



**Board of Commissioners of Spalding County  
Regular Meeting  
December 2, 2019  
6:00 PM  
119 E. Solomon St., Meeting Room 108**

**The Spalding County Board of Commissioners held their Regular Meeting in Room 108 of the Spalding County Annex on Monday, December 2, 2019, beginning at 6:00 p.m. with Chairperson Rita Johnson presiding. Commissioners Donald Hawbaker, James R. Dutton, Gwen Flowers-Taylor and Bart Miller were present for the meeting. Also present were County Manager, William P. Wilson, Jr., County Attorney, Stephanie Windham and Assistant County Manager, Michelle Irizarry who recorded the minutes.**

**I. OPENING (CALL TO ORDER) by Chairperson Rita Johnson.**

**PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.**

**II. INVOCATION** led by Commissioner James R. Dutton, District 3.

**III. PLEDGE TO FLAG**

Commissioner Donald Hawbaker, District #5 delivered the Pledge to the Flag.

**IV. PRESENTATIONS/PROCLAMATIONS**

1. Craig Potter, Georgia Recreation and Park Association President to present the Volunteer of the Year Award.

Mr. Craig Potter, President, Georgia Recreation and Association presented the Volunteer of the Year Award to Richard "Marty" Martinez. Mr. Martinez has been chosen as the GRPA District 4 and State Volunteer of the Year. No Park or Recreation program can do the job that they do without their volunteers.

Mr. Martinez has given 42 years of service to Spalding County and its citizens. During that time, he has coached and has installed the fundamentals and desire to succeed in every sport which includes: baseball, softball, basketball, soccer and football. He has held leadership roles in volunteer organizations like the Griffin-Spalding Softball Association. He helped to build the travel programs which helped players be exposed to the higher levels of competition and he coached many of the players who are currently honored in the Griffin-Spalding Sports Hall of Fame. Mr. Martinez has coached a number of players who have been drafted into the Major Leagues. Mr. Potter then presented the 2019 GRPA District 4 and State Volunteer Award to Richard "Marty" Martinez.

**V. PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of financial statements for the four months ended October 31, 2019.

Jinna Garrison, Administrative Services Director, stated that she would be happy to answer any questions the Board may have. She advised that Spalding County received the Fire Insurance Premium Tax in October and it was \$2.8 million this year.

***Motion/Second by Dutton/Hawbaker to approve the financial statements for the four months ended October 31, 2019.***

**VI. CITIZEN COMMENT**

Speakers must sign up prior to the meeting and provide their names, addresses and the topic they wish to discuss. Speakers must direct your remarks to the Board and not to individual Commissioners or to the audience. Personal disagreements with individual Commissioners or County employees are not a matter of public concern and personal attacks will not be tolerated. The Chairman has the right to limit your comments in the interest of disposing of the County's business in an efficient and respectable manner.

Speakers will be allotted three minutes to speak on their chosen topics as they relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting. No speaker will be permitted to speak more than three minutes or more than once, unless the Board votes to suspend this rule.

William Wilson, County Manager, stated that we have one person signed up to speak this evening: JoAnn Phinazee.

Ms. JoAnn Phinazee, 859 Park Place, Griffin spoke on the Fairmont Project and it's importance to the community.

**VII. MINUTES -**

1. Consider approval of minutes for the Spalding County Board of Commissioners Work Session and Extraordinary Session on November 18, 2019.

***Motion/Second by Miller/Flowers-Taylor to approve the minutes of the Spalding County Work Session and the Extraordinary Session on November 18, 2019. Motion Carried unanimously by all.***

**VIII. OLD BUSINESS-**

1. Heritage Park Update

Mr. Wilson stated that Paragon Consulting has completed the second redraft of the design for Heritage and advised that it would be presented to the Board at the December 16<sup>th</sup> Meeting. The cost is roughly the same \$7 million for all three buildings at the location.

Mr. Wilson then advised that he had sent an email to Kenny Smith at the City of Griffin and Bob Dull and the Griffin-Spalding Housing Authority and he spoke with Mr. Dull this afternoon. Mr. Wilson stated that for the County to get involved with the Housing Authority's Project and hopefully come up with additional funding for Heritage Park, Mr. Dull stated that the County would need to deed property to the Housing Authority. He will get the specifics on that before the next meeting.

Mr. Wilson then stated that the County did not apply for the Innovation Grant as the timing on the Grant did not work out for us and we also believe that the agencies who had submitted applications earlier in the year were receiving preferential funding on that grant. We are continuing to move forward because

there may be another chance to apply for an innovation grant in the future. We are working with the Housing Authority and the City of Griffin should there be another round of innovation grants that we can apply for.

Mr. Wilson then stated that Ms. Jewel Walker-Harps called today and asked him to come to the EPI meeting on Thursday and give an update. She also has requested an update on the Aquatic Center.

2. Lift from the table and consider approval of contract with Sullivan and Ogletree PC to provide indigent defense services in State and Juvenile Court for Fiscal Years 2021, 2022 and 2023.

