



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, March 5, 2001 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Merrill Massengale, Dick Morrow, Johnie McDaniel and Michael Kendall present. Commissioner Martha McDaniel was absent due to attending NACO. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

I. OPENING (CALL TO ORDER) – Chairman Massengale

II. INVOCATION - Rev. Randy Valimont

III. PLEDGE TO FLAG – Led by County Manager Wilson

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval of a Proclamation designating the month of March 2001 as "Red Cross Month" in Spalding County. Robin Bohn and Laura Smallwood were present to receive the Proclamation. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the following Proclamation was unanimously approved by a vote of 4-0.*

Proclamation

"Red Cross Month"

WHEREAS, The American Red Cross has served Griffin and Spalding County by providing lifesaving information, training, and disaster relief to individuals and families for the past eighty-four years; and

WHEREAS, The Red Cross is a leading volunteer agency meeting the needs of individuals and families affected by personal emergencies and disaster; and

WHEREAS, The Red Cross is designated by the Congress of the United States in the act approved January 5, 1905, as amended, 36 U.S.C. Sections 1-9, as the lead volunteer agency responsible for national and international relief in time of peace and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same; and

WHEREAS, The Red Cross has trained thousands in our community in essential skills such as first aid and CPR, and provided HIV-AIDS prevention education and disaster preparedness information, saving untold numbers of lives; and

WHEREAS, March has been designated as "Red Cross Month" by U.S. Presidential Proclamation to celebrate the achievement of the Red Cross in the services it provides to communities nationwide.

WHEREAS, Spalding County recognizes the Red Cross as the lead volunteer agency to help families prepare for a disaster and meet the immediate needs of individuals affected by disaster,

and as a leading voluntary agency training families in first aid, CPR, and HIV/AIDS prevention education and in providing other needed services.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County that the month of March 2001 is hereby proclaimed as

"RED CROSS MONTH"

in Spalding County and urge the citizens of our community to acknowledge and support the ongoing contribution of the Red Cross in helping our families prevent, prepare for, and respond to emergencies and disasters during Red Cross Month and throughout the year.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS

1. Shirley A. Milner would like to make a presentation to the Board. Ms. Shirley Milner gave her address as 1531 Pineview Drive and asked the Board to support their organization C.C.O.P.E. (Community Center of Personal Enrichment), which was formed for the purpose of responding to the needs of the economically disadvantaged people by meeting some of their temporal and spiritual needs. She said their newest vision was a program called S.O.C.A. (Save our Children Academy), which is a school to teach parenting skills. She asked permission for them to place pamphlets and flyers in the County Government Agencies to support them in their efforts.

Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel and unanimously approved by a vote of 4-0, permission was given for their organization to place these pamphlets and flyers in county buildings.

VII. PUBLIC COMMENT

There was no one present who wished to make comment.

VIII. MINUTES

1. Consider approval of the minutes of the Special Called Meeting of February 13th, SPLOST Public Hearing of February 15th, Public Hearing and Extraordinary Session of February 19th and SPLOST Public Hearing of February 20th 2001. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel minutes were unanimously approved by a vote of 4-0.*

IX. CONSENT AGENDA

Upon motion by Commissioner Johnie McDaniel, Seconded by Commissioner Morrow the Consent Agenda items were unanimously approved by a vote of 4-0.

1. Consider second reading of Amendments to the Official Zoning Ordinance and Official Zoning Map of the following:

- **Rezoning Application #00-33Z:** Richard Boger, Owner, off Jackson Road, 7.139 acres, AR-1 to C-1.

IN RE:

**APPLICATION OF RICHARD LEE BOGER
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 00-33Z

RESOLUTION AMENDING

**THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "AR-1, Agricultural and Residential;"

WHEREAS, Richard Lee Boger, applicant, applied for a change in zoning classification to be applied to the within described property to "C-1, Highway Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on December 5, 2000;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on February 22, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that lot, tract or parcel of land situate, lying and being in Landlot 80 of the 2nd Land District originally Henry now Spalding County, Georgia, containing 7.139 acres and may be more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the intersection of the west right-of-way of North McDonough Road and the southwest right-of-way of Georgia State Route No. 155 thence running in a northwesterly direction along said right-of-way of Georgia State Route No. 155 a distance of 235.00' to a point; thence South 02°07'44" West a distance of 235.00' to a point and TRUE POINT OF BEGINNING; thence South 00°31'44" West a distance of 489.63' to a point; thence North 88°54'04" West a distance of 540.53' to a point; thence North

02°07'44" East a distance of 678.28' to a point; thence South 69°05'26" East a distance of 536.39' to a point and POINT OF BEGINNING.

