

REGULAR MEETING

The Spalding County Board of Commissioners held their Regular Meeting in Room 108 in the Courthouse Annex, Monday, November 1, 2010, beginning at 6:02 p.m. with Commissioner Eddie Goss presiding and Commissioners David Phillips, Bob Gilreath, and Eddie Freeman present. Gwen Flowers-Taylor arrived at 7:30 p.m. Also present were Interim County Manager Tim Whalen, Interim Assistant County Manager Virginia Martin, Attorney Stephanie Windham and Executive Secretary Glinda Robertson.

- I. **OPENING (CALL TO ORDER) – Chairman Eddie Goss**
- II. **INVOCATION – Led by Rev. Clay Padgett, Pastor of Crown Center Church**
- III. **PLEDGE TO FLAG – Tim Whalen**
- IV. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION**
 - a. Consider approval of Proclamation honoring Orrs Elementary School’s Character Education Program 2010. Ms. Louise Warren, Media Specialist from Orrs Elementary is present to accept the Proclamation.

Motion/second by Commissioners Freeman/Phillips to approve and carried by all.

Proclamation

“Honoring Orrs Elementary School’s Character Education Program 2010”

- WHEREAS,** Character Education at Orrs Elementary School is a way of life involving both school and community; The mission is for **every** child to reach his or her fullest potential academically, with Character Education being a focal point throughout their day; and
- WHEREAS,** Over the past five years the Character Education Program has grown from a small program to a program that now has its own super-hero mascots and has been recognized by city and county officials, state representatives, and the Governor of Georgia; and
- WHEREAS,** Orrs Elementary School has been named a 2010 National School of Character by the Character Education Partnership (CEP) in Washington D.C.; and
- WHEREAS,** Orrs Elementary School will be honored at an awards ceremony at the National Conference in San Francisco in October and will receive a \$3,000 grant from the CEP to support its outreach efforts; and
- WHEREAS,** Orrs Elementary School hosted a “Character is Contagious...Run With It” 5K Run which involved the community and supported the Character Education Program; and
- WHEREAS,** They use the “Six Pillars of Character” which are: **T**rustworthy, **R**espect, **R**esponsibility, **F**airness, **C**aring and **C**itizenship in order to build a solid foundation. Their goal in Character Education is to develop leaders of tomorrow by promoting good character values and practices in their daily lessons and activities.

NOW THEREFORE BE IT RESOLVED

That we the Board of Commissioners of Spalding County, do hereby declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, affirming our wholehearted support of this worthwhile endeavor of Orrs Elementary School. We hereby encourage all our citizens to show their support. After all, “Character **IS** Contagious”, so help us “Spread It!”

Edward Goss, Jr., Chairman

Tim Whalen, County Clerk

- b. Consider approval of Proclamation proclaiming November 2010 as National Hospice/Palliative Care Month. Skipper Burns and Steve Trawick with Brightmoor

Hospice, and a representative from Eternal Hope Hospice are present to accept the Proclamation.

Motion/second by Commissioners Phillips/Freeman to approve and carried by all.

NATIONAL HOSPICE/PALLIATIVE CARE MONTH – NOVEMBER 2010

Seasons of Caring; the Caring of Hospice and Palliative Care

Office of the Board of Commissioners
Spalding County Georgia

PROCLAMATION

WHEREAS, providing high-quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care;

WHEREAS, hospice care and palliative care offer the highest quality services and support to patients and families facing serious and life-limiting illness;

WHEREAS, skilled and compassionate hospice and palliative care professionals—including physicians, nurses, social workers, therapists, counselors, health aides, and clergy—provide comprehensive care focused on the wishes of each individual patient;

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers;

WHEREAS, last year, more than 1.45 million Americans living with life-limiting illness, and their families, received care from the nation’s hospice programs in communities throughout the United States;

WHEREAS, more than 550,000 trained volunteers contribute 25 million hours of service to hospice program annually;

WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals;

NOW, THEREFORE, be it resolved that the Board of Commissioners by virtue of the authority vested in the Board and Spalding County, do hereby proclaim November 2010 as **National Hospice/Palliative Care Month** and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of November, in the year of our Lord two thousand ten and caused this seal to be affixed.