***Motion/Second by Miller/Hawbaker to lift from the table. Motion carried 3-1-1 (Flowers-Taylor, Dutton abstained due to the business he conducts with the Court).***

Mr. Wilson stated that representatives from Sullivan and Ogletree are here this evening should the Board have any questions. They did want to address the Board.

Sam Sullivan and Michele Ogletree stated they were here this evening to answer any questions that might remain concerning this program.

Commissioner Hawbaker stated that the contracts call for termination for good cause, but there is no provision for a notice period. If the Board proceeds with this, he would like for there to be a clause of 30-90 days.

Ms. Ogletree stated that the term is 90 days.

Commissioner Hawbaker stated that it is 90 days before the next year begins, but there is no way that either party can give 90-day notice before the next year begins. There is no provision for termination on basis of a good cause. He feels it should be specified what amount of notice either side would have to give.

Stephanie Windham, County Attorney, then stated that it is her understanding that with good cause, the termination could be immediate there would be no required notification.

Mr. Sullivan stated that Ms. Windham is correct.

Commissioner Hawbaker stated that he would like for that to be laid out in the contract and the second thing he would like is for the three-year renewal term, if not exercised the contract will expire without further need of notice on June 30, 2023. It's not like it is an evergreen type of thing.

Commissioner Flowers-Taylor stated that she has always felt that any time that we can look at a service that we are paying taxpayer dollars for, it is always worth re-examining what you are getting. She doesn't know anything about the Sullivan & Ogletree Law Firm, but her question is "Who does their report card?" "Who says that what you are doing in terms of the client and in terms of the County is good?" Because Commissioner Dutton did bring this up when we started talking about it, she has to wonder "What is it exactly that we get for the money that is paid out?"

You hear people talk about their horror stories when they have indigent defense and they can never get in touch with their attorney and so on. She then stated that she is not saying that is this law firm, but as a person who does not know about this part of the law, she doesn't have a problem with going back and looking at this. If this contract doesn't end until July then we have time to look at this, but in terms of the amount of money that it costs and in terms of the people in the community who get served are properly served.

She would ask that the Board not consider voting on this matter tonight. She thinks it would be in our best interest to look at what we are paying for and the value that we are getting. We may be getting more than what we are paying for, but we don't know, if we don't look.

Chairperson Johnson then asked Mr. Sullivan and Ms. Ogletree to talk about their value. That is the reason you are here.

Mr. Sullivan advised that the main factor that polices their performance under the contract is the individual clients. What he means by that is, if they are not doing a good job with the cases and they are falling short, then the State Bar monitors their performance. They don't have that problem. Commissioner Flowers-Taylor mentioned meeting with clients. They set aside an entire day where they have clients come into the office, they meet with them about their cases, they call them to remind them of their court date, we meet with them at the Court. There is a lot of communication between their firm and the clients.

Mr. Wilson then asked Mr. Sullivan to advise how many staff they currently have and whether or not they practice privately, and the County Attorney would like to address the barometer for indigent defense.

Ms. Windham then stated that the best measurement of service that we have are our judges and we do have, in the back up material, letters of recommendation from Judge Ben Miller, Juvenile Court and from Judge Thacker, State Court.

Commissioner Dutton stated that in his discussion with Judge Thacker, he was under the impression that we as a Board had decided to not bid this out and he would be fine with Sullivan and Ogletree simply moving forward. He had informed him to the contrary, that was not what had been discussed. His recommendation for this group of attorneys is a stellar one, they are great attorneys. This is nothing to do with them whatsoever and we don't want anyone to construe in any way that this is an attack on them or their performance, because they are fantastic attorneys. But, when you have a \$601,000 proposal for services from one firm, to award it like no one else wants it would not be right.

He knows of a number of local attorneys that would love to have the opportunity to do this. Whether their bids are better and can save the taxpayers money is yet to be seen, but right now we don't know. At the end of the day, it is his opinion that we should be able to find someone, whether it is this firm or another that can save the taxpayers money and still provide the same level of service that they are currently providing.

Commissioner Flowers-Taylor then stated that if there are other organizations who are willing to provide these services, let's look at it and measure it against

what we are currently getting from Sullivan and Ogletree. She just feels we shouldn't close this up because it has been a practice to not bid out professional services. She simply feels the Board should look at it.

Commissioner Dutton stated that he feels that this should be at a minimum two different contracts, if not three and they shouldn't be bundled together. It should be individual contracts for different courts, and he would like to see it done through a bidding process. He would like to see other people submit what they can do and if they will not give us the value that Sullivan and Ogletree is providing then we can go with Sullivan and Ogletree.

Chairperson Johnson then advised that we need to look at the service provided across the board and apply the same methods that we applied for the health care. We didn't go with the lower premium because we were concerned about the service being provided, we need to apply that same principle in this case. You get what you pay for at the end of the day, let's not forget that.

