

After Agenda

**Board of Commissioners of Spalding County
Special Called Meeting
Monday, April 19, 2021
9:30 AM
Room 108, Annex Building**

The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 of the Spalding County Annex on Monday, April 19, 2021, beginning at 9:00 a.m. with Chairman Clay Davis presiding. Commissioners Gwen Flowers-Taylor, Rita Johnson and Ryan Bowlden were present for the meeting. Commissioner James Dutton was absent from the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, County Attorney, Stephanie Windham and Kathy Gibson, Executive Secretary to record the minutes.

I. OPENING (CALL TO ORDER) by Chairman Clay Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

II. INVOCATION

Commissioner Gwen Flowers-Taylor, District 1, delivered the Invocation.

III. PLEDGE TO FLAG

Commissioner Ryan Bowlden, District #4, led the Pledge to the Flag.

Chairman Davis then stated that he would like to have an Executive Session to discuss the replacement for the County Manager with the Human Resource Director.

Motion/Second by Flowers-Taylor/Bowlden to amend the agenda to add an Executive Session to discuss or deliberate 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). Motion carried unanimously by all.

I. AGENDA ITEMS

1. Discussion of Cities/County allocations and County projects for proposed November T-SPLOST referendum.

Chairman Davis stated that we need to plan the TSPLOST and not get tied up on items going on with the current SPLOST. We will cover those things, but no matter what happens with the current SPLOST, we are going to continue planning. We can stop the TSPLOST planning at any time, but until that time he wants to concentrate on planning the TSPLOST.

Chairman Davis then asked the County Manager how many roads the County maintains.

Mr. Wilson stated that we submit all new right-of-ways to the County every year in a report called a Centerline Road Mileage and currently we have approximately 500 miles of paved right-of-way that we are responsible for. That is how they determine the LMIG distribution that we receive from the State.

Chairman Davis asked if that includes roads inside the City?

Mr. Wilson advised that was only the roads in unincorporated Spalding County. The City has their own LMIG funding. Their funding is significantly less than the County's funding, we receive approximately \$800,000 annually and the City receives approximately \$250,000 so judging that is approximately 1/3 and using that it would equate to 150-180 miles based on the formula.

Chairman Davis then advised that the reason for these questions is regarding the distribution of funds. If the County has 80% of the roads, then it would only make sense since that the distribution of the funds also reflect that amount. If we do a TSPLOST with the City, we will need to work on the distributions, or we may just go on our own for the TSPLOST. If we do a City/County TSPLOST we need to make sure that we have an equitable distribution of funding.

Mr. Wilson stated that the first thing the Board needs to agree on is the amount to be used as a revenue estimate. He advised that he used \$800,000 in the information provided this evening. Currently, we are averaging \$807-810 thousand a month right now. If you go with an intergovernmental agreement, it can be for a 60-month period, so that would be \$48 million. If the County chooses not to include the cities, then you can't levy the full 1 cent, you can only level .75 of one cent and if you do that, the collections would be \$36 million for the County.

Mr. Wilson advised that for the last TSPLOST we did have an IGA and the split was 66 1/2 County and 33 1/2 City and if you use that allocation, we receive approximately \$32 million so there is only \$4 million difference with an intergovernmental agreement. He is recommending an intergovernmental agreement and doesn't feel we should try to do this on our own.

Commissioner Flowers-Taylor then stated that the County doesn't have the advantages that the City has access to. The City has other resources for revenues, they have multiple year grant funding for projects that include road improvements, and all the County has is tax revenue and the hope of a SPLOST. So, while she feels it is important to be able to help the City, because most of her constituents are in the City, she feels it is also important for us to realize that when it comes to taking care of the County, the City is not going to help us take care of the County. When she spoke with Jinna Garrison she learned that the split on the last SPLOST was 55/45, so she feels if the City wants to participate in this TSPLOST their number should be 25. Any amount is money they would not have otherwise received. People in the City drive on County roads. This is how she sees it.

Commissioner Johnson stated that she thinks that we should work with the City, she does feel that it should be a different type of split. She is leaning more toward a 70/30 split and maybe when we are getting the SPLOST Committee together, we need to make sure that we include people who live in the City.

Commissioner Bowlden stated that he agrees with Commissioner Flowers-Taylor, he would like to include the City, but at a minimum because we're not benefitting from the City at all. They don't seem to want to assist us in anything we have approached them about, they don't want to work with us on anything, he does feel that we should include them, but it should be minimal.

Chairman Davis then asked how we can do minimal?

Mr. Wilson stated that on the Agenda this evening we have an item that states: Establish dates for a meeting with the cities. This has to be done if you are even thinking about an intergovernmental agreement. You have to give 10-days notice of the meeting and we will have to notify Orchard Hill, Sunny Side and the City of Griffin. We could do this on May 3, 4, 5th, but we need to get this done the first week in May, especially if you are thinking about those type of distributions. Staff met with the City Manager last week and the City Manager gave the impression to staff that the City was not interested in the last split that we had on the TSPLOST, but more like the split that we had on the current SPLOST.

That is the one Jinna Garrison talked about with Commissioner Flowers-Taylor the split was 55/45. The TSPLOST that failed by less than 100 votes was 66 ½-33 ½ split. Apparently, there is going to be a lot of discussion and negotiation should there be an intergovernmental agreement.