Edward Goss, Jr., Chairman

Tim Whalen, County Clerk

V. PRESENTATION OF FINANCIAL STATEMENTS –

- a. Consider approval of financial statements for the three months ended September 30, 2010.

Motion/second by Commissioners Phillips/Freeman to approve and carried by all.

VI. CITIZENS COMMENT

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 re-address 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.

Allan McCallum – 2831 Williamson Rd. - Griffin

Mr. McCallum spoke out against the county giving the Right-of-Way to the City of Griffin needed for the permanent placement of the new 6th Street bridge. He believes the citizens of Spalding County should receive something of value for this land.

The following people spoke out against the Animal Restraint District recently placed on Manley Road from Hwy. 19-41 to Steele Rd. and asked the restraint be repealed:

Andy Pendley – 811 Manley Rd. – Griffin

Mr. Pendley feels this was done in an improper manner and without a lot of forethought. He stated this is causing hardship on a lot of the neighbors. Most of the neighbors are against this. No one wants to spend money on a fence to keep their animals in when they are located in the country. They want to let their animals run. Mr. Pendley had a petition signed by 32 land owners out of 35 parcels on Manley Road from Patterson Road to Steele Road. This is the only area he is concerned with. They are asking for the animal restraint district to be repealed. He further stated the ones that caused the problem have still not been addressed. Those animals do not live on Manley Road. Several of Mr. Pendley's neighbors were present to support him. Mr. Pendley stated this is a violation of their rights. He believes they should all have a vote.

Commissioner Phillips stated he spoke with Mr. McClain as well as others regarding this matter. Mr. Phillips commented that whenever he has asked for an animal restraint district he would never consider doing so without 80% of the home owners agreeing to it. Commissioner Phillips wanted everyone to know that when he voted for this it was with the understanding that the same due diligence had been done. He asked the attorneys present how this can be rescinded.

Mr. Freeman stated when the animal restraint districts were first initiated, the commissioners were asked to put whatever they wanted to on the list. It could be an area, the entire district or the entire county. Mr. Freeman stated the sheriff as well as others called him regarding problems with animals in this area. Sheriff Stewart was very upset about a dog attacking his daughter's dog and almost killing it. Mr. Freeman stated there are incidents coming up all over the county. Mr. Freeman commented that he believes there is an underlying reason this is coming up.

Mr. Freeman stated the intent of the code was that whenever a commissioner saw that there needed to be an animal restraint district it would be initiated by the commissioner. Mr. Goss stated that he has also had phone calls regarding this matter. He spoke with the county attorney and she will check into how this can be taken care of as code requires.

Mr. Freeman stated he wants to protect everyone in the neighborhood against any dangerous animals that might be out there in their area. Mr. Phillips stated he does not believe Mr. Freeman had any malicious intent however he believes this restraint district was set up in error. Mr. Freeman stated he did not believe it was in error. Mr. Goss stated the board will wait for the attorney to give an answer as to how to handle.

Patricia Pendley – 811 Manley Rd. – Griffin

Ms. Pendley stated that from the minutes of the last meeting it was stated that Mr. Freeman brought up the item of the animal restraint district based on numerous complaints on animals in this area. It was also stated in the minutes that one also recently attacked the sheriff's dog. Ms. Pendley stated she knows this to be true. She lives next door to the sheriff. Her daughter lives on the other side. Ms. Pendley stated the sheriff's daughter's dog would be dead if not for her daughter and her fiancé. They chased the dogs off that were attacking. They do understand what went on with the sheriff and they were concerned for the dog. They do not have any ill feelings toward any of the neighbors. They are a close community. She stated that the dogs that attacked came from Sandy Flat Rd. There have been numerous complaints about these dogs in the past few years. She further stated that Sandy Flat was not included in this animal restraint district. She commented they do not have any problems with animals on Manley Road. She believes they have over 2/3 of what is needed on their petition. Ms. Pendley read parts of the code that says this animal restraint district can be eliminated. She also stated she knows it is okay for a commissioner to bring this up in a meeting and if he presents evidence and it sounds like a good idea, the other commissioners can vote on it and it can be approved. However, she told the board they can undo this. She

said maybe all the facts were not presented to Mr. Freeman or the board. She asked the board to represent them as a whole.

