



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, September 4, 2001 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Dick Morrow, Johnie McDaniel and Michael Kendall present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, 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. Sullivan & Sturdivant would like to present check from Georgia Indigent Defense Council. Hal Sturdivant presented the chairman with a check in the amount of \$18,851.51, which is the last disbursement for FY 2001.

2. Consider approval of a Proclamation declaring the week of September 10-15, 2001 as “Arts Week” in Spalding County. Assistant County Manager Michael Sabine read the following Proclamation and the chairman presented it to Louise Ballard. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

“ARTS WEEK”

WHEREAS, The mission of the Griffin Area Arts Alliance is to nurture and develop the artistic creativity of the citizens of Spalding County; and

WHEREAS, The numerous organizations that comprise the Alliance successfully promote their individual endeavors through a broad range of visual and performing arts within the community during the year; and

WHEREAS, The Committee for the Festival of the Arts includes the following representatives from the local arts community: Kim Rolen, Griffin-Spalding School System Art Teacher; Kitty Grubbs, Griffin Music Club; Lori Flanders, Griffin Ballet Theatre; Norma Richardson, Main Street Players; Louise Ballard, Griffin-Spalding Art Association; Sue Savage, Griffin Area Arts Alliance; Bonnie Pfrogner, Griffin-Spalding Chamber of Commerce; Mettelen Moore, Camelot Theatre; Sheryl O’ Brien, Griffin-Spalding Historical Society; Carolyn Byrd, Griffin Main Street and Carolyn Harr, Community Concerts; and

WHEREAS, The Committee has noted that an overall awareness by the community is necessary to continue and promote the enrichment of the visual and performing arts as afforded by the member organizations of the Griffin Area Arts Alliance; and

WHEREAS, The members of the Griffin Area Arts Alliance will be showcasing their talents through a Festival of the Arts, with performances by the Griffin Music Club, the Griffin Ballet Theatre, Camelot Theatre, the Main Street Players, and area school choirs on Saturday, September 15, 2001 at the historic Bailey-Tebault House.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County, Georgia that the week of **September 10-15, 2001** is hereby proclaimed as

“ARTS WEEK”

in Spalding County and encourages all citizens of Spalding County to reflect upon the importance of the cultural arts in their lives, as well as take part in the activities offered by the Festival of the Arts.

3. Consider approval of a Proclamation proclaiming Monday, September 17, 2001 as “American Business Women’s Day” in Spalding County. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the following Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

“American Business Women’s Day”

WHEREAS, The American Business Women’s Association (ABWA) was founded in Kansas City, Mo., in 1949 to recognize the many contributions working women make in the public and private business sectors throughout this nation; and

WHEREAS, The mission of ABWA is to aid in the professional, education, cultural and social advancement of business women; and

WHEREAS, The national organization has more than 90,000 active members from all types of businesses and professions, and more than 1,900 ABWA chapters in the United States and Puerto Rico; and

WHEREAS, The Atlanta Area Council of the American Business Women’s Association was organized in December 1979 and was chartered in March 1989 with representative membership from 20 local ABWA chapters; and

WHEREAS, The Atlanta Area Council of ABWA has grown to include 32 local chapters, of which one active chapter is in Spalding County; and

WHEREAS, During their celebration the Atlanta Area Council of the ABWA will promote their mission to exchange ideas, to continue networking; to assist chapters in problem-solving, to conduct seminars annually and to provide support to further the goals of ABWA.

NOW THEREFORE, We, the Board of Commissioners of Spalding County, do hereby proclaim **Monday, September 17, 2001** as

“AMERICAN BUSINESS WOMEN’S DAY”

in Spalding County, Georgia and encourage citizens to recognize and support the many contributions women make in the workplace.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Gary Reid, a former county commissioner, 222 Bourbon Street asked the Board to help him obtain sewage on Bourbon Street. He said that he worked on a block grant for Highland Mills, Riley Heights and Bourbon Street and he noticed that Highland Mills had received \$500,000 for sewage improvements. He said that there are 22 lots and 18 homes on Bourbon Street and there were all kind of mains coming in out there. He said that this is a health hazard and he was asking his representative and friends to put an amendment for a block grant for sewer on Bourbon Street.