Chairman Davis then asked what happens if the City is forcing the issue?

Mr. Wilson stated that the County can still have a County Only TSPLOST, but the maximum you can levy is $\frac{3}{4}$ of a penny.

Commissioner Flowers-Taylor then stated that we currently have two issues with the remaining 2015 SPLOST that we have known for the entire time of the SPLOST that we are not going to have enough money for. In a perfect world, we would go back to the voters and say "this is a short-fall" and we need to do a SPLOST to complete these projects, and once that is paid for, the remainder would be transportation. That is how she feels, because we still need the transportation money, but we also need the money to complete these projects. Currently, we have these projects working against us, even with a Transportation SPLOST. So, she is just offering this, we really need to be thinking outside of this box that we are currently looking at.

Commissioner Johnson understands the County Manager's statement that if we don't include the City we are going to have opposition, but if we don't finish these projects, we are going to have opposition as well.

Commissioner Flowers-Taylor stated that the people who have been waiting all this time for an Aquatic Center, they realize that what we said we voted for and now what we are going to have costs more money and that is what they want. So, she doesn't see them not voting to finish that extra expense. If we do the SPLOST, she feels that if we do this type of SPLOST, she feels that the people in the City who supported the initial SPLOST with support this. She further stated that it may work, or it may not, but it is another option for looking at our current situation.

Chairman Davis then stated that is something the Board can discuss later this morning. Right now, we need to talk about the study that was done several years ago on the roads in Spalding County and the ranking of the roads and how that works. We have 500 miles of road that we have paid to have prioritized, this is leading to the projects. His issue with the SPLOST that we currently have is that we did not have good cost estimates in order to complete all of the projects. If we can agree that we have already paid money to get the roads ranked, then we need to take that study and say that is what is going to be the projects for however much money is raised by the TSPLOST. He stated that he would also like to suggest that each commissioner have the opportunity to designate a mile or two of roadway in each district. His point is, we are not going to have to go through a long process to get the projects and to get the engineering done, we know how much it is going to cost because of LMIG.

Mr. Wilson stated that the only problem he has is this puts commissioner designation politics back into the resurfacing. He further stated that TSPLOST can also be utilized for the purchase of equipment for road projects and he had Mr. Imberger put together a realistic number for a need for equipment. Mr. Wilson agrees with Mr. Imberger that \$2.5 million is the bottom line needed for equipment. He has also asked Paragon to give us how many roads we could resurface each year, for 5 years, at \$4 million per year for resurfacing. Estimated \$5 million will need to be allocated as local match for ARC/GDOT projects because we have SR155 and some other projects coming up that we are going to need to match. Then you have design, engineering and project management costs and he anticipates \$39,200.00.

Commissioner Flowers-Taylor then pointed out that since the study was done, some of the roads have gotten significantly worse than they were when the study was conducted. She doesn't know if the list is still accurate and she doesn't know how much it would cost to look at it again. We have been patching Hallmark Drive and this road is 4 years off from being paved and that is no incentive for residents on that road to vote for a Transportation SPLOST, so her question is: Is that list still an accurate representation of the roads in the County? Do we need to have the roads reassessed.

Mr. Wilson stated that Hallmark is in the progression that will cover approximately 20 miles per year.

Commissioner Flowers-Taylor stated that she agrees with Mr. Wilson that the paving of roads shouldn't be political and that is why District 5 has all the roads that are currently being considered for repaving. But sometimes you have to go off script and address issues. So, for the lady on Hallmark us telling her we are going to do a TSPLOST and she is still four years out isn't going to mean anything.

Chairman Davis stated that we have to decide, and this is a good starting point for this project. He doesn't want to have to go back and contract for another evaluation because it took a while to do this report and we simply do not have the time for an update before we make these decisions. He stated that he is okay with going down the list because that takes all of the politics out of this process. He simply wasn't sure that everyone else would agree.

Chairman Davis stated from what he understands there will be no dirt roads considered on the TSPLOST, it is simply going to be for resurfacing and as he looks at it the life expectancy of a paved road is maximum 10 years and we have approximately 500 miles of paved road which would equate to 50 miles of resurfacing a year for ten years.

Mr. Wilson stated that no County in the State of Georgia is able to do that many miles of resurfacing in a year.

Chairman Davis then stated that we have to decide what the projects are and we have to make these decisions within the next month. He asked everyone to take a hard look at the items being considered for a TSPLOST and let's get this thing started.

Mr. Wilson stated that he has an updated list and he will get it to the Board. He then recited the list provided and advised the district that each road is in.

Commissioner Davis then asked that Mr. Wilson give the Board an updated list and at the next regularly scheduled meeting, we will review the list. That will give you a couple of weeks review the list and decide what you want to do. At that time we can approve the list and say if we do TSPLOST or if we do SPLOST and include the roads this will be the prioritized list.

Commissioner Flowers-Taylor and Commissioner Johnson stated that they do not like the current list. She also would like some consideration to be given to connectivity. We also need to look at working with our Transportation Plan, if a plan is that you can't get from one side to the other without zig zagging and we do have this in the plan, she doesn't know how much it would cost but a smart thing would be to work through the connectivity part of it.

