



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, May 5, 2003 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with all Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Morrow
- II. INVOCATION - Rev. Randy Valimont
- III. PLEDGE TO FLAG – Led by Chairman Morrow
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval of a Proclamation designating the month of May 2003 as “Foster Care Month” in Spalding County. Chairman Morrow read the Proclamation and presented it to Carsandra Favors, President of the Spalding County Foster Association and Kenya Lovett, Placement Supervisor for Spalding County.

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the following Proclamation was unanimously approved by a vote of 4-0, as Commissioner Davis was not in attendance at this time.

Proclamation

“Foster Care Month”

- WHEREAS,** The family, serving as the primary source of love, identity, self-esteem, and support is the very foundation of our communities and our State; and
- WHEREAS,** In Georgia there are over 14,000 children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family, and in Spalding County there over 250 children in foster care; and
- WHEREAS,** Thirty-two (32) Spalding County foster families, who open their homes and hearts to children whose families are in crisis, play a vital role helping children and families heal and reconnect and launching children to successful adulthood; and
- WHEREAS,** Dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families, and
- WHEREAS,** There are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be part of it.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County that **the Month of May 2003** is hereby proclaimed as

“FOSTER CARE MONTH”

in Spalding County and urge all citizens to volunteer their talents and energies on behalf of children in foster care, foster parents, and the professional staff working with them during this month and throughout the year.

2. Consider approval of a Proclamation proclaiming Monday, May 12, 2003 as “Spirit of Community Organization Day” honoring the Georgia Spirit of Community Award winners from Spalding County. Chairman Morrow read the Proclamation and presented it to Chasity Carter, one of the winners.

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the following Proclamation was unanimously approved by a vote of 4-0, as Commissioner Davis was not in attendance at this time.

Proclamation

IN HONOR OF THE SPIRIT OF COMMUNITY ORGANIZATION

WHEREAS, The Spalding Board of Commissioners welcomes the opportunity to congratulate the middle school and high school students who applied for the 2003 Spirit of Community Award; and

WHEREAS, This honor, which is presented by Prudential Financial in partnership with the National Association of Secondary School Principals, recognizes students for outstanding acts of community service and identifies these nominees as young individuals who genuinely care about their communities and their fellow citizens; and

WHEREAS, These students have demonstrated their status as role models for all members of the community, and provide a lasting example of civic participation and concern for the larger community; and

WHEREAS, The students honored with this achievement have given selflessly of their time as well as their energy to make the places that they live better for all residents; and

WHEREAS, Two students from Spalding County were honored with the Spirit of Community Award, Stefanie Bogan and Chasity Carter.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County, Georgia that the Board hereby declares **Monday, May 12, 2003** as

“SPIRIT OF COMMUNITY ORGANIZATION DAY”

and encourages all citizens of Spalding County to reflect upon the important mission served by all young volunteers and students that take the time to participate in civic activities.

Commissioner Davis came into the meeting at this time.

3. A representative from Sullivan, Sturdivant and Ogletree is present to present a check from the Indigent Defense Council in the amount of \$27,058.09. Hal Sturdivant was present to present this check and stated this was the second disbursement of FY 2003 and possibly but hopefully not the last disbursement.

4. Ms. Regina Abbott of the District Four Health Services would like to recognize the 2003 members of the Youth Leadership in Action Class and their team counselors. Chairman Morrow recognized Ms. Abbott and the class members present and gave each a Spalding County logo pin.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mark Scudder, 1714 Ridge Street, came forward and made comments regarding Michael Sabine’s report regarding the Bill Dixon case. Mr. Sabine is the Animal Control Board and decides the cases brought to him regarding potentially dangerous dogs. Mr. Scudder said that Mr. Sabine ruled against him in the Dixon case and he wants to re-open the dog hearing.

Chairman Morrow commented that the case had already been adjudicated; however, they would read over the information provided to them tonight and they would take his request under advisement.

VIII. MINUTES

1. Consider approval of the minutes for the Extraordinary Session of April 21, 2003 and Zoning Public Hearing of April 24, 2003. Chairman Morrow stated that they would need to vote on the minutes individually. *Motion made by Commissioner McDaniel to approve the minutes of the Extraordinary Session of April 21, 2003. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

Motion made by Commissioner McDaniel to approve the minutes of the Zoning Public Hearing of April 24, 2003. Commissioner Goss seconded the motion and motion was approved by a vote of 4-0-1 with Commissioner Davis abstaining from the vote as he was not present for the Public Hearing.

