



Board of Commissioners

REGULAR MONTHLY MEETING

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

Agenda Topics

I. OPENING (CALL TO ORDER) – Chairman Massengale

II. INVOCATION - Rev. Randy Valimont – Led by Commissioner Johnie McDaniel in the absence of Rev. Valimont.

III. PLEDGE TO FLAG – Led by County Manager Wilson

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval of a Proclamation proclaiming the month of August 2001 as “MDA Firefighter Appreciation Month” in Spalding County. Glenn Polk was present to receive the Proclamation on behalf of the Fire Department.

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

Proclamation

“MDA Firefighter Appreciation Month”

WHEREAS, Hundreds of dedicated and selfless firefighters in our state provide vital and lifesaving services to the citizens of their communities; and

WHEREAS, At a moment’s notice, these men and women undauntingly lend their lives subduing fires and rescuing those found in raging infernos, as well as delivering citizens from the clutches of emergencies in otherwise deadly situations; and

WHEREAS, Georgia firefighters’ sense of duty and responsibility compels their heroic efforts to continue away from the fire apparatus, evidenced by the hundreds of hours these dedicated people amass in annual boot drives to collect donations for the Muscular Dystrophy Association (MDA); and

WHEREAS, For the past 45 years, firefighters have worked with the MDA to eradicate the muscular dystrophies, Lou Gehrig’s disease, myasthenia gravis and other neuromuscular diseases; and

WHEREAS, Many of Georgia’s most deserving citizens have benefited from the MDA and funds raised by firefighters, and it is demonstrated that these public servants are providing invaluable services to our state in all tasks they perform.

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

“MDA FIREFIGHTER APPRECIATION MONTH”

In Spalding County, Georgia and encourage all Georgians to recognize and support the efforts of firefighters on behalf of those served by the MDA.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Merrill James, 1304 Greenview Drive “Evergreen Forest” addressed the Board of Commissioners regarding the Airport Master Plan. He said that he had a petition with more than 700 signatures, which are opposed to the expansion of the present airport runway. He said the concerns were safety, property values, pollution and noise. He said that this petition was presented at the City Commission meeting asking that the runway extension be removed from the Master Plan. This request was denied by a vote of 4-2 with one member not present. He said that the airport manager has made a big issue out of the runway extension being necessary to attract new industry in Spalding County; however, we citizens feel differently. He said that for this reason a lot of citizens are going to vote against the new SPLOST, which is the expansion of the industrial park. He said that he had heard rumors today that the County is prepared to ask the City to delay this Master Plan study until the first of next year. He said that they feel this would be a strategic move for election purposes as there are four (4) seats up for re-election on the City Commission in November and also the SPLOST vote in November. He said that this Board should go on record as opposing the runway extension rather than trying to delay the outcome.

Commissioner Morrow stated that he was the Airport Advisory Board member from the County. He said there were a lot of rumors going around and he knew of no member on this Board that is pressing to extend the runway. He said that it is true that we plan to delay any consideration to the airport because there is no hurry to do a Master Plan. He said the two issues, airport and SPLOST are not tied together.

Commissioner Martha McDaniel stated that she was opposed to the runway extension. She said that the discussion of the runway has never come up at the Development Authority. She said that industry is attracted into Spalding County not because of our local airport but Hartsfield International or Tara Field.

VIII. MINUTES

1. Consider approval of the minutes for the meetings of July 2001. *Motion made by Commissioner Morrow to approve the minutes with one change made which is on page 224 under Report of Commissioners change word from obsessive to excessive in his comments. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

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

1. Consider at second reading an amendment to the Spalding County Code relative to Traffic Control Devices – to amend Part XII, Section 7-1007.

**SPALDING COUNTY, GEORGIA
THREE-WAY STOP
ORDINANCE NO. 2001-07**

AN ORDINANCE

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

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

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

“(b) *Three-way stop intersection designated.* In the interest of traffic safety, the intersections of county roads as provided herein below shall be designated as three-way stop intersections. Stop signs shall be erected at each direction of travel at such intersections, and warning signs shall be erected in advance of each stop sign. All signs shall comply with the uniform regulations of the state department of transportation. In addition, warning strips, known as “rumble strips,” shall be placed on the pavement in advance of said stop signs in accordance with standards, rules or regulations promulgated by the state department of transportation.”

Section 2. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1007, Traffic Control Devices, paragraph (b) by adding subparagraph (1) as follows:

“(1) Maloy Road at Kendall Drive.”

Section 3. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1007, Traffic Control Devices by adding in paragraph (a), sub-paragraph (16) and (17) as follows:

“(16) Wilson Road at Searcy Avenue.

(17) North Hill Street Extension/Jordan Hill Road at Dobbins Mill Road/Dundee Lake Road.”

Section 4. 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 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

2. Consider at second reading an amendment to the Spalding County Code relative to Part III, Chapter 4; Regulation of Manufactured Homes.

ORDINANCE NO. 2001-08

ORDINANCE TO AMEND PART III, CHAPTER 4, SECTION 3-4014 PENALTIES OF THE SPALDING COUNTY CODE, REGULATION OF MANUFACTURED HOMES

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY AND IT IS HEREBY RESOLVED AND ORDAINED:

Section 1. To amend Section 3-4014 by deleting paragraph (b) in its entirety which reads as follows:

b. Any owner of a manufactured home located in Spalding County (other than a manufactured home dealer) on January 1 of each calendar year and subject to these regulations shall, in addition to the ad valorem tax due thereon (and any penalty, if applicable) for failure to make the return or pay the tax by May 1 of each calendar year, be guilty of a misdemeanor.

Upon conviction thereof, the owner shall be punished by a fine of not less than \$ \$200.00 nor more than \$1,000.00.

and inserting a new paragraph (b) which reads as follows:

“b. Any owner of a manufactured home located in Spalding County (other than a manufactured home dealer) on January 1 of each calendar year and subject to these regulations that fails to obtain or affix a decal required by Section 3-4008 by May 1 of each calendar year shall be guilty of a misdemeanor. Upon conviction thereof, the owner shall be punished by a fine of not less than \$200.00 nor more than \$1,000.00.”

Section 2: The foregoing amendments to the Code of Ordinances 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.

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

- **Amendment to UDO-#A-01-11A; S-2 Watershed Protection Ordinance**

RESOLUTION AMENDING THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

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

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

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

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

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on November 30, 2000 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

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

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

Section 2101: Purpose.

In order to provide for the health, safety and welfare of the public and a healthy economic climate within Spalding County and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of this Article is to establish measures to protect the quality and quantity of the present and future water supply of Spalding County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This Article shall apply to all existing and proposed water supply watersheds within Spalding County.

Additionally, the S-2 Watershed Protection District is intended to maintain a high water quality of the surface water (rivers, creeks, streams and springs) and underground water to assure that a high quality of drinking water is maintained in the future. The district is intended to provide for certain development uses, while maintaining and protecting area water sources from polluting effects of more intense development and from encroachments of those uses that are not compatible with a protected watershed area.

Section 2102: Relationship to Other Zoning Districts.

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

Section 2103: Definitions.