Chairman Davis stated that could be a consideration for the TSPLOST. Mr. Wilson will get us a list that we can make some minor tweaks to. This is a time when you are going to have to take off your District Hat and make sure that you have your Unincorporated Spalding County Hat on and say this is what we are going to do.

Chairman Davis stated that he wanted to talk about educating the citizens because many don't even know this is what we are hoping to do. Commissioner Flowers-Taylor had a great thought regarding the committee and using leadership development people who have completed the Leadership Development Program. They have graduated from the program and expressed their desire to be leaders, this is an opportunity to add them to the committee. He asked County Attorney, Stephanie Windham, to talk with Cindy Jones at the Chamber of Commerce and see if we can get some of these folks in a room and ask them to join a committee. We then have to figure out who the Chairman and Co-Chairman for the committee needs to be. Whomever the named Chairman is important and we have to spend some time finding the right person.

Chairman Davis stated that they need to notify the Board when the meeting is set and he will definitely be there and encourages as many of the Board members to be there as possible. We then have to get funding for the committee and appoint a treasurer. The education piece is critical.

Mr. Wilson then stated that on tonight's meeting there are four dates for meetings with the cities. Does the Board have a preference so that we can get the letters prepared and out to the cities. The Board agreed to meet with the cities on April 29th at 4:00 p.m.

Mr. Wilson then stated that he needs to understand the Board may do a SPLOST or it may do a TSPLOST.

Chairman Davis stated that right now we are going to do a TSPLOST in November, that is what we voted on. The idea of backing into a SPLOST in case we can't solve the 2016 SPLOST problems is what will be driving it. Right now, it is TSPLOST in November.

Mr. Wilson then advised that in order to cover both basis, we may have to send two letters, he will have to check with King and Spalding. In order to make it a SPLOST and/or TSPLOST discussion.

Mr. Wilson then asked if the Board is comfortable with an \$800,000 per month estimate?

Consensus of the Board was to lower the estimate of \$750,000 per month and be surprised, rather than come up short again.

Mr. Wilson stated that he would recalculate it a \$750,000/month and he will recalculate. He then asked if anyone had any objections to purchasing equipment with the TSPLOST?

Chairman Davis stated that was never his intent, so everybody knows. However, through discussions with Mr. Imberger and Mr. Wilson, that may be a smart move overall, but his intent was resurfacing for TSPLOST. Right now, his thought process is that in May 2022 the County will do another SPLOST and those types of items would traditionally go on the SPLOST; however, he is open to staff's suggestions regarding the equipment. He is mainly focused on road resurfacing at this time. If the resurfacing effort can be accomplished through acquiring equipment, then he is all for that.

Mr. Wilson then stated that the City of Griffin would be bonding their projects, he asked if the Board would be interested in bonding as well? Not the full amount, but maybe the amount of the equipment and the first year or two of resurfacing? \$2.5 million for equipment and \$8 million for resurfacing, so approximately \$10.5 million. Consensus of the Board is to do pay as you go which will give us more money to put on projects.

2. Discuss Heritage Park projects funded in the 2016 SPLOST.

Mr. Wilson then showed what was presented to the Board and the Board approved in 2015. He then presented to the board the projects requested by

Parks and Recreation. He also reviewed the requests for the Heritage Park portion of the SPLOST. There was \$1,915,000 designated for the Fairmont Park and Heritage Park improvements. We spent \$1 million on Fairmont Park Proper which is everything on the Fairmont Community Center side of the street. Then the garden was relocated, we have paid for asbestos abatement and since the initial SPLOST presentation, all of the projects have changed.

Mr. Wilson then covered the Paragon Costs Estimates for Heritage Park.

- Renovate existing Gym - \$3.2 million
- Renovate Equalization School – we were talking about that at the time, but now that is out.
- Renovate Rosenwald - \$1.763 million.

Total as of 2019 was \$7,192,000. This was when we were talking about having a Welcome Center in front with the bathrooms for Rosenwald.

This presentation outlined the work to be done at each of the facilities. All of the work has extensively changed dramatically from the estimate that PRAC put in the presentation.

The Rosenwald School came in at \$1.6 million and that quote came in at \$1.7 million, so we were close in our guesstimate on that project. And the plan is to fund this project from a prior SPLOST.

Mr. Wilson then advised that while looking at funding this morning he asked that the Board remember that we issued Bonds and we did what is called “back loaded” so the debt service is actually paid after collections cease. The last debt service is approximately \$3.2 million which will be paid in July 2022 after the Bonds end in March 2022. We did that in order to have the money up-front for the projects.

Mr. Wilson stated that the original budget for the Aquatic Center was \$4.7 million and it is now approximately \$7.8 million.

Mr. Wilson then stated that when the SPLOST was originally presented there were renovations to the gymnasium, but the Board decided last year to move ahead with Rosenwald and then see what happens with collections for the gym.

Commissioner Davis then stated that when we priced the SPLOST we said that we were going to use \$1.9 million for Heritage Park and we have spent \$1.4 million. So, in reality we have approximately \$500,000 remaining for work at this location. But we have decided to increase the size of the project. What we went to the citizens and said we want money for was \$1.9 million and we are short because since 2016 we have decided to increase what is being done there.