IX. CONSENT AGENDA

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Items 1-3 were unanimously approved by a vote of 5-0.

1. Consider at first reading an ordinance amending the Spalding County Code relative to waiving adoption fees for animals adopted at the Animal Shelter. This ordinance adds DeKalb Humane Society, Inc. ***The ordinance will be incorporated into the minutes on second and final reading.***

2. Consider at second reading an ordinance amending Section 7-1007 of the Spalding County Code of Ordinances regarding designation of three-way stop intersections to add intersection of David Elder Road, Bicycle Road and Hardy Lane.

SPALDING COUNTY, GEORGIA THREE-WAY STOP ORDINANCE NO. 2003-03

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR THREE-WAY STOP INTERSECTION ON CERTAIN COUNTY ROADS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

Section 1. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1007, Traffic Control Devices, paragraph (b) by adding subparagraph (3) as follows:

“(3) David Elder Road/Bicycle Road/Hardy Lane”

Section 2. The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia; and, upon the erection of signs as required herein by the public works forces of Spalding County, Georgia.

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

3. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for reimbursement from the Narcotics Task Force and insurance proceeds for the replacement of a Sheriff's vehicle.

AN ORDINANCE AMENDING THE FISCAL YEAR 2003 BUDGET ORDINANCE FOR SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2003 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2002, be amended as follows:

Section I. General Fund

A. Revenues

Sheriff Reimbursement	From	\$ 0	to \$	25,000
Insurance Refund/Dividend	From	\$ 0	to \$	27,397

B. Expenditures

Narcotics Task Force	From	\$ 593,573	to \$	618,573
Sheriff	From	\$ 3,948,624	to \$	3,976,021

Approved on first reading this 21st day of April 2003.

Approved, adopted and enacted on second reading this 5th of May 2003.

X. OLD BUSINESS

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

- **Rezoning Application #03-03Z:** Alvin M. Parker, Owner—Fayetteville Highway, 1.520 acres, C-1 & R-2 to O&I.

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the following Resolution for Application #03-03Z was unanimously approved by a vote of 5-0.

**APPLICATION OF ALVIN M. PARKER
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 03-03Z

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

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “C-1, Highway Commercial and R-2, Single Family Residential;”

WHEREAS, Alvin M. Parker, applicant, applied for a change in zoning classification to be applied to the within described property to “O & I, Office and Institutional;”

WHEREAS, such application was filed with Spalding County, Georgia on February 26, 2003;

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 April 25, 2003, 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 located in Land Lot 28 of the 3rd Land District originally Henry County, now Spalding County, Georgia, containing 1.520 acres of land and may be more particularly described as follows:

Beginning at a point located at the intersection of the centerline of Bates Road and the northeast right-of-way of Georgia State Route 92, thence running in a southeasterly direction along the northeast right-of-way of Georgia State Route 92 a distance of 338.87' to the true point of beginning; thence leaving said right-of-way 01 degrees 11 minutes 41 seconds East a distance of 366.68' to a point; thence South 89 degrees 19 minutes 28 seconds East a distance of 153.68' to a point; thence South 01 degrees 01 minutes 45 seconds West a distance of 131.87' to a point; thence South 00 degrees 44 minutes 54 seconds West a distance of 360.69' to a point, located on the Northeast right-of-way of Georgia State Route 92; thence Northwesterly along said right-of-way an arc distance of 200.00' being subtended by a bearing of North 50 degrees 18 minutes 43 seconds West a chord distance of 199.98' to a point and true point of Beginning.

From "C-1, Highway Commercial and R-2, Single Family Residential" to "O & I, Office and Institutional" 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. Brick, stone, or masonry façade shall be used on the front and sides of the structure.
- b. All requirements within Appendix J, Commercial/Industrial Development Ordinance shall be met.
- c. Driveway to be located on the property instead of on the easement next door.

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 May, 5, 2003, 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 that lot, tract or parcel of land situate, lying and being located in Land Lot 28 of the 3rd Land District originally Henry County, now Spalding County, Georgia, containing 1.520 acres located on Fayetteville Highway, zoned O & I.

(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.

