

**After  
Agenda**

**Board of Commissioners of Spalding County  
Regular Monthly Meeting  
Monday, May 5, 2008  
6:00 PM  
Meeting Room, Courthouse Annex**

The Spalding County Board of Commissioners held their Regular Monthly Meeting in Room 108 in the Courthouse Annex, Monday, May 5, 2008 beginning at 6:00 o'clock p.m. with Commission Vice Chairman Gwen Flowers-Taylor presiding and Commissioners Eddie Freeman and David Phillips present. Arriving late was Chairman Edward Goss, Jr. Absent was Commissioner Johnie McDaniel. Also present were County Manager William P. Wilson, Jr., County Attorney James R. Fortune, Jr., Assistant to the County Manager Paul Van Haute, and Executive Secretary Teresa Watson.

**I. OPENING (CALL TO ORDER) – Vice Chairman Gwen Flowers-Taylor**

**II. INVOCATION – Commissioner Eddie Freeman**

**III. PLEDGE TO FLAG – Led by County Manager William Wilson**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Presentation of check for \$13,330 to the Board of Commissioners by Caterpillar as a matching contribution to be used toward construction of a pavilion at Moreland Road Elementary School.

*Becky McQuern of Caterpillar presented the check to Vice Chairman Gwen Flowers-Taylor. Ms. McQuern said Caterpillar was excited to partner with Parks and Recreation on three pavilion projects, the first of which is this contribution to be used at Moreland Road School.*

**V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**

**VI. CITIZENS COMMENTS**

1. William Goins desires to address the Board regarding his assessed property values which historically and incorrectly assumed the availability of County water. *Mr. Goins was not present.*

**VII. PUBLIC COMMENT**

Speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted 5 minutes to speak on topics pertinent to the Board's jurisdiction. No speaker will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

**VIII. MINUTES**

1. Consider approval of Minutes of the April 21, 2008 Extraordinary Session, the April 24, 2008 Special Called Joint Meeting, and the April 24, 2008 Zoning Public Hearing.

*Motion to approve Minutes of the April 21, 2008 Extraordinary Session, the April 24, 2008 Special Called Joint Meeting, and the April 24, 2008 Zoning Public Hearing by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

**VIII. CONSENT AGENDA**

1. Consider, on second reading, Amendments to the Official Zoning Ordinance as follows:
  - Amendment to UDO #A-08-05: Appendix A. Subdivision Ordinance – Section 404:D(1) – amend fire hydrant installation for minor subdivisions.

- Amendment to UDO #A-08-06: Article 5. AR-1, Agricultural and Residential – Section 503:G(19) – amend to allow Hospice: Article 12. C-1 Highway Commercial – Section 1203:A and Article 19. O & I, Office and Institutional – Section 1903:A – amend to add Hospice as a principal use.

*Motion to approve Consent Agenda by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

#### **X. OLD BUSINESS**

1. Consider lifting from the table: Board appointment to the McIntosh Trail Community Service Board for the unexpired term of Dennis Scott set to expire 06-30-11.

*Motion to Lift from the Table: Board appointment to the McIntosh Trail Community Service Board for the unexpired term of Dennis Scott set to expire 06-30-11 by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

*Motion to approve Syntel Brown for Board appointment to the McIntosh Trail Community Service Board for the unexpired term of Dennis Scott set to expire 06-30-11 by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

2. Consider, on second reading, Ordinance #2007-22 to Amend Part VII, Motor Vehicles and Traffic, to add Section 7-1012 to provide for Authorization for Motorized Carts.

*Motion to approve, on second reading, Ordinance #2007-22 to Amend Part VII, Motor Vehicles and Traffic, to add Section 7-1012 to provide for Authorization for Motorized Carts by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

#### **XI. NEW BUSINESS**

1. Consider request for permit for outside amplification for the Church of God in Spirit, 2547 Locust Grove Road, for Mother's Day Celebration and Picnic on Sunday, May 11, from 3 to 8:30 p.m.

*Motion to approve permit for outside amplification for the Church of God in Spirit, 2547 Locust Grove Road, for Mother's Day Celebration and Picnic on Sunday, May 11, from 3 to 8:30 p.m. by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

2. Consider request of T-Town Toyz for permission to hold a benefit fundraiser for a cancer patient at Memorial Drive Plaza parking lot on July 19, 2008 from 10 a.m. to 2 p.m.