From "AR-1, Agricultural and Residential" to "C-1, Highway Commercial" District.

Section 2:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On March 5, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lot 80 of the 2nd Land District of Originally Henry, now Spalding County, Georgia, consisting of approximately 7.139 acres, zoned C-1.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Rezoning Application #00-34Z:** Richard Boger, Owner, N. McDonough Road, 3.688 acres, C-1 to AR-1.

IN RE:

**APPLICATION OF RICHARD LEE BOGER
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 00-34Z

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "C-1, Highway Commercial;"

WHEREAS, Richard Lee Boger, applicant, applied for a change in zoning classification to be applied to the within described property to “AR-1, Agricultural and Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on December 5, 2000;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on February 22, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that lot, tract or parcel of land situate, lying and being in Landlot 80 of the 2nd Land District originally Henry now Spalding County, Georgia, containing 3.688 acres and may be more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the intersection of the south right-of-way of Georgia State Route No. 155 and the west right-of-way of North McDonough Road thence running in a southerly direction a distance of 635.0’ to a point and POINT OF BEGINNING; thence continuing along said right-of-way of McDonough Road South 01°05’56” West a distance of 487.28’ to a point; thence South 00°25’37” East a distance of 327.00’ to a point; thence North 66°29’15” West a distance of 225.01’ to a point; thence North 00°25’37” West a distance of 349.42’ to a point; thence North 00°31’44” East a distance of 379.00’ to a point; thence South 88°54’04” East a distance of 212.38’ to a point and POINT OF BEGINNING.

From “C-1, Highway Commercial” to “AR-1, Agricultural and Residential” District.

Section 2:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On March 5, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those

tracts or parcels of land situate lying and being in Land Lot 80 of the 2nd Land District of Originally Henry, now Spalding County, Georgia, consisting of approximately 3.688 acres, zoned AR-1.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Rezoning Application #00-01Z:** D & N Classic Homes, Inc., Owner, Off Jason's Ridge (Seven Forks Subdivision), 52 acres, AR-1 to R-2, Conditional.

IN RE:

**APPLICATION OF D & N CLASSIC HOMES, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-01Z

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "AR-1, Agricultural and Residential;"

WHEREAS, D&N Classic Homes, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on December 28, 2000;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on February 22, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

As a point of beginning, start at the Southwest corner of Land Lot 201 of the 3rd District of Spalding County, Georgia, thence run N89°46'08"E a distance of 870.00' to an iron pin, thence run N01°02'29"W a distance of 2277.42' to an iron pin located on the Southwest Right of Way for Teamon Road (having a 60' Right of Way), thence run N37°14'20"W along the Southwest Right of Way for Teamon Road a distance of 26.17' to an iron pin, said iron pin being located on the Southeast Right of Way for Mathews Street, having a Right of Way of 60', thence run S48°06'13"W a distance of 280.90' to an iron pin, thence run S25°18'22"W a distance of 79.88' to an iron pin, thence run S47°27'31"W a distance of 374.16' to an iron pin located on the Southeast Right of Way for Mathews Street having a 60' Right of Way, thence run N58°07'03"W a distance of 71.48' to an iron pin located on the West Right of Way for a proposed extension of Mathews Street, thence run N70°35'31" a distance of 432.52' to an iron pin, thence run S32°09'54"W a distance of 224.21' to an iron pin, thence run S00°55'46"W a distance of 1781.84' to an iron pin, said iron pin being located on the South boundary for Land Lot No. 184 of the 3rd District of Spalding County, Georgia, thence run along the south boundary of Land Lot 184 N89°46'08"E a distance of 323.04' to an iron pin, being the point of beginning for the property herein described.

Said described property being located in Land Lots 184 and 201 of the 3rd District of Spalding County, Georgia and containing 52.29 acres, more or less.