2. Consider at second reading of Amendment to the Official Zoning Ordinance of the following:

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following amendments to the UDO were unanimously approved by a vote of 5-0.

- **Amendment to UDO #A-03-08:** Article 6: AR-2 - Section 604(Y)—delete provision prohibiting subdivisions.

IN RE:

Text Amendment #A-03-08

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment 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 April 24, 2003, 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; and

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 is in conformance with sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

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

Section 1: The following provision shall be deleted from the provisions of the Zoning Ordinance of Spalding County, Article 6 “AR-2 Rural Reserve” Section 604(Y).

Section 2: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

Section 3: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

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.

- **Amendment to UDO #A-03-09:** Article 19: O&I - Section 1903(B)(2)—delete provision allowing Day Care Centers as special exception, and Section 1903(A)(21)—add provision allowing Day Care Center as a principal use.

IN RE:

Text Amendment #A-03-09

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment 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 April 24, 2003, 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; and

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 is in conformance with sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

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

Section 1: The following provision shall be deleted from the provisions of the Zoning Ordinance of Spalding County, Article 19 “Office and Institutional District” Section 1903(B)(2).

Section 2: The following provision shall be added to the provisions of the Zoning Ordinance of Spalding County, Article 19 “Office and Institutional District”, Section 1903(A)(21):

Permitted Uses

21. Day Care Center meeting the following development standards:

- a. Compliance with the rules promulgated by the Georgia Department of Human Resources where applicable.
- b. A buffer (as provided by Section 405) must be provided along all side and rear property lines.

Section 3: The following provision shall be deleted from the provisions of the Zoning Ordinance of Spalding County, Article 19 “Office and Institutional District” Section 1903(B)(9).

Section 4: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

Section 5: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 6: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 7: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-03-10:** Article 14: C-1B – Section 1402(B)(2)—add provision for automobile, truck, motorcycle racing, speedway and other racing facilities as special exception.

IN RE:

Text Amendment #A-03-10

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE UNIFIED 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 Article 14 C-1B Heavy Commercial.

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 Unified Development Ordinance of Spalding County;

WHEREAS, such text amendments to Unified Development Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Unified Development Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on April 24, 2003, 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 Unified Development Ordinance of Spalding County, Georgia is in conformance with 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 Unified Development Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision of the Unified Development Ordinance shall be amended by adding the following language to Section 1402(B)(2):

2. Spectator Sport – automobile, truck, motorcycle racing; speedways and other racing facilities; and other vehicle related competitions including, but not limited to dragster racing, truck and tractor pulling competitions.

In addition to the requirements of this section such facilities must meet the following criteria:

- a. Must be have a minimum 300 Ft. Road Frontage on a 4-lane State classified highway or other 4-lane thoroughfare.
- b. Facilities used for such purposes must be located a minimum of 1,000 feet from any land zoned to allow residential dwellings.
- c. A continuous 100 foot undisturbed buffer must be provided along the all property boundaries with the exception of those property boundaries that serve road access.
- d. Hours of operation, use of the facility for competition or practice shall be limited to 8:00 A.M. to 10:00 P.M.
- e. Lighting for such facilities and all associated parking areas shall be designed not to reflect off-site.

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

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

Motion made by Commissioner McDaniel and seconded by Commissioner Davis to amend the agenda to move Items 1 and 2 under New Business before Item 3 under Old Business. Motion was unanimously approved by a vote of 5-0.

XI. NEW BUSINESS

1. Consider request from New Era Baptist Convention of Georgia, Inc. for two outside amplification permits for two separate events to be held at 1229 Green Valley Road. Rev. Douglas E. Stowers had requested two (2) separate amplification permits. One was for their Youth Conference on June 13th from 6-9 pm and June 14th from 8:30 am-5:00p.m. The second one was for the Congress of Christian Education to be held July 20th through 24th. The times are Sunday, July 20th from 4-9:00 pm, Monday-Wednesday, July 21st through the 23rd, from 8:30 am until 9:00 pm and on Thursday, July 24th from 8:30 am until 2:00 pm.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the requests for amplification permits for the above dates and times were unanimously approved by a vote of 5-0.

