



Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, March 19, 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 Martha McDaniel, Merrill Massengale, Dick Morrow, Johnie McDaniel and Michael Kendall present. 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 – Led by Commissioner Johnie McDaniel in the absence of Rev. Valimont.

III. PLEDGE TO FLAG – Led by County Manager William Wilson

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Sheriff Dee Stewart would like to publicly recognize three or four citizens who stopped to assist Deputy Jesse Dunn during his recent accident. Sheriff Stewart, Major Greg Potter and Major Wendell Beam of the Patrol Division were present to recognize Willie Weaver and Tim Butler, citizens of the community, and presented them a plaque for their kindness and humanitarianism in helping Deputy Jesse Dunn on March 6, 2001.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Eight Months Ended February 28, 2001. Ms. Jinna Garrison was present to answer any questions. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel Financial Statements were unanimously approved by a vote of 5-0.*

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Allan McCallum, 2831 Williamson Road commented on the sign of Rules of Public Hearings on the wall and stated he thought the sign was very juvenile.

VIII. MINUTES

1. Consider approval of the minutes for the Public Hearing of February 22, 2001 and Regular Monthly Meeting of March 5, 2001. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Consent Agenda was unanimously approved by a vote of 5-0.

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

- **Amendment to UDO –A-01-01:** Article 5, AR-1, Agricultural and Residential—Section 503:B (19 & 20) –add provision for Nursing Home and Personal Care Home.

**RESOLUTION AMENDING
THE ZONING ORDINANCE 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, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County 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 shall be and is hereby amended as follows:

Section 1: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential District" to appear as Section 503(B)(19):

Section 503: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in AR-1 districts:

19. Nursing Homes

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential District" to appear as Section 503(B)(20):

Section 503: Permitted Uses.

B. The following **Principal Uses** are permitted as **Special Exceptions** in AR-1 districts:

20. Congregate Personal Care Homes

Section 3: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

- **Amendment to UDO-A-00-24:** Article 21, S-2 Sensitive Land-Watershed Protection District—revisions to requirements.

RESOLUTION AMENDING THE ZONING ORDINANCE 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, the Rules of the Georgia Department of Natural Resources ("DNR") and the Georgia Department of Community Affairs ("DCA") require that local comprehensive plans indicate how local water supply watersheds are to be protected according to standards establishing natural stream buffers, impervious surface setbacks and certain land use limitations;

WHEREAS, DCA requires that local governments implement their water supply watershed protection standards in the form of land use regulations, and DCA has approved the Spalding County Comprehensive Land Use Plan;

WHEREAS, the Flint River, the Towaliga River, Head's Creek and Elkins Creek have public water supply intakes located in or near Spalding County;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on November 30, 2000 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 shall be and is hereby amended as follows:

Section 1: The following Article shall be deleted from the Zoning Ordinance of Spalding County, Article 21, "S-2 Sensitive Land-Watershed Protection District."

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County, to appear as "Article 21. S-2 Sensitive Land-Watershed Protection District," as follows:

ARTICLE 21. S-2 SENSITIVE LAND-WATERSHED PROTECTION DISTRICT

Section 2101: Purpose.

The S-2 district shall be an overlay district which applies additional definitions and standards for development for specific areas which may lie within any of the districts referred to in Articles 5-19 of this Ordinance. The purpose of the S-2 district is to protect certain watersheds which are vital to public water supplies and have a unique environmental importance to Spalding County and surrounding areas. This district is intended to maintain a high water quality of the surface water (rivers, creeks, streams and springs) and underground water to assure that a high quality of drinking water is maintained in the future. The district is intended to provide for certain development uses, while maintaining and protecting area water sources from polluting effects of more intense development and from encroachments of those uses that are not compatible with a protected watershed area.

Section 2102: Relationship to Other Zoning Districts.

S-2 is an overlay district which applies additional definitions and standards for development to specific areas which lie within any of the zoning districts identified in Articles 5-19 of this Ordinance. To the extent the boundaries of the S-2 district overlay property located within other districts, the regulations of both districts shall apply. However if required development standards are specified in both districts, the more stringent provision shall control.

Section 2103: Definitions.

The following definitions (in addition to those definitions contained within Article 2 of this Ordinance) apply to S-2 districts:

- A. **Buffer:** A natural or enhanced vegetated area with no or limited minor land disturbance. Specific buffer uses may be approved by the Spalding County Soil Erosion and Sedimentation Control Officer consistent with the requirements of the S-2 district.
- B. **Corridor:** All land located within the buffer areas and setback areas of any watershed area identified on the Spalding County Water Source Protection Map.
- C. **Impervious Surface:** A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface, including (for purposes of example only), but not limited to, buildings, roads, driveways, parking lots, swimming pools and patios.
- D. **Perennial Stream:** A stream which flows throughout the whole year as indicated on a USGS quadrant map.
- E. **Reservoir Boundary:** The edge of a water supply reservoir defined by its normal pool level.
- F. **Streambank:** The uppermost part of the riverbank, usually marked by a break in the slope. Streambank is not synonymous with the water's edge.