Mr. Freeman stated he respects what Ms. Pendley had to say and he does not want to cause any harm to anyone. He commented that out of all the other animal restraint districts he has initiated he has never had anyone call him and complain. He has received several calls with regards to this matter.

Ms. Pendley stated the neighbors are asking not to be singled out. She asked Mr. Freeman to represent them as they elected him to represent them by finding out what the people want. She asked Mr. Freeman to listen to what the majority of the people want on Manley Road.

Bill Reynolds – 770 Manley Rd. – Griffin

Mr. Reynolds stated that he is not an expert on the workings of the government and most people probably don't know that they have a voice and an opinion. He chose his property because it is a rural area. He has animals and likes the idea that he can let his animals go to run and be free. He would like to address animal issues with his neighbors as they come up. He does not like having a blanket ordinance imposed on citizens that don't want it. He is going to assume that it was an oversight that no one received any flyers notifying them of this impending change. He asked to board to please consider repealing this animal restraint district.

Diane Parmer – 1292 Manley Rd. – Griffin

Ms. Parmer stated that Manley Road is almost two miles long. She has been out there eight years and she loves the community. There are a great group of neighbors. She stated that any stray animals they have are coming off of someone else's road. She is in her yard all the time. She was bitten 20 years ago and spent five days in the hospital. She did not take legal action. She is an animal lover. She stated the dogs in question are coming from Sandy Flat Road. She said these are the dogs that should be contained and not theirs. She believes this is wrong.

Wayne Holt – 1390 Manley Rd.

Mr. Holt wanted to back up Ms. Parmer's statements. He resents the fact that Mr. Freeman is insinuating there is an underlying motive. He stated he does not know what that is about. He said he did not receive any flyers. He feels like if they are going to enforce an animal restraint district it should be for the whole county. Mr. Holt believes they were done wrong and it needs to be overturned.

Later in meeting, Attorney Stephanie Windham stated it is clear that the restraint district can be eliminated by a petition from two thirds of the property owners. Ms. Windham advised the board to verify the list of names of the petition before taking action. These will be the names from Patterson Road to Steele Road. This item will be on the next BOC agenda on November 15th.

VIII. MINUTES

1. Consider approval of Minutes of the following: Extraordinary Session of October 18, 2010 and two Special Called Meetings of October 25, 2010.

Motion/second by Commissioners Phillips/Gilreath to approve and carried by all.

IX. CONSENT AGENDA

1. Consider on second reading, Ordinance #2010-04 to amend the Spalding County Code of Ordinances, Part II Government and Administration to insert as a new Chapter 12, Ethics Ordinance.

Commissioner Freeman wanted to go ahead a place his two names in for the committee. His names were William Wilson and Brian Upson. Mr. Freeman will pick a third person at a later date.

Motion/second by Commissioners Phillips/Goss to approve and carried by a vote of 3-1. Commissioner Gilreath opposed.

SPALDING COUNTY, GEORGIA
PART II, GOVERNMENT AND ADMINISTRATION
ETHICS ORDINANCE
ORDINANCE NO. 2010-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF SPALDING COUNTY; TO REVISE THE EXISTING CODE FOR SPALDING COUNTY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR PROCEDURES FOR VIOLATIONS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

Be it ordained by the Board of Commissioners of Spalding County, and it is hereby enacted pursuant to the authority of the same, that Part II, Government and Administration, of the Spalding County code be amended by adding a new chapter to be known as Chapter 12, to read as follows:

CHAPTER 12. CODE OF ETHICS OF SPALDING COUNTY

Sec. 2-1201. Purpose and Intent.

The purpose of this Code of Ethics is to establish ethical standards of conduct for all covered officials of Spalding County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such covered officials of private financial, or other interests, in matters affecting the County.

Those covered officials are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that public interest must be their primary concern.

Covered officials shall not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

Sec. 2-1202. Definitions.

