

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their Extraordinary Session on Monday, February 20, 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 Eddie L. Freeman presiding and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss, Jr. and Johnie McDaniel present. Also present were County Manager William Wilson; Stephanie Windham with Beck, Owen and Murray, County Attorneys; Administrative Services Administrator Jinna Garrison; Community Development Director Chuck Taylor; and Executive Secretary Teresa Watson.

I. OPENING (CALL TO ORDER) – Chairman Eddie L. Freeman

II. INVOCATION – Led by Commissioner Johnie McDaniel

III. PLEDGE TO FLAG – Led by Commissioner Flowers-Taylor

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statement for seven months ended January 31, 2006.

Commissioner McDaniel made a motion to approve, seconded by Commissioner Davis, and motion carried by unanimous 5-0 vote.

VI. CITIZENS COMMENTS

1. Consider request to place Spalding County on the Georgia Civil War Heritage Trail system by Doug Krepps, making a presentation to the Board.

Mr. Krepps passed out handouts and stated he wants to see both City and County appropriate funds for markers for the Georgia Civil War Heritage Trail. An investment of \$5000 each pays for one marker and maintenance is \$500 per year for first 5 years and is called the Adopt-A-Sign Program. Six different maps throughout Georgia comprise the system. A group of local historians can come up with verbiage for review but possibly something concerning Wilson's Raid could be used. Mr. Wilson said he can incorporate this expenditure into the FY 2007 budget if approved, and he noted funds would be derived from the motel/hotel tax revenues. A preliminary consideration for the placement of markers would be a public place with good parking maybe the Welcome Center or Courthouse and could be downtown.

VII. PUBLIC COMMENT

Pastor Garland, represented by Al Bartel, had wanted to be placed on the agenda but the request arrived too late to be placed on the agenda. Mr. Bartel, representing Community Ministries, Inc., headquartered in Spalding County, would like to be a direct recipient of Juvenile Justice Grant funds from the Children and Youth Coordinating Council and to use these funds in their program for the betterment of the youth in our community. He requested the Board's approval for a letter of consent for a Children & Youth Coordinating Council grant that is due on March 6, 2006. A former Board had provided such approval in 2004 for Community Ministries. Mr. Bartel responded to Commissioner Davis that a financial statement could be provided in a total proposal if the Board so desired. This program has been in place for about five years and they applied for government funding two years ago. They obtained training and certifications and he verified 98.3% of the funding went directly into the program as opposed to administrative costs. There are about 30 actively participating youth, not including the certified counselors, and they do work directly with the Spalding Collaborative so as not to duplicate efforts. The Collaborative has identified this particular area as lacking in these type programs. Youth come to the program through the Pastor and other staff members who are involved in community activities. Some are obtained through health fairs and parades elsewhere and the familiarity rate is high, but the greatest strength of referrals remains word of mouth from active participants. Carpooling helps with transportation and has been a reliable component of the

program. This system of transportation can help with accessibility from areas heretofore not covered, as well. March 6 is the deadline for submission of the grant. More stringent accountability is required now. A periodic report to the Board could certainly be made as requested.

Commissioner McDaniel verified that the Spalding Collaborative has approved the program and recommends approval by the Board.

Commissioner Goss made a motion to amend the agenda to include this request as the first item under New Business, seconded by Commissioner Flowers-Taylor, and the motion carried by a unanimous 5-0 vote.

Walter Cliff Futral, 4953 Jackson Road, Griffin, Georgia

He desired to speak on the proposed conservation subdivision but respectfully requested he be allowed to hold his comments until after this item was discussed on the agenda.

JoAnn Phinazee, Spalding County Board of Appeals, Griffin, Georgia

At the last meeting of the Spalding County Board of Appeals they heard a variance request from Minerva. Then the AAA application was processed. Two representatives talked regarding closing Seven Oaks Road and another turnaround too small for large vehicles. Dick Morrow spoke for the variance. She questioned the practice of giving variances before the Board of Commissioners does its job by allowing the rezoning request to occur first. She was concerned they set a precedent and wanted the Board to clarify.

Mr. Taylor said the only way to grant a variance effectively prior to zoning would be conditional on the zoning request being approved. If the zoning request were denied, the variance would then be a moot point. She wondered why they skipped over procedures and would the Board of Appeals be asked to do this again. It was noted this was probably a matter of convenience and timing to get both requests done in the same month.

Commissioner Flowers-Taylor said she was concerned over the practice and felt the County should not let Heron Bay or Minerva do whatever they wanted or not be held to the rules. If, in fact, a granted variance were to be considered null because of rezoning not passing, she would hate to have seen all those Board members waste valuable time on a futile exercise.