County Manager Wilson commented that we had just received a CDBG grant and the next funding cycle we would be eligible for would not be until 2003. Mr. Wilson said that he would talk to Debra Smith and Patsy Allen and see what it would take to qualify. Commissioner Martha McDaniel commented that there is also the possibility of getting a loan through the GEFA (Georgia Environmental Facility Authority). Mr. Wilson is to look into this possibility also.

Mr. Pat Corletto, Vice President of CH2M Hill made a presentation to the Board regarding TMDL (Total Maximum Daily Loads) issues. He said they were an environmental consultant company with thirty (30) years history in Georgia. He said that a mandate had been issued in the State of Georgia regarding TMDL and the Governor was probably going to make it a regional cooperation. The issue is you are going to have to look at integrating your water plans, water, wastewater and stormwater. He said that 80% of the problem is stormwater run-off. He said that the other thing you are going to have to look at is water reuse. He said that CH2M would like to do business with Spalding County and be your partner to look at cost effective defensible solutions that will meet the culture where you are trying to go in the future.

VIII. MINUTES

1. Consider approval of the minutes of the Public Hearings and Extraordinary Session of August 20, 2001 and Public Hearing of August 23, 2001. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnnie McDaniel the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel Items 1-6 on the Consent Agenda were unanimously approved by a vote of 5-0.

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

- **Rezoning Application #01-13Z:** Wymon David Corley-School Road, 2.23 acres—R-2 to AR-1, Conditional.

IN RE:

**APPLICATION OF LISA MOORE.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-13Z

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

THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA

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

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

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

WHEREAS, Lisa Moore, applicant, applied for a change in zoning classification to be applied to the within described property to "AR-1, Agriculture and Residential"

WHEREAS, such application was filed with Spalding County, Georgia on June 27, 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 August 23, 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 2.23 acre tract or parcel of land lying in Landlot 86 of the 3rd land district originally Henry Now Spalding County Georgia and being more fully described as follows:

Beginning at an iron pin located on the north right of way of School Road 1159.00 feet west of the intersection of the centerline of Wood Road and the North right of way of School Road. Thence North 88 degrees 11 minutes 16 seconds west 201.64 feet along the North right of way of School Road to an iron pin. Thence North 01 degrees 28 minutes 25 seconds west 479.09 feet to an iron pin. Thence South 89 degrees 09 minutes 20 seconds East 202.86 feet to an iron pin. Thence South 01 degrees 38 minutes 13 seconds West 482.51 feet to an iron pin and the point of beginning.

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

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

- a. A day care center or a residential use shall be the only uses permitted.

Section 3:

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

On September 4, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lot 86 of the 3rd Land District of originally Henry, now Spalding County, Georgia, consisting of approximately 2.23 acres, zoned AR-1, Conditional.

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

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

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

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

- **Rezoning Application #01-14Z:** Thomas and Debra Ross – 240 O’Dell Road – 4.646 acres—C-1B to C-1.

IN RE:

**APPLICATION OF MICHAEL J. BRUTZ.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-14Z

**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, Heavy Commercial”

WHEREAS, Michael J. Brutz, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1, Highway Commercial”

WHEREAS, such application was filed with Spalding County, Georgia on June 28, 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 August 23, 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 the Landlot 108 of the 2nd Land District originally Monroe, now Spalding County, Georgia containing 4.646 acres and may be more particularly described as follows:

BEGINNING at a right-of-way monument located at the intersection of the southwest right-of-way of O’Dell Road and the west right-of-way of Georgia State Route N. 19 & 41 thence running South 01 degrees 33 minutes 09 seconds West a distance of 209.08 feet along said right-of-way of Georgia State Route No. 19 & 41 to a one inch pipe; thence North 88 degrees 26 minutes 51 seconds West a distance of 600.00 feet to a one inch pipe; thence North 01 degrees 33 minutes 08 seconds East a distance of 354.18 feet to a one half inch re-bar located on the south right-of-way of O’Dell Road; thence continuing along said right-of-way of O’Dell Road South 88 degrees 45 minutes 47 seconds East a distance of 450.14 to a right-of-way monument; thence South 43 degrees 53 minutes 16 seconds East a distance of 210.33 feet to a right-of-way monument and TRUE POINT OF BEGINNING.

