



After Agenda
Board of Commissioners – Extraordinary Session
March 20, 2023 6:00 PM
Room 108, Spalding County Annex Building
119 E. Solomon Street
Griffin, GA 30223

The Spalding County Board of Commissioners held their Extraordinary Session on Monday, March 20, 2023, in Room 108 of the Spalding County Annex Building, beginning at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners James Dutton, Gwen Flowers-Taylor, Ryan Bowlden and Rita Johnson were present for the meeting. Also present were County Manager, Steve Ledbetter, County Attorney, Stephanie Windham and County Clerk, Kathy Gibson to record the minutes.

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

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

II. INVOCATION

1. Commissioner James Dutton, District #2, delivered the invocation.

III. PLEDGE TO THE FLAG

1. Commissioner Rita Johnson, District #3, led the Pledge to the Flag.

IV. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the period ending February 28, 2023.

Jinna Garrison, Administrative Services Director, stated that she would be glad to answer any questions the Board may have regarding the Financial Statements.

Motion/Second by Dutton/Flowers-Taylor to accept the Financial Statements ending February 28, 2023, as presented. Motion carried by a unanimous vote.

V. PRESENTATIONS/PROCLAMATIONS

1. Spalding County Parks and Leisure Services recommends the Board of Commissioners recognize the Spalding County Daybreak Rotary Club for their donation of Disc Golf Basket Flag Markers for all the County's Disc Golf Baskets and Disc Golf Starter Kits to the Griffin Area Resource Center.

T.J. Imberger, Public Works Director, introduced Connor West, the President of Griffin Daybreak Rotary and Laura Wallace, the Director of the Griffin Area Resource Center.

Mr. West stated that Griffin Daybreak Rotary has a district grant that they are able to help the community with and Griffin has an awesome Disc Golf Community so they have purchased 58-disc golf flags so that everyone on the courses can easily locate the disc golf baskets. They have also provided disc golf starter kits to the Griffin Area Resource Center (GARC) and are excited for them to be able to utilize these kits. He then introduced Jim Skinner, Kellie Smith and S. Patel who are also with Daybreak Rotary and Laura Wallace along with three other individuals who are with the Griffin Area Resource Center.

VI. CITIZEN COMMENTS

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 Member or to the audience. Personal disagreements with individual Members 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 (3) minutes to speak on their chosen topics as they relate to matters pertinent to the jurisdiction of the Board of Commissioners. No questions will be asked by any of the members 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 (3) minutes or more than once, unless the Board votes to suspend this rule.

Spoke against HB 474

Sue McDonald, 113 Magic Lily Drive
Zachery Holmes, 357 Moreland Road

Spoke in favor of HB 474

John Heavener, 804 Peach Blossom Court
Larry Epps, 147 Jasper Court

VII. MINUTES

1. Consider approval of the Minutes from the Spalding County Board of Commissioners Regular Meeting on March 6, 2023.

Motion/Second by Johnson/Dutton to approve the Minutes from the Spalding County Board of Commissioners Regular Meeting on March 6, 2023. Motion carried by a unanimous vote.

VIII. NEW BUSINESS

1. Consider request from Chairman Clay Davis for Spalding County to donate \$75,000 of the funds received from the Opioid Class Action Lawsuit Settlement to the Spalding County Community Service Board (CSB) for the work the clinicians for CSB perform in response to drug addiction.

Dr. Ledbetter advised that several years ago the Board approved the County's participation in a class action lawsuit against the opioid industry. Since that time, the County has received in excess of \$150,000. The use of these funds are limited to items that comply with the Judge's order.

Dr. Ledbetter stated that in addition to the donation requested, the County is also looking to replenish the drug Narcan on the fire trucks in support of those who may overdose on an opioid. Narcan is extremely expensive, and these funds can be used to support that effort. There is a substantial amount of money in the account and the CSB program is an approved recipient for these funds. The Chairman is asking the Board to donate half of the funds currently in that account in support of their efforts.

