



**After Agenda  
Board of Commissioners -  
Regular Meeting  
October 3, 2022 6:30 PM  
Room 108, Annex Building**

**The Spalding County Board of Commissioners held a Regular Meeting on Monday, October 3, 2022, in Room 108 of the Spalding County Annex Building, beginning at 6:50 p.m. with Chairman Clay Davis presiding. Commissioners Ryan Bowlden, Rita Johnson and James Dutton were present for the meeting. Commissioner Gwen Flowers-Taylor was absent from the meeting. Also present were County Manager, Dr. Steve Ledbetter, County Attorney, Stephanie Windham and County Clerk, Kathy Gibson to record the minutes.**

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

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

***Motion/Second by Dutton/Johnson to amend the agenda and move Item #1 under New Business to the next meeting at the request of Justice Facilities Committee. Motion carried unanimously by all.***

**II. INVOCATION**

Fire Chief Glen Polk delivered the Invocation.

**III. PLEDGE TO FLAG**

Commissioner James Dutton, District #2, led the Pledge to the Flag.

**VI. PRESENTATIONS/PROCLAMATIONS**

1. The Spalding County Fire Department would like to host a badge pinning ceremony for the promotion of Josef Miller to Battalion Chief.

Chief Byrd stated that this is a celebration for the Spalding County Fire Department, and we want to share this with the citizens of this County and the Board of Commissioners. A promotion for any firefighter is something they will never forget, and the positions of Battalion Chief, Captain and Lieutenant are pivotal to the leadership of our organization, and this is where the success of the Fire Department belongs. He and Chief Polk are the ones seen by the public more often, but the representatives here this evening are the true heroes.

Chief Byrd then stated that tonight he has the pleasure of honoring someone he has watch advance through the ranks. Chief Miller started at the Spalding County Fire Department in 1996 where he served as a firefighter until he was promoted to the rank of Lieutenant in 2001. He was then promoted to Captain in 2019. This celebration is about Chief Miller, and he then turned the proceedings over to Captain Dexter Jester and Battalion Chief Willie Lyons and perform the pinning ceremony.

Captain Jester and Battalion Chief Lyons both spoke about Chief Miller and his career with Spalding County and then pinned the badge on Battalion Chief Miller.

Battalion Chief Miller thanked his family for their patience and their standing by him over the years as he progressed through the ranks at Spalding County.

Dr. Ledbetter then stated that he wanted to share one more thing with the Board and the citizens of Spalding County that happened this weekend. He then stated that it was his privilege to welcome to the microphone the 2022 Fire Chief of the Year for the State of Georgia, Chief Mike Byrd.

Chief Byrd stated that it was an honor and a surprise as everyone knew about the honor but him. He received it in Columbus this weekend. It was an honor, but he couldn't do this without all of the firefighters that back him up. This is not his award, it is our award and Spalding County has received statewide recognition.

2. Consider approval of a Joint Proclamation nunc pro tunc with the City of Griffin honoring the Exchange Club "Man of the Year" for 2021, Kenny L. Smith.

Dr. Ledbetter read the Joint Proclamation and stated that the Proclamation was presented to Mr. Smith at a Exchange Club luncheon on September 27, 2022.

***Motion/Second by Dutton/Johnson to approve a Joint Proclamation nunc pro tunc with the City of Griffin honoring the Exchange Club "Man of the Year" for 2021, Kenny L. Smith. Motion carried unanimously by all.***

## VII. 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.

Montina Allen, 216 McIntosh Trail, Griffin, Georgia stated that she is here this evening to request an amplification permit for a youth rally she will be hosting in honor of her son, Jaquez Holland, who lost his life a couple months ago. It is a community youth rally bringing awareness to guns, gang violence, drugs, mental health, bullying and cyber-bullying. She will be a speaker and she will have other guest speakers who will be attending. She just needs approval for the PA system.

***Motion/Second by Dutton/Johnson to amend the agenda to add consideration of amplification for a youth rally on October 15<sup>th</sup> at Dundee Park be added as a new Number 1 under New Business. Motion carried unanimously by all.***

## **VIII. MINUTES**

1. Consider approval of minutes from the Spalding County Board of Commissioners Special Called Meeting, Extraordinary Session and Executive Session on September 19, 2022, the Spalding County Board of Commissioners Special Called Meeting and Zoning Public Hearing on September 22, 2022.