From “C-1B, Heavy Commercial” 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 September 4, 2001, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All those tracts or parcels of land situate lying and being in Land Lot 108 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 4.646 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.

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

- **Amendment to UDO #A-01-13:** Raise maximum height of buildings in certain districts to 60 feet.

IN RE:

Text Amendment #A-01-13

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

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

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

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on August 23, 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 is hereby amended as follows:

Section 1: Existing Section 1204(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 2: A new Section 1204(G) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Maximum Building Height: 60 feet, provided the respective structure is serviced by an approved sprinkler fire suppression system. In structures that are not serviced by an approved sprinkler fire suppression system, the maximum building height shall be 35 feet. This height limit does not apply to projections affixed to buildings, which projection is not intended for human habitation.

Section 3: Existing Section 1404(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 4: A new Section 1404(G) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Maximum Building Height: 60 feet, provided the respective structure is serviced by an approved sprinkler fire suppression system. In structures that are not serviced by an approved sprinkler fire suppression system, the maximum building height shall be 35 feet. This height limit does not apply to projections affixed to buildings, which projection is not intended for human habitation.

Section 5: Existing Section 1404A(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 6: A new Section 1404A(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 60 feet, provided the respective structure is serviced by an approved sprinkler fire suppression system. In structures that are not serviced by an approved sprinkler fire suppression system, the maximum building height shall be 35 feet. This height limit does not apply to projections affixed to buildings, which projection is not intended for human habitation.

Section 7: Existing Section 1504(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 8: A new Section 1504(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 60 feet, provided the respective structure is serviced by an approved sprinkler fire suppression system. In structures that are not serviced by an approved sprinkler fire suppression system, the maximum building height shall be 35 feet. This height limit does not apply to projections affixed to buildings, which projection is not intended for human habitation.

Section 9: Existing Section 504(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 10: A new Section 504(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 11: Existing Section 604(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 12: A new Section 604(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 13: Existing Section 704(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 14: A new Section 704(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 15: Existing Section 804(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 16: A new Section 804(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 17: Existing Section 804A(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 18: A new Section 804A(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an

approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 19: Existing Section 904(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 20: A new Section 904(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 21: Existing Section 1004(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 22: A new Section 1004(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 23: Existing Section 1104(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 24: A new Section 1104(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

Section 25: Existing Section 1104A(G) of the Zoning Ordinance shall be deleted in its entirety.

Section 26: A new Section 1104A(G) of the Zoning Ordinance of Spalding County shall be created as follows:

Maximum Building Height: 35 Feet. Building Height may be increased to 60 feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this Ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.

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

Section 28: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-01-15:** Commercial Zone Inclusion Ordinance—add provisions to C-1, C-1B, C-1C & C-2.

IN RE:

Text Amendment #A-01-15

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;

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on August 23, 2001 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: Existing Section 1203(A) of the Zoning Ordinance shall be deleted in its entirety.

Section 2: A new Section 1203(A) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Section 1203: Permitted Uses.