Stephanie Windham, County Attorney, advised that the current funding is a result of the Court Settlement with Janssen pharmaceuticals only. There will be several iterations of this lawsuit and settlements this is just the first one that has settled. The next agenda item is for additional settlement considerations and distribution. Ms. Windham stated that she would forward everyone on the Board a copy of the remediation documentation.

Commissioner Flowers-Taylor expressed her desire to see the money distributed to multiple agencies within the community that have provided services for opioid addiction. She was concerned that the Board had not been briefed on the settlement and feels that the Board needs to meet as a group and set up a distribution plan for the funding. She doesn't feel it is fair to donate these funds to the Community Service Board because they are a State funded board and according to the legislation from last year and this year there is supposed to be more funding for actual clinical care. There are multiple agencies within this community that could utilize these funds. She is not comfortable giving that amount of money to this Board because their history of handling of money has been questionable.

Commissioner Johnson wanted to know where the CSB is on the allegations of mismanagement. She's not saying they don't deserve it, nor is she saying that she is not in favor of them getting the money, but where are they now regarding management and how did we come to choose them if there are other organizations that are just as deserving? Is there a particular reason why this agency was chosen?

Chairman Davis stated that when he started looking around the County, based on the restrictions for distribution of these funds, CSB was a good fit. The funding must go to agencies that have had to treat opioid addiction. There were several smaller agencies, but they didn't fit the criteria for the directive the Judge had signed. We have had this money now for a few months and he simply wanted to get it off of the books and back into the community where it would do the most good and as we get additional funding in decide on what we are going to do with it.

Commissioner Flowers-Taylor then stated that we currently do not have any kind of strategy to disburse the money fairly and to understand the organizations who have a need. There are a number of organizations who apply to the hospital every year for a number of reasons that include addiction programs. She is simply saying that she would feel much more comfortable if the Board has a discussion regarding the direction for this funding. She would like to see a copy of the remediation document so that she is familiar with the requirements of the order. She feels there are many more organizations within the County that need help, that don't have the State of Georgia also funding them.

Motion/Second by Flowers-Taylor/Bowlden to table the request to donate \$75,000 of the funds received from the Opioid Class Action Lawsuit Settlement to the Spalding County Community Service Board (CSB) for the work the clinicians for CSB perform in response to drug addiction until such time as the Board can review the remediation documentation and come up with a plan for these funds. Motion carried by a unanimous vote.

2. Consider request from Stephanie Windham, County Attorney to execute a Resolution to participate in an Opioid Settlement with Teva, Allergan, CVS, Walgreens, and Walmart; and agree to be bound by an MOU to be executed at a later date for participation in the settlement distribution.

Ms. Windham stated that this is the second round of settlements, and they are very close to settlement agreements with Teva, Allergan, CVS, Walgreens, and Walmart. This Resolution was requested by the attorneys representing the county in this litigation and will ensure that we are included in the disbursement of this funding.

Motion/Second by Johnson/Dutton to execute a Resolution to participate in an Opioid Settlement with Teva, Allergan, CVS, Walgreens, and Walmart; and agree to be bound by an MOU to be executed later for participation in the settlement distribution. Motion carried by a unanimous vote.

3. Consider approval of the Spalding County Hazardous Waste Trust Fund Reimbursement Contract Offer and a Resolution authorizing execution of an agreement governing expenditures for State and Local Government costs.

T.J. Imberger stated that Ms. Windham will handle all of the technical questions in reference to this item. He then introduced the Solid Waste Supervisor, Mr. Randy King who has been instrumental in securing this long-term funding source for the Yamacraw Landfill. This is a grant that will reimburse the County \$301,114.75 for monitoring services the County has paid on this landfill, and we will be receiving approximately \$50,000 annually up to a maximum of \$2 million for future services on the land fill.

Randy King, Solid Waste Supervisor, stated this is a grant that was available through the EPD, and they filed for it. The \$301,114.75 is reimbursement for monies spent

on monitoring and upkeep of the Yamacraw landfill over the last 12 years. Additionally, the County will receive approximately \$50,000 annually until a maximum of \$2 million for future monitoring and upkeep at this location.