*Motion to approve request of T-Town Toys for permission to hold a benefit fundraiser for a cancer patient at Memorial Drive Plaza parking lot on July 19, 2008 from 10 a.m. to 2 p.m. by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

3. Consider, on first reading, Ordinance to amend the Budget Ordinance for FY 2008 to provide for year-end amendments.

*Motion to approve, on first reading, Ordinance to amend the Budget Ordinance for FY 2008 to provide for year-end amendments by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

4. Consider, on first reading, Ordinance #2008-07 Alcoholic Licensing Distance Requirements to provide for changes in the distance requirements from churches, schools and colleges, and synagogues for establishments that sell alcohol.

*Motion to approve, on first reading, Ordinance #2008-07 Alcoholic Licensing Distance Requirements to provide for changes in the distance requirements from churches, schools and colleges, and synagogues for establishments that sell alcohol by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

5. Consider request of Greg Pruitt Construction Company for release of bond.

*Motion to deny request of Greg Pruitt Construction Company for release of bond by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

6. Consider recommendation of Parks and Recreation Advisory Commission for naming the new nature trail at Wyomia Tyus Olympic Park "Ernie's Trail" in honor and appreciation of Earnest Howard Atkinson who once owned the working cotton farm on the original site.

*Motion to approve recommendation of Parks and Recreation Advisory Commission to name the new nature trail at Wyomia Tyus Olympic Park "Ernie's Trail" in honor and appreciation of Earnest Howard Atkinson who once owned the working cotton farm on the original site by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

7. Consider recommendation of Parks and Recreation Advisory Commission to approve the Beverage Agreement with the Atlanta Coca-Cola Bottling Company, division of Coca-Cola Enterprises, Inc.

*Motion to approve recommendation of Parks and Recreation Advisory Commission to approve the Beverage Agreement with the Atlanta Coca-Cola Bottling Company, a division of Coca-Cola Enterprises, Inc. by Commissioner Phillips, seconded by Commissioner Freeman, carried 3-0.*

8. Consider approval of annual agreement between Spalding County and McIntosh Trail Regional Development Center for joint funding (along with City of Griffin) of the position of Urban Transportation Planner currently held by Anthony Dukes for FY 2009.

*Motion to approve the annual agreement between Spalding County and McIntosh Trail Regional Development Center for joint funding (along with City of Griffin) of the position of Urban Transportation Planner currently held by Anthony Dukes for FY 2009 by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

9. Consider request of A T & T local office to conduct a driver training/refresher program for area technicians in the Memorial Drive Plaza parking lot for six different exercises during the week of May 6-9, 2008.

*Motion to approve request of A T & T local office to conduct a driver training/refresher program for area technicians in the Memorial Drive Plaza parking lot for six different exercises during the week of May 6-9, 2008 by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

10. Consider Change Order for M/A-Com to the 800 MHz Communications System in the amount of \$125,937.64 for the addition of a 100' monopole for the E-911 Center.

*Motion to approve Change Order for M/A-Com to the 800 MHz Communications System in the amount of \$125,937.64 for the addition of a 100' monopole and all necessary accompanying site work for the E-911 Center by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

11. Consider approval of Tower License Agreement with Crown Castle for the Newnan Road tower site for the 800 MHz Communications System.

*Motion to approve Tower License Agreement with Crown Castle for the Newnan Road tower site rental at \$2330 per month for the 800 MHz Communications System by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-0.*

12. Set a date for Public Hearing to establish street lighting district for Sun City Peachtree – Pod 36B.

*Motion to set the date of May 19, 2008 for a Public Hearing to establish street lighting district for Sun City Peachtree – Pod 36B by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0.*