From "AR-1, Agricultural and Residential" to "R-2, Single Family Residential " District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. 50% of the residential construction will consist of a minimum heated square footage of 1250, 25% of the residential construction will consist of a minimum heated square footage of 1350, and 25% of the residential construction will consist of a minimum heated square footage of 1450.
- b. All residential development shall include two-car garages.
- c. All front yards shall be sodden.
- d. All driveways shall be paved.

- e. Street lighting will be installed and maintained as required in Part IV, Chapter 6, entitled “Street Light Districts” of the Code of Spalding County, Georgia.
- f. All streets shall be paved and include curb and gutter.

Section 3:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On March 5, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lots 184 and 201 of the 3rd Land District of originally Henry, now Spalding County, Georgia, consisting of approximately 52.29 acres, zoned R-2, Conditional.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

*It was noted that there was a typo in the Rezoning Application #01-03Z as it should read 11.75 acres AR-1 and R-2 to **AR-1**. The Resolution is correct, only the agenda item is wrong.*

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Morrow to amend the agenda to correctly reflect what the rezoning is suppose to be and unanimously approved by a vote of 4-0.

- **Rezoning Application #01-03Z:** Merrydale Estates, Inc., Owner, Newnan Highway, 11.75 acres, AR-1 and R-2 to R-2 (correctly AR-1).

IN RE:

**APPLICATION OF JAMES R. WESTBURY, JR.
AND MERRYDALE ESTATES, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-03Z

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA
AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to

regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "AR-1, Agricultural and Residential" and "R-2, Single Family Residential;"

WHEREAS, James R. Westbury, Jr. and Merrydale Estates, Inc., applicants, applied for a change in zoning classification to be applied to the within described property to "AR-1, Agricultural and Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on January 2, 2001;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on February 22, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that lot, tract or parcel of land situate, lying and being in land lot 15 of original Monroe, now Spalding County, Georgia, containing 11.75 acres more or less and being more particularly described as beginning at a point on the north right of way line of Georgia State Route No. 16 which is located a distance of 1185.84 feet from the intersection of the west boundary line of land lot 15 with the north right of way line of Georgia State Route No. 16 as measured in an easterly direction along said north right of way line;

Thence north 05 degrees 25 minutes 51 seconds west, a distance 505 feet more or less to a point on the east boundary line of property of Betty Duke which is exactly 500 feet due north of the north right of way line of Georgia State Route No. 16;

Thence in an easterly direction parallel with the north right of way line of Georgia State Route No. 16 and at all times a distance of 500 feet north of said right of way line a distance of 1030 feet more or less to a point on the east property line of

Merrydale Estates, Inc. (same being the west line of property now or formerly owned by S. Grantland Barnes and Leila B. Cheatham),

Thence in a southerly direction along said property line a distance of 500 feet to the north right of way line of Georgia State Route No. 16;

Thence in a westerly direction along the north right of way line of Georgia State Route No. 16 a distance of 1020 feet more or less to the southeast corner of property of Betty Duke, which marks the point of beginning.

From “AR-1, Agricultural and Residential” and “R-2, Single Family Residential” to “AR-1, Agricultural and Residential” District.

Section 2:

(a) Pursuant to the requirements of the Zoning Ordinance of Spalding County, Georgia, section 2302 (B), the Official Zoning Map of Spalding County, Georgia shall be amended to reflect the change made hereby to read as follows:

On March 5, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lot 15 of the 1st Land District of Originally Monroe, now Spalding County, Georgia, consisting of approximately 11.75 acres, zoned AR-1.

(b) The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment of the Official Zoning Map of Spalding County, Georgia.

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment of the Official Zoning Map of Spalding County, GA thereon.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

1. Consider resolution of support for READI (Regional Economic Advancement and Development Initiative). Mr. David Luckie, Executive Director, Griffin-Spalding County Development Authority was present to answer any questions the Board might have.

Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 4-0.

STATE OF GEORGIA

COUNTY OF SPALDING

RESOLUTION

The Board of Commissioners of Spalding County having had a duly constituted quorum on this 5th day of March, 2001, and having considered said resolution hereby finds:

1.