Motion/Second by Johnson/Dutton to approve the Spalding County Hazardous Waste Trust Fund Reimbursement Contract Offer and a Resolution authorizing execution of an agreement governing expenditures for State and Local Government costs. Motion carried by a unanimous vote.

4. Consider request from the Spalding County Pickleball Association for enhancements to the Pickleball Facility.

Chairman Davis stated that the Pickleball Association has withdrawn this request from consideration this evening.

5. Consider recommendation from the Parks and Leisure Services Advisory Commission to allow use of City Park for the Doc Holliday Festival.

Commissioner Flowers-Taylor stated that every year we've had the Doc Holiday Festival in Griffin, it started out in the back parking lot of the Annex Building, but at some point everything got moved to City Park. There were electrical outlets placed at the park for RV's so that the vendors could stay at the park during the festival. Plus, there are hundreds of vendors who are in the park.

When Spalding County did the budget last year, we did not know that we were going to have City Park so it was not budgeted. There is no money to cut grass, empty trash cans, pay the light bills or any other expenses for the park. When the Chamber of Commerce came to the Park and Leisure Services Advisory Committee and ask about the festival, we were in a dilemma because even if we clean it up just for the Doc Holiday Festival who is going to pay for the cost of the upkeep that needs to be done? Who is going to pay for the electricity that will be required? She told the Park and Leisure Services Advisory Committee that they can't spend money that they are not authorized to spend.

Commissioner Flowers-Taylor stated that she asked Cindy Jones from the Chamber to come this evening to answer some of the questions, but she must have had a conflict. We need to know how much it will cost to provide electricity and water for the event? Will the City be able to provide internet for the vendors? This is a large event for the Community.

Commissioner Johnson asked if this isn't something that GSBTA could fund as it is promoting tourism in the community.

Commissioner Flowers-Taylor advised that she is not sure that utility bills and paying for a grass crew is something that GSBTA would be able to fund.

Commissioner Dutton asked if we could request a bulk cost for opening the park up for the event?

Commission Flowers-Taylor then asked if the City would be willing to offset the cost of utilities for the weekend. That is why we needed Ms. Jones to come here because this is a Chamber event and is something she should be asking for from the City. What can Downtown Council help us with? Who can cut the grass?

Commissioner Dutton feels the expenses should be shared for the event, the county shouldn't have to shoulder the bulk of the cost.

Commissioner Flowers-Taylor stated that this is not the county's event and it is not our responsibility to furnish the items required for the event. Right now we do not have a budget for that park and because we do not have a budget we are not doing anything out there, we're not even renting the pavilions. That is money we could be bringing in to offset maintenance expenses.

Commissioner Johnson then asked if this is something that we need to talk to the City about or should the Chamber talk to the City?

Commissioner Flowers-Taylor stated she feels the Chamber should talk to the City. Ms. Jones came to the Committee to see if they would be allowed to hold it there, but when we started talking about the costs associated with the event, we need more information. So, if this is a community event then this also needs to be a community effort and not something the county is expected to finance.

Motion/Second by Dutton/Flowers-Taylor to table the recommendation from the Parks and Leisure Services Advisory Commission to allow use of City Park for the Doc Holliday Festival until we can get some clarification from the Chamber of Commerce and other interested organizations. Motion carried by a unanimous vote.

6. Consider approval of a Lease/Purchase Agreement with JCB Finance for lease of a JCB 3 CX Backhoe Loader for the Public Works Department.

T.J. Imberger stated that in January 2022 the Board approved an equipment lease package with John Deere. The last piece of equipment that we were waiting for was a John Deere Backhoe. When it was received at the John Deere facility, because of supply chain issues, it was completely wrong. Since we were in desperate need of a backhoe, Mr. Imberger sought out an alternative to serve the east side for the motor

grader crew. JCB actually had one in stock that can replace the one ordered from John Deere and the lease on this backhoe is actually \$30.00 less per month.

Motion/Second by Johnson/Dutton to approve a Lease/Purchase Agreement with JCB Finance for lease of a JCB 3 CX Backhoe Loader for the Public Works Department. Motion carried by a unanimous vote.