***Motion/Second by Johnson/Dutton to approve the minutes from the Spalding County Board of Commissioners Special Called Meeting, Extraordinary Session and Executive Session on September 19, 2022, the Spalding County Board of Commissioners Special Called Meeting and Zoning Public Hearing on September 22, 2022. Motion carried unanimously by all.***

## **VIII. CONSENT AGENDA**

Chairman Davis advised there are a number of items on the Consent Agenda this evening. Many of them can be approved with no discussion. If there is discussion required, on any item, all a member of the Board has to do is indicate they want to discuss the item and we will move the item to the bottom of the Consent Agenda for discussion. The items the Board has no problem with will be approved with one vote after all of the items are read and those that need discussion have been marked for discussion.

Chairman Davis then asked Dr. Ledbetter to read the items on the Consent Agenda.

1. Consider on second reading Text Amendment 22-02: to amend the zoning ordinance to allow for the regulations of lighting for development and established buildings within the County.
2. Consider a request on second reading: Text Amendment 22-03: Spalding County to amend the zoning ordinance to allow for Mobile Food Vendors to operate within the County.
3. Consider request from the Spalding County Sheriff's Office to provide a School Resource Officer for the Trinity School Griffin campus.
4. Consider request from the Spalding County Sheriff's Office to declare surplus one (1) 2009 Ford Crown Victoria (VIN #2FAHP71V39X147970) which has been wrecked and is a total loss.
5. Consider the approval of the following alcohol license renewals for Consumption on Premise for 2023:
  - a. Douglas Byron Cook-Sequoia Golf Peachtree LLC, dba Sun City Peachtree Golf Club, located at 250 Del Webb Blvd, Griffin, GA 30223. **No violations.**
  - b. George Francis Crosby-Loyal Order of Moose, dba Griffin Moose Lodge #1503, located at 1435 Zebulon Road, Griffin, GA 30224. **No violations.**
6. Consider the approval of the following alcohol license renewals for the Retail Sale of Beer and Wine:
  - a. Atheeq Ali Mohammed-ABA & QR Inc, dba A1 Food Mart, located at 1650 N Hill Street, Griffin, GA 30223. **No violations.**
  - b. Phillip Beckler-Ingles Markets, Inc #457 located at 1735 Zebulon Road, Griffin, GA 30223. **No violations.**
  - c. Shehnaz Motani-Good Luck Ventures Inc., dba Aman Food Mart, located at 3970 N Expressway, Griffin, GA 30223. **No violations.**
  - d. Kacey Smith-Kacey Corner LLC, dba Cole's Corner, located at 7051 Newnan Road, Griffin, GA 30223. **No violations.**
  - e. Umang Patel-JSKR Corporation, dba Copeland Grocery, located at 1578 High Falls Road, Griffin, GA 30224. **No violations.**
  - f. Yasmin Jiwani-AIZAH-V Inc., dba as Food Station, located at 1779 Zebulon Road, Griffin, GA 30224. **No violations.**
  - g. Richard Bradley Corbin-Huckaby's located at 7652 Hwy 16 W, Brooks, GA 30205. **No violations.**
  - h. Yasmin Jiwani-Yasmin J. Enterprises Inc., dba JV's Corner, located at 1700 Zebulon Road, Griffin, GA 30224. **No violations.**
  - i. Suryakant M. Patel-Petro Griffin LLC, located at 1639 N Hill Street,

- Griffin, GA 30223. **No violations.**
- j. Shukat Sadruddin-Shezad, Inc., dba Prince Food Mart, located at 3425 Jackson Road, Griffin, GA 30223. **No violations.**
  - k. Amber White-Racetrac Petroleum Inc., dba Racetrac #2495, located at 1638 US Hwy 41, Griffin, GA 30224. **No violations.**
  - l. Amber White-Racetrac Petroleum Inc., dba Racetrac #182, located at 4200 N Expressway, Hampton, GA 30228. **No violations.**
  - m. Vijaykumar Patel-VIJHEM LLC, dba VJ Sons, located at 2004 N Expressway, Griffin, GA 30223. **No violations.**
  - n. Akber Jiwani-362 Enterprises Inc., dba 362 Express, located at 1600 Williamson Road, Griffin, GA 30224. **No violations.**

Chairman Davis asked the Board if there was any item on the Consent Agenda they would like to discuss. Consensus of the Board being that no items needed further discussion.

***Motion/Second by Dutton/Bowlden to approve the items on the Consent Agenda as presented. Motion carried unanimously by all.***

#### **X. NEW BUSINESS**

- 1. Consider request from members of the Justice Facilities Committee (JFC), Courthouse Elected Officials and Spalding County Judges to report on their findings and immediate need for a "Needs Assessment Study" in support of a new Spalding County Justice Facility (Courthouse and Jail).