Mr. Taylor said as far as a variance prior to rezoning, this has been done at before at the same time the rezoning is coming through, but Community Development recommends consistently that until zoning is in place, a variance not be granted. If a variance is granted and rezoning does not go through, it would become void and nothing would be lost. However, this might promote more such requests since they are trying to save a 30-day time lapse. His last recollection concerned Heron Bay, but they were willing to wait whereas this application had more of a sense of urgency. Nothing in our ordinance specifies the order of approval, but rather he just felt it would be proper to wait until all pieces are in place to get a variance.

Commissioner McDaniel said this had been done before, not just for Heron Bay, so he urged commissioners not to rush to judgment. Also, pointed out Commissioner Davis, the Board had just made an exception to amend the agenda tonight to accommodate one person who didn't conform to stated rules, and this was no different.

Clinton Crawley, 2318 Vaughn Road, Griffin, Georgia

Mr. Crawley wants to give a gift of a marker at no cost to the County acknowledging, as we had already done in our proceedings tonight, the existence and sovereignty of a Creator. This offer of a display of the Ten Commandments and the Bill of Rights comes from the local chapter of The League of the South. They were instrumental in providing this display to the Henry County Courthouse and said he would be bringing the matter up on a future agenda.

VIII. MINUTES

1. Consider approval of the minutes of the Regular Monthly Meeting of February 6, 2006.

Commissioner McDaniel made a motion to approve, seconded by Commissioner Goss, and motion carried by unanimous 5-0 vote.

IX. CONSENT AGENDA – N/A

X. OLD BUSINESS

1. Consider acceptance of Right-of-Way Deed for Sammy Circle, Kayla Court, Will's Way and Meghan Place in Will's Walk Subdivision.

Zoning Attorney and County Attorney have opined that even though there are problems with the road, the County should accept the deed and make repairs to the roads at its expense. The process now requires the developer to present plat and deed at same time so as not to encounter this problem. This deed is for Phase I; Phase II has been accepted.

Commissioner Davis made a motion to accept the Right-of-Way Deed for Sammy Circle, Kayla Court, Will's Way and Meghan Place in Will's Walk Subdivision, seconded by Commissioner Flowers-Taylor. Motion carried by a unanimous 5-0 vote.

XI. NEW BUSINESS

1. Al Bartel, representing Community Ministries, Inc., headquartered in Spalding County, requests to be a direct recipient of Juvenile Justice Grant funds from the Children and Youth Coordinating Council and to use these funds in their program for the betterment of the youth in our community.

Commissioner McDaniel moved to approve issuing a letter of consent, seconded by Commissioner Flowers-Taylor. Commissioner Davis stipulated he wanted to see reports and financial statements. The motion carried by a vote of 5-0.

2. Consider approval of final plat for Crestwick Subdivision, Phase I, located off County Line Road.

Community Development Director Chuck Taylor advised the final plat had been reviewed by all departments and all recommend approval for this three-phase subdivision. The second and third phases will follow Phase I very quickly and more attention will be paid to monitoring the bonds for the roads. Community Development and Public Works Departments are reviewing at nine months prior to bond expiration and then again three months prior to expiration so we can draw down on the bond if necessary. Each phase is separately bonded. Perhaps the experimental method of placing everything except for final 1-1/2 inch of topping until built out as is being done in Parliament Place, might be successful. It won't keep subsurface problems from occurring but will be more cosmetic. In addition to proof rolling, the County is studying requiring core testing, as well, to help alleviate problems.

Commissioner Davis made a motion to approve the final plat for Crestwick Subdivision, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.

3. Consider acceptance of Right-of-Way Deed for Birchwood Drive, White Oak Way and Broadleaf Way, located in Crestwick Subdivision, Phase I, located off County Line Road.

Mr. Wilson stated the roads have been inspected and are ready for acceptance.

Commissioner McDaniel made a motion to accept the Right-of-Way Deed for Birchwood Drive, White Oak Way and Broadleaf Way, seconded by Commissioner Davis, and motion carried by a unanimous 5-0 vote.

4. Consider approval of Sketch Plan for a proposed Conservation Subdivision with 84 lots for Reese Developers, Inc., located on Tomochichi Road (101.49 acres).

Community Development Director Chuck Taylor presented a brief overview of conservation subdivisions. The Conservation Subdivision on Tomochichi Road proposes 101 acres with 84 lots, with ½ acre lot size with septic systems.

