



# Spalding County online

## Board of Commissioners

### REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, June 4, 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 – n/a**
- V. PRESENTATION OF FINANCIAL STATEMENTS – n/a**
- VI. CITIZENS COMMENTS- n/a**
- VII. PUBLIC COMMENT**

Mr. Allan McCallum, 2831 Williamson Road, stated he was pleased to see on the agenda tonight a stop light at Williamson Road and Rover/Zetella and he fully supports this light and encouraged the Board to support this.

Mr. Fred Edwards, 747 Steele Road made comments regarding the recent four-way stop intersection of Birdie and Steele Roads. He said that the batteries on the flashing warning lights were not operating properly and asked that these lights be flashing at night.

### VIII. MINUTES

1. Consider approval of the minutes for the Extraordinary Session of May 21, 2001. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the minutes were unanimously approved by a vote of 5-0.*

### IX. CONSENT AGENDA

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

1. Consider at second reading an ordinance to amend the Spalding County Code to provide for “No Parking” on South Pine Hill Road and to amend Part VII, Chapter 1, Section 7-1004, paragraphs 28 and 29.

### SPALDING COUNTY, GEORGIA NO PARKING ZONE ORDINANCE NO. 2001-03

## AN ORDINANCE

### TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO PARKING ZONES 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 7-1004, relating to no parking zones on streets by inserting new paragraph (31), said new paragraph to read as follows:

“(31) *South Pine Hill Road.* That portion of the roadway or public right-of-way of South Pine Hill Road that lies south of Highway 362 and north of the Norfolk Southern Railroad tracks.”

**Section 2.** That the Code of Spalding County, Georgia be amended in Part VII, Chapter 1, Section 7-1004, relating to no parking zones on streets by deleting paragraphs (28) and (29) in their entirety and inserting in lieu thereof new paragraphs as follows:

“(28) *Wilson Road.* Upon any portion of the roadway or public right-of-way of Wilson Road from Arthur K. Bolton parkway to Searcy Avenue.

(29) *Aerodrome Way.* Upon any portion of the roadway or public right-of-way of Aerodrome Way from Carver Road to Lakeside Road.”

**Section 3.** 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 4.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

2. Consider at second of Amendments to the Official Zoning Ordinance and Official Zoning Map of the following:

- **Rezoning Applications #01-08Z, #01-08AZ, #01-08BZ, #01-08CZ, #01-08DZ, #01-08EZ, #01-08FZ, #01-08GZ**—Urban Development, Inc., Owner, East McIntosh Road, 1± acres, C-2 to R-2.

**IN RE:**

**APPLICATION OF PAT GOLDEN, APPLICANT  
URBAN DEVELOPMENT, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-08Z THROUGH 01-08GZ**

**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-2, Manufacturing;"

WHEREAS, Pat Golden, applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on March 20, 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 May 24, 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:

Tract One: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 1 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 1 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road, known as East McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence north 01 degrees 49 minutes west, along the west margin of Pineview Road, 506.74 feet to the south right of way line of the Southern Railroad (abandoned) to an iron pin; thence south 66 degrees 17 minutes west, along the west, a distance of 436.35 feet to a point; thence south 64 degrees 51 minutes 21 seconds west, a distance of 137.85 feet to a point; thence south 61 degrees 08 minutes 06 seconds east, a distance of 128.10 feet to a point; thence south 57 degrees 00 minutes 02 seconds west, a distance 51.41 feet to an iron pin and the true point of beginning. From said true point of beginning, thence running south 57 degrees 02 minutes west, a distance of 73.42 feet to a point; thence south 52 degrees 47 minutes west a distance of 131.92 feet to an iron pin; thence south 02 degrees east a distance of 59 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 170.25 feet to an iron; thence south 01 degrees 49 minutes east a distance of 178.83 feet to an iron pin and the true point of beginning.

Said lot is bounded as follows: on the north by Southern Railroad (abandoned); on the east by lot 2 as shown on said plat; on the south by East McIntosh Road; and on the west by the Southern Railroad (abandoned).

Tract Two: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 2 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 2 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road known as East McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence north 01 degree 49 minutes west along the west margin of Pineview Road, 506.74 feet to the south right of way line of the Southern Railroad (abandoned) to an iron pin; thence south 66 degrees 17 minutes west a distance of 436.35 feet to a point; thence south 64 degrees 51 minutes 21 seconds west a distance of 137.85 feet to a point; thence south 61 degrees 08 minutes 06 seconds west, a distance of 65.26 feet to an iron pin and the true point of beginning. From said true point of beginning, thence running south 61 degrees 08 minutes 06 seconds west, a distance of 62.84 feet to a point; thence south 57 degrees 02 minutes west a distance of 51.41 feet to an iron pin, thence south 01 degrees 49 minutes east, a distance of 178.83 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 100 feet to an iron pin; thence south 01 degree 49 seconds east a distance of 237.2 feet to an iron pin and the true point of beginning.