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

- A. **Buffer:** A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.
- B. **Corridor:** All land located within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in Section of this Article.
- C. **Impervious Surface:** A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface, including (for purposes of example only), but not limited to, buildings, roads, driveways, parking lots, swimming pools and patios.
- D. **Large Water Supply Watershed:** A watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- E. **Perennial Stream:** A stream which flows throughout the whole year as indicated on a USGS quadrant map.
- F. **Reservoir Boundary:** The edge of a water supply reservoir defined by its normal pool level.
- G. **Small Water Supply Watershed:** A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- H. **Utility:** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water system and railroads or other utilities identified by a local government.
- I. **Water Supply Reservoirs:** A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes any multipurpose reservoirs owned by the U.S. Army Corps of Engineers.
- J. **Water Supply Watershed:** The area of land upstream of a governmentally owned public drinking water intake.

Section 2104: Designation and Classification of Water Supply Watersheds.

The following Water Supply Watershed districts and reservoirs are hereby defined and designated by this Article on the S-2 Watershed Protection District Map, as follows:

1. City of Griffin/Flint River Intake Water Supply Watershed: A large water supply watershed which provides an intake for the City of Griffin on the Flint River. This watershed does not contain a reservoir.
2. Henry County/Towaliga River Water Supply Watershed: A small water supply watershed which provides an intake for Henry County on the Towaliga River. This watershed contains a reservoir.
3. Butts County/Towaliga River Intake Water Supply Watershed: A small water supply watershed which provides an intake for Butts County on the Towaliga River. This watershed does not contain a reservoir.
4. City of Griffin/Head's Creek Water Supply Watershed: A small water supply watershed which provides an intake for the City of Griffin on the Head's Creek Reservoir located in unincorporated Spalding County. This watershed contains a reservoir.
5. City of Zebulon/Elkins Creek Intake Water Supply Watershed: a small water supply

watershed which provides a supplementary intake for the City of Zebulon, Georgia. This watershed does not contain a reservoir.

6. City of Griffin/Flint River Reservoir Watershed: a large water supply watershed which will provide an intake for the City of Griffin from a reservoir to be constructed on the Flint River in Pike County, Georgia. This watershed will contain a reservoir.

Section 2105: Permitted Uses.

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

Section 2107: Uses Exempt from S-2 Criteria.

- A. **Existing Uses:** Any land use within an area designated as a watershed area existing prior to the adoption of this Ordinance.
- B. **Agriculture and Forestry:** Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions:
 1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission and/or the Georgia Department of Agriculture.
 2. The activity shall not impact the quality of the drinking water stream.
- C. **Mining:** Mining activities are exempt, if permitted by the Georgia Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- D. **Utilities:** Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot be feasibly located outside these areas:
 1. The utilities shall be located as far from the stream bank as possible.
 2. The installation and maintenance of the utilities shall protect the integrity of the buffer and setback areas as best as reasonably possible.
 3. The utilities shall not impair the quality of a drinking water stream.

Section 2108: Development and Protection Criteria.

A. The following regulations shall apply to the City of Griffin/Flint River Intake Water Supply Watershed identified on the S-2 Watershed Protection District Map as a large water supply watershed without a reservoir.

1. Any new facility, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

B. The following regulations shall apply to the City of Griffin/Flint River Reservoir Watershed identified on the S-2 Watershed Protection District Map as a large water supply watershed with a reservoir.

1. The corridors of all perennial streams within a seven (7) mile radius of the reservoir boundary must be protected by the following criteria:
 - a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 150 feet setback area on both sides of the stream as measured from the stream banks.
 - c. Septic tanks and septic tank drain fields are prohibited within a 150 feet setback area on both sides of the stream as measured from the stream banks.
2. Any new facility, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
3. A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan.
4. The City of Griffin/Flint River Reservoir is owned by the City of Griffin, Georgia and will be protected by the City of Griffin.

C. The following regulations shall apply to the Butts County/Towaliga River Intake Water Supply Watershed and the City of Zebulon/Elkins Creek Intake Water Supply Watershed identified on the S-2 Watershed Protection District Map as a small water supply watersheds without a reservoir.

1. The corridors of all perennial streams within a seven (7) mile radius of the reservoir boundary must be protected by the following criteria:
 - a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 150 feet setback area on both sides of the stream as measured from the stream banks.
 - c. Septic tanks and septic tank drain fields are prohibited within a 150 feet setback area on both sides of the stream as measured from the stream banks.
2. The corridors of all perennial streams outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
 - a. A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 75 feet setback area on both sides of the stream as measured from the stream banks.
 - c. Septic tanks and septic tank drain fields are prohibited within a 75 feet setback area on both sides of the stream as measured from the stream banks.
3. The impervious surface area, including all public and private structures, utilities or facilities of the entire water supply watershed shall be limited to 25% or existing use, whichever is greater.

4. Any new facility, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

D. The following regulations apply to the Henry County/Towaliga River Water Supply Watershed and the City of Griffin/Head's Creek Water Supply Watershed identified on the S-2 Watershed Protection District Map as small water supply watersheds with a reservoir.

1. The corridors of all perennial streams within a seven (7) mile radius of the reservoir boundary must be protected by the following criteria:
 - a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 150 feet setback area on both sides of the stream as measured from the stream banks.
 - c. Septic tanks and septic tank drain fields are prohibited within a 150 feet setback area on both sides of the stream as measured from the stream banks.
2. The corridors of all perennial streams outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
 - a. A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
 - b. No impervious surface shall be constructed within a 75 feet setback area on both sides of the stream as measured from the stream banks.
 - c. Septic tanks and septic tank drain fields are prohibited within a 75 feet setback area on both sides of the stream as measured from the stream banks.
3. The impervious surface area, including all public and private structures, utilities or facilities of the entire water supply watershed shall be limited to 25% or existing use, whichever is greater.
4. Any new facility, located within seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
5. A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan.
6. The Henry County/Towaliga River Reservoir is owned by Henry County and will be protected by it.
7. The City of Griffin/Head's Creek Reservoir is owned by the City of Griffin, Georgia and will be protected by it.

Section 2108: Administration and Enforcement.

- A. **Site Plans:** Application for a local development permit within the S-3 District shall include a site plan, drawn at a scale of 1" = 50' containing the following information:
1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
 2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
 3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
 4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to 2%.
 6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 7. All proposed temporary disruptions or diversions of local hydrology.
- B. **Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Building Official or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
- C. **Exemptions from Site Plan Requirements.** The following activities and developments are exempt from the requirement for detailed site plans:
1. Single-family detached dwellings constructed within a subdivision of fewer than five parcels.
 2. Repairs to a facility that is part of a previously approved and permitted development.
 3. Construction of minor structures, such as sheds or additions to single family residences.
- D. **Review Procedures.** The application shall be made to the Building Official or designated appointee and will be reviewed within fifteen (15) days. At the time of the application, the applicant shall pay a filing fee as specified by Spalding County. Filing fees up to \$500.00 or \$100.00 per acre, whichever is larger, may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the

Building Official or designated appointee. The review period shall include the preparation of findings, i.e. approval, approval with conditions or disapproval by the Building Official or designated appointee. The applicant will receive written notification of the findings of the Building Official or designated appointee. Decision of the Building Official or designated appointee may be appealed to the Spalding County Board of Appeals.

