



# Spalding County online

## Board of Commissioners

### REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, April 2, 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 Wilson**
- IV. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval of a Proclamation "Nunc Pro Tunc" designating Friday, March 30, 2001 as "Beaverbrook Elementary School Appreciation Day" in Spalding County. (Chairman Massengale presented this at a special program March 30<sup>th</sup> at 9:00 a.m.). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Proclamation was unanimously approved by a vote of 5-0.*

### Proclamation

#### "Beaverbrook Elementary School Appreciation Day"

**WHEREAS**, Beaverbrook Elementary School has provided area students with a quality education since 1964; and

**WHEREAS**, Beaverbrook Elementary has participated in the Accelerated Reader Program for six years, as well as the Reading Renaissance program for three years; and

**WHEREAS**, Beaverbrook Elementary was accorded the status of a Reading Renaissance Model School and Model Library in June 2000 with twenty-five model classrooms; and

**WHEREAS**, Beaverbrook Elementary was accorded this status again in November 2000, with all of its twenty-nine classrooms given model classroom status, including the Pre-Kindergarten and special education classrooms; and

**WHEREAS**, Beaverbrook Elementary became a Reading Renaissance Master School and Master Library in February 2001, an achievement shared by only seven out of the 51,000 schools in the United States that use the Accelerated Reader program; and

**WHEREAS**, On March 30, 2001 Beaverbrook Elementary School will be having an "All American Celebration" to celebrate the accomplishment of their faculty and students.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of Spalding County that Friday, March 30, 2001 is hereby proclaimed as

**"BEAVERBROOK ELEMENTARY SCHOOL APPRECIATION DAY"**

in Spalding County and encourage the citizens of our community to recognize the continuing contribution of the faculty and staff of Beaverbrook Elementary School in helping our children achieve academic excellence.

This the 30th day of March 2001.

## **V. PRESENTATION OF FINANCIAL STATEMENTS – n/a**

## **VI. CITIZENS COMMENTS**

1. Eddie Whitlock desires to address the Commissioners on the topic, “A Modest Proposal for Spalding County”. Mr. Whitlock gave his address as 128 Cumberland Road and presented a proposal in design for a Spalding County flag in fun. He presented a proposal that he feels symbolizes the history of our community. He gave two examples that would be better suited for other organizations and the one symbol for Spalding County was “Just Say No” and with this in mind he suggested that the county adopt a new flag that represents some of our history of decision making, which says “ShootUs En Footus” depicting a man shooting himself in the foot. He said that he was willing to donate his design free of charge and to consider his proposal in the good nature it was intended.

2. City Manager Ron Rabun would like to address the Board concerning progress on the new reservoir. Mr. Rabun gave an update on the water regarding the new reservoir. He said that the City was seeking 404 permits and after acquiring permit, they would be acquiring property for a 475-acre reservoir on the Flint River. He said they would be doing a regional reservoir. He asked the county commissioners not to include water issue on the sales tax, as the traditional way is to issue bonds and let the ratepayers pay for the new reservoir. He said that the project costs \$35 Million and to construct this reservoir with sales tax monies would take up the entire amount of the sales tax. He said that it takes about an eight year average for 404 permits to be acquired and he said that the City was a little less than two (2) years into this time. He said that Harold Reheis has recently gone to bat for the City setting up a meeting with Mac Collins and Army Corp of Engineers, EPD and Fish and Wildlife, etc. and hopefully they will have some good news regarding the 404 permit within thirty (30) to forty-five (45) days. He said that the construction of the reservoir would take two and one-half years before water can come back to Griffin and would produce 8 million gallons per day capacity.

He addressed the concerns regarding the dredging of the Heads Creek Reservoir. He said there have been conversations to expand the reservoir but the time delay and the cost is far more expensive to dredge and/or raise the Heads Creek Reservoir to use it instead of building a new reservoir. The plan is to maintain the Heads Creek Reservoir facility forever.

3. Ms. Betty Gebhart would like to address the Board concerning parking on Richardson Road. Ms. Gebhart addressed complaints regarding the No Parking Zone on Richardson Road. She stated that the Anderson’s think they own the road and the No Parking zone does not mean anything to them. She requested that the Board make No Parking on both sides of the entire road. She said there was a Griffin Spalding County school bus also parking on the road in a No Parking zone. She said that she has just recently moved off Richardson Road as she was tired of being picked on and had moved to High Falls Road. She just goes up now to get her mail. The Board directed Code Enforcement Officer Michael Heath to check this road and asked County Manager Wilson to have the Sheriff Department revisit this issue and have a representative from the Sheriff’s Department present at the April 16<sup>th</sup> agenda.

4. David Luckie would like to address the Board concerning SPLOST. Mr. David Luckie, Executive Director and Daa’ood Amin, Chairman of the Griffin-Spalding County Development Authority were present and made a recommendation to the Board of Commissioners on behalf of the Development Authority Board, regarding the extension of the SPLOST. They proposed that the \$36 Million project for the expansion of the industrial park could be scaled back and developed in three (3) phases. Mr. Amin said that the Development Authority is charged with bringing about economic development in this community and with the Recreation June ballot and the Authority a September ballot, this would prohibit the Authority from moving forward with their expansion until late 2003. He said that this would harm economic development as they are almost completely full out in the present industrial park. He said doing this in three (3) phases would allow the Board some latitude in whatever items you may choose to put on the SPLOST along with the Authority. He said that Phase I would cost \$18 Million and this would be for putting in the infrastructure. He said that they were not yet sure yet that the \$16 Million of the cost of the Wastewater Treatment Plant was correct but it could possibly be scaled down also since the industrial park would not be expanded at one time. He said that the Authority felt like they were throwing \$36 Million out there and the commissioners were graciously trying to accommodate them and there were other projects to be considered; therefore, they scaled their project back to provide for other projects if the

Board chose to do so. Mr. Luckie and Mr. Amin requested that the Board of Commissioners push the June vote to September with inclusion of the Development Authority.

Mr. Todd Barnes, bond writer of A. G. Edwards & Co. was present and addressed the question if we had two (2) votes, one in June and one in September, are we duplicating the costs of issuing bonds rather than one vote. Mr. Barnes said that you would have two (2) sets of cost for two (2) separate issues.

## VII. PUBLIC COMMENT

Mr. Tom Bair, 126 Sihane Road, stated he was President of Goals for Griffin and was requesting on their behalf to put the two (2) issues back together on one sales tax and unite the community, not divide it.