- A. The following **Principal Uses** are permitted in C-1 districts:
1. Any retail business or service which does not have continuous, unenclosed outside storage, and which is not otherwise listed herein.
 2. Gasoline Service Station that meets the following development standards:
 - a. All structures, including underground storage tanks, must be placed at least thirty (30) feet from any property line.
 - b. Must be located on a corner lot or on a tract which includes a corner lot.
 - c. Curb cuts must be located at least fifteen (15) feet from the intersection of street lines.
 3. Hotels, motels, and bed and breakfasts.
 4. Office.
 5. Bank.
 6. Radio station.
 7. Printing, copying, publishing establishment.
 8. Off-street parking lot or parking garage.
 9. Auctions.
 10. Education or training facility.
 11. Lodge or club.
 12. Local, State, or Federal government building.
 13. Outdoor advertising sign.
 14. Funeral Homes.
 15. Intermediate Care Home.
 16. Nursing Home.
 17. Personal Care Home, group or congregate.
 18. Day Care Center meeting the following development standards:
 - a. Compliance with the rules promulgated by the Georgia Department of Human Resources where applicable.
 19. Golf Driving Range.
 20. Group development meeting the following development standards:
 - a. The minimum lot size requirement shall be sufficient so that any structure constructed on said lot or groups of lots can be located so as to meet all setback requirements, parking requirements, and space requirements for loading and unloading for each proposed use, as per the respective zoning district, but in no event shall it be less than two (2) acres.
 - b. All principal buildings established as a part of a group development project shall be accessible to emergency or County service vehicles.
 - c. All buildings and structures established as a part of a group development project shall comply with the established front yard setbacks and exterior side and rear yard requirements.
 - d. All distances between buildings shall comply with the Southern Building Code Congress International (SBCCI) Fire Prevention Code.
 - e. Uses are limited to those Permitted and Special Exception Uses allowed within this district. (A-99-01, 05/04/99)
 21. Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses, meeting the following development standards:
 - a. It must be located on either an arterial or collector road;
 - b. The lot must have a minimum road frontage of 200 feet;
 - c. The lot must have an area of at least two (2) acres;
 - d. All buildings must be located at least fifty (50) feet from any property line;

- e. No property line on which any proposed church is to be established shall be located within nine hundred (900) feet of the main entrance of an establishment which has been licensed for the sale or consumption of alcoholic beverages;
 - f. No additional approval shall be required for the expansion or modification of any facility, as defined in this Section, which existed as of January 4, 1994 on the property on which it is presently located
 - g. Nothing herein shall prohibit or preclude a church from being located within a group development without the necessity of complying with these development standards. (#A-00-09 - 06/05/00)
22. Pawn shops, provided no unenclosed, outside storage shall be permitted on the premises. (#A-01-09, 06/04/01)
 23. Animal Hospital or kennel.
 24. Appliance sale and repair.
 25. Art Studio.
 26. Auto parts retail store.
 27. Bakery.
 28. Barber/Beauty Shop.
 29. Cabinetry Shop.
 30. Catering service.
 31. Clothing store.
 32. College or university.
 33. Crafts.
 34. Crops, growing and sales.
 35. Cultural facility, library, museum.
 36. Dance school or studio.
 37. Dental laboratory.
 38. Department Store.
 39. Driving range.
 40. Dry goods store.
 41. Florist shop.
 42. Flowers, growing and sales.
 43. Food store.
 44. Garden, growing and sales.
 45. Gift shop.
 46. Gunsmith.
 47. Hospital.
 48. Indoor amusement or recreational activities.
 49. Laundry.
 50. Library.
 51. Legal Office.
 52. Locksmith.
 53. Medical laboratory.
 54. Medical office.
 55. Messenger service.
 56. Music teaching studio.
 57. Novelty shop.
 58. Office Equipment and supplies.
 59. Photography studio.
 60. Publicly owned recreation center.
 61. Restaurant.
 62. Shoe repair shop.
 63. Shrubbery, growing and sales.
 64. Taxidermist.
 65. Tire Store.

Section 3: Existing Section 1403(A) of the Zoning Ordinance shall be deleted in its entirety.

Section 4: A new Section 1403(A) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Section 1403: Permitted Uses.