E. Duration of Permit Validity.

1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
3. Written notice of pending expiration of the development permit shall be issued by the Building Official or designated appointee, provided however, that failure of the Building Official or designated appointee to provide notice to the applicant shall not extend the period of validity of the development permit.

F. Penalties.

1. When a building or other structure has been constructed in violation of this Article, the violator may be required to remove the structure at the discretion of the Building Official or designated appointee.
2. When removal of vegetative cover, excavation or fill has taken place in violation of this Article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Building Official or designated appointee.
3. If the Building Official or designated appointee discovers a violation of this Article that also constitutes a violation of any provision of the Clean Water Act, as amended, Spalding County shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

G. **Suspension and Revocation.** The Building Official or designated appointee may suspend or revoke a permit if the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Building Official shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in the Griffin Daily News.

H. **Relief Assessment.** The Spalding County Board of Tax Assessors shall consider the requirements of this section in determining the fair market value of land.

Section 2109: Variances

A variance from the terms and conditions in this Article may be granted pursuant to the procedures and criteria for granting variances set forth in Section 411, along with compliance with the terms of this Section. A variance from the provisions of this Article may be granted only in individual cases of practical difficulty or unnecessary hardship upon a finding by the Board of Zoning Appeals that all of the following conditions exist:

A. The existence of extraordinary and exceptional conditions pertaining to the particular piece of property due to size, shape or topography;

B. Application of the provisions of this Article would create an unnecessary hardship;

C. Relief by means of variance, if granted, would not cause substantial detriment to the water quality within any watershed area identified herein or otherwise impair the purposes and intent of this Article;

D. The variance request is not based on circumstances that are self-created;

E. The variance request would not, if granted, permit a use of land, buildings or structures not otherwise permitted within the applicable zoning district;

F. The variance request would not, if granted, increase the impervious surface of development within the watershed area beyond that prescribed in this Article; and

G. The property for which the variance is requested existed as a separate tract on or before July 1, 2001.

The Board of Zoning Appeals shall have the authority to impose conditions on any variance granted herein to facilitate achievement of the purposes of this Article.

Section 2110: Adoption of Spalding County Watershed Protection Map.

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

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

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

- **Amendment to UDO-#A-01-03;** S-3 Groundwater Recharge Ordinance

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

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

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

WHEREAS, the Rules of the Georgia Department of Natural Resources ("DNR") and the Georgia Department of Community Affairs ("DCA") require that local comprehensive plans indicate how sensitive land groundwater recharge areas are to be protected, particularly in those areas subject to pollution susceptibility;

WHEREAS, DCA requires that local governments implement their groundwater recharge area protection standards in the form of land use regulations;

WHEREAS, certain areas located within Spalding County lie within groundwater recharge areas which are susceptible to pollution;

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 January 25, 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 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, to appear as "Article 21A. S-3 Sensitive Land-Groundwater Recharge District," as follows:

**ARTICLE 21A. S-3 SENSITIVE LAND-GROUNDWATER RECHARGE
AREA PROTECTION DISTRICT**

Section 2101A: Purpose.

The purpose of the S-3 district is to protect those lands identified as recharge areas for underground reservoirs known as aquifers. In order to promote the health, safety and welfare of the public and a healthy economic climate within Spalding County and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources on which Spalding County and surrounding communities rely as sources of public water.

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

Section 2102A: Relationship to Other Zoning Districts.

The S-3 Groundwater Recharge Area Protection District, is an overlay district which shall include all lands within the jurisdiction of Spalding County, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 Edition, which map is hereby adopted and made a part of this Ordinance. The S-3 Groundwater Recharge Area Protection District applies additional definitions and standards for development to specific areas which lie within any of the zoning districts identified in this Ordinance and which are additionally mapped as significant recharge areas, as shown on Hydrologic Atlas 18, 1989 Edition.

Section 2103A: Definitions.

The following definitions (in addition to those definitions contained within Article 2 of this Ordinance) apply to S-3 districts:

- A. **Aquifer**: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.
- B. **DHR**: Georgia Department of Human Resources
- C. **DHR TABLE MT-1**: The provisions of the Department of Human Resources' Manual for On-site Sewage Management Systems, appearing on Table MT-1, therein, as amended.
- D. **DHR TABLE MT-2**: The provisions of the Department of Human Resources' Manual for On-site Sewage Management Systems, appearing on Table MT-2, therein, as amended.
- E. **DRASTIC**: The standardized system for evaluating groundwater pollution potential using the hydro geologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035. DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.
- F. **Pollution Susceptibility**: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.
- G. **Pollution Susceptibility Maps**: Maps of the relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)
- H. **Recharge Area**: Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.
- I. **Significant Recharge Areas**: Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

Section 2104A: Coordination with Development Criteria contained in Other Zoning Districts.

- A. The provisions of this Article apply additional development standards to specific areas which may lie within any zoning district in Spalding County. If required development standards are specified for the same item in both Articles, the more stringent governs.
- B. Any development must comply with the Spalding County Soil Erosion and Sedimentation Control Ordinance, as well as any other applicable development regulation.

Section 2105A: Development and Protection Criteria in S-3 Districts.

The following development criteria apply in S-3 Districts:

- A. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Spalding County Health Department first approved the proposed septic tank installation as meeting the requirements of the DHR Rules and Regulations for On-Site Sewage Management (DHR Manual) and Section B and C, below.

- B. New single family residential dwellings or duplex dwellings served by septic tank/drain fields system shall be located on lots having the minimum size limitations, as follows, based on application of Table MT-1. The minimums set forth in Table MT-1 may be increased further based on consideration of other factors set forth in Sections A-F of the DHR Manual:
1. 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1, if located in a high pollution susceptibility area;
 2. 125% of the subdivision minimum lot size calculated based application of DHR Table MT-1, if located in a medium pollution susceptibility area;
 3. 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1, if located in a low pollution susceptibility area.
- C. New manufactured housing parks served by septic tank/drain field systems shall have lots or spaces having minimum lot size limitations as follows, based on application of Table MT-2. The minimums set forth in Table MT-2 may be increased further based on consideration of other factors set forth in Section A-F of the DHR Manual:
1. 150% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2, if located in a high pollution susceptibility area;
 2. 125% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2, if located in a medium pollution susceptibility area;
 3. 110% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2, if located in a low pollution susceptibility area.
- D. New agricultural waste impoundment sites shall be lined if they are located within:
1. a high pollution susceptibility area;
 2. a medium pollution susceptibility area and exceed 15 acre-feet;
 3. a low pollution susceptibility area and exceed 50 acre-feet.
- As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm./sec. or other criteria established by the Natural Resource and Conservation Service.
- E. New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
- F. New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- G. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

Section 2106A: Exemptions.

Any lot of record approved prior to the date of adoption of this Ordinance is exempt from the minimum lot size requirements contained in Section 2105A(B - C) of this Ordinance.

Section 2107A: Administration and Enforcement Procedures.

A. **Site Plans:** Application for a local development permit within the S-3 District shall include a site plan, drawn at a scale of 1" = 50' containing the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to 2%.
6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
7. All proposed temporary disruptions or diversions of local hydrology.