- G. **Utility:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water system and railroads or other utilities.
- H. **Water Supply Reservoirs:** A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes any multipurpose reservoirs owned by the U.S. Army Corps of Engineers.
- I. **Water Supply Watershed:** The area of land upstream of a governmentally owned public drinking water intake.
- J. **Water Supply Watershed Protection Plan:** A land use plan prepared and adopted by the local government for the protection of the quality of drinking water obtained from the watershed.

Section 2104: Designation and Classification of Water Supply Watersheds.

A. The Water Supply Watersheds designated by this Ordinance shall include:

- 1. the Flint River Water Supply Watershed;
- 2. the Towaliga River Water Supply Watershed;
- 3. the Head's Creek Water Supply Watershed; and
- 4. the Elkins Creek Water Supply Watershed.

B. The Water Supply Watersheds for purposes of this Ordinance shall be classified as follows:

- 1. The Flint River Water Supply Watershed shall be classified as a Large watershed area consisting of a size exceeding 100 square miles;
- 2. The Towaliga River Water Supply Watershed shall be classified as a Small watershed area consisting of a size less than 100 square miles;
- 3. The Head's Creek Water Supply Watershed shall be classified as a Small watershed area consisting of a size less than 100 square miles; and
- 4. The Elkins Creek Water Supply Watershed shall be classified as a Small watershed area consisting of a size less than 100 square miles.

Section 2105: Permitted Uses.

Each zoning district Article of this Ordinance specifies a list of permitted principal uses, special exception uses and accessory uses (including special exception accessory uses). The list of Permitted Uses, Special Exception Uses and Accessory Uses for each primary zoning district must be adhered to on land to which the S-2 district also applies. However, the list of Prohibited Uses in Section 2106 applies to all land within the S-2 district, regardless of the primary zoning district in which it lies.

Section 2106: Prohibited Uses.

The following uses are specifically prohibited within the S-2 district:

- A. Sewage treatment facility -- unless prior approval is granted by the Board of Commissioners and the Georgia Environmental Protection Division.

- B. Commercial business which causes, sell, stores, or maintains any toxic chemicals, toxic wastes or toxic products.
- C. Agricultural activity that does not strictly comply with the Georgia Pesticide Act of 1976, the Georgia Pesticide Use and Application Act of 1976 and Georgia Law 1982, House Bill 1780, O.C.G.A. 2-1-4.
- D. Industry, business or facility which uses, makes or creates (as a product or byproduct) any toxic wastes, heavy metals, grease, animal fat or organic loading.
- E. Dumping, discharging, releasing, spraying, distributing of any toxic or other harmful products onto the land, into the atmosphere or in a stream or body of water.
- F. Hazardous waste treatment and disposal facilities.
- G. New sanitary landfills, unless provided with synthetic liners and leachate collection systems.
- H. Hazardous material handling facilities, unless operations are performed on impermeable surfaces having spill and leak collection systems prescribed by the Georgia Department of Natural Resources.

Section 2107: Uses Exempt from S-2 Criteria.

- A. **Existing Uses:** Any land use within an area designated as a watershed area existing prior to the adoption of this Ordinance. Any undeveloped lot which is part of a subdivision plat recorded prior to the adoption of this Ordinance shall be exempt from these provisions, provided such activities shall not impair the quality of a drinking water stream as authorized by Rules of the Georgia Department of Natural Resources, Chapter 391-3-16.
- B. **Agriculture and Forestry:** Agriculture and forestry uses are exempt, except as prohibited in Section 2106(C), provided such activities are conducted consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture, and further provided that such activities shall not impair the quality of a drinking water stream as authorized by Rules of the Georgia Department of Natural Resources, Chapter 391-3-16.
- C. **Mining:** Mining activities are exempt, if permitted by the Georgia Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- D. **Utilities:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems, railroads and other similar utilities and road crossings are exempt if they cannot be feasibly located outside the stream corridor buffer and setback areas, subject to the following conditions:
 - 1. The utilities shall be located as far from the stream bank as possible.
 - 2. The installation and maintenance of the utilities shall protect the integrity of the buffer and setback areas as best as reasonably possible.
 - 3. The utilities shall not impair the quality of a drinking water stream as authorized by the Rules of the Georgia Department of Natural Resources, Chapter 391-3-16.

Section 2108: Development Criteria.