Said Lot 2 is bounded as follows: on the north by the Southern Railroad (abandoned); on the east by Lot 3 as shown on said plat; on the south by East McIntosh Road; and on the west by lot 1, as shown on said plat.

Tract Three: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 3 on that plat of

survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 3 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road known as East McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence north 01 degrees 49 minutes west, along the west margin of Pineview Road, 506.74 feet to the south right of way line of the Southern Railroad (abandoned) to an iron pin; thence south 66 degrees 17 minutes west, a distance of 436.35 feet to a point; thence south 64 degrees 51 minutes 21 seconds west, a distance of 92.3 feet to an iron pin and the true point of beginning. From said true point of beginning, running thence south 64 degrees 51 minutes 21 seconds west, a distance of 45.55 feet to a point; thence south 61 degrees 08 minutes 06 seconds west, a distance of 65.26 feet to an iron pin; thence south 01 degree 49 minutes east a distance of 237.2 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 100 feet to an iron pin; thence south 01 degrees 49 minutes east a distance of 288.08 feet to an iron pin and the true point of beginning.

Said Lot 3 is bounded as follows: on the north by the Southern Railroad (abandoned); on the east by Lot 4 as shown on said plat; on the south by east McIntosh Road; and on the west by Lot 2, as shown on said plat.

Tract Four: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 4 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 4 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road, known as East McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence north 01 degree 49 minutes west, along the west margin of Pineview Road, 506.74 feet to the south right of way line of the Southern Railroad (abandoned) to an iron pin; thence south 66 degrees 17 minutes west, a distance of 420 feet to an iron pin and the true point of beginning. Running thence south 66 degrees 17 minutes west, a distance of 16.35 feet to a point; thence south 64 degrees 51 minutes 21 seconds west, a distance of 92.3 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 288.08 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 100 feet to an iron pin; thence south 01 degrees 49 minutes east, a distance of 334.54 feet to an iron pin and the true point of beginning.

Said Lot 4 is bounded as follows: on the north by the Southern Railroad (abandoned); on the east by Lot 5 as shown on said plat; on the south by east McIntosh Road; and on the west by Lot 3, as shown on said plat.

Tract Five: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 5 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 5 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved

county road, known as East McIntosh Road with the west margin of Pineview road, formerly North Ninth Street Extension; thence north 01 degree 49 minutes west, along the west margin of Pineview Road, 506.74 feet to the south right of way line of the Southern Railroad (abandoned) to an iron pin; thence south 66 degrees 17 minutes west, a distance of 312.31 feet to an iron pin and the true point of beginning. Running thence south 66 degrees 17 minutes west, a distance of 107.69 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 334.54 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 100 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 378.7 feet to an iron pin and the true point of beginning.

Said Lot 5 is bounded as follows: on the north by the Southern Railroad (abandoned); on the east by Lot 6 as shown on said plat; on the south by east McIntosh Road; and on the west by Lot 4, as shown on said plat.

Tract Six: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 6 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 6 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road, known as east McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence north 01 degree 49 minutes west, along the west margin of Pineview Road, a distance of 330 feet to an iron pin; thence north 89 degrees 32 minutes west, a distance of 190 feet to an iron pin and the true point of beginning. Running thence north 89 degrees 32 minutes west, a distance of 100 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 330 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 100 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 330 feet to an iron pin and the true point of beginning.

Said Lot 6 is bounded as follows: on the north by Lot 10 as shown on said plat; on the east by Lots 7, 8, and 9 as shown on said plat; on the south by east McIntosh Road; and on the west by Lot 5 as shown on said plat.

Tract Seven: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 7 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 7 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road, known as East McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence running from said true point of beginning, north 01 degree 49 minutes west, a distance of 130 feet to an iron pin; thence north 89 degrees 32 minutes west, a distance of 190 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 130 feet to an iron pin; thence south 89 degrees 32 minutes east, along the north margin of East McIntosh Road, a distance of 190 feet to an iron pin and the true point of beginning.

LESS AND EXCEPT a 28' x 44' sign easement located in the southeast corner of said Lot 7, as shown on said plat of survey.

Said Lot 7 is bounded as follows: on the north by Lot 8, as shown on said plat; on the east by Pineview Road; on the south by East McIntosh Road; and on the west by Lot 6 as shown on said plat.