B. **Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Building Official or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

C. **Exemptions from Site Plan Requirements.** The following activities and developments are exempt from the requirement for detailed site plans:

1. Single-family detached dwellings constructed within a subdivision of fewer than five parcels.
2. Repairs to a facility that is part of a previously approved and permitted development.
3. Construction of minor structures, such as sheds or additions to single family residences.

D. **Review Procedures.** The application shall be made to the Building Official or designated appointee and will be reviewed within fifteen (15) days. At the time of the application, the applicant shall pay a filing fee as specified by Spalding County. Filing fees up to \$500.00 or \$100.00 per acre, whichever is larger, may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Building Official or designated appointee. The review period shall include the preparation of findings, i.e. approval, approval with conditions or disapproval by the Building Official or designated appointee. The applicant will receive written notification of the findings of the Building Official or designated appointee. Decision of the Building Official or designated appointee may be appealed to the Spalding County Board of Appeals.

E. **Duration of Permit Validity.**

1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
3. Written notice of pending expiration of the development permit shall be issued by the Building Official or designated appointee, provided however, that failure of the Building Official or designated appointee to provide notice to the applicant shall not extend the period of validity of the development permit.

F. **Penalties.**

1. When a building or other structure has been constructed in violation of this Article, the violator may be required to remove the structure at the discretion of the Building Official or designated appointee.
2. When removal of vegetative cover, excavation or fill has taken place in violation of this Article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Building Official or designated appointee.
3. If the Building Official or designated appointee discovers a violation of this Article that also constitutes a violation of any provision of the Clean Water Act, as amended, Spalding County shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

G. **Suspension and Revocation.** The Building Official or designated appointee may suspend or revoke a permit if the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Building Official shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in the Griffin Daily News.

H. **Relief Assessment.** The Spalding County Board of Tax Assessors shall consider the requirements of this section in determining the fair market value of land.

Section 2108A: Adoption of Spalding County Groundwater Recharge Area Protection District Map.

A. The S-3 District consists of the area located within the Groundwater Recharge Area Protection District as are shown and designated on a certain map identified as the "S-3 District, Spalding County Groundwater Recharge Area Protection Map," which map is hereby adopted into and made a part of this Ordinance as if

fully set forth. Such map shall be signed by the Chairman of the Board of Commissioners of Spalding County and bear the seal of the County or that of a Notary Public under the following words: "This certifies that this is the Official S-3 District Spalding County Groundwater Recharge Area Protection Map," referred to in Article 21A of the Zoning Ordinance of Spalding County.

- B. The area identified as lying within the S-3 Spalding County Groundwater Recharge Area Protection District shall be the same as that area lying within the boundaries of Spalding County shown on Hydrologic Atlas 18, 1989 Edition. To the extent of a conflict between Hydrologic Atlas 18, 1989 Edition and the Official S-3 District Spalding County Groundwater Recharge Protection Area Map, the provisions of Hydrologic Atlas 18, 1989 Edition shall control.

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

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

- **Amendment to UDO #A-01-04;** S-4 Wetlands Protection Ordinance

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

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

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

WHEREAS, the Rules of the Georgia Department of Natural Resources ("DNR") and the Georgia Department of Community Affairs ("DCA") require that local comprehensive plans protect wetland areas;

WHEREAS, DCA requires that local governments implement their wetland area protections in the form of land use regulations;

WHEREAS, certain areas located within Spalding County lie within wetlands;

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 January 25, 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 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, to appear as "Article 21B. S-4 Wetlands Protection District," as follows:

ARTICLE 21B. S-4 SENSITIVE LAND-WETLANDS PROTECTION DISTRICT

Section 2101B: Purpose.

The purpose of the S-4 district is to protect those lands identified as wetlands. Wetland areas are those areas that are flooded or saturated by surface or groundwater often and long enough to grow vegetation adapted for life in water saturated soil. The wetlands in Spalding County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia. A considerable number of important wetland natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piece meal or cumulative losses of wetlands will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

The purpose of the S-4 district is to promote wetlands protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process.

Section 2102B: Relationship to Other Zoning Districts.

S-4 Wetlands Protection District is an overlay district which shall include all lands within the jurisdiction of Spalding County, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Wetlands Map and it is hereby adopted by reference and declared to be a part of this Ordinance, together with all explanatory matter thereon and attached thereto. The S-4 Wetlands Protection District applies additional definitions and standards for development to specific areas which lie within any of the zoning districts identified in this Ordinance and which are additionally mapped as wetland areas, as shown on the Wetlands Map.

Section 2103B: Definitions.

The following definitions (in addition to those definitions contained within Article 2 of this Ordinance) apply to S-4 districts:

- A. **Corps of Engineers:** the United States Army Corps of Engineers, which is given authority pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, for the regulation of wetlands and the permitting of fill material therein.
- B. **Wetlands:** Any areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation and hydrological conditions that involve a

temporary or permanent source of water to cause soil saturation. The definition of "wetlands," as defined in 33 C.F.R. 32.93 is included within this definition, and adopted by reference.

- C. **Wetlands Map**: the current U.S. Fish and Wildlife Service National Wetlands Inventory maps for Spalding County, Georgia.
- D. **Jurisdictional Wetland**: an area that meets the definitional requirements for wetlands as determined by the Corps of Engineers.
- E. **Jurisdictional Wetland Determination**: a delineation of jurisdictional wetland boundaries by the Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. 1344, as amended.
- F. **Regulated Activity**: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States, excepting those activities exempted in Section 404 of the Clean Water Act.

Section 2104B: Coordination with Development Criteria contained in Other Zoning Districts.

- A. The provisions of this Article apply additional development standards to specific areas which may lie within any zoning district in Spalding County. If required development standards are specified for the same item in both Articles, the more stringent governs.
- B. Any development must comply with the Spalding County Soil Erosion and Sedimentation Control Ordinance, as well as any other applicable development regulation.

Section 2105B: Adoption of Spalding County Wetlands Protection District Map.

- A. The S-4 Wetlands Protection District consists of and shall correspond to the area located within the Wetland Protection areas as are shown and designated on a certain map identified as the "S-4 District, Spalding County Wetland Protection Map," which map is hereby adopted into and made a part of this Ordinance as if fully set forth. Such map shall be signed by the Chairman of the Board of Commissioners of Spalding County and bear the seal of the County or that of a Notary Public under the following words: "This certifies that this is the Official S-4 District Spalding County Wetlands Protection Map," referred to in Article 21B of the Zoning Ordinance of Spalding County.
- B. The area identified as lying within the S-4 Wetlands Protection District shall be the same as that area lying within the boundaries of Spalding County shown on the U.S. Fish and Wildlife Service National Wetlands Inventory. To the extent of a conflict between the U.S. Fish and Wildlife Service National Wetlands Inventory and the Official S-4 District Spalding County Wetland Protection Map, the provisions of the U.S. Fish and Wildlife Service National Wetlands Inventory shall control.
- C. The boundaries of the S-4 Wetlands Protection District, as shown on the Official S-4 District Spalding County Wetlands Protection Map do not necessarily represent the complete boundaries of jurisdictional wetlands within Spalding County. Further, the boundaries of wetlands as shown on the U.S. Fish and Wildlife Service National Wetlands Inventory do not necessarily represent the complete boundaries of jurisdictional wetlands in Spalding County. The boundaries shown on such maps do not substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act.