- A. The provisions of this Article apply additional development standards to specific areas which may lie within any zoning district in Spalding County. If required development standards are specified for the same item in both Articles, the more stringent governs.
- B. Any development must comply with the Spalding County Soil Erosion and Sedimentation Control Ordinance, as well as any other applicable development regulation.
- C. Any setback measurement in this Section is measured from the bank of any river, creek, stream, spring or body of water located within the S-2 district or the outer property line of any property line owned, operated, managed or maintained by any government agency in Spalding County as an existing reservoir or designated by a government agency in Spalding County as a future reservoir.
- D. For any property located within a large water supply watershed area, and within 1000 feet of any water supply reservoir, the following development standards shall apply:

1. **Agricultural Uses:**

- a. Minimum cultivation setback: 250 feet
- b. Minimum reservoir setback: 150 feet
- c. Minimum buffer on each side of perennial stream within 7 miles of reservoir water intake: 100 feet
- d. Minimum buffer on each side of perennial stream greater than 7 miles from reservoir water intake:
none
- e. Minimum setback on each side of perennial stream within 7 miles of reservoir water intake: 150 feet
- f. Minimum setback on each side of perennial stream greater than 7 miles from reservoir water intake:
none

2. **Residential Uses:**

- a. Minimum reservoir setback: 150 feet
- b. Minimum buffer on each side of perennial stream within 7 miles of reservoir water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from reservoir water intake:
none
- d. Minimum setback on each side of perennial stream within 7 miles of reservoir water intake: 150 feet
- e. Minimum setback on each side of perennial stream greater than 7 miles from reservoir water intake:
none

3. **Commercial Uses:**

None.

4. **Industrial Uses:**

None.

5. **Setback for Impervious Surfaces:** No impervious surface shall be constructed within 150 feet of both sides of the streambank.

6. **Limitation on Septic Tanks and Drainfields:** No septic tank or septic tank drainfield shall be located within 150 feet of both sides of the streambank.

E. For any property located within a large water supply watershed area, and beyond 1000 feet of any water supply reservoir, the following development standards shall apply:

1. **Agricultural Uses:**

- a. Minimum cultivation setback: 100 feet
- b. Minimum buffer on each side of perennial stream within 7 miles of water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: none
- d. Minimum setback on each side of perennial stream within 7 miles of water intake: 150 feet
- e. Minimum setback on each side of perennial stream greater than 7 miles from water intake: none

2. **Residential Uses:**

- a. Minimum lot area:

As specified by the Spalding County Health Department, but in no case less than 2 acres if public water and public sewer are not available. The minimum lot area may be reduced to 1 acre where public water is provided to the site or to 20,000 square feet if public water and sewer are available.
- b. Minimum buffer on each side of perennial stream within 7 miles of water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: none
- d. Minimum setback on each side of perennial stream within 7 miles of water intake: 150 feet

- e. Minimum setback on each side of perennial stream greater than 7 miles from water intake: none

3. Commercial Uses:

- a. Minimum lot area: 1.25 acres
- b. Minimum buffer on each side of perennial stream within 7 miles of water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: none
- d. Minimum setback on each side of perennial stream within 7 miles of water intake: 150 feet
- e. Minimum setback on each side of perennial stream greater than 7 miles from water intake: none

4. Industrial Uses:

- a. Minimum lot area: 1.25 acres
- b. Minimum buffer on each side of perennial stream within 7 miles of water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: none
- d. Minimum setback on each side of perennial stream within 7 miles of water intake: 150 feet
- e. Minimum setback on each side of perennial stream greater than 7 miles from water intake: none

5. **Setback for Impervious Surfaces:** No impervious surface shall be constructed within 150 feet of both sides of the streambank.

6. **Limitation on Septic Tanks and Drainfields:** No septic tank or septic tank drainfield shall be located within 150 feet of both sides of the streambank.

F. For any property located within a Small water supply watershed area, and within 1000 feet of any water supply reservoir, the following development standards shall apply:

1. Agricultural Uses:

- a. Minimum cultivation setback: 250 feet
- b. Minimum reservoir setback: 150 feet
- c. Minimum buffer on each side of perennial stream within 7 miles of reservoir water intake: 100 feet
- d. Minimum buffer on each side of perennial stream greater than 7 miles from reservoir water intake:
50 feet

- e. Minimum setback on each side of perennial stream within 7 miles of reservoir water intake: 150 feet
- f. Minimum setback on each side of perennial stream greater than 7 miles from reservoir water intake: 75 feet

2. **Residential Uses:**

- a. Minimum lot area: As specified by the Spalding County Health Department, but in no case less than 2 acres if public water and public sewer are not available. The minimum lot area may be reduced to 1 acre where public water is provided to the site or to 20,000 square feet if public water and sewer are available.
- b. Minimum reservoir setback: 150 feet
- c. Minimum buffer on each side of perennial stream within 7 miles of reservoir water intake: 100 feet
- d. Minimum buffer on each side of perennial stream greater than 7 miles from reservoir water intake: 50 feet
- e. Minimum setback on each side of perennial stream within 7 miles of reservoir water intake: 150 feet
- f. Minimum setback on each side of perennial stream greater than 7 miles from reservoir water intake: 75 feet

3. **Commercial Uses:**

None.