Mr. Bain Proctor, 435 Audubon Circle, asked the Board to continue negotiations with the City of Griffin on water. He said that the contract the county has with the City of Griffin prohibits the City from passing on the cost of this reservoir to the residents of unincorporated Spalding County. This means that the cost of the reservoir would be born by the citizens of Griffin primarily. He said that he did not think that \$80 Million worth of debt by the City of Griffin is the way to be going and it will only drive the cost up. He said that in 1995 the City suggested a joint partnership and it was voted on 5-2 by the city and unanimously by the county.

Ms. Gwendolyn Flowers, 134 Spalding Street, addressed the Board on SPLOST extension. She asked why change something that has worked in the past. She said she feels the whole separation of this vote was an idea to shoot down one or the other. She commended the Development Authority for coming forth and wanting to scale back where there can be just one vote. She said that she was against the location of the Wyomia Tyus Park in the beginning but has come to realize that recreation recreates life, good values, family time and memories and said why does it always have to be about making money. She said that she was not totally against bringing the SPLOST vote back together but would do everything in her power to help make a recreation SPLOST pass.

## VIII. MINUTES

1. Consider approval of the minutes for the SPLOST Public Hearing of March 15, 2001, Extraordinary Session of March 19, 2001 and Public Hearing of March 22, 2001. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel minutes were unanimously approved by a vote of 5-0.*

## IX. CONSENT AGENDA

*Item Nos. 1 and 4 on Consent Agenda were unanimously approved upon a motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow.*

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

- **Amendment to UDO #A-01-02:** Appendix J. Commercial/Industrial Development Ordinance—Article 4. General Procedures—add provision in Section 404, 405 and 410.

### **RESOLUTION AMENDING THE COMMERCIAL/INDUSTRIAL DEVELOPMENT 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 as Appendix J thereto, the Commercial/Industrial Development Ordinance of 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 Commercial/Industrial Development Ordinance of Spalding County;

WHEREAS, such text amendments to the Commercial/Industrial Development 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 March 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 Commercial/Industrial Development Ordinance of Spalding County, Georgia conforms with sound comprehensive planning principles and is 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 Commercial/Industrial Development Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be added to the Commercial/Industrial Development Ordinance of Spalding County, Georgia: Article 4, Section 404, entitled "Submission and Approval of Construction Plans":

**X. ARTICLE 4. GENERAL PROCEDURES**

**Section 404: Submission and Approval of Construction Plans.**

H. **Approval Period:** Approval of construction plans is valid for a period of two years. Any application for a building permit submitted after the time has lapsed will not be accepted. Construction plans should be resubmitted and should conform to the current adopted standards (as of the date of resubmittal) of the Spalding County Unified Development Ordinance. Review fees will apply.

Section 2: The following provision shall be deleted from the Commercial/Industrial Development Ordinance of Spalding County, Georgia: Article 4, Section 410, entitled "Certifications."

Section 3: The following provision shall be added to the Commercial/Industrial Development Ordinance of Spalding County, Georgia, to appear as Article 4, Section 410, entitled "Certifications":

**XI. ARTICLE 4. GENERAL PROCEDURES**

**Section 410: Certifications.**

The following certificates shall be inscribed on the Construction Plans:

A. I hereby certify that the engineering requirements for these construction documents as prescribed by the Commercial/Industrial Development Ordinance of Spalding County have been fulfilled.

\_\_\_\_\_  
Registered Professional Engineer No. \_\_\_\_\_  
Date: \_\_\_\_\_

B. I hereby certify that this construction plan was approved by Spalding County on \_\_\_\_\_.

\_\_\_\_\_  
Administrative Officer

C. I hereby understand that approval of this construction plan is valid for a period of two years. Any application for a building permit submitted after the time has lapsed will not be accepted. Construction plans should be resubmitted and should conform to the current adopted standards (as of the date of resubmittal) of the Spalding County Unified Development Ordinance. Review fees will apply.

\_\_\_\_\_  
Property Owner  
Date: \_\_\_\_\_

Section 4: The following provision shall be added to the Commercial/Industrial Development Ordinance of Spalding County, Georgia, to appear as Article 4, Section 405, entitled “Specifications for Construction Plans”:

**XII. ARTICLE 4. GENERAL PROCEDURES**

**Section 405: Specifications for Construction Plans.** The Construction Plan must meet the minimum standards of design set forth in this Ordinance and must include the following:

- X. Total area of the property
- Y. Area to be developed
- Z. Area of impervious surface
- AA. Percentage of impervious surface

Section 5: The foregoing amendments of the Subdivision Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

4. Consider at first reading an ordinance amending the FY 2001 Budget Ordinance for Lease Purchases. This is for Public Works Department and Recreation Department. **The ordinance will be incorporated into the minutes on second and final reading.**

*Items 2 and 3 on Consent Agenda were approved by a vote of 4-0-1 with Commissioner Morrow abstaining stating reason of conflict of interest upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel.*

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

- **Rezoning Application #01-02Z:** Frances W. Phillips, Owner—405 Futral Road—2 acres—AR-1 to C-1C, Conditional.

**IN RE:**

**APPLICATION OF C. MARK MCCULLOUGH AND FRANCES W. PHILLIPS  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-02Z**

**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, C. Mark McCullough and Frances W. Phillips, applicants, applied for a change in zoning classification to be applied to the within described property to “C-2, Manufacturing;”

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 March 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 tract or parcel of land situate, lying and being in Land Lot 212 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 2.0 Acres, as shown on plat of survey entitled “Plat for Mrs. Frances W. Phillips”, dated March 14, 1978, by Griffin Engineering Company, and recorded in Plat Book 12, page 458, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat is incorporated herein and made a part of this description, and said real property is more particularly described as follows:

THE REAL POINT OF BEGINNING is located as follows: BEGINNING at the intersection of Land Lots 204, 205, 212 and 213, and running thence south 88 degrees 34 minutes 17 seconds east a distance of 515.06 feet; thence north 28 degrees 27 minutes 48 seconds east 95.36 feet to the REAL POINT OF BEGINNING; running thence north 89 degrees 27 minutes 35 seconds west 295.16 feet to a point; thence north 0 degrees 32 minutes 25 seconds east 295.16 feet to a point; thence south 89 degrees 27 minutes 35 seconds east 295.16 feet to a point; thence south 0 degrees 32 minutes 25 seconds west 295.16 feet to the real point of beginning.