WHEREAS, the Regional Economics Advancement and Development Initiative, hereinafter referred to as "READI", has been designed to evaluate, improve and upgrade the regions in Georgia for business development, job creation and successful regional economic development. Evaluation of said regions will be performed by examining critical components to becoming prepared to economic development.

2.

WHEREAS, READI consists of thirteen criteria that will guide communities in their efforts for economic growth.

3.

WHEREAS, the seventh criteria within READI provided as follows: 90% of the counties in the region are to pass a resolution stating that the cities and counties are actively seeking to optimize planned economic development. This resolution must be passed by the county commission and the municipal governing authority or the majority of municipal governing authorities where there is more than one.

4.

WHEREAS, the Board of Commissioners of Spalding County, located in the Spalding County, Georgia, within State Service Delivery Region #4 desires to pass this resolution affirming its support and agreement of the goals set forth in the said Criteria referenced above in paragraph 3.

NOW THEREFORE BE IT RESOLVED, that a majority of the members of the Board of Commissioners of Spalding County has cast its vote in favor of said resolution affirming the Board's support of said Criteria on this 5th day of March, 2001

2. Consider request from HDR/WL Jorden for paving projects (Maloy Circle and Hickory Circle). The cost for Maloy Circle is approximately \$264,000 and for Hickory Circle approximately \$600,000. Funding has been budgeted and is available. *Upon motion Commissioner Johnie McDaniel, seconded by Commissioner Massengale paving projects were unanimously approved by a vote of 4-0.*

3. Consider recommendation of Wyomia Tyus Olympic Park Community Center Subcommittee for additional property for construction of a service road. The request was to ask for permission to work with the school board to exchange some property or an easement. The need is for a strip of land, approximately 100'x300' adjoining the current property line.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel and unanimously approved approval was given for staff to work with the school board for obtaining additional property for the service road.

4. Set a date and time for SPLOST Public Hearing at Eighth Street Baptist Church excluding Mondays and Wednesdays. *Upon motion by Commissioner Kendall, seconded by Commissioner Massengale the fourth public hearing was unanimously approved by a vote of 4-0 at Eighth Street Baptist Church Thursday, March 15, 2001 at 6:00 P.M.*

5. Consider approval of funds allocated for projects for the Year 2001 by Griffin-Spalding Hospital Authority. The projects allocated for funds were as follows:

Griffin Fire Department- Thermal Imaging Camera	\$ 9,946
Spalding County Board of Health (prescription drugs)	18,000
Spalding County Fire Department (Fire Safe House)	25,000

Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the above-mentioned allocated funds were unanimously approved by a vote of 4-0.

6. Consider approval of Change Order No. 5 for new Correctional Institution.

County Manager Wilson stated that the net change order is a \$448.00 decrease in the total contract price. It deletes a dental chair and associated equipment and includes a kitchen slicer and refrigerator.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel Change Order No. 5 was unanimously approved by a vote of 4-0.

7. Consider acceptance of right-of-way deed for Pecan Drive, located in Pecan Ridge Subdivision. *Upon motion by Commissioner Massengale, seconded by Commissioner Morrow acceptance of right-of-way was unanimously approved by a vote of 4-0.*

8. Consider request from Planning Commission regarding PRRRD text amendment. Present were members of the Spalding County Planning & Zoning Board who addressed this item. Ms. Karen Mathiak gave her address as 127 Dunwoody Circle and stated she was Chairperson of Planning & Zoning Board. She said that there has been a lot of controversy over Cherokee Rose and explained to the Board why they had tabled the text amendment that the Board of Commissioners had requested which was deleting shooting ranges from the PRRRD District. She said that no one had a problem with deleting it, it was because of the controversy that was happening with Cherokee Rose. She said the biggest reason to delete it was low-density residential area, the Comprehensive Plan (non in compliance) and the question of expansion if it remains as a permanent use. She said that it is the Planning Commission's understanding that they are in compliance with the UDO, with their business licenses and they are a viable business here in Spalding County. She said we all know there is a noise issue out here because of residency issues and there is litigation involved over this noise issue. She just wanted the Commissioners to know where they were in their thought process and why they tabled this again.

She went through a brief history of what has developed over the years with Cherokee Rose. She asked if they remove this from the ordinance will they still be able to move their stations appropriately. She said that they had agreed to move a couple of stations that are close to the road to make them safer and they have already moved a few.