4. **Industrial Uses:**

None.

- 5. **Limitation on Impervious Area:** No impervious area may be placed within the setbacks specified. The total impervious area may not exceed 25% of the total watershed land.
- 6. **Setback for Impervious Surfaces:** No impervious surface shall be constructed within 150 feet of both sides of the streambank.
- 7. **Limitation on Septic Tanks and Drainfields:** No septic tank or septic tank drainfield shall be located within 150 feet of both sides of the streambank.

G. For any property located within a Large water supply watershed area, and beyond 1000 feet of any water supply reservoir, the following development standards shall apply:

1. **Agricultural Uses:**

- a. Minimum cultivation setback: 100 feet
- b. Minimum buffer on each side of perennial stream within 7 miles of water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: 50 feet
- d. Minimum setback on each side of perennial stream within 7 miles of water intake: 150 feet
- e. Minimum setback on each side of perennial stream greater than 7 miles from water intake: 75 feet

2. **Residential Uses:**

- a. Minimum lot area:

As specified by the Spalding County Health Department, but in no case less than 2 acres if public water and public sewer are not available. The minimum lot area may be reduced to 1 acre where public water is provided to the site or to 20,000 square feet if public water and sewer are available.
- b. Minimum buffer on each side of perennial stream within 7 miles of water intake: 100 feet
- c. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: 50 feet
- d. Minimum setback on each side of perennial stream within 7 miles of water intake: 150 feet
- e. Minimum setback on each side of perennial stream greater than 7 miles from water intake: 75 feet

3. **Commercial Uses:**

- a. Minimum lot area: 1.25 acres
- b. Minimum front yard depth: 200 feet
- c. Minimum side yard depth: 200 feet
- d. Minimum rear yard depth: 200 feet
- e. Minimum buffer on each side of perennial stream within 7 miles of water intake:
100 feet
- f. Minimum buffer on each side of perennial stream greater than 7 miles from water intake: 50

- g. Minimum setback on each side of perennial stream within 7 miles of water intake:
150 feet
- h. Minimum setback on each side of perennial stream greater than 7 miles from water intake:
75 feet

4. Industrial Uses:

- a. Minimum lot area: 1.25 acres
 - b. Minimum front yard depth: 200 feet
 - c. Minimum side yard depth: 200 feet
 - d. Minimum rear yard depth: 200 feet
 - e. Minimum buffer on each side of perennial stream within 7 miles of water intake:
100 feet
 - f. Minimum buffer on each side of perennial stream greater than 7 miles from water intake:
50 feet
 - g. Minimum setback on each side of perennial stream within 7 miles of water intake:
150 feet
 - h. Minimum setback on each side of perennial stream greater than 7 miles from water intake:
75 feet
5. **Limitation on Impervious Area:** No impervious area may be placed within the setbacks specified. The total impervious area may not exceed 25% of the total watershed land.
6. **Setback for Impervious Surfaces:** No impervious surface shall be constructed within 150 feet of both sides of the streambank.
7. **Limitation on Septic Tanks and Drainfields:** No septic tank or septic tank drainfield shall be located within 150 feet of both sides of the streambank.

Section 2109: Adoption of Spalding County Water Source Protection Map.

The S-2 District consists of the area located within the Water Supply Watersheds established in Section 2104(A) as are shown and designated on a certain map identified as the "S-2 District, Spalding County Water Source Protection Map," which map is adopted hereby adopted into and made a part of this Ordinance as if fully set forth. Such map shall be signed by the Chairman of the Board of Commissioners of Spalding County and bear the seal of the County or that of a Notary Public under the following words: "This certifies that this is the Official S-2 District Spalding County Water Source Protection Map," referred to in Article 21 of the Zoning Ordinance of Spalding County.

Section 3: The within and foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

X. OLD BUSINESS

1. Discuss Poplar Street Culvert replacement project. County Manager Wilson stated that he had gone back to the City and asked them for joint participation in this project and they have denied our request. The funding for this project would come out of SPLOST for roads as this is a transportation project. The cost for total replacement is \$300,000 and two other options were given, building cul-de-sacs at a cost of \$60,000 and not remove culvert and build cul-de-sacs at a cost of \$77,500.

Commissioner Morrow said the popular thing to do is to leave the road closed; however, the right thing long term is to repair and re-open the road for future growth of Spalding County.

Motion made by Commissioner Morrow to repair Poplar Street culvert and re-open road for traffic. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 4-1 with Commissioner Johnie McDaniel voting against the motion.