Tract Eight: All that lot, tract or parcel of land situate, lying and being in Land Lot 132 of the Third Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Lot 8 on that plat of survey, entitled "Subdivision of Property for Horace K. Singletary", prepared by Kenneth E. Presley Associates, Inc., R.L.S., dated June 15, 1978, a copy of which said plat is recorded in Plat Book 13, page 62, Spalding County, Georgia.

From said plat, Lot 8 may be more particularly described as follows: BEGINNING at an iron stake at the intersection of the north margin of a paved county road, known as East McIntosh Road with the west margin of Pineview Road, formerly North Ninth Street Extension; thence north 01 degree 49 minutes west, along the west margin of Pineview Road, a distance of 230 feet to an iron pin and the true point of beginning. Running thence north 89 degrees 32 minutes west, a distance of 190 feet to an iron pin; thence south 01 degree 49 minutes east, a distance of 100 feet to an iron pin; thence north 89 degrees 32 minutes west, a distance of 190 feet to an iron pin; thence north 01 degree 49 minutes west along the west margin of Pineview Road, a distance of 100 feet to an iron pin and the true point of beginning.

Said Lot 8 is bounded as follows: on the north by Lot 9, as shown on said plat; on the east by Pineview Road; on the south by Lot 7; and on the west by Lot 6 as shown on said plat.

From "C-2, Manufacturing" to "R-2, Single Family Residential " District.

Section 2:

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

On June 4, 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 132 of the 3rd Land District of originally Henry, now Spalding County, Georgia, consisting of approximately 1 acre, zoned R-2.

(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.

- **Rezoning Applications #01-09Z and #01-09AZ:** John Bolton, Owner—Rover/Zetella Road, 4.16 acres, AR-1 to R-2.

**IN RE:**

**APPLICATION OF RICHARD MULLINS, APPLICANT  
JOHN BOLTON, OWNER.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-09Z AND 01-09AZ**

**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, Agriculture and Residential;"

WHEREAS, Richard Mullins, applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on March 22, 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 May 24, 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 35 of the First Land District of originally Monroe, now Spalding County, Georgia, and being Tract "A" containing 1.23 acres, on plat of survey entitled "Rezoning Plat for Johnny Bolton", dated February 16, 2001, prepared by Conkle-Lane & Associates, Inc., and being more particularly described as BEGINNING at a point on the east right of way line of Rover-Williamson Road, which is located a distance of 3520.26 feet from the intersection of the east right of way line for Rover-Williamson Road and the south boundary of Land Lot 62, as measured in a northerly direction along the east right of way line of Rover-Williamson Road; running thence north 88 degrees 09 minutes 34 seconds east 426.74 feet to a point; thence north 12 degrees 57 minutes 43 seconds west 127.39 feet to appoint; thence south 88 degrees 09 minutes 34 seconds west 431.40 feet to a point o the east right of way line of Rover-Williamson Road; running thence in a southerly direction along the east right of way line of Rover-Williamson Road 128.37 feet to the point of beginning.

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

Section 2:

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

On June 4, 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 35 and 62 of the 1st Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 4.16 acres, zoned R-2.

(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.

- **Rezoning Application #01-10Z:** Craig Wurster, Owner—Old Atlanta Road- .268 acres, R-1 to C-1.

**IN RE:**

**APPLICATION OF CRAIG WURSTER  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-10Z**

**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 "R-1, Single Family Residential;"

WHEREAS, Craig Wurster, applicant, applied for a change in zoning classification to be applied to the within described property to "C-1, Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on March 30, 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 May 24, 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 125 of the Third Land District of originally Henry, now Spalding County, Georgia, and being more particularly shown and designated as Tract "C" on plat of survey entitled "Property of Lucile R Segraves", prepared by John W. Oxford, Jr., Registered Land Surveyor, dated July 17, 1964, a copy of which said plat is recorded in Plat Book 7, Page 209, of the Superior Court records of Spalding County, Georgia, and which said plat, together with the metes, bounds, courses and distances shown thereon with respect to said property is incorporated herein and made apart hereof as fully as if set out herein.

From said plat, said Tract "C" is bounded as follows: Northerly by Lucky Street; Easterly by Georgia State Highway No. 3; Southerly by Lot 12 on Block "R: of Avalon Subdivision; and Westerly by Tract "B" as shown on said plat.

From “R-1, Single Family Residential” to “C-1, Commercial” District.

Section 2:

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

On June 4, 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 125 of the 3rd Land District of originally Henry, now Spalding County, Georgia, consisting of approximately .268 acres, zoned C-1.

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

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

Section 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.