Patrick Henry the design engineer with Reese Developers, state Reese received rezoning in 2001 for the project. This proposal aligns with the original proposal and adheres to Conservation Subdivision ordinance with green space, green corridors and wooded areas. Original design was by David Hobey. This plan, per Buddy Welch, began under different conservation ordinance that lost client 8 lots. Law at time of zoning allowed a minimum ½ acre for septic system. Power lines are not included in green space calculations. There is no provision in zoning ordinance to prohibit putting homeowners near the power easement. Minimum buffer areas are designed per ordinance. The plan ranges from 35' to 40' of undisturbed buffer/open area. Design is based on site conditions and assistance from Community Development.

Walter Cliff Futral, 4953 Jackson Road

Owns property north of this conservation subdivision. Developer seems established and he thought it would be a conventional subdivision with 1 acre lots. During the zoning hearing the developer advised the homes would range from 1400 to 1500 square feet. Every subdivision coming in costs citizens and doesn't pull its weight with infrastructure costs. Septic tanks on ½ acre lots are a nightmare waiting to happen. Mr. Futral advised the Board not to approve any plan for private individual septic systems on less than 1 acre. Mr. Futral urged tabling this issue and moratorium on subdivisions.

Buddy Welch said County has changed requirements and they have complied but keep encountering delays although they went to Health Dept as County suggested. Each lot will have to be approved for a primary system and a secondary area identified should the first area fail. Level 3 soil tests have to be complied with for building at time permit is applied for. If the lot is in full compliance on that date, they should get approval. He also advised that the detention ponds will drain back toward creeks. Applicant did work with Community Development on design. The power line easement is 150' wide and only has one line there now. The cemetery will have 20' access through most direct method as prescribed by law for residents.

Zoning Attorney says ability to do ½ acre lot was result of settlement of case with Health Department. The Health Department sets the minimum requirement but County can still control density and developers have to meet current density and design criteria. Buddy Welch does not agree with that opinion but complied with Galloway's legal position.

Commissioner Davis moved to approve the Sketch Plan for a proposed Conservation Subdivision with 84 lots for Reese Developers, Inc., with a peripheral undisturbed buffer, and a stipulated increase to a minimum house size of 1500 square feet heated, agreed to by Patrick Henry, design engineer for Reese Developers, present on behalf of the developer tonight. The motion was seconded by Commissioner McDaniel and carried by a vote of 3-2, with Commissioners Goss and Flowers-Taylor opposing.

5. Discuss request from Paradigm Development and Consulting regarding Savannah Park Subdivision.

Mr. Pruitt requested this item be moved to March 6 agenda as approved by Chairman.

6. Consider approval of amendment to Intergovernmental Agreement with the City of Orchard Hill for the collection of Developmental Impact Fees.

Commissioner McDaniel moved to approve the Intergovernmental Agreement with the City of Orchard Hill for the collection of Developmental Impact Fees, seconded by Commissioner Davis. Motion carried by a unanimous 5-0 vote.

7. Consider approval of amendment to Intergovernmental Agreement with the City of Sunny Side for the collection of Developmental Impact Fees.

Commissioner McDaniel moved to approve the Intergovernmental Agreement with the City of Sunny Side for the collection of Developmental Impact Fees, seconded by Commissioner Davis. Motion carried by a unanimous 5-0 vote.

8. Consider Lease Agreement for 879 Memorial Drive property.

Mr. Wilson advised this was a one-year lease with Absolut Computers.

Commissioner Davis moved to approve the lease agreement for 879 Memorial Drive, seconded by Commissioner Davis and motion carried by a unanimous 5-0 vote.

9. Set a date for a Public Hearing to establish street lighting districts for The Meadows Subdivision and Walkers Mill Estates Subdivision.

Commissioner Davis made a motion to set the Public Hearing to establish a street lighting district for The Meadows and Walkers Mill Estates Subdivisions for March 6, seconded by Commissioner McDaniel. Motion carried by a unanimous 5-0 vote.

10. Consider approval of contract with AmTel/ATN, Inc. as provider of inmate telephone service at the Correctional Institution.

Mr. Wilson advised this firm acquired the current provider and pays same commission.

Commissioner Davis moved to approve the contract for inmate telephone service at the Correctional Institution with AmTel/ATN, Inc, seconded by Commissioner McDaniel. Motion carried by a vote of 5-0.

11. Consider at first reading an Ordinance amending distance requirements for the sale of alcoholic beverages.

County Attorney Fortune drafted this amendment per the Board's request from last meeting. This amendment will align the County Ordinance with State requirements

Commissioner Davis moved to approve an Ordinance amending distance requirements for the sale of alcoholic beverages as presented by County Attorney, seconded by Commissioner Goss. Motion carried 4-1, with Commissioner McDaniel opposing.