- D. Any action required by this Ordinance does not relieve the landowner from complying with any and all applicable federal or state permitting requirements.

Section 2106B: Permits and Protection Criteria.

Requirement for Local Permit: No regulated activity will be permitted within the S-4 Wetlands Protection District without written permission or a permit from Spalding County. If the area proposed for development is located within fifty (50) feet of the boundary of the S-4 Wetlands Protection District, as determined by the Building Official or designated appointee using the S-4 District, Spalding County Wetlands Protection Map, a determination by the Corps of Engineers shall be required. If the Corps of Engineers determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

Section 2107B: Permitted Uses.

The following uses shall be allowed as of right within the S-4 District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein:

- A. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect water of Georgia or of the United States in such a way that would require a permit under Section 404.
- B. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- C. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- D. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- E. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural best management practices are followed.
- F. Educational, scientific research and nature trails.

Section 2108B: Prohibited Uses.

The following uses are not permitted within the S-4 Wetlands Protection District:

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. Hazardous or sanitary waste landfills.

Section 2109B: Administration and Enforcement Procedures.

- A. **Site Plans:** Application for a local development permit within the S-4 District shall include a site plan, drawn at a scale of 1" = 50' containing the following information:
 - 1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
 - 2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
 4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to 2%.
 6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 7. All proposed temporary disruptions or diversions of local hydrology.
- B. **Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Building Official or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
- C. **Exemptions from Site Plan Requirements.** The following activities and developments are exempt from the requirement for detailed site plans:
1. Single-family detached dwellings constructed within a subdivision of fewer than five parcels.
 2. Repairs to a facility that is part of a previously approved and permitted development.
 3. Construction of minor structures, such as sheds or additions to single family residences.
- D. **Review Procedures.** The application shall be made to the Building Official or designated appointee and will be reviewed within fifteen (15) days. At the time of the application, the applicant shall pay a filing fee as specified by Spalding County. Filing fees up to \$500.00 or \$100.00 per acre, whichever is larger, may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Building Official or designated appointee. The review period shall include the preparation of findings, i.e. approval, approval with conditions or disapproval by the Building Official or designated appointee. The applicant will receive written notification of the findings of the Building Official or designated appointee. Decision of the Building Official or designated appointee may be appealed to the Spalding County Board of Appeals.
- E. **Duration of Permit Validity.**
1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
 2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the

date that work ceased.

3. Written notice of pending expiration of the development permit shall be issued by the Building Official or designated appointee, provided however, that failure of the Building Official or designated appointee to provide notice to the applicant shall not extend the period of validity of the development permit.

F. **Penalties.**

1. When a building or other structure has been constructed in violation of this Article, the violator may be required to remove the structure at the discretion of the Building Official or designated appointee.
2. When removal of vegetative cover, excavation or fill has taken place in violation of this Article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Building Official or designated appointee.
3. If the Building Official or designated appointee discovers a violation of this Article that also constitutes a violation of any provision of the Clean Water Act, as amended, Spalding County shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

G. **Suspension and Revocation.** The Building Official or designated appointee may suspend or revoke a permit if the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Building Official shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in the Griffin Daily News.

H. **Relief Assessment.** The Spalding County Board of Tax Assessors shall consider the requirements of this section in determining the fair market value of land.

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

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

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

- **Rezoning Application #01-12Z:** Melvin Robinson—1511 Vaughn Road, 0.434 acres – C-1B Conditional to C-1.

IN RE:

**APPLICATION OF MELVIN ROBINSON
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-12Z

**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-1B Conditional;"

WHEREAS, Melvin Robinson, 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 May 24, 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 July 27, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in landlot 46 of the 4th Land District originally Henry, Now Spalding County, Georgia containing 0.434 acres and may be more particularly described as follows:

Beginning at the intersection of the south right-of-way of West McIntosh Road and the west right-of-way or Vaughn Road thence South 05 degrees 54 minutes 00 seconds East along said right-of-way of Vaughn Road a distance of 79.0 feet to a point; thence South 77 degrees 25 minutes 00 seconds West a distance of 190.25 feet to a point; thence North 05 degrees 54 feet 00 seconds West a distance of 121.0 feet to a point located on the west right-of-way of West McIntosh Road; thence continuing along said right-of-way South 89 degrees 54 feet 00 seconds East a distance of 190.00 feet to a point and point of beginning.

From "C-1B Conditional" 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 August 6, 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 46 of the 4th Land District of originally Henry, now Spalding County, Georgia, consisting of approximately 0.434 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.

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

- **Amendment to UDO #A-01-12:** Article 5: AR-1 Agricultural and Residential—Section B—add provision for group foster homes; and Article 2: Definitions of Terms Used—add definition of group foster home.

IN RE:

Text Amendment #A-01-12

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

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

WHEREAS, WinShape Homes, acting as Applicant, has filed a petition with the Board of Commissioners to amend the Zoning Ordinance of Spalding County to provide for certain uses previously not enumerated within the Zoning Ordinance, and specifically not provided within the AR-1 (Agricultural and Residential 1) zoning district; and

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on July 26, 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; and

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

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

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

Section 1: Immediately following existing Section 202(KK''), a new subsection entitled Section 202(KK''') shall be created. Section 202(KK''') shall read as follows:

Group foster home. A dwelling or dwellings each shared by fifteen (15) or fewer people (under the age of 18), excluding residential staff, who live together as a single housekeeping unit and in a long-term, family-like environment, in which staff provide care, education, and participation in community activities for residents, with the primary goal of enabling residents to live as independently as possible.

Section 2: Immediately following existing Section 503(B)(21) of this Ordinance, a new subsection entitled Section 503(B)(22) shall be created. Section 503(B)(22) shall read as follows:

Group foster home meeting the following development standards:

- a. Minimum lot size is five (5) net acres per dwelling approved.
- b. All principal and accessory structures shall be placed at least fifty (50) feet from all adjoining property lines.
- c. All lots shall have a minimum two-hundred (200) feet of frontage on a public road.
- d. Group home structures shall be limited to thirty-five (35) feet in height.

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

(c) The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

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.

X. OLD BUSINESS – n/a

XI. NEW BUSINESS

4. Consider a Partnership Agreement between Griffin/Spalding Environmental Education Committee and other organizations/agencies/private businesses for the purpose of establishing wildlife habitat and environmental education facilities. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Agreement was unanimously approved by a vote of 5-0.*

**Partnership Agreement
Concerning
Wildlife habitat and Environmental Education Facilities**

Purpose – The purpose of this agreement is to establish a partnership between the Griffin/Spalding Environmental Education Committee (GSEEC) and other organizations/agencies and private business for the purpose of establishing wildlife habitat and environmental education facilities.

Rationale – Per the GSEEC; there is a need for educating the public in preserving this area's natural resources. With out youth being tomorrow's leaders, there is a duty we have in helping them learn about our land, water, wildlife, vegetation and other aspects of our natural resources and ecosystems. Having an area with the proper facilities to promote this type of education is critical to our future. This agreement can be the beginning to such learning opportunities.