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

- **Amendment to UDO-A-01-09:** Article 12, “C-1 Highway Commercial” Section 1203 (A)(23)—to allow for Pawn Shops.

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

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

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on May 24, 2001 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 12, "C-1 Highway Commercial" to appear as Section 1203(A)(23):

**Section 1203. Permitted Uses.**

A. The following **Principal Uses** are permitted in C-1 districts:

23. Pawn shops, provided no unenclosed, outside storage shall be permitted on the premises.

Section 2: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

- **Amendment to UDO-A-01-10:** Appendix D: "Spalding County Soil Erosion and Sedimentation Control Ordinance" –Amendments to Section II, Section III, Section IV, Section V, Section VI, Section VII and Section VIII.

**RESOLUTION AMENDING**  
**THE SPALDING COUNTY SOIL EROSION AND**  
**SEDIMENTATION CONTROL ORDINANCE**

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 subsequently thereafter adopted as Appendix D thereto, the Spalding County Soil Erosion and Sedimentation Control Ordinance;

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 Spalding County Soil Erosion and Sedimentation Control Ordinance in order for such ordinance to comply with recent directions of the Georgia Department of Natural Resources, Environmental Protection Division;

WHEREAS, such text amendments to the Spalding County Soil Erosion and Sedimentation Control Ordinance were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Spalding County Soil Erosion and Sedimentation Control Ordinance was conducted by the Board of Commissioners of Spalding County, Georgia

on May 24, 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, the recommendations of the Georgia Department of Natural Resources, Environmental Protection Division 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 Spalding County Soil Erosion and Sedimentation Control Ordinance 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 Zoning Ordinance of Spalding County, Appendix D, the Spalding County Soil Erosion and Sedimentation Control Ordinance shall be and is hereby amended as follows:

Section 1: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: the Title of Appendix D.

Section 2: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as the Title of Appendix D:

#### APPENDIX D

##### SPALDING COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

Section 3: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section II (Definitions), Subsection 1.

Section 4: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section II (Definitions), Subsection 1:

1. Best Management Practices (BMPs): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

Section 5: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section II (Definitions), Subsection 3.

Section 6: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section II (Definitions), Subsection 3:

3. Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Section 7: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section II (Definitions), Subsection 13.

Section 8: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section II (Definitions), Subsection 13:

13. Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Section 9: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section II (Definitions), Subsection 16.

Section 10: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section II (Definitions), Subsection 16:

16. Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Section 11: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section II (Definitions), Subsection 31.

Section 12: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section II (Definitions), Subsection 31:

31. Structural Erosion and Sedimentation Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication: Manual for Erosion and Sediment Control in Georgia.

Section 13: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section II (Definitions), Subsection 33.

Section 14: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section II (Definitions), Subsection 33:

33. Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- A. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- B. Temporary seeding, producing short-term vegetative cover; or
- C. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication: Manual for Erosion and Sediment Control in Georgia.

Section 15: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(1).

Section 16: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(1):

- A. 1. Surface mining, as the same is defined in O.C.G.A. . 12-4-72, Mineral Resources and Caves Act.”

Section 17: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(5).

Section 18: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(5):

- A. 5. Agricultural operations as defined in O.C.G.A. .§ 1-3-3, “definitions,” to include raising, harvesting or storing of products of the

field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens, and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.

Section 19: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(6).

Section 20: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(6):

- A. 6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV(C) of this Ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

Section 21: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(7).

Section 22: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(7):

- A. 7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.

Section 23: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(8).

Section 24: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(8):

- A. 8. Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any state waters, and for purposes of this paragraph, □State waters□ excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 and 10.

Section 25: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(9).

Section 26: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(9):

- A. 9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in Section IV(B) and (C) of this Ordinance; provided further that construction or maintenance projects of the Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to the provisions of O.C.G.A., § 12-7-7.1; and;

Section 27: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section III (Exemptions), Subsection A(10).

Section 28: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection A(10):

- A. 10. Any land-disturbing activities conducted by any electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in Section IV(B) and ©.

Section 29: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section III (Exemptions), Subsection B:

B. Where this section requires compliance with the minimum requirements set forth in Section IV(B) and (C) of this Ordinance, Issuing authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

Section 30: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection A.

Section 31: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection A:

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section IV(B) and (C) of this Ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

Section 32: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection B.

Section 33: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection B:

## B. MINIMUM REQUIREMENTS

1. Best management practices as set forth in Section IV(B) and (C) of this Ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegations of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the “Georgia Water Quality Control Act.” As used in this subsection the terms “proper design” and “properly designed” mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the “Georgia Water Quality Control Act”, for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director.