From “AR-1, Agricultural and Residential” to “C-1C, Manufacturing, Light ” 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:

For any buildings constructed on the property:

- a. All rear or side walls facing the Eastern boundary of this property, generally shown as lots 25, 26, 27, 38, 39, and 40 on the concept plat and more specifically noted as 1334.09± linear feet of frontage parallel to Green Valley Road, shall have a facade consisting of brick or masonry (not standard cinder block).

- b. All rear or side walls facing the Northern boundary of this property, generally shown as lots 40, 41, 42, 43, and 44 on the concept plat and more specifically noted as 774.17± linear feet starting from the intersection of the Northern and Eastern boundaries of this proposed consolidated tract, shall have a facade consisting of brick or masonry (not standard cinder block).

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 April 2, 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 212 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 2.0 acres, zoned C-1C, 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.

- **Rezoning Application #01-02AZ:** Frances W. Phillips, Owner—Futral Road—18.222 acres – AR-1 to C-1C, Conditional.

**IN RE:**

**APPLICATION OF C. MARK MCCULLOUGH AND FRANCES W. PHILLIPS  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-02AZ**

**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, C. Mark McCullough and Frances W. Phillips, applicants, applied for a change in zoning classification to be applied to the within described property to “C-2, Manufacturing;”

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 March 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 tract or parcel of land situate, lying and being in Land Lot 212 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 18.222 acres, and designated as Tract "A" on plat of survey entitled "Survey for Frances W. Phillips, Bettie Z. Williams & Sibyl W. Glover" dated January 10, 1983, by Robert S. Mitchell, Registered Land Surveyor, and recorded in Plat Book 14, page 417, in the Office of the Clerk of Superior Court of Spalding County, Georgia, and, by reference, said plat of survey is incorporated herein and made a part of this description; and, according to said plat of survey, said property is more particularly described as follows: BEGINNING at a concrete monument located in the southwest corner of said Land Lot 212 at the point of intersection of Land Lots 205, 204, 212, and 213; and running thence, from said point of beginning, south 88 degrees 34 minutes 17 seconds east along the south boundary of said Land Lot 212, 516.06 feet to an iron stake; thence, north 28 degrees 27 minutes 48 seconds east 95.36 feet to an iron stake; thence, north 89 degrees 27 minutes 35 seconds west 295.16 feet to an iron stake; thence, north 0 degrees 32 minutes 25 seconds east 295.16 feet to an iron stake; thence south 89 degrees 27 minutes 35 seconds east 295.16 feet to an iron stake; thence, south 0 degrees 32 minutes 25 seconds west 295.16 feet to an iron stake; thence south 83 degrees 59 minutes 30 seconds east 591.17 feet to an iron stake; thence south 9 degrees 47 minutes 0 seconds west 28.98 feet to an iron stake located on the south boundary of Land lot 212; thence, south 89 degrees 22 minutes 52 seconds east 287.65 feet to an iron stake; thence, south 89 degrees 25 minutes 14 seconds east 209.90 feet to an iron stake located on the west margin of Central of Georgia Railroad; thence, north 10 degrees 36 minutes 36 seconds east along the west margin of said railroad 496.12 feet to an iron stake; thence, north 81 degrees 45 minutes 07 seconds west 1444.24 feet to an iron stake; thence, south 24 degrees 21 minutes 07 seconds west 452.37 feet to a concrete marker; thence, south 24 degrees 27 minutes 44 seconds west 283.45 feet to point of beginning, and bounded as follows:

North by other property of Frances W. Phillips and by Tract "B" as shown on said plat of survey; on the east by other property of Frances W. Phillips and by Central of Georgia Railroad and by property of Tom V. Bivins; on the south by property of Ronnie Jordan and by property of Tom V. Bivins on the west by property of Tom V. Bivins, and Frances W. Phillips, and northwest by property of Andrew E. Blake and Otis D. Blake, Jr.

The above described property is subject to 30 foot easement for driveway purposes for egress and ingress as shown on said plat of survey.

From "AR-1, Agricultural and Residential" to "C-1C, Manufacturing, Light " 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:

For any buildings constructed on the property:

- a. All rear or side walls facing the Eastern boundary of this property, generally shown as lots 25, 26, 27, 38, 39, and 40 on the concept plat and more specifically noted as 1334.09± linear feet of frontage parallel to Green Valley Road, shall have a facade consisting of brick or masonry (not standard cinder block).
- b. All rear or side walls facing the Northern boundary of this property, generally shown as lots 40, 41, 42, 43, and 44 on the concept plat and more specifically noted as 774.17± linear feet starting from the intersection of the Northern and Eastern boundaries of this proposed consolidated tract, shall have a facade consisting of brick or masonry (not standard cinder block).

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 April 2, 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 212 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 18.222 acres, zoned C-1C, 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.

- **Rezoning Application #01-02BZ and #01-02EZ:** Robert L. Jr. and Barbara S. Gossett, Owner—Hudson Road—5.044 acres and 4.473 acres (collectively 9.517 acres) – AR-1 to C-1C, Conditional

**IN RE:**

**APPLICATION OF C. MARK MCCULLOUGH, ROBERT L. GOSSETT, JR.,  
AND BARBARA S. GOSSETT  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 01-02BZ and 01-02EZ**

**RESOLUTION AMENDING  
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WHEREAS, C. Mark McCullough, and Robert L. Gossett, Jr., and Barbara S. Gossett, applicants, applied for a change in zoning classification to be applied to the within described property to “C-2, Manufacturing;”

WHEREAS, such applications were 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 March 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 212 of the Second District of originally Monroe, now Spalding County, Georgia containing 9.517 acres more or less and described as follows:

Beginning at the intersection of the west boundary line of Land Lot 212 with the South Right of Way Line of Hudson Road, and running thence the following courses and distances:

South 2 degrees 32 minutes 38 seconds west a distance of 941.76 feet, South 81 degrees 43 minutes 33 seconds east a distance of 231.11 feet, South 81 degrees 44 minutes 29 seconds east a distance of 200.95 feet, North 2 degrees 40 minutes 55 seconds east a distance of 984.02 feet more or less to the South Right of Way Line of Hudson Road, Thence in a westerly direction along the South Right of Way line of Hudson Road a distance of 432.28 feet more or less to the point of beginning.

Said property is shown on Plats of Survey recorded at Plat Book 15 Page 79, Spalding County Superior Court Records containing 5.044 acres, and at Plat Book 22 Page 400, Spalding County Superior Court Records containing 4.473 acres, which said plats with the metes, bounds, courses, and distances as shown thereon are incorporated herein and made a part hereof.