The agenda was amended at the beginning of the meeting and this item was continued to the October 17<sup>th</sup> Extraordinary session as requested by the Justice Facilities Committee.

The following item was added to the agenda by request of the Board.

- 1a. Consider request from Molina Allen to for amplification permit for a Youth Rally in honor of her son who passed.

Ms. Allen stated that she plans to have a number of speakers at the rally to bring awareness to guns, gang violence, drugs, mental health problems, bullying and cyber-bullying. She will be a speaker and she have other guest speakers who will be attending. Sheriff Dix stated that he is aware of this rally and fully supports the event. He believes it will be beneficial to the youth in the community. The rally will be held on October 15<sup>th</sup> at Dundee Park from noon until 3:00 p.m.

***Motion/Second by Dutton/Johnson to approve amplification for a Youth Rally to be held at Dundee Park on October 15, 2022, from noon until 3:00 p.m. Motion carried unanimously by all.***

2. The Spalding County Board of Commissioners to declare the 2022 Tax Mileage Rate.

***Motion/Second by Davis/Bowlden to accept the rollback mileage rate as presented this evening. Motion failed by a vote of 2/2 (Dutton/Johnson).***

Chairman Davis then called for a second motion.

***Motion/Second by Dutton/Johnson to set the mileage rate as it currently stands.***

Commissioner Dutton then stated that the money the County received from the ARPA Funding specifically states we are not allowed to use that money to offset taxes. There are a number of differing opinions as to what that means, it was very clear last year; however, it has been brought to our attention that some of the larger counties are going to defy that directive.

With what is going on in the world with the Department of Justice and their directives to raid a former president's home and to raid journalists' homes, it is questionable if the funding would be pulled should we use the rollback rate. That money came with a three-year "gotcha" and it was very clear from his reading of it, whether or not they would pull the funding and ask for interest penalties and fees along with it, he can't say. Could they? Absolutely. It would be utterly disastrous if the DOJ did that. We have looked for other ways to make this happen, so he feels the only legally safe thing to do is to not rollback the mileage rate and to keep it the same.

He then stated that Chairman Davis's has tried to find other ways to address the issue of property tax. He has engaged our County Manager and they have found the HOST law that only two other Counties in the State use. To completely offset and lower a homeowner's property taxes, the Spalding County portion as low as it can possibly go, and we hope to get it to the Rockdale County rate of zero. We will need your help in doing this as it will require a referendum, but the County is very interested in doing this and lowering the taxes as homeowners. No exempting anyone, it will be anyone with a homestead exemption. The property tax would go as close to zero as feasible, it depends on how much is collected and the goal is to get it to zero. By this being a direct replacement, it will not be a reduction or an offset that the DOJ can come after us for.

Commissioner Johnson stated that when we first received the ARPA funds there were a limited number of things that the funds could be spent on. Luckily, we were able to receive the funds and she is also concerned about the potential legal aspect. She then stated that our first responders are important, and we are fortunate that some of us have never had to use them, but there is

always that chance. When I dial 911, I need to know that there will be people to respond when I need them.

She relies on our Sheriff's Department and our Fire Fighters to respond when there is a need. We are receiving State recognition for our first responders, they are there when you need them, and these services cost money.

Commissioner Bowlden stated that when he thinks about the first responders, our Fire Department came in here tonight receiving all these awards and then you look at the Sheriff's Office, they were out at a football game Friday night with people throwing bottles at them while they are trying to keep the peace. Commissioner Bowlden then stated that this is a very hard decision as he is a full-blooded conservative republican. He hates taxes, but when he thinks about the first responders, if we don't keep the milage rate the same, we are going to have to do furloughs. You go up to Brookhaven and their law enforcement officers are making \$80,000 a year as starting pay and our deputies are making between \$45-50,000 a year starting pay. We have to keep them and the only way we are going to keep them is to maintain the mileage rate at the current level. He hates being put in a position like this, and he hopes to never be placed in this position again. Staff has to make the HOST proposal work.

Chairman Davis then stated that he has listens to the citizens of the County and heard what you said.

***Motion carried 3-1 (Davis).***

Chairman Davis then directed the County Manager to prepare all documents for the Department of Revenue.

3. Consider approving a proposal for web design for a site for Our Legacy Museum.

Kelly Carmichael, Supervisor of Leisure Services and Morgan Cantrell, Curator for the Our Legacy Museum were called to the podium. Ms. Carmichael stated that they are at the next steps of creating a website to help support the museum project. The request for web design will be at no expense to Spalding County, the request is for your permission to have the web design paid for by GSBTA (Griffin-Spalding Business and Tourism Association). Staff has included the cost for upkeep, domain name and other expenses involving the website in their budget for this year.