Commissioner Flowers-Taylor stated that we underestimated the project at Fairmont and the quality of work that was being done there was deficient, and she insisted that it be good quality work. If we set a precedent by doing what we did with Pickleball, we shouldn't have done all of those pay as you go projects

before we finished the bonded projects.

Mr. Wilson stated that we have done what we said we were going to do at Fairmont Proper with the bonded funds. What we have spent on projects at Heritage Park as well and the remaining bonded funds for these projects is \$500,000.

Mr. Wilson stated that initially the renovations planned for Fairmont were air conditioning and flooring, that was it. Then Commissioner Flowers-Taylor came and the whole gym was redone inside and out.

Commissioner Flowers-Taylor stated that we were doing renovations and installing a computer room on top of old tile that was “puckered up” in the lobby. So, yes at the risk of being ugly. This is the history of this community, to always do the least in that area, in the black community. So, she felt that as a commissioner it was her responsibility to go over and make sure that the work done there was the same as the work that was done at the Senior Center.

Commissioner Flowers-Taylor then stated that the Pickleball Project was projected to come in a \$900,000 and it ended up costing \$1.8 million and the Board approved those changes to the bonded project due to excess collections. She simply expects the same considerations of any other bonded project.

Commissioner Johnson then stated that we had a commissioner during that time that was pushing the Pickleball Project and he had support around that. Unfortunately, in dealing with four commissioners we lost that vote, otherwise we probably would be much further along with Heritage Park and the Gym.

Commissioner Davis then asked the cost to renovate the gym at Heritage Park.

Mr. Wilson advised \$3.2 million.

Commissioner Davis stated that we feel we need \$3.2 million in order to complete this project which feeds into the SPLOST project that Commissioner Flowers-Taylor mentioned earlier.

Mr. Wilson stated that the Board can reduce the \$3.2 million, but in order to do that you will have to remove the bleachers and for some reason the bleachers are sentimental which causes occupancy to go up. They are not ADA approved, etc. and once you keep the bleachers which adds seating capacity, then a sprinkler system will have to be installed.

Bryan Upson, Paragon Consulting, stated that the pricing for this project was based on 2019 cost of building materials, he can't guaranty that is what the price is going to be today based on building material costs increases and construction pricing. We were very fortunate that we came in under budget on the Rosenwald School. He can't advise what that \$3.2 is going to turn into if we decide to go forward and you need to keep that in mind. Also, currently we have only planned enough parking for Rosenwald, we are going to have to finish that parking lot if we do the gym which will probably add another \$200-250,000. All of those things need to be discussed.

Chairman Davis then stated that in reality we are talking approximately \$4 million. Then he gave a rundown of the projects and the money needed:

- Heritage/Fairmont - \$4 million
- Aquatic Center - \$8 million
- Total of \$12 million to complete both projects.

Mr. Wilson then advised that there is \$4.5 million designated for the Aquatic Center which reduces the total to approximately \$7.5 million and if you are going to consider doing another SPLOST to finish these projects, the Board has told staff to get a price from Mr. Upson on Splash Pads and a second pool. So, if you are thinking about that, we need to include this as well as the parking lot at Heritage.

The meeting then recessed for five minutes to allow the members of the Board to take a break.

Mr. Wilson then went over the hand-out that went out to everyone before the SPLOST in 2016. It included a 6-lane pool with a retractable roof and splash pads. So, if this is what you want this is not what you have had designed and if this is what you want than we need to stop Paragon because we have given them a task order upon the Board's approval two meetings ago, to move ahead with the 8-lane pool inside of a conventionally constructed building.

Commissioner Flowers-Taylor stated that from the onset, we have talked about having these facilities as an economic stimulus for Hotel/Motel Tax, Local Teams staying in town, which is the Aquatic Center, economic impact from tournaments and visitors, future industry and housing increasing. So, just because we decided that we wanted the Aquatic Center, everything else that we wanted is not going to be there. All she is saying, is when you look at the entire picture, just because we changed what the Aquatic Center is, she don't recall voting that we are not going to do this.

Mr. Wilson stated that he understood that because of the Aquatic Center we can't do all of that, so we are doing two pools inside the Aquatic Center.

Commissioner Flowers-Taylor then stated that she just wants to know if we are going to do something like what was presented to the citizens at the time of the SPLOST? Do we need to advise Mr. Upson to not prepare an estimate for Fairmont?

Mr. Wilson stated that the Board authorized Paragon to prepare quotes for a second pool and a splash pad at Fairmont and then a splash pad outside at the Lakes at Green Valley. He is working on these and will have them ready for the mid-May meeting or the first meeting in June.

Commissioner Davis stated that at this point we are talking about an Economic Development Tourism issue, this is very close to Pickleball to him. Pickleball brings in people. There will be our competitive swimmers and we will be bringing in people to compete. He is not for another pool somewhere in the County, but he is in favor of a splash pad that most of the county can walk to. He believes that the \$7.8 million for an Aquatic Center and a splash pad at a location to be

determined is where he is right now.

Commissioner Flowers-Taylor stated that she has talked about asking the Hospital Authority for money for the Therapeutic Pool and she hasn't heard anything back regarding that. When she met with Mr. Simmons and Mr. Pugh from the School Board, we talked about what the Aquatic Center would look like as far as management and he was very open to the idea of the students working as legal lifeguards and them helping to provide us with the labor that we need. She feels something like that is vital because you are partnering with other people in the community. So, we need to go to the Hospital Authority and ask them about money, but we also need to have everything line up to say this is the impact it will have on the community, these are all the players who are at the table and this is not just the County trying to fund something.

