see if they can get things back on track. Some slanted views don't appear to be valid and he wanted to take a wait and see approach.

Goss: Many things are going on to rebuild the Health Department which has been taken down to nearly nothing. The WIC program being moved away means that many women and children are falling through the cracks. All services need to be in one place rather than having the many women, infants and children come to the health department for some services and then get routed to WIC in another location. There are many more factors than what is being relayed in the newspaper.

Flowers-Taylor: She wants to add to retreat agenda, as well: 1) animal restraint districts, and 2) the use of urban proximity indicators to create codes that are more amenable to density for properties adjacent to city areas in terms of junk vehicles, junk and trash on porches and in yards, etc. Code enforcement could be tightened with more continuity provided if this were the case.

XV. CLOSED MEETING

1. County Attorney requests a Closed Meeting to discuss pending litigation.

Motion to Adjourn to Closed Meeting by Commissioner McDaniel, seconded by Commissioner Davis, at 7:52 p.m. and motion carried by a unanimous 5-0 vote.

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 Jan. 23, 2006.

2.

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

3.

The executive session was called to order at 7:52 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be

brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____(insert the citation to the legal authority making the tax matter confidential);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law): _____ as provided in _____(insert the citation to the legal authority exempting the topic).

This the 23rd day of January 2006 .

Sworn to and subscribed
Before me this 23rd day of January 2006.

Eddie L. Freeman, Chairman (L.S.)
Gwen Flowers-Taylor (L.S.)
Edward Goss, Jr. (L.S.)
Cecil L. Davis (L.S.)
Johnie A. McDaniel (L.S.)

Notary Public – Teresa A. Watson (L.S.)
My commission expires:
March 3, 2007

Motion to Reconvene to Open Meeting by Commissioner McDaniel, seconded by Commissioner Davis, at 8:07 p.m. and motion carried by a unanimous 5-0 vote.

XVI. ADJOURNMENT

Motion to Adjourn by Commissioner McDaniel, seconded by Commissioner Davis, at 8:08 p.m. and motion carried by a unanimous 5-0 vote.

County Clerk

Chairman

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