XI. NEW BUSINESS

1. Consider Agreement between the Board of Commissioners of Spalding County, Board of Commissioners of the City of Griffin and Spalding County Sheriff that covers the operation of the Griffin-Spalding County Narcotics Task Force. Lt William Gregory was present to address this item. He said that the Narcotics Task Force has been functioning since 1992 and there were presently fourteen (14) positions, ten (10) with the County and four (4) with the City. He said a new Agreement has not been done since 1992 and this is just to update as we have a new administration at the Sheriff Department.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Agreement was unanimously approved by a vote of 5-0.

DRUG TASK FORCE AGREEMENT BETWEEN THE COUNTY OF SPALDING; AND THE CITY OF GRIFFIN

This agreement between the Board of Commissioners of Spalding County, the Board of Commissioners of the City of Griffin and the Sheriff of Spalding County covers the operation of the Griffin Spalding County Narcotics Task Force (NTF). This task force is specifically empowered to investigate narcotics violations within the corporate limits of Griffin and Spalding County. The task force shall be comprised of personnel from both agencies who are assigned by the respective agency heads to the task force.

The supervisor in charge of the task force will be selected jointly by the Sheriff of Spalding County and the Chief of the Griffin Police Department. All other assignments to the task force shall be made by the respective agency heads subjects to the approval of the supervisor in charge of the task force. All assignments within the task force shall be made by the supervisor in charge and shall be subject to his/her authority. Any member of the task force may be recalled to their parent agency with thirty (30) days notice. Any member of the task force may be dismissed from the task force by the supervisor in charge for just cause. All matters involving discipline will be referred to the parent agency with a recommendation from the supervisor in charge. All members of the Task Force shall be deputized by the Sheriff of Spalding County.

Each member of the task force will be supplied with the necessary law enforcement equipment by his/her parent agency. All salary and benefits will be those of the parent agency including workers compensation and unemployment compensation. Each member agency shall assume liability for the actions of its own employees.

Each government agrees that it will provide insurance for its own employees against any civil liabilities incurred in the minimum amount per incident either through a recognized insurance company or through a risk management pool. The personnel rules and regulations of the parent of the parent agency

will apply to task force members of that agency except as modified in writing by the agency head upon written request of the task force supervisor in charge.

All funds or property seized by the task force shall be used by offset the cost of operating the task force. Excess funds 10% above that which is needed for task force operations shall be returned to be the parent agencies according to a percentage of the personnel assigned to the task force by the agency. Property not sold may be distributed to member agencies for their own use at the request of the agency. Vehicles seized by the task force may be sold or retained by the task force or member agencies. Real property may be sold or retained by the task force or by member agencies upon approval of the participating agency heads.

All press releases will be identified as being from the Griffin Spalding Narcotics Task Force. The masthead of the release will carry the logos of all participating agencies. All major press releases will be coordinated through the Office of the Sheriff of Spalding County and the Office of the Chief of the Griffin Police Department and /or other participating agency head.

An annual report of task force activities shall be submitted to the heads of the participating agencies on an annual basis for the period ending June 30 of each year. Said report shall include the number of cases investigated; arrests made; contraband, funds or property seized; funds expended on task force operations and any unusual events.

This agreement is effective upon the approval and signature of all parties and shall remain in effect until canceled. Written notice of cancellation may be given by any party upon thirty (30) days written-notice to all parties. Upon dissolution of the Narcotics Task Force, any properties or monies confiscated by the NTF and awarded by the courts shall be divided according to the formula above. A final accounting of these assets shall be made to all concerned parties.

For Spalding County

Date

Sheriff of Spalding County

Date

For the City of Griffin

Date

2. Consider authorizing the Chairman to execute Inmate Telephone Service Agreement with Bealls Communication for Spalding County Sheriff’s Department. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the Agreement was unanimously approved by a vote of 5-0.*

3. Consider authorizing the Chairman to execute lease purchase agreements for purchase of equipment and vehicles for the Parks and Recreation Department and Public Works Department. County Manager Wilson stated that the leases were for three (3) State Contract Dump Trucks for Public Works and Mowing Equipment and Grasshoppers for Parks and Recreation.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Chairman was authorized to execute the following Resolutions for lease purchases by a unanimous vote of 5-0.

**AUTHORIZING RESOLUTION
(LEASE SUPPLEMENT)**

A RESOLUTION TO AUTHORIZE AND DIRECT AN OFFICER OF THE COUNTY TO EXECUTE A LEASE SUPPLEMENT FOR A LEASE UNDER THE ACCG ALTERNATIVE LEASING PROGRAM; TO DESIGNATE SUCH LEASE AS A QUALIFIED TAX-EXEMPT OBLIATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the County has entered into a Master Lease (the “Master Lease”) dated as of 12/12/2000 with Association County Commissioners Of Georgia for the leasing from time to time personal or real property pursuant to one or more Lease Supplements.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY GOVERNING BODY OF THE COUNTY:

1. The **Chairman** of the County is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect a lease for **(3)** Acterras; said officer of the County is authorized and directed in the name and on behalf of the County to execute and deliver:
 - (a) a Lease Supplement in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and
 - (b) such other documents as may be deemed by such officer to be necessary or desirable to affect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.
2. If real property will be subject to the Lease Supplement, the **Chairman** of the County is hereby authorized and directed to execute and deliver a Warranty Deed to Associated County Commissioners of Georgia for the site(s) of such buildings which site(s) will be subject to such Lease Supplement.
3. An appropriation from unappropriated and unreserved amounts in the County's current operating budget is made in the amount of **\$29,477.13** for the "Rentals", "Additional Rentals" and the "Termination Payment" during the "Starting Term" under the Lease Supplement.
4. The lease contemplated by the said Lease Supplement is hereby designated a "Qualified Tax-Exempt Obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.
5. This resolution shall be effective immediately.

**AUTHORIZING RESOLUTION
(LEASE SUPPLEMENT)**

A RESOLUTION TO AUTHORIZE AND DIRECT AN OFFICER OF THE COUNTY TO EXECUTE A LEASE SUPPLEMENT FOR A LEASE UNDER THE ACCG ALTERNATIVE LEASING PROGRAM; TO DESIGNATE SUCH LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the County has entered into a Master Lease (the "Master Lease") dated as of 12/12/2000 with Association County Commissioners Of Georgia for the leasing from time to time personal or real property pursuant to one or more Lease Supplements.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY GOVERNING BODY OF THE COUNTY:

1. The **Chairman** of the County is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect a lease for **Field** Maintenance equipment; said officer of the County is authorized and directed in the name and on behalf of the County to execute and deliver:
 - (a) a Lease Supplement in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and
 - (b) such other documents as may be deemed by such officer to be necessary or desirable to affect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2. If real property will be subject to the Lease Supplement, the **Chairman** of the County is hereby authorized and directed to execute and deliver a Warranty Deed to Associated County Commissioners of Georgia for the site(s) of such buildings which site(s) will be subject to such Lease Supplement.
3. An appropriation from unappropriated and unreserved amounts in the County's current operating budget is made in the amount of **\$30,457.16** for the "Rentals", "Additional Rentals" and the "Termination Payment" during the "Starting Term" under the Lease Supplement.
4. The lease contemplated by the said Lease Supplement is hereby designated a "Qualified Tax-Exempt Obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.
5. This resolution shall be effective immediately.

4. Consider supplemental agreements 1 and 2 for Baseball Road and Parking Lot. The first supplemental agreement 1 is Water Quality Monitoring required by EPD in the amount of \$22,800. Commissioner Morrow had an objection to this supplemental agreement as he had done some studying of this price and it seems to be twice as high as some others charge. He said that the \$40 to check after the rain sounded reasonable but the \$3500 monthly fee sounds exuberant.

Mr. Hinnners commented that we had only asked Hill Construction Co. as they were the low bidder on the paving project itself and the way it is set up, they have to monitor it. He said the contractor is responsible for keeping the water clean.

Mr. Hinnners suggested that the County go and negotiate with Hill Construction and see if they can come down on the price and if not, as owner, manager will have to monitor ourselves.

Motion made by Commissioner Morrow to table this supplemental agreement 1 until the April 2nd meeting to get more information. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

Supplemental Agreement 2 from Hill Construction Co. in the amount of \$26,398 for sleeves for lighting and Irrigation and As-Builts was approved unanimously on a motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel.

5. Consider recommendation of HDR/WL Jorden for award of bids for Green Valley Road North, Green Valley Road South and Summit Street projects. Mr. Roland Hinnners recommended low bid of Hill Construction Co. in the amount of \$680,271.81. Amount budgeted \$1,000,000.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale low bid of Hill Construction in the amount of \$680,271.81 was unanimously approved by a vote of 5-0. We also received EIP Grants and some Georgia DOT grant money to fund this project, which leaves only \$105,361.91 to come from Excess Collections.

6. Consider acceptance of Right-of-Way Deed for Wilder Way (Stanfield West Subdivision). *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel, right-of-way deed was approved by a unanimous vote of 5-0.*

7. Consider Amendment to Final Plat –Blanton Woods S/D, David Elder Road – Alan Mobley, Owner – 8 lots. *Commissioner Morrow recused himself from voting stating conflict of interest. Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale amendment to final plat was approved by a vote of 4-0-1 with Commissioner Morrow abstaining.*

8. Consider at first reading an ordinance to Reaffirm **Zoning Action #99-06Z**. *Commissioner Morrow recused himself from voting stating conflict of interest. Upon motion by Commissioner*

Martha McDaniel, seconded by Commissioner Johnie McDaniel ordinance was approved by a vote of 4-0-1 with Commissioner Morrow abstaining.