Chairman Davis then asked Mr. Wilson and Ms. Irizarry to prepare an application to the Hospital Authority regarding funding for the Therapeutic Pool.

Commissioner Flowers-Taylor stated that from her time on the Hospital Authority they were very interested in how the project would have an impact on the community in terms of promoting health, promoting wellbeing, etc. That is sense she got when she was working on that Authority. How your project will touch the most people and do the most good.

Mr. Wilson advised the Board still needs to let him know, because the same people who are designing the Aquatic Center will be designing the splash pad.

Commissioner Davis stated that the Aquatic Center at the Lakes at Green Valley needs to move ahead. The second part is trying to talk about what Commissioner Dutton calls a "want" of a swimming pool somewhere that is centrally located outdoors. A pool like this community has had up until the last few years. What is being done at the Lakes at Green Valley needs to continue. As far as he is concerned, what is being built at the Lakes at Green Valley is better than what was proposed in the SPLOST and what is being discuss at this time is a second issue.

Mr. Upson, Paragon Consulting, expressed his confusion over what is being discussed here today. They were charged with coming up with a price to do a splash pad, a basic splash pad. A pool that had 0 to maybe 4', it was not like City Park Pool, it was for any age kid. Then we were to prepare a combination of the two and present a cost for this at Fairmont. Then we added a splash pad component at the Lakes. That has been his charge from the Board was to come up with these options.

Consensus of the Board is that Paragon continue with what they are doing in working up solid cost estimates for the items discussed.

Mr. Upson then advised that for the pool component we will be required to have restrooms and changing rooms. By law you are required to have changing rooms and we are going to have to have some type of building. Splash pads, you do not have to have that,

Chairman Davis asked Mr. Imberger to be looking at different locations within

the county that would be a good location for another pool or splash pad area. Preferably on property that the County owns as we would like to keep the costs down.

3. Discussion of Bethany Road Private Driveway issue.

Chairman Davis stated that what he is looking for are options of what the Board can and can't do.

Stephanie Windham, County Attorney, stated that the Board is aware of her opinion, that being without some sort of consideration to be paid by the folks on Bethany Road the County's acceptance of this private drive, which is undisputed as that is what it was intended to be, is a gratuity. If they don't do something in return it is a gratuity.

Chairman Davis stated that it breaks the law. Who owns Lot #1.

Ms. Windham advised that Lot 1 is currently owned by the Land Bank subject to the interest of R.R. Browning and that subject to is very important. When the Land Bank or anyone acquires property at a Tax Sale, they acquire unmarketable title subject to a right of redemption. The right to possess the property does not lie with the tax sale purchaser until that right of redemption has been foreclosed. The Land Bank has never foreclosed the right of redemption for Lot 1. If they had begun that process, it would have come to light sooner that what they have is a private driveway and they probably taken a different course of action at that time. At that point, they would have conveyed back to R.R. Browning who is the debtor in fife. She stands by her statement that this is not a good solution for the owners on Kelly Drive.

Mr. Wilson stated that is what the Land Bank intends to do.

Ms. Windham advised that is the Land Bank's only option. There is another option, they can foreclose the right of redemption and convey the property back to the owners on Bethany Road. Foreclosing the right of redemption is a cost and the owners on Bethany Road do not want it; therefore, they wouldn't accept that second deed. So, the Land Bank's only option is to convey it back to R.R. Browning.

Commissioner Flowers-Taylor then asked why there would be a cost for foreclosure?

Ms. Windham stated that to foreclose the right of redemption would wipe out R.R. Browning's interest. It is a legal proceeding.

Commissioner Bowlden asked what the bare minimum would be to be able to fix the road?

Ms. Windham stated that we have to be very careful because this parcel is not a road, it was never intended to be a road. It is a public driveway, it is for access to those lots.

Chairman Davis then added that we can't tell Public Works to do that even one

time because it would be breaking the law.

Ms. Windham stated it would also be trespassing.

Chairman Davis then stated that the option of Public Works going out there and doing anything is not on the table. What options do we have to help those people? One option could be that the Land Bank does the right of redemption and signs that lot over to the County. Then could Public Works go out and at least scrape the road?

Mr. Imberger stated that would cause an even bigger problem and would be a continuous problem because there are currently 30+ private drives out there right now and he has hundreds of driveway issues that will be just like this one.

Mr. Imberger then advised that the size of the driveway or the length of the driveway isn't the issue. This private drive is like a bowl that holds water like a swimming pool. So, to drain the water, we have got to get it to another location. We don't even know how much of that driveway is part of the problem, there are most definitely other pieces of property that will have to be acquired in order to get that water out of that bowl.

Ms. Windham stated that some of those properties could be on Bethany Road or Rawls Road and be in back yards and those people "don't have a dog in this fight."

Commissioner Bowlden stated that when these house were originally built they were suppose to be held to a standard and we violated that standard by not holding Mr. Browning accountable. In reading all the emails it is his perception that we are trying to cover something up.