3. Failure to properly design, install or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or any general permit for construction activities issued by the Division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the “Georgia Water Quality Control Act”, for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

Section 34: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection C(8).

Section 35: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection C(8):

8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

Section 36: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection C(9).

Section 37: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection C(9):

9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. §12-7-1, et. seq.;

Section 38: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection C(14).

Section 39: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection C(14):

14. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV(B)(2) of this Ordinance.

Section 40: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection C(15).

Section 41: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection C(15):

15. Except as provided in paragraph (16) of this section, there is established a twenty-five (25) foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least twenty-five (25) feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

Section 42: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section IV (Minimum Requirements), Subsection C(16).

Section 43: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section IV (Minimum Requirements), Subsection C(16):

16. There is established a fifty (50) foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of twenty-five (25) gallons per minute or less shall have a twenty-five (25) foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with

the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owners for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

Section 44: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section V (Application/Permit Process), Subsection A.

Section 45: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section V (Application/Permit Process), Subsection A:

#### A. GENERAL

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the issuing Authority. However, the property owner is the only party who may obtain a permit.

Section 46: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section V (Application/Permit Process), Subsection B(4).

Section 47: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section V (Application/Permit Process), Subsection B(4):

4. Immediately upon receipt of an application and plan for a permit, the issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV(C)(15) and (16), and bonding, if required per Section V(B)(5)(b), have been obtained. Such review will not be required, if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.

Section 48: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section V (Application/Permit Process), Subsection C(1).

Section 49: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section V (Application/Permit Process), Subsection C(1):

1. Plans must be prepared to meet the minimum requirements as contained in Section IV(B) and (C) of this Ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this Ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

Section 50: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section V (Application/Permit Process), Subsection C(2)(h).

Section 51: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section V (Application/Permit Process), Subsection C(2)(h):

(h) Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.

Section 52: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section V (Application/Permit Process), Subsection C(3)(e).

Section 53: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section V (Application/Permit Process), Subsection C(3)(e):

(e) Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval ft.
1" = 100 feet or larger scale	Flat 0-2% Rolling 2-8% Steep 8%+	0.5 or 1 1 or 2 2, 5 or 10

Section 54: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section V (Application/Permit Process), Subsection D(2).

Section 55: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section V (Application/Permit Process), Subsection D(2):

2. No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this Ordinance, any variance required by Section IV(C)(15) and (16) are obtained, bonding requirements, if necessary, as per Section V(B)(5)(b) are met and all ordinances and rules and regulations in effect within the

jurisdictional boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

Section 56: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section VI (Inspection and Enforcement), Subsection D.

Section 57: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section VI (Inspection and Enforcement), Subsection D:

D. The Districts of the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

Section 58: The following provision of the Spalding County Soil Erosion and Sedimentation Control Ordinance, shall be deleted: Section VII (Penalties and Incentives), Subsection B.

Section 59: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section VII (Penalties and Incentives), Subsection B:

#### B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this Ordinance, the Director or the Issuing Authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five days, the Director or the Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Issuing Authority shall issue an immediate stop-work order in lieu of a warning.

2. For a third and each subsequent violation, the Director or Issuing Authority shall issue an immediate stop-work order; and

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

Section 60: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section VII (Penalties and Incentives), Subsection D:

#### D. MONETARY PENALTIES

1. Except as provided in paragraph (2) of this subsection, any person who violates any provisions of this Ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assess for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Ordinance under county ordinances

approved under this Ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

2. The following penalties shall apply to land-disturbing activities performed in violation of any provision of this Ordinance, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Ordinance;

A. There shall be a minimum penalty of \$250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and

B. There shall be a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection (A) of this paragraph.

Section 61: The following provision shall be added to the Spalding County Soil Erosion and Sedimentation Control Ordinance, to appear as Section VIII Administrative Appeal Judicial Review:

#### SECTION VIII: ADMINISTRATIVE APPEAL JUDICIAL REVIEW

##### A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that holder is in violation of permit conditions; or that the holder is in violation of any Ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Spalding County Board of Zoning Appeals within sixty (60) days after receipt by the Issuing Authority of written notice of appeal.

##### B. JUDICIAL REVIEW

Any person aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Spalding County by means of a Writ of Certiorari.

#### X. OLD BUSINESS

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

- **Rezoning Application #01-06Z:** Randolph Vaughn, Owner—Bailey Jester Road, 26.52 acres, AR-1 to C-1C.

*Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the following Resolution was approved by a vote of 3-1-1 with Commissioner Martha McDaniel voting against the motion and Commissioner Kendall abstaining as he was not present for the public hearing discussion.*

**IN RE:**

**APPLICATION OF WILLIAM JOHNSTON III, APPLICANT  
RANDOLPH VAUGHN, OWNER.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-06Z**

**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, William Johnson III., 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 May 24, 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 those lots, tracts or parcels of land situate, lying and being in Land Lot 115 of the 3<sup>rd</sup> Land District of originally Monroe, now Spalding County, Georgia and being more particularly shown and designated as Tracts "A" containing 14.41 acres and "B" containing 12.11 acres on a plat of survey entitled "Rezoning Plat for Randolph Vaughn", prepared by Conkle-Lane Associates, dated February 7, 2000. Said plat together with the metes, bounds courses and distances as shown thereon is incorporated by reference and made apart hereof as fully as if set out herein.

Said property may be more fully described as follows: To locate the Point of Beginning: Beginning at a point located at the Southeast corner of Land Lot 115

and running thence North along said landlot line 1,418.03 feet to a point located on the South property line of said Tract B (hereinafter referred to as the Point of Beginning); running thence South 84 degrees 00 minutes 39 seconds West a distance of 931.11 feet to a point; thence North 49 degrees 47 minutes 57 seconds West a distance of 109.61 feet to a point; thence North 79 degrees 26 minutes 16 seconds West to a point; thence North 27 degrees 22 seconds 02 minutes East a distance of 413.85 feet to a point; thence North 23 degrees 32 minutes 34 seconds East a distance of 360.16 feet to a point; thence North 29 degrees 05 minutes 24 seconds East a distance of (A=212.55'; C=211.95'; R=814.15'); thence North 34 degrees 47 minutes 17 seconds East a distance of 336.87 feet to a point; thence, South 51 degrees 53 minutes 02 seconds East a distance of 963.80 feet to a point; thence South 00 degrees 41 seconds 32 minutes East a distance of 510.16 feet to a point; thence South 100.00 feet along the East Landlot line of LL 115 to the 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:

- The applicant shall wait a period of 12 months to request a rezoning on Tract 8M (24.8 acres) to give the County time to reformulate the comprehensive plan for the area.

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 June 4, 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 115 of the 3rd Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 26.52 acres, zoned C-1C, Conditionally.

(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 #01-07Z:** John G. Pruitt, Owner—3808 High Falls Road, 2 acres, AR-1 to R-2.
- **Rezoning Application #01-07AZ:** John G. Pruitt, Owner—3818 High Falls Road, 2.004 acres, AR-1 to R-2.
- **Rezoning Application #01-07BZ:** John G. Pruitt, Owner—60 Head Road, 2.004 acres, AR-1 to R-2.

County Manager Wilson asked that clarification as to the bond money to be posted for ten (10) years on the community system is it for the individual septic tank replacement or for the community septic system. The intent from the members of the Board was to replace the drain field on the community system.

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel **Application #01-07Z** was approved by a vote of 3-2 with Commissioners Massengale and Martha McDaniel voting against the motion.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel **Application #01-07AZ** was approved by a vote of 3-2 with Commissioners Massengale and Martha McDaniel voting against the motion.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel **Application #01-07BZ** was approved by a vote of 3-2 with Commissioners Massengale and Martha McDaniel voting against the motion.*

*The Resolution is as follows:*

**IN RE:**

**APPLICATION OF JOHN PRUITT  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 01-07Z THROUGH 01-07BZ**

**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, John Pruitt, applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on February 22, 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 May 24, 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:

- **Application #01-07Z:** John Pruitt, Owner – 3808 High Falls Road, 2 acres, AR-1 to R-2.

All that lot, tract or parcel of land situate, lying and being in Landlot 83 of the 3<sup>rd</sup> Land District originally Monroe now Spalding County, Georgia containing 2.004 acres being designated as Lot 8 and may be more particularly described as follows:

To find the true point of beginning commence at the intersection of the north right-of-way of Head Road and the southwest right-of-way of Highfalls Road thence running in the northwesterly direction of distance of 416.22' to a 1/2" re-bar and true point of beginning; thence South 34°55'52" West a distance of 193.01' to a 1/2" re-bar; thence South 44°54'08" West a distance of 233.29' to a 1/2" re-bar; thence South 86°41'46" West a distance of 105.43' to a point; thence South 89°16'10" West a distance of 94.57' to a 1" pipe; thence North 03°37'53" East a distance of 228.91' to a 1/2" re-bar; thence South 87°56'23" East a distance of 200.00' to a 1/2" re-bar; thence South 03°53'30" West a distance of 49.89' to a 1/2" re-bar; thence North 34°43'50" East a distance of 286.57' to a 1/2" re-bar located on the southwest right of way of Highfalls Road; thence continuing along said right-of-way South 53°07'26" East a chord distance of 111.59' (arc 111.62', rad 1496.87') to a point; thence South 51°07'10" East a chord distance of 14.76; (arc 14.77', rad 11088.77') to a 1/2" re-bar and point of beginning.