9. Consider Agreement for Central Georgia EMC for cost of relocation of utilities on Elder Road. County Manager Wilson recommended that the Board approved actual cost in lieu of estimated cost of \$29,000.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale actual cost of relocation was approved by a unanimous vote of 5-0.

10. Commissioner Johnie McDaniel would like to discuss procedures for review of Letters of Support for grant applications. He said that we had just recently approved a Letter of Support for Rev. Garland and it was brought up that we really had to procedures in place to review these before we approve. He said that he had spoken with Regina Abbott with Spalding County Collaborative Authority for Family and Children Services and there may be an opportunity for them to review these projects and come back with an endorsement for us.

Motion made by Commissioner Johnie McDaniel to have County Manager Wilson to get in touch with Ron Walters, Chairman of the Authority, and open up some discussion to see if this Authority might be a viable tool for us to get some information prior to approval for lending our support for these grant applications. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.

11. Commissioner Johnie McDaniel would like to discuss policy procedures for the approval of cellular towers. Commissioner Johnie McDaniel discussion was to see if there was some mechanism by which the county could set up procedures to deny cellular towers. He said he was concerned that even though historically we have been told that we cannot deny these towers, that maybe we should take a look at our ordinance. After a lengthy discussion and explanation of procedures for denials made by Zoning Attorney Newton Galloway, no action was taken.

12. Commissioner Martha McDaniel wishes to discuss possible amendments to the Spalding County Unsafe Building Abatement Code. She stated that she had given each Commissioner a copy of the Spalding County Code and the Henry County Code in regards to houses unfit to occupy and she said that the county had never passed any kind of an ordinance for house that are unsafe for human habitation. She asked the Commissioners to review the information and asked County Manager Wilson to place this as an item on the retreat agenda for further discussion.

13. Discussion of County Manager's memo regarding the 1997 SPLOST. County Manager Wilson made the Board aware that if they were going to have a vote in June and September that two (2) of the polling places would have to be relocated. One is Stuckey Auditorium to Devotie Baptist Church and the other one is the National Guard Armory to First Methodist Church. He said that this calls for a sixty day for a pre-clearance with Justice and every voter in these precincts had to be notified and he needed some guidance as to the referendums to be called.

Commissioner Kendall commented that he wanted to see only recreation projects (Swim and Dive Center) on the June 19th ballot and Commissioner Morrow said the most immediate project was the Swim and Dive Center and he would also like to see the expansion of the Industrial Park and Sewer Plant to support it on the SPLOST.

Commissioner Martha McDaniel commented that she would like to see a water project on the SPLOST. She said until you get water, people are not going to support neither the pool nor the industrial park. Her recommendation still was the expansion of the existing reservoir. Mr. Luckie has stated that the expansion of the industrial park can be phased in, which would leave money for a water production facility. The City of Griffin has said they were not going to put any money into this reservoir. To dredge the existing reservoir, take out the silt and make it deeper would cost approximately \$5 Million as quoted. She said that she feels it is incumbent upon this Board of Commissioners to find a way to reclaim this reservoir as a number one priority and also that the Water and Sewerage Authority address with the City of Griffin a Joint Water and Sewerage Authority for Griffin and Spalding County. She said neither the City nor County can grow unless we have water. She asked the Water Authority if they would be willing

to look at and discuss and make their recommendations as how we should do this as a partnership with the City of Griffin.

Commissioner Morrow made the comment that the City Commissioners have told that redoing the existing reservoir reduces their claim of the new reservoir. It reduces their need and justification for a new reservoir. He said that he had sat through some meetings and to reclaim the existing reservoir the cost is astronomical and is not economical or feasible. He said the new reservoir needs to be built as a joint Water Authority.

Commissioner Kendall commented that we need to give some direction as to what is going to be on the ballot. He said the priority is the Swim & Dive Center and are we going to let it stand alone or put it on a ballot with the industrial park and that is the decision we need to make. He said that this decision can be made without numbers as we know what the Swim & Dive Center is going to cost and know how much the industrial park and sewer treatment plant is going to cost and we know how much it is going to cost to operate the Swim and Dive Center. He said that we do not have another month to put this off.

County Manager Wilson commented after a lengthy discussion, in order to have a June 19th vote, about April 12th is the drop dead date and it is going to take them about two (2) weeks to do the proper implementation.

Commissioner Kendall stated he was not in favor of everybody voting for an entrée but vote for what you want. Commissioner Kendall made a motion that we proceed with the sales tax question June 19th on the Aquatic Center at a cost of \$6 Million. Commissioner Morrow seconded the motion.

The \$6 Million will pay for a Community Room, a eight lane Olympic pool and waiting room for parents. It does not include the two gymnasiums. There can be another SPLOST vote in September on the other projects that have been discussed.

County Manager Wilson suggested that this Board let the Parks and Recreation Advisory Board make a recommendation as to what projects they would like to see put on this June 19th referendum since this vote would be for Recreation only.