She said they had talked with the Atkinson's and their attorney, Mr. Ted Sandler at quite a few of their meetings and they thought there was going to be some dialogue between their attorney and our attorney. She said there was dialogue but they did not come to an agreement that was amicable for anybody. She said they were at a standstill as what will happen to them as a business.

Commissioner Massengale commented that the problem is the noise and if we can't get rid of the noise the people in this area are never going to be happy.

Commissioner Morrow commented that the Planning & Zoning Board is saying the best thing to do is leave this whole issue tabled and let the courts decide this. He said that he was personally in favor of this.

Commissioner Johnie McDaniel commented that the Board sent a request down based on the advice of our legal counsel in Closed Session and requested this of you. He said that the courts may come back and say that the people are just going to have to live with this situation and he said that if we learn anything from this it ought to be that an outdoor shooting facility is compatible with nothing in Spalding County. He said two things happen, one is you contain what you have and two, you prevent it from happening somewhere else. He said that the only thing Cherokee Rose has going for them is the zoning map. He said that they do not conform to the ordinance. The only thing they comply with is a permitted use.

Planning Commission member Ray Browning also addressed the Board. He said that the Planning Commission did not table this as an act of disobedience or belligerence. He said it was from a very positive and very lengthy discussion. He said not a Planning Commission member was not sympathetic with the noise; however, we have a duly licensed viable business in our County that has rights and to make an intelligent decision we need to consider both sides. He said that there is a suit in court at present and we should let the courts decide the outcome and we will have the opportunity to act on that decision. He said that the County will have some legal preference, one way or the other.

Mr. Browning stated that he made the motion to table this and it included that the County Commission authorize the attorney or Chairman Massengale or Dr. Mathiak to write a letter

asking Cherokee Rose to voluntarily not expand any shooting size of the land in exchange for the County to stop advancement of a text amendment while litigation is going on.

Chairman Massengale read the following letter from Casey O. Atkinson, 895 Baptist Camp Road, Griffin, Georgia to Mr. Michael Sabine into the record:

Dear Mr. Sabine:

My attorney, Mr. Ted Sandler, is on vacation through March 11, 2001. Therefore, I will not be represented by legal counsel, nor will I be present, at the March 5th *Commissioner Meeting*; however, I would respectfully request that the following "statement" from me be presented and read into the *Official Minutes* of the March 5th Meeting [if the Meeting Agenda includes and addresses my property] as follows:

Begin quote,

"Casey O. Atkinson, the record owner of property known as "*Cherokee Rose Sporting Resort*" is opposed to any procedural change and/or zoning modification to the "zoning text" or "conditions of zoning" applicable to **Spalding County's "PRRRD" Zoning Classification** which was of record on the date the subject property was acquired, February 02, 2000."

End Quote.

Thank you for your understanding and assistance in this matter.

Motion made by Commissioner Morrow to authorize County Attorney Jim Fortune to write a letter to the Atkinson's attorney and see if they would voluntarily forego any development during the litigation period and in return we hold our PRRRD changes in advance at the same time. Commissioner Massengale seconded the motion. Commissioner Morrow amended his motion to include until all parties have finished with litigation and all appeals. Commissioner Massengale seconded Mr. Morrow's amendment to the motion. Motion was unanimously approved by a vote of 4-0.

9. Commissioner Massengale desires to discuss proposed Rules for Public Hearings. Mr. Massengale stated that we had unruly conduct at the last Public Hearing regarding rezoning property for a cellular tower and said that we can't conduct our business meetings in that form of fashion; therefore, he had written rules for Public Hearings and he wants these rules posted on the wall where everyone will be able to see them. The Rules are as follows:

- (1) Anyone desiring to speak for or against any agenda item must sign up to speak, including the applicant or applicant's agent.
- (2) Each speaker will be given five minutes to speak on application being presented.
- (3) No speaker will be allowed to readdress any application without the consent of a member of the Board.
- (4) Outburst from anyone in the audience will not be tolerated.
- (5) Common courtesy and civility is expected at all times during public hearings.

Motion made by Commissioner Johnie McDaniel to give approval for Public Hearing Rules to be posted on the wall in the meeting room. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0.