Mr. Imberger then stated that any subdivision that gets approved in Spalding County, the roadways aren't approved until they are actually up to the County standard. We inspect them and then we accept approval. So, for this subdivision, when it was approved, there was never any type of road structure presented to Spalding County to approve. So, it has never been a road. Yes, originally the County did approve the construction of the subdivision, but the builder never went to the next step.

Commissioner Bowlden then asked why the County didn't hold the builder accountable?

Mr. Wilson stated there are no standards for a driveway. There are no standards for a private driveway and that is what this is.

Mr. Imberger stated that at Sun City you purchase a house that is not on a County road until they complete the process and the requirements for the county road prior to it being accepted by the county. In this case, somebody built four houses and that is where he stopped.

Mr. Wilson stated that this private drive was never intended to be a private road, so it is not the same as Sun City.

Ms. Windham stated that the plat shows it as being a private drive, Kelly Drive.

Also known as Lot 1 and it is clear that it was never intended to be anything other than an access driveway to those lots because in every single deed from R.R. Browning to Mr. Browning there was an easement included over and across Kelly Drive for access to these lots. In the original deeds, R.R. Browning conveyed these lots to Ray Browning and the easement is on all of the original deeds on all four of the building lots. In the conveyancing deeds to the current owners, Mr. Sutton and Ms. Byard have the easement language in their deed. It says "Easement for ingress over or access over Kelly Drive." The other don't have that, but it is on the plat and there is a good argument that they have this easement whether or not it is included in their deed. There is no cover up. There is nothing to cover up.

Chairman Davis stated this came to light when one of the owners who had been maintaining the road quit grading the road. When he moved and stopped grading the road the problem surfaced. This hasn't been a sudden development the individual had his own equipment and he kept the road graded and all of the property owners were happy. Then he moved and they said somebody has got to grade the road, we don't have anyone to grade the road and we're going to the County to get the road graded.

Mr. Imberger stated that it has only been a few years when we started getting the complaints because it was never considered a road and had never been maintained as a road. That is when we found out that we couldn't work on it.

Commissioner Bowlden then asked if this lot is conveyed back to Mr. Browning what is to stop him from saying that these residents can't use the driveway anymore.

Ms. Windham advised that those easements are already there. Two easements are stated in their deeds and the other two have the right by prescription and by the fact that it is on the plat. So, he cannot stop them from accessing their properties via their property.

Chairman Davis then asked if the County Manager could go through his recommendation again.

Mr. Wilson advised that we have zero options. It is not the County's problem, it is a private civil matter between R.R. Browning and the four home owners. It is something that was allowed by our ordinance at the time, otherwise they would not have been able to get building permits. Since that time, we have changed our ordinance so that you cannot build on a private driveway. As Ms. Windham stated, it is a gratuity if the County does anything on "private property." The problem is not the road itself it is drainage. As Mr. Imberger indicated, you have to get the water off where it is standing.

Ms. Windham advised there are lot of private drives within the County and most of them have some type of maintenance agreement and sometimes that maintenance agreement doesn't happen until someone decides they want to sell property that belongs to a family or somebody dies and then they go to an attorney and ask for a maintenance agreement because they want to sell the property to someone outside of the family. This is not the only private drive in the County and if you treat this one different then the rest of them will be

knocking at your door.

Mr. Imberger stated that on a daily or weekly basis he or Scott Sullivan have to tell people that we can work on their road because it is not right-of-way. Jones Road is off Blanton Mill, they to some degree cannot get in and out of their houses, he has never been down the road because it is a private drive. There will be a lot of those and we say “no” almost on a daily basis to these people.

Ms. Windham stated that “flag lots” use to be acceptable, that is where you have a very small amount of road frontage that takes you back to your lots in the back.

Ms. Windham stated that Mr. Galloway will have on the next Land Bank agenda the recommendation to: (1) record something that will undo the quitclaim deed that was filed and (2) quitclaim the property back to the debtor in life and they are perfectly within their rights to do. Which eliminates the issue of the Land Bank owning this property.

Ms. Windham stated that the only resolution would be that the residents bring the road up to county standards and request that the road be taken over by the County.

Mr. Imberger stated that the estimate on that would be on the low side \$500,000 as they will need to establish a right-of-way, and that right-of-way would need to match Rawls Road and Bethany Road with an 80’ right-of-way. His guess is that some of this private drive is only 30’ wide. He wouldn’t be surprised if there isn’t some property encroaching the existing driveway. So, somebody is going to have to purchase land from other landowners. Then there is utilities on the right-of-way that will have to be moved which includes a power line. Then you will have to bring utilities in and there is no water lines because all of the water lines servicing these houses is actually service lines. The meters are actually on Bethany, so all they have is a 1” pipe going to their houses so you would have to install a water line, you would need a fire hydrant, etc. He gave a list of these requirements to the Board for their review. He pointed out that #2 on the list is engineering and survey, which would be the first place for them to start and then verify what needs to be done.

Ms. Windham then stated these items are to just bring the private driveway up to County standards.

Chairman Davis then stated that the Land Bank is going to solve the issue regarding the deeds and there is nothing that the County can do regarding this private property.

Ms. Windham advised that anything that you do on private property is: (1) a trespass and (2) creates a terrible precedent and is considered a gratuity.