2. Consider request from Larry Johnson for an outside amplification permit for a tent revival to be held May 10-24, 2003 at 2964 N. Expressway from 7:00–10:00 P.M. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel request from Larry Johnson for outside amplification permit was unanimously approved by a vote of 5-0.*

Chairman Morrow stated that the Closed Meeting concerned a matter to be discussed by Zoning Attorney Newton Galloway and we would need to go into a Closed Meeting before discussing the next item under Old Business, which is the Jail Services Contract.

Motion made by Commissioner McDaniel to go into Closed Meeting at this time to discuss pending litigation. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis, Eddie Goss, County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

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 May 5, 2003.

2.

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

3.

The executive session was called to order at 6:30 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 5th day of May 2003.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 5th day of
May 2003.

Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

Dick Morrow
Cecil L. Davis
Edward Goss, Jr.
Johnie A. McDaniel
M. Michael Kendall

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis and Commissioner Goss simultaneously the Board voted unanimously to come out of Closed Meeting and go back into Open Session to continue with the business at hand.

OLD BUSINESS

3. Consider termination of the Jail Services Contract with the City of Griffin. Chairman Morrow stated that the City of Griffin had made up their mind to re-open the Municipal Court regardless of how it would affect the County and we were already over capacity at the jail. If we stopped accepting city prisoners it would put us back at capacity and relieve us of a potential liability of possible having to expand it and also possibly could even save some staffing. Mr. Morrow commented that Chief Strickland had stated at the meeting he and County Manager Wilson attended that the Chief's intention was to start writing traffic tickets back to the Municipal Court, not the State Court effective June 1, 2003. Mr. Morrow said that it would take a 90-day notice to terminate this contract, and this would give the City some time to think about what they are doing and maybe they would reconsider before the contract actually expired.

There was a lengthy discussion of this item by Commissioner Kendall concerning the problems that would be caused by the City of Griffin re-opening their Municipal Court for traffic cases and other

Commissioners addressing the problems this would cause the County concerning the jail overcrowding and the revenue shortfall in State Court for FY 2004 between \$300,000-\$400,000. Commissioner Kendall and others felt like the City Commissioners did not know what was going on fully and suggested that there be a meeting to get clarity from all sides. He requested that there be a meeting of all parties involved to sit down and discuss how this is actually going to work for the City. Chairman Morrow said that he did not feel that the City wanted to meet and sit down and talk as they had already made up their minds and they had no concerns of how this would impact the County.

Motion was made by Commissioner Davis to terminate the Jail Services Contract with the City of Griffin with a 90-day notice. Commissioner Morrow seconded the motion for further discussion. Motion failed by a vote of 2-3 with Commissioners Kendall, Goss and McDaniel voting in opposition as they wanted to give the City a chance to sit down with the County and discuss how this change in writing these traffic tickets will work.

After the vote, Commissioner Kendall stated that it was incumbent upon us to represent the citizens of Spalding County and requested that a letter be sent to all parties of the City involved (Mayor Walker Cook, Jr., City Manager Ron Rabun, Chief of Police Frank Strickland and Judge Ronald Cook with copies to each of the City Commissioners under the signature of Chairman Morrow asking for a meeting with the parties involved with the County (Chairman Dick Morrow, County Manager Wilson, Sheriff Dee Stewart and Judge Sid Esary) to discuss this matter in detail. If no response or a negative response from the City, then the contract would be voted on again on the May 19th agenda for termination.

NEW BUSINESS

3. Consider approval of final plat for Park Place Subdivision Phase II, located off Lakeside Road. County Manager Wilson stated that we had received a memorandum from Chuck Taylor, Community Development Director, that applicant had met all requirements.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis final plat was unanimously approved by a vote of 5-0.

4. Consider acceptance of right-of-way deed for Lake Chase Drive North and Park Chase Court, located in Park Place Subdivision Phase II. County Manager Wilson stated that Jake Garner, Public Works Director had inspected and everything is acceptable.

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the right-of-way deed was unanimously approved by a vote of 5-0.

5. Consider Resolutions authorizing Chairman to execute Lease Purchase Agreements for vehicles for various departments. These Resolutions authorize the Chairman to execute five fleet vehicles for Parks and Recreation, two vehicles for Fire Department and one vehicle for Construction & Maintenance.

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the following Resolutions were approved by a vote of 4-1 with Commissioner Goss voting in opposition to the motion.