From “AR-1, Agricultural and Residential” to “C-1C, Manufacturing, Light ” 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:

For any buildings constructed on the property:

- a. All rear or side walls facing the Eastern boundary of this property, generally shown as lots 25, 26, 27, 38, 39, and 40 on the concept plat and more specifically noted as 1334.09± linear feet of frontage parallel to Green Valley Road, shall have a facade consisting of brick or masonry (not standard cinder block).
- b. All rear or side walls facing the Northern boundary of this property, generally shown as lots 40, 41, 42, 43, and 44 on the concept plat and more specifically noted as 774.17± linear feet starting from the intersection of the Northern and Eastern boundaries of this proposed consolidated tract, shall have a facade consisting of brick or masonry (not standard cinder block).

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 April 2, 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 212 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 9.517 acres, zoned C-1C, 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.

- **Rezoning Application #01-02CZ:** Bettie Z. Williams, Owner—400 Green Valley Road—20.222 acres – AR-1 to C-1C, Conditional

**IN RE:**

**APPLICATION OF C. MARK MCCULLOUGH AND BETTIE Z. WILLIAMS  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-02CZ**

**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, C. Mark McCullough and Bettie Z. Williams, applicants, applied for a change in zoning classification to be applied to the within described property to “C-2, Manufacturing;”

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 March 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 tract or parcel of land situate, lying and being in Land Lot 212 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 20.222 acres, and designated as Tract “B” on plat of survey entitled “Survey for Frances W. Phillips, Bettie Z. Williams & Sibyl W. Glover” dated January 10, 1983, by Robert S. Mitchell, Registered Land Surveyor, and recorded in Plat Book 14, page 417, in the Office of the Clerk of Superior Court of Spalding County, Georgia, and, by reference, said plat of survey is incorporated herein and made a part of this description; and, according to said plat of survey, said property is more particularly described as follows: BEGINNING at an iron stake located on the west margin of Central of Georgia Railroad, in the southeast corner of said Tract “B”, said point being north 10 degrees 36 minutes 36 seconds east as measured along the west margin of Central of Georgia Railroad 496.12 feet from the intersection of the west margin of Central of Georgia Railroad with the south boundary line of said Land Lot 212; and running thence, from said point of beginning, north 81 degrees 45 minutes 07 seconds west 1444.24 feet to an iron stake; thence, north 24 degrees 21 minutes 07 seconds east 54.98 feet to a 30 inch oak tree; thence, north 77 degrees 25 minutes 15 seconds west 298.87 feet to a concrete marker; thence, north 2 degrees 17 minutes 58 seconds east 116.56 feet to a concrete marker; thence, north 2 degrees 0 minutes 33 seconds east 299.89 feet to a concrete marker; thence, north 1 degree 48 minutes 15 seconds east 92.19 feet to an iron stake; thence, south 77 degrees 0 minutes 15 seconds east 1480.93 feet to an iron stake; thence, south 88 degrees 15 minutes 23 seconds east 328.74 feet to an iron stake located on the west margin of Central of Georgia Railroad; thence, south 10 degrees 36 minutes 36 seconds west along the west margin of said railroad 496.12 feet to point of beginning, and bounded as follows:

North by Tract “C” as shown on said plat of survey; on the east by Central of Georgia Railroad; on the south by Tract “A” as shown on said plat of survey and by property of Andrew E. Blake and Otis D. Blake, Jr., and on the west by property of Andrew E. Blake and Otis D. Blake, Jr.

The above described property is subject to 30 foot easement for driveway purposes for egress and ingress as shown on said plat of survey.

From “AR-1, Agricultural and Residential” to “C-1C, Manufacturing, Light” 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:

For any buildings constructed on the property:

- a. All rear or side walls facing the Eastern boundary of this property, generally shown as lots 25, 26, 27, 38, 39, and 40 on the concept plat and more specifically noted as 1334.09± linear feet of frontage parallel to Green Valley Road, shall have a facade consisting of brick or masonry (not standard cinder block).
- b. All rear or side walls facing the Northern boundary of this property, generally shown as lots 40, 41, 42, 43, and 44 on the concept plat and more specifically noted as 774.17± linear feet starting from the intersection of the Northern and Eastern boundaries of this proposed consolidated tract, shall have a facade consisting of brick or masonry (not standard cinder block).

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 April 2, 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 212 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 20.222 acres, zoned C-1C, 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.

- **Rezoning Application #01-02DZ:** Sibyl W. Glover, Owner—Green Valley Road—20.222 acres – AR-1 to C-1C, Conditional.

**IN RE:**

**APPLICATION OF C. MARK MCCULLOUGH AND SIBYL W. GLOVER  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-02DZ**

**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, C. Mark McCullough and Sibyl W. Glover, applicants, applied for a change in zoning classification to be applied to the within described property to "C-2, Manufacturing;"

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 March 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 tract or parcel of land situate, lying and being in Land Lot 212 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 20.222 acres, and designated as Tract "C" on plat of survey entitled "Survey for Frances W. Phillips, Bettie Z. Williams & Sibyl W. Glover" dated January 10, 1983, by Robert S. Mitchell, Registered Land Surveyor, and recorded in Plat Book 14, page 417, in the Office of the Clerk of Superior Court of Spalding County, Georgia, and, by reference, said plat of survey, together with the metes, bounds, courses and distances as shown thereon is incorporated herein and made a part of this description, and, according to said plat of survey, said property is more particularly described as follows: BEGINNING at an iron stake located in the southeast corner of said Tract "C" on the west margin of Central of Georgia Railroad, said point of beginning being north 10 degrees 36 minutes 36 seconds east as measured along the west margin of Central of Georgia Railroad 992.24 feet from the point of intersection of the west margin of Central of Georgia Railroad with the south boundary line of said Land Lot 212; and running thence, from said point of beginning, along the west margin of Central of Georgia Railroad, north 10 degrees 36 minutes 36 seconds east 78.11 feet, north 9 degrees 55 minutes 58 seconds east 102.76 feet, north 9 degrees 38 minutes 02 seconds east 98.12 feet, and north 8 degrees 23 minutes 06 seconds east 62.92 feet to an iron stake; thence, north 67 degrees 08 minutes 26 seconds west 774.17 feet to an iron stake; thence, north 81 degrees 43 minutes 33 seconds west 1113.22 feet to a concrete monument; thence, south 1 degree 47 minutes 47 seconds west 247.73 feet to a concrete marker; thence, south 1 degree 48 minutes 15 seconds west 207.36 feet to an iron stake; thence, south 77 degrees 0 minutes 15 seconds east 1480.93 feet; thence, south 88 degrees 15 minutes 23 seconds east 328.74 feet to point of beginning, and bounded as follows:

North by property of J. R. Goggans, property of Bill Hudson, property of Winnie Mae Weaver Prevette, and property of Bessie F. Hudson; on the east by Central of Georgia

Railroad; on the south by Tract "B" as shown on said plat of survey and on the west by property of Andrew E. Blake and Otis D. Blake, Jr.