***Motion/Second by Johnson/Dutton to approve the proposal for web design for the Our Legacy Museum. Motion carried unanimously by all.***

4. Consider a request for Amplification from Richie's Tires and Automotive to host a Fall Festival on Saturday, October 29th, 2022, at 4289 Hwy 19/41,

Hampton, Georgia from noon until 10:00 p.m.

Dr. Ledbetter advised that this request has been reviewed by staff and staff has concerns regarding safety at the location. A notification has been sent to the property owner regarding staff's concerns as this location has the appearance of a junk yard and wouldn't be safe for children and adults to wonder around. The concerns include:

The permit request has been reviewed by the Reviewing departments. The following comments must be satisfied prior to issuance of the permit.

Fire Marshal

1. ADA compliance on bathrooms
2. Access for EMS, Fire, Law Enforcements
3. Food trucks – Inspected by Fire Marshal prior to event
4. Event walk through prior to starting.

Building Official

1. Access on public restrooms

Transportation

1. No parking in the right of way
2. No overnight parking

Fire Department

1. Access for Emergency personnel
2. Provide a site plan to show pathways people will access the event.

Administration

1. Provide appropriate liability insurance

Community Development

1. Submit a site plan of all buildings – temporary or otherwise
2. Provide notations of parking, pedestrian areas, locations of food and beverage trucks.

***Motion/Second by Johnson/Dutton to approve a request for Amplification from Richie's Tires and Automotive to host a Fall Festival on Saturday, October 29<sup>th</sup>, 2022, at 4289 Hwy 19-41, Hampton, Georgia from noon until 10:00 p.m. with conditions as requested by staff. Motion carried unanimously by all.***

5. Consider request from Randy King and Lisa Perkins for a contract with the Environmental Protection Agency for reimbursement of up to \$32,371 for right-of-way tire removal as part of the Star Grant Program.



Randy King, Solid Waste/Special Projects Supervisor, Public Works, stated that this grant was applied for to reimburse Spalding County for tires that are picked up on the right-of-way in Spalding County. In the past, the County has had to pay for staff to pick up the tires on the side of the road and then had to pay to dispose of the tires, the Star Grant has been applied for and awarded and the DPA will reimburse the County for up to \$32,371 in 2022 for right-of-way tire removal and this amount could be increased to a maximum of \$50,000.

Mr. King also wanted to let everyone know they are working on having a Bulky Day on October 29<sup>th</sup> and there would be more information on this in the coming days.

***Motion/Second by Dutton/Bowlden to approve a request for a contract with the Environmental Protection Agency for reimbursement of up to \$32,371 for right-of-way tire removal as part of the Star Grant Program. Motion carried unanimously by all.***

## **IX. REPORT OF COUNTY MANAGER**

- ✓ Asked the Sheriff to come forward and share an option for monies coming into the county.

Sheriff Dix stated that his department was notified at the end of last week that they have been awarded a grant from the Governor's Office of Highway Safety in the amount of \$223,646.00 to participate in the GOHS-HEAT Program. These funds will purchase two cars, pay reimbursement of salaries for the two officers assigned to the HEAT Unit also any equipment needed to equip the cars is covered by the grant. We are trying to get cars in now and will get this Program going as soon as we can.

- ✓ Advised that late this afternoon we were updated on the TSPLOST repaving and we are currently at 84% complete for the first year of TSPLOST resurfacing. The roads remaining to be resurfaced for this year are Deerwood Circle, Holly Lane, South Honeybear Drive and Woodland Road. He and T.J. Imberger have been working with Paragon to begin the bidding process for next year's work so that we can get restarted on the resurfacing as soon as the season opens next year. We are at 22.17 miles for this year which does not include the chip and seal that was done on Amelia and Yarbrough Mill. Amelia Road is complete; the contractor came back and fixed the problems there. Yarbrough Mill, we have not gotten the contractor back yet and we have not paid for that road yet. We are working toward getting that road finished.

Chairman Davis then stated that last year we resurfaced less than four miles of road, compared to 22 miles this year. TSPLOST works.

Dr. Ledbetter stated that TSPLOST works quite well and he and Mr. Imberger have finalized their recertification for the LAP Program through the Georgia Department of Transportation. LMIG is a program that we grant money from the state to support our resurfacing projects and we typically get approximately \$1 million annually to resurface; however, we don't get this money for free. LMIG through the Georgia Department of Transportation requires that the County contribute 30% of the funding for the LMIG work. So, if we don't have the 30% match, we do not get this money from GDOT. What you don't see on this list is Vaughn Road which was resurfaced this year with LMIG money.