***Motion/Second by Flowers-Taylor/Dutton for no action on the contract at this time and that we have an RFP be issued for these services. Motion carried 4-1 (Miller).***

#### **IX. NEW BUSINESS -**

1. Consider approval of a Resolution supporting the 2020 Census Partnership in Spalding County.

Mr. Wilson advised there are representatives present to discuss this.

Kristen Miller, Archway Partnership Professional, stated that it was recommended by the U.S. Census Bureau that we seek support from Spalding County and the City of Griffin for our complete Census Count Committee in the efforts for the upcoming 2020 Census. Then introduced Terrell Perry who is the U.S. Census Bureau Representative for Spalding County. We are asking the Board to support the Census County Committee by approving the Resolution.

***Motion/Second by Hawbaker/Dutton to approve a Resolution supporting the 2020 Census Partnership in Spalding County. Motion carried unanimously by all.***

2. Consider approval of final plat for Birdie West Subdivision (minor) located off Birdie Road and State Route 92.

Mr. Wilson stated that this plat is ready for approval, it has been reviewed by all departments and staff recommends approval, it is a minor subdivision. Existing road frontage they did have to install some fire hydrants at their expense.

Commissioner Dutton asked how many units are included.

Mr. Wilson stated that he believes there are a total of six lots. There is a very large lot that goes behind the others that has frontage on SR 92.

***Motion/Second by Miller/Dutton to approve the final plat for the Birdie West Subdivision (minor) located off Birdie Road and State Route 92. Motion carried unanimously by all.***

3. Consider authorizing demolition of former Diversion Center property located at 1498 Justice Boulevard.

Mr. Wilson stated that this is the old Diversion Center located across Justice Boulevard from the Law Enforcement Complex. You may recall, it was looked at for feasibility for locations for partners and it in too bad of shape and would be too costly to do anything with. We did rent it for several days to “The Walking Dead” who found it amenable for a movie set and we are constantly having to clean it up. Staff recommends the Board authorizing staff to move ahead with asbestos and lead paint abatement, if there is any and demolition of center.

Mr. Wilson advised that these are modular office buildings and we will take the buildings apart and separate the steel out and sell the steel and the rest of it will go to the C&D Landfill. There is not an estimated total cost at this time, this will authorize staff to proceed and we will bring back pricing for asbestos removal and dumping fees.

***Motion/Second by Hawbaker/Dutton to authorize demolition of the former Diversion Center property located at 1498 Justice Boulevard. Motion carried unanimously by all.***

## **X. REPORT OF COUNTY MANAGER**

- ✓ The Bar Association Plaque ceremony is tentatively scheduled for Friday, December 13<sup>th</sup> at 4:00 p.m.
- ✓ The Employee Appreciation event will be December 12<sup>th</sup> at the Cooperative Extension Office we will be doing breakfast in the morning and in the afternoon, we will be doing deserts and fruit.
- ✓ Verra Mobility will be making a presentation at the December 16<sup>th</sup> meeting on School Zone Speed Cameras, automated license plate readers and stop arm cameras. We have been working along with the Sheriff’s Department, State Court Solicitor, State Court Judge and the School System with this company and we want to come before you with a presentation.
- ✓ We have not received anything in writing from the Board of Education regarding the Aquatic Center. They were off last week, but he does expect to hear from them this week.
- ✓ The Festival of Lights was great, there were approximately 3,200 people who attended the event and he wanted to thank all of the departments involved in this event.
- ✓ Sales Tax Collections for the month of October were \$844,365.83. Total for the 43 months collected \$32,586,125.12. This represents 8.2% above our estimated collections of \$30.1 million and the average collection per month is \$757,816.86.

## **XI. REPORT OF ASSISTANT COUNTY MANAGER – None.**

## **XII. REPORT OF COMMISSIONERS**

**Bart Miller** – Public Works has got to start patching pot holes in all of the districts. The County is “eat up.” There is one place on Moreland Road where you turn off of 19-41 the is about a 6” drop-off. The whole County is in need of pot hole repair.

**Gwen Flowers-Taylor** – stated that she had a great time at the Festival of Lights. During her time there in talking to people there were some very positive comments. The Park looked very nice, there were a lot of fun things for the kids to do. Santa came in on the helicopter and everything was good.

**James Dutton** – stated that he feels it is very possible that the County could have a \$1 million month for SPLOST. The year-to-date unemployment in Spalding County has gone down to 1.2%. There are plenty of opportunities for folks to get involved with Spalding County we have a number of appointments for different Board and Committees and we would love to fill all of the vacancies. If you want to get involved, email us.

**Donald Hawbaker** – No Comments.

**Rita Johnson** - She hopes that everyone has a nice holiday season. We have one meeting left and she would like to wrap up some projects that we have been working on for the last several years.

### **XIII. CLOSED SESSION**

### **XIV. ADJOURNMENT**

***Motion/Second by Miller/Dutton to adjourn the meeting at 6:53 p.m.  
Motion carried unanimously by all.***