From "AR-1, Agricultural and Residential" to "C-1C, Manufacturing, Light " 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:

For any buildings constructed on the property:

- a. All rear or side walls facing the Eastern boundary of this property, generally shown as lots 25, 26, 27, 38, 39, and 40 on the concept plat and more specifically noted as 1334.09± linear feet of frontage parallel to Green Valley Road, shall have a facade consisting of brick or masonry (not standard cinder block).
- b. All rear or side walls facing the Northern boundary of this property, generally shown as lots 40, 41, 42, 43, and 44 on the concept plat and more specifically noted as 774.17± linear feet starting from the intersection of the Northern and Eastern boundaries of this proposed consolidated tract, shall have a facade consisting of brick or masonry (not standard cinder block).

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 April 2, 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 212 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 20.222 acres, zoned C-1C, 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.

- **Rezoning Application #01-04Z:** MRD, LLC, Owner—Arthur K. Bolton Parkway—20.23 acres, AR-1 and R-2 to C-1C, Conditional.

**IN RE:**

**APPLICATION OF D & N CONSTRUCTION AND MRD, LLC  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-04Z**

**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, D & N Construction and MRD, LLC, applicants, 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 January 25, 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 March 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 containing 27 acres, more or less, located in Land Lot 80 of the 3<sup>rd</sup> Land District of originally Monroe, now Spalding County, Georgia and described as BEGINNING at a point on the south right-of-way line of a paved county road known as Tomochichi Road, said point of beginning being westwardly 1350.2 feet along the south right-of-way line of said road with the east boundary of Land Lot 80; thence, from said point of beginning, north 86 degrees 15 minutes west 309.3 feet, more or less, along the south right-of-way line of Tomochichi Road to the northeast corner of lands of Grady L. Harper; thence, south 1465.5 feet, more or less, along the east boundary of lands of Grady L. Harper; thence, east 963.6 feet, more or less, along the north boundary of a 52.5 foot wide strip of land owned by Grady L. Harper to the west boundary of lands now or formerly owned by W.H. Coleman; thence north 805.5 feet, more or less; thence, 237.6 feet, more or less; thence north 428 feet, more or less, to an iron stake on the southeast corner of lands of J.C. Hendrix; thence, westwardly 416.7 feet to the southwest corner of lands being retained by H. and Pellie Davis; thence, north 232 feet to the point of beginning, and bounded on the north by a paved county road known as Tomochichi Road, other property of H. and Pellie Davis, lands of J.C. Hendrix, and lands now or formerly owned by W.H. Coleman; on the east by other property of H. and Pellie Davis, and property now or formerly owned by W.H. Coleman, and on the south and west by property by Grady L. Harper.

This deed conveys a portion of the same real property conveyed by warranty deed from Mrs. Lucile C. Bonner to H. Davis and wife, Pellie Davis, dated March 17, 1951, and

recorded March 17, 1951 in Deed Book 127, Page 162, Spalding County Superior Court records.

LESS AND EXCEPT The following tracts:

All that lot, tract or parcel of land situate, lying and being in Land Lot 80 of the 3<sup>rd</sup> Land District of originally Monroe, now Spalding County, Georgia and being more particularly described as follows:

Beginning at a point lying 180 feet left, northwest of, and opposite Project Number F-022-1(7) Survey Centerline Station 368 + 79.07, said point being a point on the existing south property line between the property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY L. HARPER; thence northeasterly along a straight line lying 180 feet left, northwest of, and parallel to Project Number F-022-1(7) Survey Centerline a distance of 720.94 feet to a point lying 180 feet left, northwest of, and opposite Project Number F-022-1(7) Survey Centerline Station 376 + 00; thence northeasterly along a straight line a distance of 101.98 feet to a point lying 200 feet left, northwest of, and opposite Project Number F-022-1(7) Survey Centerline Station 377 + 00; thence northeasterly along a straight line lying 200 feet left, northwest of, and parallel to Project Number F-022-1(7) Survey Centerline a distance of 299.17 feet to a point lying 200 feet left, northwest of, and opposite Project Number F-022-1(7) Survey Centerline Station 379 + 99.17, said point being a point on the existing east property line between the property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY M. FORD, JR. and MRS. ARLENE BARTON FORD; thence southerly along said property line which follows a straight line a distance of 520.30 feet to a point lying 186.83 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 376 + 51.21; thence southwesterly along a straight line a distance of 51.66 feet to a point lying 180 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 376 + 00; thence southwesterly along a straight line lying 180 feet right, southeast of, and parallel to Project Number F-022-1(7) Survey Centerline a distance of 222.28 feet to a point lying 180 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 373 + 77.72, said point being a point on the existing south property line between property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY L. HARPER; thence westerly along said property line which follows a straight line a distance of 615.02 feet back to the point of beginning.

Said tract or parcel of land containing 5.870 acres and being bound on the northwest and southeast by other lands of Joseph H. Boggs and William W. Boggs; on the east by lands now or formerly owned by GRADY M. FORD, JR. and MRS. BARTON FORD; and on the south by lands now or formerly owned by GRADY L. HARPER.

Also, a tract or parcel of land being at a point lying 180 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 373 + 77.72, said point being a point on the existing south property between the property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY L. HARPER; thence northeasterly along a straight line lying 180 feet right, southeast of, and parallel to Project Number F-022-1(7) Survey Centerline a distance of 222.28 feet to a point lying 180 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 376 + 00; thence northeasterly along a straight line a distance of 51.66 feet to a point lying 186.83 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 376 + 51.21, said point being a point on the existing east property line between the property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY M. FORD, JR. AND MRS. ARLENE BARTON FORD; thence southerly along said property line which follows a straight line a distance of 155.44 feet to a point lying 302.39 feet right, southeast of, and opposite Project Number F-022-1(7) Survey Centerline Station 375 + 47.26, said point being a point on the existing south property line between the property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY L. HARPER; thence westerly along said property line between the property of Joseph H. Boggs and William W. Boggs and lands now or formerly owned by GRADY L. HARPER which follows a straight line a distance of 209.10 feet back to the point of beginning.