7. Consider approval of a new Holland Workmaster Tractor for the Public Works Department.

Mr. Imberger stated that since 2021 the County has had a very active surplus sales program and since that time, they have been able to sell surplus equipment for a profit of \$138,000. Public Works had an urgent need to replace the tractor unit that tows the large bat-wing mower. He is requesting that \$32,217.50 of the \$138,000 be utilized for this purchase. The plan is to trade in five pieces of surplus equipment which has resulted in a discount of over \$30,000 for this piece of equipment and will eliminate five pieces of surplus equipment to reduce the cost of the tractor.

Motion/Second by Dutton/Flowers-Taylor to approve a new Holland Workmaster Tractor for the Public Works Department. Motion carried by a unanimous vote.

8. Consider declaring Vehicles, Equipment and Misc. Items surplus for the purpose of selling via internet auction, trade use, sealed bid, or approved entity. Proceeds of sale funds to be utilized to offset the purchase of additional Public Works equipment or vehicles.

Mr. Imberger advised this would be a package that would go out for bid and they are anticipating approximately \$80,000 worth of funds from the sale. There are multiple packages yet to come as they cycle through the surplus equipment.

Motion/Second by Dutton/Johnson to declare Vehicles, Equipment and Misc. Items surplus for the purpose of selling via internet auction, trade use, sealed bid, or approved entity. Proceeds of sale funds to be utilized to offset the purchase of additional Public Works equipment or vehicles. Motion carried by a unanimous vote.

9. Consider approval of carryover items for the FY23 CSBG Funding.

Dr. Ledbetter stated that Spalding County is eligible for carryover funding from our Community Service Block Grant and this year's carryover funds are \$85,379.39 which will increase the fiscal year funds from \$168,000 to \$253,693.39. Also, the amount in the carryover application will benefit low to moderate income individuals or households inside of Spalding County. Staff is asking for the Board's consideration in accepting these additional funds as carryover funds.

Motion/Second by Dutton/Bowlden to approve the carryover items for the FY23 CSBG Funding. Motion carried by a unanimous vote.

10. Consider request from Governor Kemp's Office for a Letter of Support for HB474 submitted by Representatives Daniel and Mathiak to comply with constitutional requirements to provide that a referendum be placed on the ballot for the purpose of providing a homestead exemption from Spalding County School District Ad Valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or older.

Chairman Davis advised that he wanted everyone to understand what we are being asked to do. March 30th is the last day of the General Assembly. Things that apply to one county is called "local legislation." If the legislators of a district all go in together then it is separated out and if it only applies to one district, then all of the legislators will vote yes. That is the way it has been done for many years. This year it has changed if no one objects to the legislation for a particular district then it will go on through.

Chairman Davis advised that during the last election when Representative Mathiak was travelling through the northern part of our district, she had a number of sessions and at almost every one of those sessions someone wanted to talk about school taxes for seniors. On February 22nd Representative Daniel and Representative Mathiak put in HB 474 to request a number of things. The key part was to have the bill passed by the legislature to create a referendum that would allow the citizens of this county to vote on this matter in November 2024. So, 18 to 24 months from now there would be a vote on whether we would eliminate school taxes for seniors, and it would start in January 2025.

Chairman Davis then stated that on March 13, he received a letter from the Governor's Office asking if the Board of Commissioners support this action? We just need an email or Resolution stating you support the resolution. The essence of the question for this evening is "who gets to approve senior citizen tax exemptions?" Up until this point in the law, it has always been the General Assembly, the Board of Education and the Board of Commissioners did not have the authority to change exemptions. Representative Daniel's and Representative Mathiak's position is to change that and to create an opportunity for the citizens of Spalding County to decide their own fate.

Chairman Davis then stated that it does not matter how we vote tonight because we are not voting to change the exemptions one way or another. The only thing we are voting on is if we are in favor of the bill going forward. He is strongly in favor of the right of the citizens to determine their own outcome, to be able to vote. It is all about the citizens having the opportunity to vote.