Commissioner Kendall amended his motion that we will proceed with this single-issue vote in June on recommendations the Parks and Recreation Board bring to us for a vote on April 2nd. Commissioner Morrow seconded the amendment. The question was called and the motion with amendment was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson reported that the Wyomia Tyus Olympic Park irrigation lake is full.

County Manager Wilson gave some dates in April for a retreat. The dates were April 14th, 21st and 28th. None of the dates were convenient and the Board asked Mr. Wilson to come back with some dates in May and June for consideration.

County Manager Wilson stated that we had received correspondence from City Manager Ron Rabun indicating the new water rate of \$1.92 per 1000 gallons water and Ms. Garrison will review these documents and verify the prices and we will be getting some more information to you later.

County Manager Wilson asked the Board for dates to schedule the Joint Workshop with Planning & Zoning Board and Board of Zoning Appeals. The consensus of the Board was to get Mr. Sabine to get some possible dates from both of these boards and bring them back.

County Manager Wilson reported that the Washington Fly-In would be May 22nd and 23rd. The cost is \$835 and wanted to know if any of the commissioners were interested in attending.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall made comments on the 1996 sales tax vote. He said that there seemed to be two separate ballots and he personally never heard about the mistake. He said the people that voted absentee had a different ballot than the ones in the voting machines. He said that the mistake had to be recognized because part was corrected and part not corrected but it was never brought to any of the Board's attention and not brought to the attention of the absentee voters who did not have an accurate ballot. He said that he had heard that there is some legislative pending to make a lot of changes in these election laws and these Board of Elections and he feels that it is imperative that we look into whatever we can do. He said in his opinion if at all possible the Election Office needs to be run by paid employees who are accountable to somebody in our government, not the Republican and Democrat parties. He said that this office does not need to be run by volunteers appointed by political parties. He said it was our duty to make sure that this election office is run properly. He said that there have been some problems with the ballots in the past. Commissioner Kendall asked County Attorney Fortune to investigate what if any oversight that this Board can have over the Elections Office and what responsibility are we going to take from here on out to examine these ballots and make sure it is getting out to the public properly. The Board was O.K. with Commissioner Kendall's request.

Commissioner Johnie McDaniel commented that he had concerns about the Board approving a significant number of subdivisions, zoning changes for subdivisions for people that we know and then some months after that they sell this subdivision to somebody we don't know and then they come in and build to the minimum in this County, sell their houses and move on. He said as part of this Joint Workshop he would like for the Board to look at ways we can strengthen our building code so we don't build to the minimum and we have more quality construction.

Commissioner Martha McDaniel commented about Kelsey Mentoring Program. She said that she had been working with Melinda Thompson and she needs to have fifteen (15) people act as mentors during the month of April and I have asked Mr. Wilson if there is a possibility that some of our staff could give one hour from 3:00 to 5:00 to help some of these children at Kelsey Middle School. She said that she had read the Spalding demographic report and was appalled at where our children stand. She asked for the Board's support to allow our staff employees to help.

Commissioner Morrow had no comments.

Commissioner Massengale commented that Mr. James Morris who owns 38 acres of land on Kay Road is in the process of building out a road to county specifications and he told me that his road has met the standards. He said that Mr. Morris has requested that Commissioner Morrow, County Manager Wilson and Jake Garner, Public Works Director, to meet with him on Kay Road. It was noted that Mr. Morris has on-going litigation with Spalding County over this road and we have an attorney for the Board of Commissioners and it was recommended that the meeting not take place until there is a release signed by Mr. Morris that the lawsuit has been dropped or either we talk with Bill Mitchell and get some preconditions.

XIV. CLOSED MEETING

Upon motion by Commissioner Morrow and seconded by Commissioner Massengale the agenda was amended and unanimously approved to include potential litigation and the Board went into Closed Meeting.

Those present were Commissioners Michael Kendall, Dick Morrow, Martha McDaniel, Johnie McDaniel, Merrill Massengale, County Manager William Wilson, County Attorney Jim Fortune, County Clerk Phyllis Doane, Community Development Director Michael Sabine, and Zoning Attorney Newton Galloway.

1. The County Attorney requests a Closed Meeting to discuss pending litigation.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on March 19, 2001.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 8:55 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and
(insert the citation to the legal authority making the tax matter confidential) _____;

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law):

_____ as provided in (insert the citation to the legal authority exempting the topic) _____.

This the 19th day of March 2001.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 19th day of

March 2001.

Phyllis P. Doane

Notary Public

My commission expires: March 18, 2002

(L.S.) H. Merrill Massengale

(L.S.) Johnie A. McDaniel

(L.S.) Martha W. McDaniel

(L.S.) Dick Morrow

(L.S.) M. Michael Kendall

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the Board came out of Closed Meeting and went back into Open Session.

There was no business transacted at this time.

XV. ADJOURNMENT

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

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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