- ✓ This coming Monday, October 10<sup>th</sup>, the Georgia Department of Transportation will be closing SR16 at the Georgia State Patrol Facility. That road across all lanes will go under construction to rehab the Norfolk Southern Railroad Crossing. Georgia DOT is stating that will take 7 days to complete. Please plan accordingly as you travel.
- ✓ Congratulations to Chief Byrd for Fire Chief of the Year and congratulations to our brand-new Battalion Chief Josef Miller for completing the process and working his way into this position.

## **X. REPORT OF COMMISSIONERS**

### **Rita Johnson**

She also wanted to also congratulate Chief Byrd and Battalion Chief Josef Miller for their awards. We work with the best and they need to be recognized. She is very grateful to be associated with both of these gentlemen.

She also congratulated Kenny Smith, former City Manager for his being named the Exchange Club's "Man of the Year."

She thanked the Sheriff for his work on bringing grants into the County.

She then thanked the County Manager for his presentation on the HOST program. We were tasked to think outside of the box when it came to property taxes, and she can't think of a better solution right now. We will continue to pursue this and see what it looks like, it may be the solution that we need for all of our homeowners. The Board had to make a tough decision this evening as she is a taxpayer on both fronts, home and business. It was a tough decision for everyone, but at the end of the day our services are very important, particularly our first responders and we do not need to take money away from them.

### **Ryan Bowlden**

He previously mentioned the Spalding-Griffin game on Friday night. He wants to call out the Spalding County School Board, what are we going to do about this? How many years in a row has this type of thing happened? He was scared to death

that it was going to spill out into the fair area. Something has to be done. This is dividing the community and it is really sad.

He sat down with T.J. Imberger, Public Works Director, and talked about the chip and seal program. Yarbrough Mill is in rough shape, but it is going to be fixed and they won't be pain until it is. Amelia looks great. This is a program that we want to get going and get some of our dirt roads finished. Right now, we have approximately 78 miles of dirt roads in Spalding County.

The last thing he has is the HOST, it is exciting and sounds great, he just hopes that we can make it work.

### **James Dutton**

He wasn't aware there was a problem at the game on Friday, he saw a huge law enforcement presence at the stadium but had no idea there had been a problem. He was in the area with his children, but luckily, he was at home when everything broke out, he can't imagine having a 4- and 6-year-old in that situation. He wanted to thank Spalding County for having the numbers and foresight to be there.

Thanked the Kiwanis Club for the fair. We were worried it may get rained out, but that didn't happen. He wanted to thank everyone who came out and played BINGO and advised that all of that money goes to kids' charities.

He then wanted to talk about the work that Chairman Davis has done on the researching the HOST Program and bringing it to the attention of the Board. His father always stated that Sales Tax is the only fair tax because it is an optional tax and the least fair way to tax people is property tax. Thanks to Commissioner Davis and Dr. Ledbetter we have a way to turn this around and turn this into a sales tax. The awesome part about this is that it is the same 7 cents, we're not raising the sales tax it is the same 7 cents. There would be no new sales tax, but all the homeowners that are hurting would be able to lower the property tax burden on the County side to possibly zero. There would still be a City Tax, a Fire Tax and the School Board Tax, but we can only control one. That said, it is done by referendum. If you want your county property taxes to be lowered, we will try to get this on the ballot by March 2023, but it will take everyone getting out there and voting for it.

### **Clay Davis**

Reminded everyone that this is Breast Cancer Awareness Month.

Tonight, we approved two ordinances, one for lighting and one for food trucks. This is part of raising the bar for the County, finding policies that need to be written and writing them and then holding people accountable for them. These are time consuming issues that citizens bring to us.

He hopes that everyone will get involved and start to read and research the HOST. It is important to us. If we stay on our current path, we will be facing the same issues this time next year or we can all look at this alternative.

Thanked the Board for their participation this evening, it was a tough night. It was tough getting ready for it and he feels everyone had information overload on what people wanted us to do. As he said in the beginning, there was never going to be a 100% solution.

He wanted to thank the County Manager and the County Attorney for all they have done to move this County forward. They are tirelessly working on our behalf on the SDS (Service Delivery Strategy).

**XI. ADJOURNMENT**

***Motion/Second by Johnson/Dutton to adjourn the meeting at 8:12 p.m. Motion carried unanimously by all.***