Said tract or parcel of land containing 0.39 acre and being bound on the east by lands now or formerly owned by GRADY M. FORD, JR. and MRS. ARLENE BARTON

FORD; on the south by lands now or formerly owned by GRADY L. HARPER; and on the northwest by Project Number F-022-1(7).

From “AR-1, Agricultural and Residential” and “R-2, Single Family Residential” to “C-1, Highway Commercial” 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. Site plan will be amended and will not be approved until submission of a revised site plan showing removal of the convenience store/gas station from the plan.
- b. Development is restricted to that development shown on the approved site plan. Any changes to the approved plan must follow procedures set forth in Section 2205(F).
- c. Proposed landscaping is subject to compliance with Appendix K of the Spalding County UDO.
- d. Any structures visible to AKB Parkway shall be developed with three (3) sides constructed with masonry (sides visible to AKB). Remaining structures not visible to AKB shall have a masonry facade with the remaining sides constructed as noted in Section 2208:M.
- e. Once an access road has been constructed for access to the property along AKB, the entrance located on Tomochichi Road will be closed.
- f. Developer will participate, as mutually agreed on by Spalding County, Georgia DOT and the developer, in the construction of the access road.

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 April 2, 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 3<sup>rd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 20.23 acres, zoned C-1, 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.

3. Consider at second reading an ordinance to Reaffirm **Zoning Action #99-06Z**.

**An Ordinance to Reaffirm Zoning Action #99-06Z:**

WHEREAS, Alan Mobley (the Applicant) applied for the rezoning of property located in the 2<sup>nd</sup> Land District, Land Lot 55 of Spalding County (approximately 16.332 ± acres), adjacent to Moreland Road, on February 26, 1999 from the AR-1 (Agricultural and Residential 1) district to the R-4 (Low-density single-family district; and

WHEREAS, the Applicant agreed to the rezoning of the aforementioned subject property to the R-1 (Low-density single-family) district during the Public Hearing held by the Board of Commissioners regarding the subject property on May 6, 1999; and

WHEREAS, the Applicant's consent for rezoning the subject property to R-1 is reflected in the minutes of this meeting; and

WHEREAS, the Board of Commissioners approved a motion to rezone the subject property to R-1 at first reading on May 6, 1999; and

WHEREAS, the Board of Commissioners made a motion by means of their consent agenda to rezone this property to R-1 at second reading on May 18, 1999; and

WHEREAS, the actual zoning resolution executed contained a clerical error, mistakenly listing this property as R-4, despite the stated legislative intent of the Board of Commissioners and the consent of the Applicant to rezone this property to R-1.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of Spalding County that the subject property, zoned R-1 in May 1999, is reaffirmed as having been zoned R-1, as stated in action at both the first and second reading of this matter conducted by the Board of Commissioners.

BE IT FURTHER ORDAINED that the Chairman of the Board of Commissioners and the Zoning Administrator are hereby directed to undertake and effect such measures as is necessary to indicate the intended, and lawful, zoning district for this property.

Approved the 19<sup>th</sup> day of March 2001.

Approved, adopted and enacted the 2<sup>nd</sup> day of April 2001.

#### **X. OLD BUSINESS**

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

- **Rezoning Application #01-05Z:** High Top Holdings, Owner—Old Atlanta Road, 4.3 acres, AR-1 to C-1C.

*Motion made by Commissioner Morrow to approve **Rezoning Application #01-05Z**. Commissioner Massengale seconded the motion.*

There was discussion as Commissioner Johnnie McDaniel stated his objections as this sets a precedence as there would be two principle uses on this one tract, residential and commercial if rezoned to C-1C and this is contrary to the UDO. He set no specified time limit was set for this residential use to cease. He said without some restriction for that residential use he could not vote for this rezoning. He said that he had a bad feeling about issuing variances on use of the property. Commissioner Martha McDaniel stated that she totally agreed with Commissioner Johnnie McDaniel stating that this is not consistent with what we have done in the past with the land use plan and our ordinance and she asked the commissioners to reconsider their vote.

*After a lengthy discussion, motion made by Commissioner Martha McDaniel and seconded by Commissioner Kendall to end the debate and call the question. Motion was unanimously approved.*

*Commissioner Massengale called the question on the motion to approve **Rezoning Application #01-05Z** and motion passed by a vote of 3-2 with Commissioners Johnnie McDaniel and Martha McDaniel voting against the motion.*

**IN RE:**

**APPLICATION OF HIGH TOP HOLDINGS, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-05Z**

**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, High Top Holdings, Inc, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1C, Manufacturing, Light;”

WHEREAS, such application was filed with Spalding County, Georgia on January 26, 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 March 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:

From a point of beginning at the Northeast corner of the intersection of Collier Street and Old Atlanta Road 193.10 feet in a Northerly direction along the East right of way of Old Atlanta Road to the point of beginning marked by an iron stake. Thence North 86 degrees 12 minutes 19 seconds West a distance of 660.80 feet to an iron stake, thence South 13 degrees 39 minutes 17 seconds West a distance of 330.06 feet to an iron stake, thence North 88 degrees 17 minutes 52 seconds East a distance of 330.85 feet to an iron stake, thence North 88 degrees 17 minutes 52 seconds East a distance of 297.84 feet to an iron stake on the Easterly Right of Way of Old Atlanta Road, thence North 22 degrees 51 minutes 02 seconds East a distance of 280.33 feet to the point of beginning.

From “AR-1, Agricultural and Residential” to “C-1C, Manufacturing, Light ” 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 April 2, 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 126 of the 3<sup>rd</sup> Land District of originally

Henry, now Spalding County, Georgia, consisting of approximately 4.3 acres, zoned C-1C.

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

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

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow and unanimously approved Chairman Massengale called for a five-minute recess.*

*Chairman Massengale called the meeting back to order.*

*At this time Commissioner Martha McDaniel stated that some people present were not aware of when they were to speak and made a motion to amend the agenda to allow citizens to make comments. Commissioner Dick Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

Ms. Rosa Lee Stewart, 1218 Manley Road asked the Board to reconsider having two (2) SPLOST votes. She said that she worked on the first SPLOST Committee and she learned a lot about the citizens of this community and if you put it on two (2) votes, we will lose the part for the industrial. She said that she was for recreation but she remembers that the recreation people worked very hard to get the SPLOST passed and they were the ones that made it happen.