The following words, terms and phrases, when used in the Code of Ethics of Spalding County, shall have the meanings ascribed to them in this section:

- (1) "Code of Ethics" means the Code of Ethics of Spalding County.
- (2) "County" means Spalding County, Georgia.
- (3) "Covered Official" means any member of the Board of Commissioners of Spalding County and any person who has been appointed to a position by the Board of Commissioners of Spalding County including, but not limited to, the County Manager, the County Clerk, and any member of the Planning Commission, the Zoning Board of Appeals, or any other appointed board. The County Attorney is subject to the Ethical Considerations and Disciplinary rules enacted by the State Bar of Georgia, and is also considered a covered official insofar as the application of this ordinance. However, enforcement shall be through the procedures as established by the State Bar of Georgia.
- (4) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. "Gift" also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.
- (5) "Immediate family" means parents, spouse, siblings, children, step-children, mother-in-laws, father-in-laws, sister-in-laws, brother-in-laws, grandparents and aunts or uncles by blood or marriage.

Sec. 2-1203. Text of Ethical Considerations.

Notwithstanding any provisions of law to the contrary, each covered official and of Spalding County shall:

- (1) Uphold the Constitution, laws and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
- (2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- (3) Not engage in any business with the government, or allow any member of his/her immediate family to engage in any business with the government, either directly or indirectly, which is

inconsistent with the conscientious performance of his/her governmental duties;

- (4) Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making private profit;
- (5) Expose corruption wherever discovered;
- (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that purpose of the donor is to influence the performance of the official's/s official duties. For gifts, loans, gratuities, discounts, favors, hospitality, or services solicited, accepted or agreed to accept under circumstances from which it cannot be reasonably inferred that a purpose of the donor was to influence the performance of the official's/s official duties, the following rules shall apply: A covered official shall publically disclose, prior to discussing or taking any official action or any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than \$100.00. (Receipt of gifts and campaign contributions valued at \$500.00 or more by a covered official, or member of his/her immediate family, will prohibit the covered official from participating in or taking official action on any matter involving the donor;)
- (7) Never accept any economic opportunity for himself/herself, or any member of his/her immediate family, under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded with intent to influence his/her conduct in the performance of his/her official duties. All business relationships, regardless of the dollar amount involved, between a covered official, or a member of his/her immediate family, with anyone having business with the County shall be publicly disclosed prior to any discussion or official action being taken on the matter. Should the business relationship provide a covered official, or a member of his/her immediate family, with at least \$500.00 on an annual basis, such covered official shall be prohibited from participating or taking official action on any matter involving the person with whom such business relationship exists; and
- (8) Never engage in other conduct which is unbecoming to an official/ or which constitutes a breach of public trust.
- (9) Shall promptly pay when due all ad valorem taxes due to the City of Griffin, Spalding County and the Griffin Spalding County School System.
- (10) Shall promptly file any disclosure required by the State of Georgia for public officials as well as pay any fees or penalties which may be assessed by the State of Georgia.
- (11) Each covered official shall take an oath of office and shall covenant and agree to adhere to the provisions of this ethics ordinance.

Sec. 2-1204. Procedure for Alleged Violations

- A. Any alleged violations of this Code of Ethics must be submitted by a written, sworn complaint to the Clerk of the Board of Commissioners of Spalding County. Consistent with the Open Meetings Laws, the Board of Commissioners shall review all complaints against covered officials, except those complaints filed against a member of the Board of Commissioners. Three members of the Board of Commissioners must agree that a sufficient basis has been given to warrant a public hearing.

The Board of Commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the covered official has violated the Code of Ethics. Covered officials are subject to the following penalties and actions for violations of this Code of Ethics:

- (1) Written reprimand or public censure, which shall be printed in the Griffin Daily News and posted in the courthouse as well as the courthouse annex;
- (2) In the event a covered official is not an elected official, then and in such event, such covered official may be removed from office for good cause shown. In the event the covered official desires to have a hearing on the matter, a hearing shall be afforded to the covered official, if requested, within ten (10) days of the Board of Commissioners giving the covered official notice of its intent to remove him from his position;
- (3) In the event the covered official is a member of the board of commissioners then he or she may be fined in an amount not to exceed \$1,000.00 in addition to a written reprimand and/or

public censure as provided in paragraph (1) above;