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

- Reminder: Parks and Recreation Advisory Board Joint Meeting will be tomorrow at 6 p.m. at Wyomia Tyus Olympic Park, Pavilion #2. Those arriving early will take a tour of Ernie's Trail.
- MSI did an excellent job on Open Enrollment today, efficiently processing over 160 today.
- The North Griffin Corridor Meeting will be May 17 at the Welcome Center, 11 am to 1 pm.
- The City is trying to schedule a Land Bank Authority Meeting later this month.
- The General Griffin Statue Committee met today and Mr. Wilson will bring a tourism request for a donation of \$10,000 from the tourism account toward completion of the statue.
- The County has been working with Stephen Macke on the rebanding effort because of Channel 69. Mr. Wilson will bring for approval a contract directly with Mr. Macke and not GTRI. He is working with a Washington law firm, and it looks as though the County will spend approximately \$1 million on the rebanding, which should be reimbursed by Sprint.
- An agreement with Minerva will be considered at the next meeting for transport of sewerage along County/State right of way from Sun City to Heron Bay's new charter school and their village node.
- Mr. Wilson said he had been contacted by Alan Mobley regarding the performance bond on his South Walkers Mill Road development. The work is about 65% complete, but the bond expired and the County called it. He is working with County Attorney Fortune and hopefully Mr. Mobley will complete the pool and playground soon so the County won't have to proceed with taking his bond. He's had problems with the pool contractor but seems to have it resolved for the time being.
- As for the current contract with Dr. Musso to provide inmate health care at the detention center, Larry Wilson notified Dr. Musso that his service was terminated as of June 30, 2008. The new doctor should be in place July 1, 2008. The effect of judge's recent order rendered our contract null and void, but to file an appeal acts to stay the action. Mr. Fortune said he has talked with the Sheriff's attorney and he agrees, but also feels the Sheriff has control of his jail, and the Sheriff does not want Dr. Musso there after June 30, 2008. Mr. Fortune feels that for the time being it may be best to concede to the Sheriff's insistence and terminate the contract with Dr. Musso. A verbal intent to terminate has been tendered but needs to be formally approved by the Board. Once the Appellate Court rules, the situation may differ.

*Motion to amend the agenda by Commissioner Phillips to consider authorizing Staff to terminate with 60 days notice the contract with Dr. Musso was seconded by Commissioner Freeman and carried by a vote of 3-0.*

Commissioner Flowers-Taylor stated for record that it was a shame the Sheriff was not willing to look at the fact that historically complaints and suits alleging poor health care were numerous but have abated in the last three years. She has not seen one lawsuit since Dr. Musso took over health care provision at the jail. It's wonderful to turn the other cheek but the picture painted here is that it is all about the Sheriff and not about the inmates, to whom the County is responsible for providing quality health care that is accessible and affordable.

*Motion to approve termination of the contract with Dr. Musso as provided with 60 days notice was made by Commissioner Phillips, seconded by Commissioner Freeman, and carried by a vote of 4-0 (Chairman Goss arrived at 6:46 p.m.), effective June 30, 2008.*

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

#### **Freeman**

Highland Mill demolition work has been progressing but has reached a standstill. Workers told him the contractor had gone bankrupt. He asked that Community Development investigate since there is much left to be done at the site.

#### **Flowers-Taylor**

Commissioner Flowers-Taylor wants to see an area for a fire station on the plan from Minerva when the agreement comes in that was discussed previously. Two vendors at ACCG training last week attracted her interest, one of which involved pervious cement for parking and sidewalk areas. While not designed for road traffic, it would be ideal for foot traffic and would help with stormwater issues. Jackson Tire Recycling was also proposing an event with a 1-2 day amnesty program each year for tires. A central location could accept up to four tires to be disposed of at no cost (usually \$.65 per tire) but they get grant that helps defray the cost of this event. She concluded by asking that Code Enforcement look at the Conley Avenue area behind Spalding Heights and 9<sup>th</sup> Street, where she has received complaints of dumping of trash and furniture, even with the erection of privacy fencing.

#### **Phillips**

Commissioner Phillips elaborated on the Highland Mill area problem. The company doing demolitions did not have preinspection approval for removal of asbestos. EPD personnel have been investigating and questioned him. The water tank is part of mill but is not connected to the sewer system. With the ongoing issues of the City of Atlanta and others having to layoff employees, he wanted to praise staff for working to keep the County viable in these hard economic times. He has received many kind words from employees about our ability to weather the storm and work toward riding out the problems. He credited staff and department heads for their successful efforts.

#### **Goss**

Chairman Goss apologized for arriving late and echoed Commissioner Phillips' comments about insurance and keeping the County financially healthy. He, too, has received positive comments.

### **XIV. CLOSED MEETING**

1. County Attorney requests a Closed Meeting to discuss pending or potential litigation.  
Since there no longer existed the need for a Closed Meeting, none was called.

### **XV. ADJOURNMENT**

*Motion to adjourn by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-0 at 6:55 p.m.*