12. Consider an Ordinance amending Part VII of the Spalding County Code of Ordinances pertaining to railroad crossings.

Manager Wilson stated the Sheriff's Department has had several problems in Orchard Hill and in the northern portions of the County with vehicles getting hung on RR tracks. This creates a traffic hazard and requires a significant amount of enforcement time.

Commissioner Davis moved to approve on first reading an Ordinance amending Part VII of the Spalding County Code of Ordinances pertaining to railroad crossings, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 5-0.

13. Commissioner Flowers-Taylor would like to discuss utilization of the old Fairmont High School by Parks and Recreation Department.

Commissioner Flowers-Taylor referenced the memo of 1-18-06 from Mr. Wilson concerning the property. She has looked at building and main building is in pretty good shape as is gym except for floor. She has a real concern the building won't be preserved if County does not acquire it and much history will be lost. Some entities have expressed some interest in partnering with County on the project. She also advised the project is not in the Parks & Recreation master plan but hopes we can acquire it. Commissioner Davis said he felt we should acquire it, as well, but is worried about asbestos and asked to ensure the County was not taking on too much of a financial burden to do so. There might be a possibly of grant assistance to help with abatement and this would be a great opportunity

for utilization. He recommended discussion with School Board and suggested that Commissioner Flowers-Taylor work with Park and Recreation Director Louis Greene to do so.

Commissioner Flowers-Taylor, after extensive discussion, will liaison with Parks and Recreation Director Louis Greene to explore utilization of the old Fairmont High School and to solicit community partners and the School Board, as well.

XII. REPORT OF COUNTY MANAGER

- Mr. Wilson advised that nominations for the Bain Proctor Award will be accepted thru the end of the month. He also reminded the Board of the Commissioners Retreat on March 11 at Clayton State College and reminded the Board of ACCG's Commissioners at the Capitol days on March 1 and 7, 2006.
- Manager Wilson requested input for a date to meet with the Water Authority to discuss the draft Wastewater Management Plan. A tentative date of 4-1-06 was set.
- Mr. Wilson also advised that Animal Control has disposed of the pit bulls that had been kept at the shelter for 3-1/2 years that were involved in litigation. It has been policy at Animal Shelter not to adopt pit bulls of any kind, and he requested confirmation of that policy. The Board had several questions and concerns about the policy and will address the issue later.
- Mr. Wilson then advised the Board at the last Water Authority meeting the Highland Mill Wastewater Treatment Plant Permit issued in the name of Spalding County was discussed and the Authority would like it transferred to Water Authority's name. This is a simple process but does the Board of Commissioners wish to proceed with this? Discussion of capacity issues and additional development in the area were discussed and the consensus of the Board was to consider this request at a later date.

XIII. REPORT OF COMMISSIONERS

Goss: Commissioner Goss said he had been contacted concerning No-Parking designations on County roads and inquired if Springdale Drive and Ponderosa Road are no parking? Mr. Wilson advised if they were not so designated staff would contact the Sheriff's Department to evaluate the roads and bring forth a recommendation.

Flowers-Taylor: No comments

Davis: No comments

McDaniel: Commissioner McDaniel stated the Public Input Meeting on Dundee Lake Park Master Plan last Thursday was a great success. The room was 2/3 full with many positive ideas and exciting recommendations.

Freeman: Commissioner Freeman advised he had received several complaints concerning the Vaughn Road and Ellis Road intersection. The intersection sight distance looks clear but perhaps the Sheriff's Department should study it and make recommendations. He had also been contacted concerning parking in cul-de-sacs that impede school bus traffic. Danny Kendrick at the School Board has a list of areas of concern, and Commissioner Freeman asked that Mr. Wilson coordinate with Mr. Kendrick for evaluation.

XIV. CLOSED MEETING

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

Commissioner McDaniel made a motion to go into a Closed Meeting, seconded by Commissioner Goss, at 8:15 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 on February 20, 2006.

2.

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

3.

The executive session was called to order at 8:15 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 20th day of February 2006 .

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 20th day of February 2006.

Eddie L. Freeman, Chairman (L.S.)

Gwen Flowers-Taylor (L.S.)

Notary Public – Teresa A. Watson (L.S.)

Edward Goss, Jr. (L.S.)

My commission expires:

Cecil L. Davis (L.S.)

March 3, 2007

Johnie A. McDaniel (L.S.)

Commissioner Flowers-Taylor made a motion to adjourn Closed Meeting and reconvene to Open Session, seconded by Commissioner McDaniel, at 8:37 p.m. and motion carried by a unanimous 5-0 vote.

XV. ADJOURNMENT

Commissioner Flowers-Taylor made a motion to adjourn, seconded by Commissioner McDaniel, at 8:38 p.m. and motion carried unanimously at 5-0.

County Clerk

Chairman