- **Application #01-07AZ:** John G. Pruitt, Owner - 3818 High Falls Road, 2.004 acres, AR-1 to R-2.

All that lot, tract or parcel of land situate, lying and being in Landlot 83 of the 3<sup>rd</sup> Land District originally Monroe now Spalding County, Georgia containing 2.004 acres being designated as Lot 6 and may be more particularly described as follows:

To find the true point of beginning commence at the intersection of the north right-of-way of Head Road and the Southwest right-of-way of Highfalls Road thence running in a northwesterly direction a distance of 109.72' to a 1/2" re-bar and true point of beginning; thence South 12°25'17" West a distance of 97.79' to a 1/2" re-bar located on the north right-of-way of said Head Road; thence continuing along said right-of-way South 75°44'39" West a distance of 65.69' to a point; thence South 87°47'49" West a distance of 92.64' to a point; thence South 87°57'34" West a distance of 179.53' to a point; thence South 88°00'190" West a distance of 121.66' to a point; thence South 86°41'46" West a distance of

32.84' to a ½" rebar; thence North 44°54'08" East a distance of 233.29' to a ½" rebar; thence North 34°55'52" East a distance of 193.01' to a ½" rebar located on the southwest right-of-way of Highfalls Road; thence continuing along said right-of-way South 50°35'51" East a chord distance of 187.32' (arc 187.33', rad 11088.77') to a point; thence South 49°52'21" East a distance of 119.17' to a ½" re-bar and point of beginning.

- **Application #01-07BZ:** John Pruitt, Owner - 60 Head Road, 2.004 acres, AR-1 to R-2.

All that lot, tract or parcel of land situate, lying and being in Landlot 83 of the 3<sup>rd</sup> Land District originally Monroe now Spalding County, Georgia containing 2.004 acres being designated as Lot 3 and may be more particularly described as follows:

To find the true point of beginning commence at the intersection of the north right-of-way of Head Road and the southwest right-of-way of Highfalls Road thence running in the northwesterly direction a distance of 542.61' to a ½" re-bar and the true point of beginning; thence South 34°43'50" West a distance of 286.57' to a ½" rebar; thence North 03°53'30" East a distance of 49.89' to a ½" re-bar; thence North 87°56'23" West a distance of 200.00' to a ½" re-bar; thence north 03°37'53" East a distance of 353.10' to a 1" pipe located on the southwest right-of-way South 67°25'51" East a chord distance of 98.62' (arc 98.62', rad 5985.09') to a point; thence South 61°21'24" East a distance of 100.85' to a point; thence South 58°43'31" East a chord distance of 180.95' (arc 180.95', rad 1496.87') to a ½" re-bar and point of beginning.

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

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

- Wayne Moss or his designee shall investigate the central sewer system on the existing lots and give an estimate of appropriate bond for Mr. Pruitt to put up for insurance for ten years for individual replacement systems. The bond must be presented upon the issuance of the first building permit.

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 June 4, 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 83 of the 3<sup>rd</sup> Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 2.004 acres, zoned R-2, Conditional.

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

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

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

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

2. Consider Resolution to amend the rental guidelines for the Senior Citizen Center. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Resolution was unanimously approved by a vote of 5-0.*

### **RESOLUTION**

WHEREAS, the Commissioners of Spalding County are empowered to set the terms and conditions under which property belonging to Spalding County may be used; and

WHEREAS, the Commissioners have previously set rules for the rental of the Senior Citizen Center; and

WHEREAS, the Commissioners deem it to be appropriate to add an additional rule concerning the rental of said facility.

NOW, THEREFORE, BE IT RESOLVED, that the rental guidelines for the Senior Citizen Center are hereby amended by adding a new rule number "30" to read as follows:

30. No individual or group shall be allowed to rent the Senior Citizen Center for more than six (6) calendar days per calendar year. For the purpose of these rules the term "day" shall mean a 24 hour calendar day.

### **XI. NEW BUSINESS**

1. Consider request from Jason and Rebecca Michael for an amplification permit for outside event. The request was to use a live DeeJay at their residence at 1949 Bonnie Ridge Drive for an outdoor wedding and reception on July 28, 2001 from 5:00 p.m. to approximately 9:00 p.m.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow request for outside amplification was unanimously approved by a vote of 5-0.*

2. Consider approval of Georgia Department of Corrections Capacity Agreement relative to state inmates for the C.I. It was noted that this capacity agreement is for 150 inmates for July 1, 2001 and after occupying the new C.I. a new Capacity Agreement will be issued.