- B. If a complaint is received by the Clerk of the Board of Commissioners which alleges a prima facie violation of the Code of Ethics by a member of the Board of Commissioners, then and in such event, the remaining commissioners shall review the allegations, and in the event three (3) commissioners agree that a prima facie violation of the ethics ordinance is presented, then an independent review board shall be convened. The review board will be comprised of three (3) citizens of Spalding County who have been nominated by the County Commissioner in their district to serve on the review board. The procedure for establishing a review board shall be as follows:
- (1) Each commissioner, at the beginning of his term, shall appoint three (3) citizens that reside in his district to be placed in a pool of citizens to serve as a review board.
 - (2) In the event a review panel needs to be convened, then and in such event, the three (3) appointees of the commissioner who is being investigated shall be withdrawn from the pool and the county clerk shall draw three (3) names from the pool at random and these persons shall constitute the review board.
 - (3) The citizens so appointed shall serve during the term of the commissioner who appointed them. At the expiration of his term or at such time as he is no longer a commissioner, they shall cease to serve as that commissioner's appointees. The appointing commissioner may discharge his appointees at any time and name other persons to serve in their place.
- C. The review board will conduct a public hearing based upon the complaint. A majority vote of the review board shall determine whether or not a violation of the Ethics ordinance has occurred. Upon reaching their decision, the review board shall submit to the county clerk their written findings whether or not a violation of this ordinance has occurred. Upon the filing of said report, the review board shall have completed its duties under this ordinance and shall be discharged from service.

Any person who is aggrieved by the findings of the review panel shall have the right to seek a writ of certiorari to the Superior Court of Spalding County, Georgia.

In the event a violation of the ethics ordinance is determined by the review board to have occurred, then and in such event, a majority of the Board of Commissioners shall set a penalty as set out above.

Sec. 2-1205. Repeal of Conflicting Ordinances.

- A. This ordinance is intended as the Code of Ethics of Spalding County, and all other ordinances in existence which conflict with the provisions of this ordinance are hereby repealed.

Sec. 2-1206. Effective Date.

- A. This ordinance shall become effective on the date of its adoption by the Board of Commissioners of Spalding County.

X. OLD BUSINESS

1. Consider on second reading changes to Leave Sharing Policy/Ordinance.

Virginia Martin addressed this item. This ordinance states it does not have to be a medical reason for someone to request leave and it extends the amount of hours that one employee can donate to another.

Motion/second by Commissioners Phillips/Freeman to approve and carried by all.

Leave Sharing

PURPOSE – Spalding County's leave sharing policy is designed to allow employees to donate accrued unused annual and sick leave to an employee who would otherwise need to take leave without pay because of a serious emergency. A serious emergency is defined as an illness or injury which requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or any severe personal emergency such as the death of a spouse or child. In the event donated leave is requested for purposes of a personal emergency, the County Manager has the discretion to determine whether the leave should be granted and

if the amount of time the employee can receive should be limited to less than 480 hours as set out in this policy.

ELIGIBILITY – To be a recipient of leave donations, an employee must:

1. Be eligible to accrue annual leave under the *Leaves of Absence* policy;
2. Have completed any probationary period prior to requesting donated leave;
3. Have exhausted all accrued annual leave, sick leave and off-set time available to him or her; and
4. Have exhausted all advanced sick leave.

An employee may be eligible to receive donations of leave if he or she is caring for family members experiencing a serious medical emergency. For purposes of the leave sharing policy, family members include the employee's spouse, parent, son, daughter or a child over whom the employee has custody.

An employee on a leave covered by workers' compensation is eligible to receive donations of leave under the Leave Sharing policy.

REQUESTING LEAVE DONATIONS – A potential leave recipient must request leave donations by submitting a leave donation request form to the Human Resources Director.

The potential leave recipient must provide verification of the reason for the leave. If the leave is for medical reasons, a medical verification is required. If the leave is for other than a medical reason, the form of the verification is determined by the Human Resources Director. If the request involves a family member, the request must describe the relationship of the family member to the employee and the reason the employee must be absent from work.