Commissioner Flowers-Taylor stated that she appreciates the Chairman's explanation, but she does not see it the same way. She has been on the Board for 20 years and there have been multiple times when there was legislation, we wanted that we had to get approved at the Board level and at the City Commission for it to go

forward to the delegation. The last time local legislation was passed it was done by the General Assembly without our input. Commissioner Flowers-Taylor stated that her concern is that someone from the Governor's Office is asking us to support this legislation.

Two months ago, when we were doing the LOST negotiation, when someone mention HOST and the County Manager scheduled and attended 15 meetings throughout the Community to give the citizens the opportunity to learn about HOST. That is what she calls governing, making sure that everyone who wants to have the opportunity to know what is going on. The rest of the community is not aware of HB 474. She simply doesn't want it to be on the Board of Commissioners when it involves somebody else's money, cause if someone was asking the School Board to sign on to something that was going to deplete our coffers, she would be very upset about that. We just went through this with the LOST and people stepping out of their lane and making comments that had nothing to do with them.

Commissioner Flowers-Taylor then stated that she is a senior and this would save her some money, but there needs to be order in what we do. She feels like the legislators who put this forward have left the public out. The bigger problem she feels is they wouldn't be asking for this letter if they had that third vote. So there is a reason that no one has asked Representative Knight why he is not in support of this legislation. The one thing that she knows is the rest of the citizens will have to bare the burden of that exception. It doesn't make the debt to away, it doesn't make the costs go away, it simply means that someone else is going to have to pay the bill. She is not going to support a letter that throws another governmental entity under the bus.

Commissioner Johnson stated that her problem is in the communication piece. If we have not learned anything from LOST, we learned that. We knew that we had to get out in front of the citizens and we knew that we had to have those town hall meetings. We had to be strategic in talking about people's taxes. We made sure that we did our due diligence in making sure that the citizens who showed up knew what they were facing. The communication has not occurred on this matter. She feels that the with the relationships we have with our local legislators are good and this could have been done differently. She is feeling a little rushed right now and she feels that we are sliding things in. She really doesn't feel that this has anything to do with us.

Commissioner Bowlden stated that he doesn't like using his position as a commissioner to influence legislation. He will support it at the polls, but that would be his way of supporting it. He didn't realize that the Board of Education was not aware of this until Ms. McDonald spoke this evening. He would like to have an opportunity to see how this is going to affect them before he would show support of it. It is something that needs to be done and he would support it at the polls, but right now he needs to hear the facts and to sit down and talk with people. He recommended that this be tabled until we can sit down and talk to people.

Commissioner Dutton stated that what we are being asked to do is to allow the citizens of Spalding County to have a say in this legislation. Our vote this evening is not should this pass or not pass, our vote isn't should seniors get a tax exemption, should the School Board get less money. That is not what we are voting on this evening, that is not what this bill is about. The bill is about should the citizens of Spalding County be able to have a referendum to decide for themselves? This is not something the five commissioners should decide, this is not something the School Board members should decide. It is not even something that the Governor or the Legislature should decide, this is them saying that they are going to offer the opportunity for the citizens of Spalding County to decide for themselves. We're not making judgement calls about anything, our decision tonight is "are we in support of the State Legislature allowing the citizens of Spalding County to make this decision for themselves?" How he will vote on this depends on the information that comes out between the legislation passing or if it passes and the actual referendum. The matter before this Board tonight is "Do we feel that the citizens of Spalding County are smart enough, are adult enough to be able to decide for themselves on something of this magnitude? Should this go to referendum?" He feels that it should.

Motion/Second by Dutton/Davis to send a Letter of Support for HB474 submitted by Representatives Daniel and Mathiak to comply with constitutional requirements to provide that a referendum be placed on the ballot for the purpose of providing a homestead exemption from Spalding County School District Ad Valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or older. Motion failed by a 2-3 vote (Flowers-Taylor/Bowlden/Johnson).