Chairman Davis advised the bottom line is that the Land Bank is going to take care of the deed and we suggest to the property owners that they create a maintenance contract to provide for the upkeep of that private driveway. The County is not getting involved.

4. Discuss the American Rescue Plan Act funding allocated for Spalding County and

potential uses for funding.

Mr. Wilson advised that the National Association of Counties has a website and they have estimated that we will receive \$12,936,636.00 the only guidance we have right now is that it can be used for three broad issues: Water and Sewer Improvements, COVID 19 Emergency Response and Broadband. ACCG and GMA have a webinar next Thursday, April 29th, from 11-12:30 and staff will be attending that webinar along with the City because they are receiving a little over \$6 million. As of right now, nobody knows the specifics and the legislation says that 50% of the money or approximately \$6 million will come to the County within 60 days after the President signed it. We are coming up on 30 days and in 30 more days we will have the money and hopefully we will know what we can spend it on.

Chairman Davis then advised that his first priority will be countywide Broadband. Whatever is required, he wants us to do it.

Mr. Wilson stated he has talked about this with EMC and they were talking about contributions. Monroe County was number 1 and he told him that Spalding County wanted to be number 2 and they have a formula of what entities would need to come up with to expedite the installation in their areas. They are going to do it, but more than likely we would be at the end of the 3-4 year period, but we don't want to wait that long and if funding is available, we haven't received the estimate yet. The gentleman who is in charge of broadband for Central Georgia EMC will be at the next Archway Executive Committee Meeting in May and hopefully by that time we will have a number and he is estimating close to \$3 million for that. Hopefully, we will have something within the next 30 days.

Chairman Davis advised that Mr. Simmons from the Griffin-Spalding County Board of Education also has funding coming in and he has expressed an interest in working with the County on broadband. He then asked if this is bigger than the EMC?

Mr. Wilson stated that EMC is the largest entity in the County, they have 12,700 customers. They have more than Georgia Power in unincorporated Spalding County. They have the bulk of the customers in unincorporated Spalding County. The federal government did not allocate only for the EMC's, but also the satellite project that Commissioner Dutton talked about as well.

Chairman Davis stated that this "other money" is very important, because if it can be used for roads, infrastructure, or any of those types of things, then a lot of our problems will go away. He is looking to make sure that everyone on the Board sees it this way. We have talked about needing approximately \$8 million to solve a short-fall problem. This could be the solution to that problem if we wanted it to be.

Commissioner Johnson then asked Commissioner Flowers-Taylor how serious the Water Authority is about providing sewerage on 19-41 and on Hwy. 16.

Commissioner Flowers-Taylor stated that she thinks the Water Authority is very serious about the sewer expansion up 19-41 and out Hwy. 16 and maybe even putting a package plant up somewhere. What we need to realize is that when we

are talking about water and sewer, that is really not our “pot of money” so we have to ask the Spalding County Taxpayers.

Chairman Davis stated that the County giving money to the Water Authority could become a big issue because that are an independent entity, not part of the county government.

Ms. Windham stated that this disbursement is much like the first round of PPP loans, there is no real direction at this time and you just hope that when you get it you do the right thing with it so that you can have it forgiven. This is going to be the ACCG and the Municipal Association’s best guess as to what is allowed.

Commissioner Flowers-Taylor then presented a list of individuals who had to surrender hours back to the County and not get paid for them at the beginning of the year and she feels that many of those hours were probably due to COVID and she would like to see these individuals get paid for those hours. Glen Polk at the Fire Department gave back 275 hours and you know that we were received emails all time of the day and night, William Wilson gave back 382 hours, TJ had 172 hours, Marcia Ridley had 209 hours and Tony Thomason gave back 510 hours. She would like to use some of the COVID funding to help reimburse these people for hours they had to give up as she feels that most of the hours were due to their responding to COVID related matters.

Ms. Windham stated that under NACO’s FAQ’s the last bullet under #1 could do that.

5. Discuss topics for meeting with our Legislative Delegation on April 29, 2021 at 2:00 PM.

Chairman Davis stated that he doesn’t want this meeting being us attacking them on past legislation. He would prefer to talk with them about future items. His example being the Joint Water Authority, give them a heads-up that we may be coming to them regarding local legislation to create a Joint Water Authority in the next couple of years. He would like to talk about the future and have them focused on future items instead of beating them up and them saying they aren’t coming again.

Commissioner Flowers-Taylor stated that these individuals have introduced legislation on a number of occasions that has affected Spalding County without our knowledge. That is why they are elected to answer the hard questions. They have introduced legislation without asking us what we thought about it.

Commissioner Johnson then asked who had confirmed they are coming.

Mr. Wilson advised that Karen Mathiak has confirmed, David Knight’s secretary advised that she had put it on his calendar and we have not heard from Marty Harbin.

Commissioner Johnson stated that probably Ms. Mathiak would be the only one showing up and if she is the only one coming do we even need to move forward with this? She understands that building a relationship with them is important, but if we only have one of them showing up it is not going to have an effect. If it

were important to them, they would be here. If we're not going to get their participation then why are we wasting time out of our day to be here. It works two ways.

Chairman Davis asked that Mr. Wilson contact their offices again and find out who will be attending. He thinks it is an opportunity for us to communicate and try to get us closer together. If we have two of the three here, he feels very confident we can talk with them about what they may see in the future and if we have any ideas on local legislation, we can talk with them about. The only one he can think of is the Joint Water Authority that could be 2-3 years out or never.