Requests to receive leave donations will be reviewed for approval by the Human Resources Director and the County Manager. Requests will normally be approved or disapproved within five (5) working days and the requesting employee will be notified in writing.

PUBLICITY & SOLICITATION – Any medical condition leading to a leave recipient's request is private health information. Medical information will only be disclosed to potential donors with the specific written permission of the affected leave recipient or family member. Solicitation for leave donations may not begin before the leave recipient's request has been approved by the County Manager.

The Human Resources Director is responsible for coordinating the solicitation of leave donations.

DONATING LEAVE – Leave donations are strictly voluntary. Intimidation, coercion, reprisal, or promises to confer any benefit to leave donors is prohibited. Reports of any such activity should be directed to the Human Resources Director. An employee may not donate leave to his or her immediate supervisor.

Donations must be in eight (8) hour increments. An employee may donate any amount of annual leave, sick leave, or a combination of annual and sick leave in any calendar year. However, a donor must retain a minimum of 40 hours of annual leave and 40 hours of sick leave after making a leave donation. Leave donations must be authorized by the donor on the leave transfer form and forwarded to the Human Resources department.

USING DONATED LEAVE – A leave recipient may use up to 480 hours of donated leave in a 12 month period. The 12 month period will be based on the 12 months immediately prior to the date of the donation leave request form.

Donated leave may not be combined with periods of leave without pay to "stretch out" the donated leave. Donated leave may not be used in increments smaller than eight (8) hours.

UNUSED DONATED LEAVE – To the extent feasible, any unused donated leave will be restored to the donor(s) when the recipient's emergency ends or the recipient ceases to be a County employee. Unused

donated leave will not be paid to or retained by the leave recipient and may not be donated to another employee. Unused donated leave will either be returned to the donor or forfeited.

2. Consider request from City of Griffin to donate Right-of-Way needed for the permanent placement of the next 6th Street Bridge.

Tim Whalen addressed this item. Mr. Whalen stated that after talking with the City Manager, Kenny Smith, the plat previously sent over was incorrect. Steve Manley brought over the correct plat. This plat shows the city would need a permanent easement. This area is .073 acres. Mr. Whalen asked the board if they would like to give this right-of-way to the city or ask them to purchase it. Mr. Whalen stated the county should not lose any parking spaces.

Mr. Gilreath asked what the value is of this property. Mr. Whalen stated it has not been appraised at this point. Mr. Freeman stated the county might want to consider a swap with the city. Mr. Gilreath does not believe the county should give this property to the city.

Motion/second by Commissioners Freeman/Gilreath to table and carried by all. Mr. Whalen agreed to discuss this with the City Manager.

XI. NEW BUSINESS

1. Consider alternate architectural design review for commercial structure located at 3200 High Falls Road.

Chuck Taylor addressed this item. This is for a barbeque restaurant at a gas station on High Falls Road. Old Rudy's Barbeque has set up at this location as a street vendor. Street vendors are allowed to use temporary buildings. Community Development received a complaint saying the vehicle needed to be moved at the end of every day.

The applicant would like to make the building permanent. In order to do so he would have to get approval as an alternative architectural design. Mr. Taylor had pictures he shared with the board. This vehicle could be made a building by becoming permanently attached to the ground. The building is proposed to be underpinned with brick and set on eight inch concrete blocks. This building will have to be inspected upon completion.

Mr. Gilreath stated this is at the entrance way of Griffin. He does not want the entrance way into Griffin looking like a hog pen. He stated the county needs something out there that will add beauty and not so much congestion. He does not believe this will be a good idea. Mr. Gilreath asked to table this item until there is more information as to what exactly is going to happen.

The applicant, Randolph Vaughn, was present to address the board. He stated he has buildings all over the county and he pays a lot of taxes to Spalding County. He further stated he will do whatever he needs to do to get the building up to code. He asked the commissioners what they would like him to do. Mr. Vaughn commented this is a \$60,000 unit and he does not believe it is an eyesore. He will do whatever he needs to do to make this work.

Motion/second by Commissioners Gilreath/Freeman to table and carried by all. Applicant will meet with Chuck Taylor to work something out and bring back before the board.