Dr. Tommy Hopkins, 1435 Maple Drive stated he was in favor of one vote on SPLOST. He commented that he did not know where we stood on having a vote in June. He said he would like to have this clarified.

Commissioner Martha McDaniel commented that a lot of people are confused about voting twice. She said that she thinks that we are being totally foolish to call for a vote when we don't have our act together. She said that this concerns her a great deal. Commissioner Martha McDaniel asked Todd Barnes how much would it cost to issue bonds two (2) times. Mr. Barnes said that the first issue, the Swim and Dive Center would cost about \$150,000; therefore if you had one vote you would save \$150,000.

Mr. Warren Scoville, 567 S. Hill Street stated that what is going on in our community right now is confusion and misunderstanding regarding the SPLOST extension. He said what he sees right now is an effort to divide our community into special interest groups and when you divide and not bring unity and purposefulness that is the downfall. He said that we need to move the county forward. He said that we have a golden opportunity to move this county in the direction that some of the communities around us have already gone.

2. **(Lift from the table)** Consider Supplemental Agreement No. 1 for Baseball Road and Parking Lot.

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the above item was lifted from the table by a unanimous vote of 5-0.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel Supplemental Agreement No. 1 with Hill Construction Co. in the amount of \$22,800 for required water quality monitoring was unanimously approved by a vote of 5-0.*

3. Consider recommendation of Parks and Recreation Advisory Commission for SPLOST projects. County Manager Wilson stated that he had calculated out all the recommendations from Parks and Recreation Advisory Commission and the grand total is \$16,520,900; however, that does not include a price for additional meeting room at Fairmont. The breakdown is as follows:

Wyomia Tyus Olympic Park	\$ 12,167,500
Fairmont Park	1,806,000
Senior Center Expansion	250,000

Skate Park	250,000
City Park	1,247,400
Orchard Hill Park	100,000
City of SunnySide	100,000
Blalock, Cabin Creek and Vaughn	
Fire Stations	450,000
Jordan Hill Road School	150,000

Bain Proctor, Chairman of the Recreation Advisory Board stated that the only instructions they received from this Board was asking them to recommend projects and they used the 1993 Master Plan and updated one in 2000 approved unanimously by this Board to come up with these projects. The recommendations totaled \$16.5 Million.

Commissioner Kendall stated that at the last meeting he made a recommendation that the Swim and Dive Center alone be placed on a ballot for a vote in June. While discussing this issue, a recommendation was made to give the Advisory Board an opportunity to consider this matter and see whether or not they would be supportive of that or if there was some other recommendation they would like to make.

There was a discussion about the operation cost of the Swim and Dive Center as the figures to operate and facilitate it would be approximately \$500,000.

Mr. Proctor said that he supported a multi-purpose SPLOST as a single purpose SPLOST has no offsetting revenue to help pay for the operating cost.

He said that NACOM and Caterpillar alone coming on line more than offset the cost of operating this community recreation center that includes gymnasiums, pool and meeting rooms.

Todd Barnes gave a presentation on the options available for referendums. The first option was a vote in June to bond \$10 Million for recreation projects, which would take 15 months to pay for beginning 01/01/2002 and ending 3/31/2003. The second option was a vote in June to bond \$16.5 million for recreation projects, which would take 24 months to pay for beginning 01/01/2002 and ending 12/31/2004. The third option was a vote in September to bond \$25 Million for economic development which would take 60 months to pay for beginning 04/01/2003 and ending 3/31/2008 and the last option was a vote in September to bond \$40 Million for a combined recreation and economic development which would take 60 months to pay for beginning 01/01/2002 and ending 12/31/2006.

*After more discussion a motion was made by Commissioner Martha McDaniel, seconded by Commissioner Morrow to charge Bain Proctor as Chairman of the Advisory Commission to call a special meeting of the Commission to consider two alternatives and bring back recommendation for the April 16<sup>th</sup> meeting. Motion was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

*The two alternatives are: (1) Whether or not to hold a June 19<sup>th</sup> SPLOST vote solely for recreation projects for any amount up to \$16,520,900 or (2) To include on a September 18<sup>th</sup> proposed multi-purpose SPLOST vote an aquatic center as currently designed at an estimated cost of \$5.72 Million.*

## **XI. NEW BUSINESS**

1. Consider request from Griffin-Spalding Chamber of Commerce. *The Commissioners felt like the request was made clear and with the absence of Bonnie Pfrogner, Chamber Director, motion was made by Commissioner Martha McDaniel, seconded by Commissioner Morrow to table request until April 16, 2001 meeting. Motion was unanimously approved by a vote of 5-0.*

2. Consider proposal from Allen-Smith Consulting to assist Spalding County and G/S Development Authority with a Format II Environmental Assessment for Green Valley Industrial Park Extension. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the proposal in the amount of \$1,700 was unanimously approved by a vote of 5-0.*

3. Consider appointments to the Spalding County Collaborative Authority for Families and Children as request in letters of Regina Abbott, Chairman.

The recommendation for Commissioner appointment was Commissioner Martha McDaniel. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnnie McDaniel the appointment of Mrs. McDaniel for one year term expiring 12/31/01 was unanimously approved by a vote of 5-0.*

The recommendation for Sheriff Department Representative was Vicki Massengale. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the appointment of Vicki Massengale for a one year term expiring 12/31/01 was unanimously approved by a vote of 5-0.*

The recommendation for at-large appointment was Dr. W. Ray Hill. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the appointment of Dr. W. Ray Hill for a two-year term expiring 12/31/02 was unanimously approved by a vote of 5-0.*

4. Consider sub lease agreement for 841 Memorial Drive Property. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel, the following sub lease agreement was unanimously approved by a vote of 5-0.*

#### **APPROVAL OF SUB-LETTING AGREEMENT**

WHEREAS, Dong Suk Ahn entered into a commercial lease agreement on June 5, 1998, with Spalding County, a political subdivision of the State of Georgia (successor in interest to R. Terry Hatchett) for the lease of 841 Memorial Drive, Griffin, Spalding County, Georgia; and

WHEREAS, Dong Suk Ahn now wishes to enter into a sub-letting agreement with Mrs. Tae Cha Gilmore; and

WHEREAS, the original commercial lease agreement requires that the Lessor consent in writing prior to the sub-letting of any portion of the lease premises.