Implementation – Several of the partner organizations, as identified below, have expertise in the design and establishment of this type of facility. Therefore, the appropriate officials of those organizations who are able to do so will assist the GSEEC, to the extent possible, in the layout and design of facilities in the targeted locations. Upon completion of these plans, efforts will be made to secure implementation funds. This plan will be prepared as mutually agreed by the partners via grants, donations and other means. Partner organizations having unique expertise includes, but is not limited to, the USDA's Natural Resources Conservation Service (NRCS), the Towaliga Soil & Water Conservation District, the Georgia Forestry Commission, UGA's Cooperative Extension Service, the City of Griffin, Spalding County, and any business or organization. Such expertise shall be made available as feasible and will be supplemented by expertise from others where available and appropriate.

Meetings- GSEEC meeting are held on a monthly basis in varying locations. Contact Bonnie Pfrogner, Griffin/Spalding Chamber of Commerce (770-228-8200>

Termination – Termination will occur when the majority of the members agree there is no further need for this agreement.

2. Consider Work Authorization for Engineering and Planning Services for the development of a Master Plan for the Griffin/Spalding County Airport.
3. Consider appointing a Commissioner to serve on the Citizens Committee for the Airport Master Plan.

Commissioner Morrow commented that the City and other members of the Airport Advisory Board has asked that the county take no action on items 2 and 3. They would like to revisit this Master Plan as there is no time line for this to be done. He said that this has been done too quickly and improperly and we need to re-engage with the City.

County Attorney Fortune stated that we need a motion to remove this item from the agenda with no action taken. Commissioner Morrow made this in form of a motion.

Commissioner Kendall stated that he objected to tabling this issue as it should be resolved before the elections. He said that this should be untangled from the sales tax vote in November. He said that he feels the City has gone way too far on this issue before the County has had an opportunity to get involved. He said that we are half owners of this airport and the County needs to re-engage in any decision regarding the airport.

County Attorney Fortune stated that there has to be some action taken and recommended that items 2 and 3 be tabled indefinitely. Motion made by Commissioner Martha McDaniel to table items 2 and 3

indefinitely. Motion seconded by Commissioner Morrow and motion passed by a vote of 4-1 with Commissioner Kendall voting against the motion.

4. Consider proposal from Hill Construction Co. to perform milling and resurfacing on Jackson Road. *Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel, proposal in the amount of \$12,630 was unanimously approved by a vote of 5-0.*

5. Consider proposal from Hill Construction Co. for resurfacing Green Valley Road from Futral Road to Orchard Hill. *Motion made by Commissioner Martha McDaniel, seconded by Commissioner Massengale to accept proposal in the amount of \$85,942.50. County Manager Wilson asked that the motion be amended to include monies to come out of SPLOST road funds. Commissioner Martha McDaniel amended her motion to include this as well as Commissioner Massengale his second. Motion with amendment was unanimously approved by a vote of 5-0. Reference contract #2001-08-06(A).*

6. Consider recommendation from HDR/WL Jorden to accept low bid of Hill Construction Co. in the amount of \$509,837.15 for the paving of Boynton Road. Estimated cost of project \$550,000 to \$600,000. *Upon motion by Commissioner Morrow, seconded by Commissioner Massengale low bid of Hill Construction Co. was unanimously approved by a vote of 5-0. Reference Contract #2001-08-06(B).*

7. Consider recommendation from HDR/WL Jorden to accept low bid of Hill Construction Co. in the amount of \$187,991 for the replacement of the West Poplar Street Culvert. Estimated cost of project \$300,000. County Manager Wilson stated that this is a turnkey project. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel low bid of Hill Construction Co. was unanimously approved by a vote of 5-0. Reference Contract #2001-08-06(C).*

8. Consider proposal from Street Smarts for Engineering Services for the improvements to the intersection of Birdie Road and US 19/41. *Upon motion by Commissioner Massengale, seconded by Commissioner Morrow proposal in the amount of \$40,895.00 to come out of SPLOST road funds was unanimously approved by a vote of 5-0.*

9. Commissioner Martha McDaniel would like to discuss possible projects at Wyomia Tyus Olympic Park to be financed with the donation from Springs Industries. Correspondence had been received the latter part of 2000 stating that Springs Industries approved a grant in the amount of \$75,000 with \$15,000 for five (5) years concluding in 2005 for the Wyomia Tyus Olympic Park. The letter went on to say that in addition to the monetary contribution, the Dundee Community Association will donate the Rock Quarry property to Spalding County, which is approximately 36 acres, for future park development. Mrs. McDaniel commented she would like to recommend two (2) projects to consider. The first project is a picnic shelter and the second project is resurfacing the walking track (rubberizing like the one at Airport Road Park). The Board asked County Manager Wilson to obtain some prices for picnic shelters and bring back to the Board at a future meeting.

10. Consider Intergovernmental Agreement with City of Sunny Side pertaining to building permit and inspections services. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Agreement was unanimously approved by a vote of 5-0.*

STATE OF GEORGIA,

SPALDING COUNTY:

**INTERGOVERNMENTAL CONTRACT FOR THE PROVISION OF BUILDING
PERMITTING AND INSPECTION SERVICES BETWEEN THE
CITY OF SUNNYSIDE, GEORGIA,
AND
SPALDING COUNTY, GEORGIA**

THIS AGREEMENT, made and entered this 6th day of August, 2001, by and between the CITY OF SUNNYSIDE, GEORGIA, a municipal corporation organized and existing under the laws of the State of Georgia (“Sunnyside”), and SPALDING COUNTY, a political subdivision of the State of Georgia (“Spalding County”); as follows:

WHEREAS, SUNNYSIDE and SPALDING COUNTY, through their respective governing authorities, find and declare it in the best interest of the parties, their residents to establish a relationship whereby Spalding County will provide Sunnyside with services for the issuance of building permits and performances of building inspections;

Now, therefore, for and in consideration of the mutual covenants and promises herein made, the receipt, adequacy and sufficiency of which are mutually acknowledged, the parties agree to be bound, each unto the other, as follows:

ARTICLE 1.
LEGAL AUTHORITY

Section 1.1 This instrument shall constitute a binding, legal contract by and between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia, and shall constitute a general obligation to which its full faith and credit is hereby pledged, including, if necessary, the levy of ad valorem taxes. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the functions, and otherwise do all things necessary, convenient, and expedient to carry out the obligations and responsibilities herein set forth, either expressly or by reasonable implication.

Section 1.2 For the term of this agreement, all parties agree to exercise good faith and best efforts to adequately and properly fund such undertakings, including the exercise of power to establish, levy and enforce reasonable rates, fees and charges for the services contemplated to be provided.

Section 1.3 By entering into this contract, the parties agree that Sunnyside acquires no property rights or ownership in any assets or facilities of Spalding County, nor does Spalding County acquire any property rights or ownership in any assets or facilities of Sunnyside.

ARTICLE 2
TERM OF AGREEMENT

Section 2.1 This agreement shall become effective at 12:01 A.M. on September 1, 2001, and shall terminate at midnight on December 31, 2006. It is expressly agreed that there shall be no interim termination of the term of this agreement unless:

- a. The governing bodies of both parties, mutually find and agree to do so; or
- b. Except as otherwise provided in Article 2.5, herein.