2. Consider approval of 2010 Tax Levy.

Tim Whalen addressed this item. The total Tax Levy for Spalding County will decrease from 14.88 to 14.81. There will be an increase fire district levy from \$3.23 per thousand to \$4.17 per thousand.

Motion/second by Commissioners Phillips/Freeman to approve and carried by a vote of 3-1. Commissioner Goss opposed.

3. Consider award of Norcom Rail Spur bid to lowest qualified bidder.

Brian Upson was present to present the bids that were received for the Norcom Rail Spur. Spalding County is the owner of the Rail Spur. The county applied for a grant that was awarded. There were seven bidders that range from \$583,035 up to \$723,670. Mr. Upson asked the board to approve the low bidder who is Brent Scarborough Company out of Fayetteville. They have been checked out by the state and are bonded. Mr. Phillips stated he is very familiar with Mr. Scarborough's work and it is first rate.

Motion/second by Commissioners Freeman/Phillips to approve and carried by all.

4. Consider approving request for Tax Anticipation Note.

Tim Whalen stated that tomorrow Sylvia Hollums will submit the tax digest. Due to the time limits he was asking the board to approve a tax anticipation note in the amount of \$2.5 million. This note will be paid on or before December 31st of this calendar year from the tax proceeds that come in by that date. The interest rate is 2.11%. To pay off the note the county will pay \$8,205.56 in interest.

Motion/second by Commissioners Phillips/Freeman to approve and carried by a vote of 3-1. Commissioner Goss opposed.

5. Consider approval of Addendum to Rail with Trail Study contract between Spalding County and Tunnell-Spangler-Walsh & Associates. Anthony Dukes is present to address.

Anthony Dukes shared a copy of the draft study with the board. Mr. Dukes stated this request will insure the study is closed out with all the things it should have. They currently need more land use recommendations. If they have a more concrete plan in place, this will assist them with securing more funding. Mr. Dukes was requesting \$1,200 from the county.

Mr. Phillips stated this has tremendous potential for revitalizing that part of the county. Mr. Dukes stated this has the same potential as the Atlanta Beltline. Mr. Dukes encouraged the commissioners to let him know if there are any areas of the plan they would like to see flushed out a little more.

Motion/second by Commissioners Freeman/Phillips to approve and carried by a vote of 3-1. Commissioner Goss opposed.

6. Consider approval of agreement between the Spalding County Water and Sewerage Facility Authority and Spalding County. The license grants Spalding County access and use of a portion of land on Williamson Rd.

Stephanie Windham addressed this item. This request varies from an easement in that this will allow the county to do a particular act on land without conveying any interest in the land. It is generally revocable at the will of the licensor. The county will not have to get a survey or a legal description of access.

Under the terms of the license, the county will receive 70% of any income stream from a third party for use of the tower. The Water Authority will receive 30%.

Mr. Phillips asked what the potential revenues are for the county. Ms. Martin stated there is a potential revenue stream of \$1,500 to \$3,000 per month for each party that co-uses the tower.

Motion/second by Commissioners Freeman/Phillips to approve and carried by all.

XII. REPORT OF COUNTY MANAGER - None

XIII. REPORT OF COMMISSIONERS

Commissioner Phillips encouraged everyone to vote on Tuesday and to thank their poll workers for all their hard work.

XIV. CLOSED SESSION – Acquisition of Real Estate

Motion/second by Commissioners Freeman/Phillips to go into closed session at 7:15 p.m. and carried by all.

Motion/second by Commissioners Freeman/Phillips to come out of closed session at 8:00 p.m.

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 November 1, 2010.

2.

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

3.

The executive session was called to order at 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:

No 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*);

Yes 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 1st day of November 2010.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 1st day of November 2010.

Bob Gilreath

Eddie Goss

Glinda P. Robertson
Notary Public

Gwen Flowers-Taylor

Eddie Freeman

My commission expires:

David Phillips

Feb 23, 2014

XV. ADJOURNMENT

Motion/second by Commissioners Freeman/Gilreath to adjourn at 8:00 p.m. and carried by all.

Chairman

Interim County Clerk