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

3. Consider application from DOT for a stop and go traffic signal at the intersection of St. Route 362 @ Rover/Zetella/Moreland Roads. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel application was unanimously approved by a vote of 5-0.*

4. Set meeting date for Joint Meeting with City of Griffin. The consensus of the Board was to have the Joint Meeting on Wednesday, June 20, 2001 at 7:00 p.m. at the Courthouse Annex Meeting Room. The City is to be notified of this date and time.

5. Commissioner Massengale would like to discuss the number of occupants that can reside in a single-family residence. Mr. Massengale commented that he, Mr. Sabine and Mr. Health had received a call regarding a home on Crestview Drive where eighteen (18) people were living in one residence and this citizen wanted to know if we have an ordinance to prevent this. There is no ordinance to regulate the number of unrelated people that can live in a residence. Mr. Sabine and Mr. Health will check out and Environmental Health has been notified but was stated except for a septic tank failure they have very little grounds to go into a single-family residence. Mr.

Sabine has been asked to see if other counties have this kind of ordinance and how do they handle these situations.

Mr. Sabine commented that most larger jurisdictions do have some regulation but not many in the State of Georgia. He said that sometimes homes are used as boarding houses and there is a definition of boarding house in the UDO; however, we have no application for that definition. According to the UDO the definition of a boarding house is five (5) or more non-related members.

Mr. Health, Code Enforcement Officer stated that he had been called to this residence twice from the original complaint. He said that they do not know what the entire situation is and has not been able to determine the exact number of residents inside the dwelling. There is no substantiated evidence. Mr. Sabine is to research and investigate the matter further and report back to the Board by memo. The Board agreed that the first step is to contact the owner and try to resolve the problem. This is Commissioner Massengale's district and he was asked to contact the owner.

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

County Manager Wilson reminded the Board of the Retreat Saturday, June 9, 2001 from 8:30 a.m. until 4:00 p.m. in the Spivey Board Room at Clayton College & State University, Morrow, GA.

County Manager Wilson stated that an individual who would like to open up a paint ball facility at the Oxford Square Shopping Center had contacted him. He would like to lease the area behind the privacy fence and also one small building at the end of the building. The Board had no problem and asked Mr. Wilson to pursue and come up with a rental fee.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall had no comments.

Commissioner Johnie McDaniel addressed the planting on the 19/41 Bypass that was done by a garden club. He wanted to know who was supposed to maintain these plantings because the grass is higher than the plantings. He said that from what he remembers the club was suppose to contract with somebody to maintain. Mr. Wilson was asked to check with DOT as they signed an agreement with DOT.

Commissioner Martha McDaniel had no comments.

Commissioner Morrow stated through his district is an abandoned railroad, Ellis Road. He said there is a stop sign at W. McIntosh on an abandoned railroad and asked that the stop sign be taken down. It was noted that there were also stop signs at Vaughn Road and Henry Jackson Road that should be removed.

Commissioner Morrow suggested that we as a County talk to the railroad and see if they are going to abandon the railroad right of way and if they were, if we could have it, because it would make a wonderful walking, biking trail all the way across western Spalding County and be a great asset for Spalding County.

County Manager Wilson commented that the Parks and Recreation Department has been working with rails to trail program with HDR/WL Jorden and that is one of the routes that was suggested.

Mr. Wilson was asked to contact the railroad company about the right of way and that Spalding County is interested in obtaining it if it is ever abandoned.

Commissioner Massengale had no comments.

Chairman Massengale stated that the Board needed to have a closed meeting to discuss potential litigation and asked for a motion to amend the agenda for this purpose.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow and unanimously approved the agenda was amended to go into a Closed Meeting.

Motion made by Commissioner Morrow to go into Closed Meeting to discuss potential litigation. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved.

#### XIV. CLOSED MEETING

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

#### 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 June 4, 2001.

2.

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

3.

The executive session was called to order at 6:45 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 4th day of June 2001.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 4th day of  
June 2001.

Phyllis P. Doane  
Notary Public

My commission expires: March 18, 2002

(L.S.) H. Merrill Massengale

(L.S.) Johnie A. McDaniel

(L.S.) Martha W. McDaniel

(L.S.) Dick Morrow

(L.S.) M. Michael Kendall

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Board unanimously voted to come out of Closed Meeting and go back into Open Session.*

No business was transacted at this time.

**XV. ADJOURNMENT**

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel 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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