Section 2.2 Given the intent of the parties to enforce this agreement as a binding obligation for the full term stated, except as otherwise specified herein, and in consideration of the unique relationship herein created and established, upon which both parties are entitled to justifiably rely, it is expressly agreed that in the event of an alleged breach of future performance by any party, the judicial remedy available to the parties shall be by “complaint for declaratory judgment and specific performance” filed in the Superior Court of Spalding County, Georgia, and the parties hereby waive any right to raise defenses relating to lack of actual controversy or lack of uniqueness of the underlying relationship.

Section 2.3 To the extent allowable by law, the parties agree that should such an action be filed, the filing party shall be entitled to petition said court for expedited handling, including shortening of the statutory periods involved for response, discovery and trial. Upon the filing of such action, the parties consent to the entry of an automatic interim injunction to maintain the status quo pending outcome of the proceedings.

Section 2.4 It is the intention of the parties that any action be resolved by means of a bench trial conducted by the judge regularly assigned to such case, and the parties expressly waive the right to trial by jury, it being the intention of all parties that any disputes arising hereunder be resolved equitably giving primary consideration to the enforcement of this contract to its fullest extent.

Section 2.5 In the event Spalding County fails to provide the services as required by Section 6.2, herein, for a period of thirty (30) consecutive days or longer, Sunnyside shall have the right to notify Spalding County of its breach of this Agreement. Upon receipt of such notice from Sunnyside, Spalding County shall have the obligation to cure any defect in its performance of its services within a period of not more than thirty (30) days. In the event Spalding County does not cure the breach within thirty (30) days following receipt of notice, Sunnyside shall have the right to terminate this Agreement. Sunnyside shall also have the right during the thirty (30) days following its notice to Spalding County to obtain and secure alternate sources of building inspection and permitting services without being in breach of this Agreement.

ARTICLE 3.
PROVISION OF BUILDING INSPECTION AND
PERMITTING SERVICES TO SUNNYSIDE

Section 3.1 Throughout the term of this contract, it is agreed by the parties that Spalding County shall provide any and all building inspection services and issue any and all building permits of the construction and improvement of any and all real property located within the municipal limits of the City of Sunnyside. Spalding County's obligation hereunder shall commence on September 1, 2001.

ARTICLE 4
PERMIT AND INSPECTION FEES

Section 4.1 Sunnyside shall adopt a building permit and building inspection fees and payment schedule in the same form as that adopted and implemented by Spalding County, and codified at 419 of the Spalding County Zoning Ordinance, being a portion of the Spalding County Unified Development Ordinance.

Section 4.2 Sunnyside shall enact ordinance legislation by which the Spalding County Zoning Administrator (or his designee) shall be designated as the Building Official of Sunnyside.

Section 4.3 Sunnyside shall enact ordinance legislation by which any and all fees required in the schedule of fees, codified at 419 of the Spalding County Zoning Ordinance and specified in 4.1 above, shall be assigned to and directly payable to Spalding County.

ARTICLE 5.
INSURANCE, INDEMNIFICATION AND HOLD HARMLESS

Section 5.1 Each party covenants that at the time of execution of this contract, each party has comprehensive liability insurance coverage (or its equivalent through either a program of self-insurance or by participation in an interlocal risk management agency) in an amount not less than \$1,000,000.00 per occurrence, which coverage and amount shall be maintained throughout the duration of this contract, in as broad a form as possible, providing the entity with a defense and payment of resulting judgments from claims reasonably anticipated or risks likely foreseeable to occur out of the duties and responsibilities herein undertaken.

Section 5.2 In the event a claim is made against Sunnyside arising out of or resulting from a failure by Spalding County to perform its obligations under this contract, or the negligent performance thereof, Spalding County shall indemnify and hold Sunnyside, and assets of Sunnyside, harmless from such claim, demand or suit.

Section 5.3 If a claim, demand or suit is brought against Spalding County arising out of or resulting from a failure by Sunnyside to perform its obligations under this contract, or the

negligent performance thereof, Sunnyside agrees to indemnify and hold Spalding County harmless from such claim, demand or suit.

Section 5.4 The provisions of this Article are intended to cover administrative enforcement actions brought by Federal and State regulatory agencies against either party pursuant to permits held or issued thereto.

ARTICLE 6.

MODIFICATION, EXECUTION, TERMINATION OF PRIOR CONTRACTS

Section 6.1 Upon execution of this contract by both parties, in duplicate, a fully-executed original shall be spread upon the minutes of the governing bodies of each party as evidence of its existence. A certified copy by the designated officer of either party shall be fully admissible in lieu of an original in any legal proceeding at which the existence and enforceability of said contract is in issue.

Section 6.2 No modification or amendment of this contract shall be effective unless in writing, approved by all parties, executed by their duly authorized officers, and spread upon the minutes of the respective governing bodies.

Section 6.3 It is the intention of the parties that this writing represents the fully and complete understanding and agreement of the parties to the various matters specifically stated herein and no further negotiations, amendments or modifications are contemplated at time of execution hereof.

Section 6.4 Future amendment should be limited to matters of material significance affecting the relationship herein established, giving as broad interpretation as possible to the spirit and intent of this contract when resolving any conflicts that may hereafter arise.

Section 6.5 For purposes of interpretation, all terms used in this contract shall have their common and usual meaning or significance, unless such term is a term of art within the field of professional engineering, in which event it shall have such technical meaning as may be assigned thereto. When statutes or regulations require specific acts to be performed, or dictate the manner of performance, such specifications shall be deemed the minimum standard governing such performance.

Section 6.6 This writing supersedes any prior negotiations between the parties concerning the provisions by Spalding County to Sunnyside of building inspection and permitting services and, upon its formal execution, shall be the sole and controlling agreement defining said relationship.

Section 6.7 Notices given pursuant to this contract shall be effective if either personally served and delivered, or if sent by certified mail, return receipt requested, addressed as shown below, with adequate postage thereon:

To Spalding County: Chairman, Board of Commissioners
 P. O. Box 1087
 Griffin, Georgia 30224

To Sunnyside: Mayor, City of Sunnyside
 4924 Old Atlanta Road
 Sunnyside, Georgia 30284

Section 6.8 Time is of the essence of this contract.

Section 6.9 The provisions of this contract are hereby deemed and declared to be severable. If any provisions of this contract, or the application of any provisions to any circumstances, is held to be unconstitutional, unenforceable or invalid, for any reason, the remaining terms, conditions and obligations contained herein shall not be affected thereby and this contract shall otherwise remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, acting through the duly authorized and empowered Chairman or Mayor of the respective governing authority, as attested to by its respective Clerk or Secretary, have executed this Contract, in duplicate originals, under their respective seals, the day and year first above written.

SPALDING COUNTY

By: _____
CHAIRMAN, Spalding County
Board of Commissioners

Attest: _____

Reviewed: _____
James R. Fortune
County Attorney

CITY OF SUNNYSIDE

By: _____
MAYOR

Attest: _____

Reviewed: _____
Newton M. Galloway
City Attorney

11. Consider authorization for vending arrangements at Sesquicentennial Celebration (Wyomia Tyus Olympic Park 9/3/01).

Commissioner Martha McDaniel addressed these two items. She said that a County Sesquicentennial Celebration Committee had been formed at the request of the Commission to plan for the County's 150th anniversary celebration which has been scheduled for September 3, 2001 at Wyomia Tyus Olympic Park. She said this would be a family affair. She said that families can bring their picnics and stay on the soccer fields and there would be music and entertainment by Camelot and also fireworks.