6. Consider approval of request from the City of Griffin to split the cost of the fireworks display on the 4th of July.

Mr. Wilson stated that it would be \$9,500 which will come from the pre 8% Hotel/Motel Tax money. We're gradually working that money away. We use it for publications and for the annual fireworks display. The City has already voted to move forward with a fireworks demonstration for the 4th of July and staff recommends that the Board does the same.

Commissioner Flowers-Taylor stated that she lives in East Griffin and she can see the fireworks from First Assembly, Oak Hill and Rock Springs Church and some people have their own fireworks. She feels that since we are not having a parade or any other event to celebrate the 4th of July the money would be better spent somewhere else. The other people in the community do such a good job, she is wondering why we are trying to do this.

Commissioner Johnson stated that she doesn't have a problem with it as it may stop her neighbors from shooting off fireworks.

Commissioner Bowlden stated he doesn't have a problem with it this year, but he feels like there should be some activities in the future.

Consensus of the board is to approve the request from the City of Griffin to split the cost of the fireworks display for the 4th of July.

7. Discuss a date for the 2021 Retreat since Commissioners Johnson and Flowers-Taylor are unable to attend the one that was scheduled for April 22nd.

Chairman Davis stated that his answer to this is not to have one this year.

Commissioner Johnson agreed.

Chairman Davis stated we can always bring this up later, but by the time the new County Manager gets into place and he or she becomes acclimated, before we know it, its January when we usually do our retreat.

Commissioner Flowers-Taylor stated that she doesn't have a problem postponing it. She does feel that when we get the new County Manager, we should have another retreat with Terrance Johnson and she would like to do that again, because she feels we got a lot out of that exercise. Since we are having work sessions, she feels comfortable not having a retreat.

Chairman Davis will call Mr. Johnson's , PR person so if you have any comments please get them to him as soon as possible. He will be calling him tomorrow to let him know how we feel it went and this is what we want to do.

8. Chairman Davis would like to discuss possible dates for a closed session for the Board to Review applicants for the County Manager position and set up interviews.

Motion/Second by Flowers-Taylor/Davis to discuss or deliberate 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) at 12:32 p.m. Motion carried unanimously by all.

Motion/Second by Flowers-Taylor/Johnson to close the Executive Session at 12:50 p.m. Motion carried unanimously by all.

Chairman Davis then advised that he would like to schedule the first Executive Session to discuss the County Manager resumes on Thursday, April 22nd at 5:00 p.m. right before the Planning and Zoning meeting.

Chairman Davis then stated that he wants to make sure everyone is in sync before we get out of here on what we have agreed to today. He wants to make sure that Ms. Irizarry and Mr. Wilson have the guidance that they need.

- TSPLOST – Mr. Wilson is going to send us an updated road list containing the Commission Districts that will be our starting point.
- Mr. Wilson will prepare a letter for the Cities advising that we are starting to consider either a TSPLOST or a SPLOST in November.
- Ms. Windham is going to get with Cindy Jones and meet with the people who have taken the Leadership Development Classes and the people who we believe are going to be the heart and soul of our committee. Ms. Windham asked if employees of the County or the City could be on this committee?
Mr. Wilson advised that he doesn't think so, but would check with legal counsel.
- We have to think of who may be the Chairman and Co-Chairman for this committee.
- Mr. Wilson advised that we cannot meet the 10 days to notify the Cities of the meeting for April 29th. We will need to meet the first week in May. Consensus was to meet Thursday, May 6, 2021 at 4:00 p.m.
- Heritage Park and the Aquatic Center we have talked about needing \$8 million and we may have to go back for a short-term fix if we can't find it someplace. Because the project has expanded over time. Commissioner Flowers-Taylor stated that she would like to have this agenda item moved up to the first item for consideration on tonight's agenda.
- Bethany Road
 - This is not a County issue

- The Land Bank has communicated that they are going to fix the deeds properly
- The property owners need to consider entering into a maintenance contract.

Ms. Windham asked that the Board be willing to explain that the Land Bank and Spalding County are not one entity. She feels that is one of the problems that they think that the Land Bank and Spalding County are one and the same.

- American Rescue Fund – Mr. Wilson and Ms. Irizarry will be attending the NACO Webinar and they know the key words that we are looking for. This is absolutely critical to our community.

Mr. Wilson asked if the Board was interested in reimbursing for lost annual leave for those individuals discussed.

Consensus of the Board is they want this done as long as it can be done out of the CARES or ARA funds.

- Priority of the Rescue Fund is Broadband, if it takes the entire amount we are doing Broadband first and foremost.
- Legislative Liaison Meeting – We will only have this meeting if two or more show up. If two come we are going to sit down and have a discussion about going forward.
- We agreed to pay the \$9,500 toward the fireworks this year, but we will look at it in the future.
- Retreat – Agreed to postpone the retreat, maybe for the remainder of the year, but thinking about later in the year doing the team building training again.
- We have set the first Close Session to review applicants set for 5:00 p.m. on April 22nd.

II. ADJOURNMENT

Motion/Second by Flowers-Taylor/Johnson to adjourn the meeting at 1:04 p.m. Motion carried unanimously by all.