IX. REPORT OF COUNTY MANAGER

- ✓ Griffin-Spalding County residents have until Friday, March 31, to place their storm debris on the right-of-way for pick up.
- ✓ Emergency Warning Sirens - The current sirens are placed at 5756 Newnan Road (Blalock Station), 765 Vaughn Road (Norton Fire Station), 4245 Old Atlanta Highway (Woodruff Fire Station), 1301 Cowan Road (at Tyus Park), 4924 Old Atlanta Highway in Sunny Side and 2972 Macon Road in Orchard Hill. The sirens we currently have in place have a radius of about 1 mile that you can hear them. We are encouraging all of our citizens to download the CivicReady App for your smart phone.
- ✓ Spalding County Board of Commissioners will hold their Retreat on Friday, March 24th from 8:00 a.m. until 4:00 p.m. at the Fayette City Hall, 210 Stonewall Avenue West, Fayetteville, Ga.
- ✓ Thanks to the great work of staff, the Spalding County Animal Shelter is currently at 55% capacity.

X. REPORT OF COMMISSIONERS

Rita Johnson

- Congratulated Dr. Ledbetter who did an excellent job speaking at the Kiwanis Meeting. He did a wonderful job and it was very informative.

Ryan Bowlden

- Ask for confirmation that FEMA would be picking up through March 31st and Dr. Ledbetter confirmed.
- He knows we will be talking about this at the Retreat, but the Community Development Director is #1 on his list which controls Code Enforcement and Raising the Bar. It seems like there are several developers trying to take advantage of our situation, because they are trying to build a lot of houses and if we don't slow down and take a look at this we are going to look like Locust Grove and Henry County.
- He would love to talk about the Land Bank and the direction we are going to go with that.

Dr. Ledbetter advised that the Land Bank is on the agenda for discussion Thursday evening.

Gwen Flowers-Taylor

- She has a problem with joint employees being City Employees. Because they usually have an agenda that is closely associated with the City. She is hoping that this doesn't happen with the Executive Director for the Land Bank, but that has always been her issue.
- Once we get Archway back up she would love for us to do some charettes on items like the opioid problem and other items of concern that is needed in the community. Let's get some information about Charter Schools. People mention them, but she isn't quite clear on how they work.
- She would like to see more information on what real tax abatement looks like. She feels we need to set some strategies, do we want it to happen at 65? Do we want it to happen at 67? Do we want to happen when you get on Medicare? There needs to be standard and the people in the community need to have a say on what they are comfortable with having.
- Consolidation – the last three or four meetings she has been in she has heard conversation around this topic. This is also something that we can get a study to see what that looks like. We don't have to figure these things out by ourselves, we have resources through Archway to guide us along.
- Happy to see Dr. Ledbetter back at work. Just know that we have a lot of work to do and it is great that we have learned how to work together because we are going to need that.

James Dutton

- This Saturday, they are having a Big Band Dance for the libraries. Last year it was at the Kiwanis Center, this year it is in the Moose Lodge Lounge. It is to benefit the Pike and Spalding County libraries.
- He is going to keep bringing it up until a decision is made on the Martin Luther King parade. We need to stay on top of this.

- He loves it when employees step up and show out in a positive way. It is awesome to see folks like Randy King and Tyler White step up.

Clay Davis

- Continued prayers for Stephanie Windham and her family.
- It looks like the truck weight increase for Georgia roads will be approved.
- The Senate Resolution on LOST to study it and find a better way to do it has been deleted. They are not going to do it for LOST. They will do it for SDS, but not for LOST. This is one of the items we specifically asked them to do and they have deleted it. It is a two-year study issue.
- ACCG will be at the end of April.
- The Annual Report is ready.

Dr. Ledbetter advised that the Annual Report is ready and should be released this week. The Board will receive their copies at the Retreat on Friday. DeAndre and Amy have done a great job on the Annual Report.

- Chairman Davis then asked about TSPLOST bids.

Dr. Ledbetter stated that the pre-bid meeting was earlier this Month and the TSPLOST bid openings will be on March 28th.

XI. EXECUTIVE SESSION – None.

XII. ADJOURNMENT

Motion/Second by Johnson/Flowers-Taylor to adjourn the meeting at 7:50 p.m. Motion carried by a unanimous vote.