Commissioner Martha McDaniel asked Community Development Director Michael Sabine to discuss vending arrangements for this event. He said that the Soccer Association would be using the concession facilities as this is all their equipment but we have also invited other sports associations that would like to come out and have on-site concessions. He stated that they also desire to allow vendors of items and relics associated with Spalding County to display their crafts, wares, etc. and the Committee recommends to the Board of Commissioners that a \$20.00 processing fee for display space be imposed with the proceeds dedicated to the Broad Street/Original Courthouse preservation fund.

Commissioner Kendall stated his objections to these arrangements made by this Committee. He said that that the whole thing kind of seems exclusionary. He said that he wanted to register for the record his complaint about the way this thing has been handled.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel processing fee of \$20.00 for vendor arrangements was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.

12. Consider proposal for fireworks display at County Sesquicentennial Celebration (Wyomia Tyus Olympic Park, 9/3/01).

County Manager Wilson commented that Melrose Pyrotechnics, Inc. is the same vendor that does the fireworks for the City of Griffin. Their proposal is in the amount of \$12,500 to be taken out of the Hotel/Motel Tax Fund.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel fireworks display proposal was unanimously approved by a vote of 5-0.

13. Consider acceptance of right-of-way deed for Laketrail Drive, located in Huguley Dairy Estate Phase II Subdivision. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale acceptance of right of way deed was approved by a vote of 4-0-1 with Commissioner Dick Morrow abstaining giving reason of conflict of interest.*

14. Consider approval of final plat for Will's Walk Subdivision, located off Vineyard Road. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel final plat for Will's Walk Subdivision, Phase I only was approved by a vote of 4-1 with*

Commissioner Morrow voting against the motion as he feels this is a “cookie cutter” subdivision.

15. Consider Resolution of Intent to contract for FY 2002 CSBG funds with Georgia DHR. 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 Spalding County Board of Commissioners desires to provide services to assist underprivileged families throughout the County of Spalding; and

WHEREAS, a project application plan has been submitted to the Georgia Department of Human Resources to provide funding for services made available through the Community Services Block Grant (CSBG) program; and

WHEREAS, this plan includes proposed services relative to nutrition, emergency services, as well as youth and family development programs; and

WHEREAS, it is the intent of this Board to contract for said services if awarded;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that the Board intends to contract with the Georgia Department of Human Resources (Community Services Section) to provide CSBG services within Spalding County for the period October 1, 2001 through September 30, 2002. Eligible services shall be made available through provisions of the FFY 2002 CSBG program.

16. Consider Department of Transportation Contract for 2001 LARP. There is 7.49 miles with fourteen (14) roads as follows: Cabriole Trail, David Elder Road, Hope Drive, Jim Goodson Road, Jonan Road, Kathy Lane, Laurel Court, Newton Circle, Newton Road, North 9th Street, Pickens Drive, Riverdale Circle, Thomas Street and Timber Ridge Drive.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel 2001 LARP Contract with Department of Transportation was unanimously approved by a vote of 5-0.

17. Consider at first reading an ordinance amending the FY 2002 Budget Ordinance to provide for outstanding encumbrances for FY 2001. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the ordinance was unanimously approved by a vote of 5-0. **The ordinance will be incorporated into the minutes on second and final reading.***

18. Consider appropriation for claims of the Employee Benefit Trust Fund. County Manager Wilson stated that he had had a request from Loretta Hays, Personnel Director to appropriate an additional amount of \$100,000 to cover claims of our former self-funded plan. This money would be taken out of general fund balance and the unused portion placed back in fund balance.

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Morrow the request of \$100,000 was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson commented that two public hearings are scheduled for the meeting on August 20th. The public hearing for the abandonment of a portion of Sandy Flat Road is at 5:45 P.M. and LLEBG (Local Law Enforcement Block Grant) public hearing is at 5:50 P.M.

County Manager Wilson commented that he had sent the Board a memo regarding grant applications by county departments. He said this is a policy that he would like to implement immediately. The policy is that no county department would pre-apply for any grants unless approved by the Board of Commissioners at a public meeting. The Board had no problem with Mr. Wilson's policy.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall stated that he had asked County Manager Wilson to put Ella Circle on the LARP list.

Commissioner Kendall asked County Manager Wilson to explain the memo regarding the additional cost with the new C.I. Mr. Wilson commented that the contractor has not finished the building. He said that they were to turn the building over to the county on Friday, August 17th

and we should be in there with inmates on September 1. He said that we had budgeted a July opening of this facility and had hired the personnel to open for July and also budgeted the revenues for the expanded inmates and it will now be September before these inmates come on line due to the construction delays with the facility. He said that staff would come up with a hard cost figure and we plan to negotiate this out of the contract.

Commissioner Johnnie McDaniel commented that he felt like the Board needed to have a workshop before going to their meeting on September 11th in Atlanta with the Reapportionment Services and wanted to know the wishes of the Board. Commissioner Kendall stated that you have to have some numbers before you can come up with some options. He said that it is hard to draw a map without census block numbers. All the information is on their computer. He said that it is not hard to do it after you see the numbers on their computer.

Mr. Sabine commented that we have all the data, the data by block, by tract and we can generate as much or little data as you wish. He said that he would like to prepare the information and get it out to everyone equally in an equally amount in the form of a packet breaking it down by block and tract. He said that you could draw up your own map if you want to. He said his personal recommendation would be to go up to Atlanta and make some collective decisions there. County Manager Wilson stated that we do not have a current GIS person on staff to do a full-blown map. The capabilities would be limited.

The consensus of the Board was to have a workshop on redistricting. Mr. Wilson stated that we could get the raw data to each member of the Board.

Commissioner Martha McDaniel stated that she had a request for a left turn lane off Highway 41 onto County Line Road as cars are stacking up and it is becoming extremely dangerous. She asked Mr. Wilson to write Keith Rohling with DOT regarding this safety issue.

Commissioner Morrow commented on real estate signs on the county right of way. He requested that Code Enforcement Officer Michael Heath pick up the signs on Monday as the signs are illegally there. County Manager Wilson stated that there would be strict enforcement.

Commissioner Morrow commented that he had requested that the speed limit on South Pine Hill Road be changed from 45 MPH to 35 MPH to agree with the City's portion to make it easier to enforce. Mr. Wilson stated that he would check with the Sheriff to see where this stands.

Commissioner Massengale commented regarding a bad water leak in the City of Sunny Side on Old Atlanta Road and the leak occurred where a line crossed under the road to a set of water meters on the east side. He said a lot of water was coming up through the road. He asked Mr. Wilson to contact Mr. William White and he was contacted stating that it would be taken care of the next morning. He wanted to commend the city workers for doing such a good job. He said that it was done in a professional manner.

XIV. CLOSED MEETING- n/a

XV. ADJOURNMENT

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

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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