Also a motion was made by Commissioner Johnie McDaniel to approve the following Resolution to Amend the Resolution Relative to the Organization of, and the Procedures for the Disposition of Business During the Meetings of The Spalding County Board of Commissioners. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0.

**A RESOLUTION AMENDING
THE RESOLUTION RELATIVE TO THE ORGANIZATION OF,**

**AND THE PROCEDURES FOR THE DISPOSITION
OF BUSINESS DURING THE MEETINGS OF THE
SPALDING COUNTY BOARD OF COMMISSIONERS**

Said section 1-14-03. Public Participation on Agenda Items is hereby amended by striking same in its entirety and inserting in lieu thereof a new section 1-14-03. Public Participation on Agenda Items, to read as follows:

(1) Anyone, including the applicant or his agent, desiring to speak for or against any agenda item must sign up to speak.

(2) Each speaker will be given five minutes to speak on the agenda item being presented. Once having had his opportunity to speak, no speaker will be allowed to readdress any application without the consent of a member of the Board.

(3) Anyone wishing to speak at any board meeting must be recognized by the chairman before addressing the board.

This the 5th day of March 2001.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson stated that we were contacted by John Yates that he has made a request to the reapportionment office to reserve a meeting time to meet with us. He asked the Board when they would like to do this. The consensus of the Board was to get the maps first and have a proposal when we meet with them. Mr. Wilson stated that Helen Grayson and Voter Registration has requested to be involved in this process and he would request Mrs. Grayson to get a set of maps.

County Manager Wilson stated that we had previously asked for a traffic study for Highway 362 and wanted to know if they would like for him to ask DOT to do another traffic signalization study for the intersection of Highway 362/South Pine Hill Road. The consensus of the Board was for Mr. Wilson to ask for this signalization study.

County Manager Wilson asked the Board if they were interested in having a retreat to discuss issues. He said that they had one in March last year but knew it was too late to have one now. He asked the Board if they would like for him to contact the University of Georgia to obtain a facilitator and get some dates for April, May and June. The Board agreed for Mr. Wilson to get some dates and bring them back at a later date.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall asked Mr. Wilson what was the status of the Poplar Street Drainage Project and the funding for the Aquatic Center. Mr. Wilson stated that we were waiting to hear from the City to see if they were going to help with the cost of this project. The Board felt that we needed to move on this project and asked County Manager Wilson to have this item placed on the City's next agenda to request them to reconsider their decision not to help finance the project. The City Commission will meet Tuesday, March 13, 2001.

County Manager Wilson stated on the Aquatic Center the design is scheduled to be completed the end of this month and April it will be brought to you for bidding and at that time there will be discussion on the funding of this project. He said there has been a recommendation from the SPLOST Committee to pay for the construction of this project that there is enough monies in the budget now with anticipated revenues for funding without having to borrow any money as previous Boards have requested and approved. Mr. Ruffin made a recommendation in October to move money from road projects that have been removed off of active list because of lack of right of way acquisition and place towards this project without having to borrow any money. This will be the recommendation from HDR/WL Jorden when it is brought to you in April.

Commissioner Johnnie McDaniel had no comments.

Commissioner Morrow stated that he receives two (2) copies of Spalding County permits and he requested that the Board only receive the numeric list.

Commissioner Morrow stated that he had attended the rail rally with the Transportation Committee and the Rail Authority asked that we encourage out state legislators to have the legislature appropriate the full \$20 Million to get the Federal \$80 Million matching money to proceed with the high-speed rail. He said that he would like to see our Chairman authorize we back the \$20 Million at state level for developing rapid rail for Griffin. It was noted that to place this request on the next agenda would be too late.

Motion made by Commissioner Morrow to amend the Agenda to make this authorization. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 4-0.

Motion made by Commissioner Morrow to authorize our Chairman to send a letter to each of the state legislatures supporting the full \$20 Million in State Budget for rapid rail development. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 4-0.

Commissioner Massengale recognized Rev. Grady Morgan, the Spalding County Board of Commissioners' former Chaplain who was present at the meeting tonight and welcomed him any time.

XIV. CLOSED MEETING- n/a

XV. ADJOURNMENT

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale the meeting was unanimously adjourned.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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