ATTACHMENT E

RESOLUTION FOR LEASE ADDENDUM

A RESOLUTION TO AUTHORIZE AND DIRECT THE EXECUTION OF ONE OR MORE LEASE ADDENDA FOR A LEASE OR LEASES WITH ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Spalding County Board of Commissioners (“Lessee”) has entered into a Master Equipment Lease (the “Master Equipment Lease”) dated as of April 18, 2003 with Association County Commissioners of Georgia, for the leasing from time to time of certain property pursuant to Lease Addenda;

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

1. The Chairman of Lessee is hereby authorized and directed to execute and deliver a Lease Addenda pursuant to the Master Equipment Lease to put into effect one or more leases for Various Vehicles (the “Equipment”); said officer of the Lessee is authorized and directed in

the name and on behalf of the Lessee to execute and deliver: (i) one or more Lease Addenda for items of the Equipment in substantially the form attached to the Master Equipment Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Equipment Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2. An appropriation in Lessee's current operating budget has previously been made in the amount of \$15,925.68, which shall be sufficient to pay the "Rents" during the "Commencement Term" under such Lease Addenda; or
3. The lease or leases contemplated by the said Lease Addenda are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith. (This paragraph 3 is not applicable and the Lease will be a Non-Bank Qualified Lease if the following box is checked)
4. This resolution shall be effective immediately.

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2. An appropriation in Lessee's current operating budget has previously been made in the amount of \$64,986.77, which shall be sufficient to pay the "Rents" during the "Commencement Term" under such Lease Addenda; or
3. The lease or leases contemplated by the said Lease Addenda are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith. (This paragraph 3 is not applicable and the Lease will be a Non-Bank Qualified Lease if the following box is checked)
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RESOLUTION FOR LEASE ADDENDUM

A RESOLUTION TO AUTHORIZE AND DIRECT THE EXECUTION
OF ONE OR MORE LEASE ADDENDA FOR A LEASE
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2. An appropriation in Lessee’s current operating budget has previously been made in the amount of \$16,266.38, which shall be sufficient to pay the “Rents” during the “Commencement Term” under such Lease Addenda; or
3. The lease or leases contemplated by the said Lease Addenda are hereby designated “Qualified Tax-Exempt Obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith. (This paragraph 3 is not applicable and the Lease will be a Non-Bank Qualified Lease if the following box is checked)
4. This resolution shall be effective immediately.
6. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for receipt of capital lease proceeds. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the ordinance at first reading was unanimously approved by a vote of 5-0. **The ordinance will be incorporated into the minutes on second and final reading.***
7. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to establish a budget for the Confiscated Assets Fund. *Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the ordinance at first reading was unanimously approved by a vote of 5-0. **The ordinance will be incorporated into the minutes on second and final reading.***
8. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to establish a budget for the Law Library fund. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the ordinance at first reading was unanimously approved by a vote of 5-0. **The ordinance will be incorporated into the minutes on second and final reading.***
9. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for the transfer of SPLOST Funds from Debt Service Fund to SPLOST Capital Projects Fund. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the ordinance at first reading was unanimously approved by a vote of 5-0. **The ordinance will be incorporated into the minutes on second and final reading.***

XII. REPORT OF COUNTY MANAGER

County Manager Wilson announced that budget review sessions had been scheduled for May 27-30, 2003; however, one of the Commissioners was going to be out of town during this time and he would like to reschedule the sessions for May 19th and 20th at 4:30 p.m. The Board had no problems with rescheduling the sessions.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall made comment regarding a meeting with the Hospital Authority County and School System concerning the grant-writing proposal that was discussed at an earlier meeting. Ms. Bonnie Pfrogner had told him that they were in the process of scheduling a meeting next week. The Authority is intending to move ahead and see if there is some common ground we can find on this particular question of grant writing. Mr. Kendall said he would like to go to this meeting.

Commissioner Goss had no comments.

Commissioner Davis commented that he wished Mr. Kendall well in his endeavor in dealing with the City and hope that we won't have to vote to disconnect with them on the jail services.

Commissioner McDaniel had no comments.

Chairman Morrow had no comments.

XIV. CLOSED MEETING – Moved to earlier part of the meeting.

XV. ADJOURNMENT

Upon motion by Commissioner Davis, seconded by Commissioner Goss the meeting was unanimously adjourned at 7:43 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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