NOW, THEREFORE, Spalding County as Lessor hereby consents to the sub-letting agreement between Dong Suk Ahn and Tae Cha Gilmore. However, nothing herein shall be construed to in any way relieve Dong Suk Ahn from his liabilities under the original commercial lease dated June 5, 1998. Dong Suk Ahn, by acceptance of this consent, agrees and covenants that he shall remain primarily liable to Spalding County under the commercial lease dated June 5, 1998.

(L.S.) H. Merrill Massengale  
Chairman, Spalding County

I agree to the above conditions this \_\_\_\_ day of \_\_\_\_\_ 2001.

\_\_\_\_\_  
Dong Suk Ahn

5. Consider Agreement to provide inmate commissary services for new Correctional Institution. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Agreement was unanimously approved by a vote of 5-0.*

#### **STATE OF GEORGIA COUNTY OF SPALDING**

#### **AGREEMENT TO PROVIDE INMATE COMMISSARY SERVICES**

This AGREEMENT is made and entered into effective April 2, 2001 by and between, Spalding County, Georgia ("Facility") and A&S Commissaries ("Provider").

PREMISE: WHEREAS, Provider is an inmate commissary service provider; and Spalding County Correctional Institute desires the services of the provider.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto do agree as follows:

1. **INTRODUCTION:** Strickland Consulting Group Inc., D/B/A A&S Commissaries is a Georgia Corporation with its principal office located at 165 Andrew Drive Suite 300, Stockbridge, Georgia 30281. Spalding County Correctional Institute, with its principal office located at 295 Justice Boulevard, Griffin, Georgia 30224.

2. **DESCRIPTION OF SERVICES:** During the term of this AGREEMENT, Provider will furnish inmate commissary services exclusively, IBM Compatible Computer (if necessary), and Software System

(if necessary), to support Inmate Commissary Services for Spalding County Correctional Institute (Such equipment will remain the property of Provider).

3. **COMMISSION:** A&S Commissaries will pay a 15% commission based on total sales less US Postal Stamps and sales tax. The commission will be paid monthly to Spalding County.

4. Either party may cancel this AGREEMENT within 30 days with written notice for any reason.

5. **TERMS OF AGREEMENT:** Providers services shall be for a term of 1 year beginning on July 1, 2001 and ending on June 30, 2002 with an option to extend the contract term for additional one (1) year periods.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed this 2<sup>nd</sup> day of April 2001.

6. Consider authorizing easement agreement with the City of Griffin for Oakdale Drive Drainage Improvements. County Manager Wilson stated this is a temporary easement on the property that the county owns behind the C.I. for the city to make improvements by replacing culverts.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow easement agreement was unanimously approved by a vote of 5-0.*

7. Consider recommendation of Parks and Recreation Advisory Board for improvements to soccer concession area at WTOP. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel recommendation was unanimously approved by a vote of 5-0.*

8. Consider acceptance of Right of Way deed for Marian Circle, located in Nottingham Estates Phase IV. *Upon motion by Commissioner Morrow, seconded by Commissioner Massengale acceptance of right of way deed was unanimously approved by a vote of 5-0.*

## **XII. REPORT OF COUNTY MANAGER**

County Manager Wilson stated that he would ask for direction in the rental of the Senior Center at the next meeting. He said that a church was renting the facility every weekend and we have a request from another church for rental. He said that the intent of this rental policy was not for the Senior Center to be used for weekly repetitive events.

County Manager Wilson stated that we had received correspondence from DOT regarding the request of a traffic signal at State Route 16/Rehoboth Road intersection and they had denied the request but recommended the realignment of the intersection, which would be included in the county's State Route 16 widening project.

County Manager Wilson stated that he had sent correspondence to the Commissioners regarding retreat dates and asked them for a date. June 9<sup>th</sup> was the first priority for the facilitator and the commissioners asked Mr. Wilson to check and see if Clayton State College would have this date open to facilitate the retreat.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall asked if there was an update on the Board of Elections office situation request he had made. County Attorney Fortune stated that the Board of Elections State Statute states that the Probate Judge or Election Board office handle the election. The Election Board members are chosen two by the chairman of the leading political party and two by the one who gets second greatest number of votes and those four people choose the fifth person. Mr. Fortune commented that there is nothing in the statute that prevents you from getting the Board office staff to assist them. Mr. Kendall commented that he does not feel that the people on this Board are accountable to anyone. Mr. Fortune stated that he believed that members can be removed for cause. It was brought up that the Clerk of the Superior Court has over-sight of the Board of Elections. County Attorney Fortune commented that he would look into this further.

Commissioner Johnie McDaniel asked Mr. Wilson if we had received any feedback from Board of Zoning Appeals and Planning & Zoning Board regarding dates for a workshop. Mr. Wilson commented that we had not.

Commissioner Martha McDaniel stated that while driving around Saturday and Sunday there were an enormous amount of signs out advertising a furniture company that is going out of business on DOT right of way as well as county right of way and also had advertisements for property for sale in several subdivisions on county right of way and asked County Manager Wilson to ask that right of way owners police their areas.

Commissioner Morrow requested that nice temporary signs be made and placed for SPLOST projects, saying this was paid for by your SPLOST money. County Manager Wilson stated that he was going to have a proto-type sign made as Commissioner Martha McDaniel had already asked for this to be done several weeks ago.

Commissioner Massengale commented that Bobby Hamil, who is active in sports, had contacted him and asked if the Board had any problems proclaiming through a Joint City/County Proclamation April 20, 2001 as "Spalding County Soccer Day". This will be the first game between Spalding High and Griffin High. There was no objection by any member of the Board.

**XIV. CLOSED MEETING**

*Upon motion by Commissioner Dick Morrow, seconded by Commissioner Johnie McDaniel the Board voted unanimously to go into a Closed Meeting to discuss pending litigation.*

Those present were Commissioners Michael Kendall, Dick Morrow, Martha McDaniel, Johnie McDaniel, Merrill Massengale, County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

- 1. The County Attorney desires 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 April 2, 2001.

- 2.

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

- 3.

The executive session was called to order at 9:20 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 2<sup>nd</sup> day of April 2001.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 2<sup>nd</sup> day of  
April 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 Johnie McDaniel, seconded by Commissioner Martha McDaniel the Board voted unanimously to come out of Closed Session and go back into Open Session.*

*No business was transacted at this time.*

## **XV. ADJOURNMENT**

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

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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