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

1. Any retail business or service which has continuous, unenclosed outside storage.
2. Automobile and Truck sales.
3. Boat sales.
4. Commercial kennels.
5. Dry cleaning plants not employing more than twenty (20) persons.
6. Farmers' Markets.
7. Feed and seed stores.
8. Heavy equipment sales, service or rental.
9. Major automotive repair.
10. Mini-warehouses and warehouses.
11. Mobile home sales lots.
12. Hotels and motels.
13. Outdoor theaters.
14. Recreational vehicle sales and service.
15. Tire retreading.
16. Used car and truck sales.
17. Gasoline Service station that meets the following development standards:
 - a. All structures, including underground storage tanks, must be placed at least thirty (30) feet from any property line.
 - b. Must be located on a corner lot or on a tract which includes a corner lot.
 - c. Curb cuts must be located at least fifteen (15) feet from the intersection of street lines.
18. Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the Zoning Administrator to be similar to the above listed uses and which are in harmony with the purposes of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.
19. Animal Hospital or kennel.
20. Appliance sale and repair.
21. Art Studio.
23. Auto parts retail store.
24. Bakery.
25. Bank or financial institution.
26. Barber/Beauty Shop.
27. Bed and Breakfast Inn.
28. Cabinetry Shop.
29. Catering service.
30. Clothing store.
31. Club, private.
32. College or university.
33. Crafts.
34. Crops, growing and sales.
35. Cultural facility, library, museum.
36. Dance school or studio.
37. Dental laboratory.
38. Department Store.
39. Driving range.
40. Dry goods store.
41. Florist shop.
42. Flowers, growing and sales.

43. Food store.
44. Garden, growing and sales.
45. Gift shop.
46. Gunsmith.
47. Hospital.
48. Indoor amusement or recreational activities.
49. Laundry.
50. Library.
51. Legal Office.
52. Locksmith.
53. Medical laboratory.
54. Medical office.
55. Messenger service.
56. Music teaching studio.
57. Novelty shop.
58. Office Equipment and supplies.
59. Photography studio.
60. Publicly owned recreation center.
61. Restaurant.
62. Shoe repair shop.
63. Shrubbery, growing and sales.
64. Taxidermist.
65. Tire Store.
66. Group development meeting the following development standards:
 - a. The minimum lot size requirements shall be sufficient so that any structure constructed on said lot or groups or lots can be located so as to meet all setback requirements, parking requirements, and space requirements for loading and unloading for each proposed use, as per the respective zoning district, but in no event shall it be less than two (2) acres.
 - b. All principal buildings established as a part of a group development project shall be accessible to emergency or County service vehicles.
 - c. All buildings and structures established as a part of a group development project shall comply with the established front yard setbacks and exterior side and rear yard requirements.
 - d. All distances between buildings shall comply with the Southern Building Code Congress International (SBCCI) Fire Prevention Code.
 - e. Uses are limited to those Permitted and Special Exception Uses allowed within this district. (A-99-01, 05/04/99)
67. Church, synagogue, chapel or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
 - a. It must be located on either an arterial or collector road;
 - b. The lot must have a minimum road frontage of 200 feet;
 - c. The lot must have an area of at least two (2) acres.
 - d. All buildings must be located at least fifty (50) feet from any property line;
 - e. No property line on which any proposed church is to be established shall be located within nine hundred (900) feet of the main entrance of an establishment which has been licensed for the sale or consumption of alcoholic beverages.
 - f. No additional approval shall be required for the expansion or modification of any facility, as defined in this Section, which existed as of January 4, 1994 on the property on which it is presently located.
 - g. Nothing herein shall prohibit or preclude a church from being located within a group development without the necessity of complying

- with these development standards. (#A-00-09 - 06/05/00)
69. Office.
 70. Radio station.
 71. Printing, copying, publishing establishment.
 72. Off-street parking lot or parking garage.
 73. Auctions.
 73. Outdoor advertising sign.
 74. Funeral Homes.
 75. Intermediate Care Home.
 76. Nursing Home.
 77. Day Care Center meeting the following development standards:
 - a. Compliance with the rules promulgated by the Georgia Department of Human Resources where applicable.
 78. Golf Driving Range.
 79. Pawn shops, provided no unenclosed, outside storage shall be permitted on the premises. (#A-01-09, 06/04/01)

Section 5: Existing Section 1403A(A) of the Zoning Ordinance shall be deleted in its entirety.

Section 6: A new Section 1403A(A) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Section 1403A: Permitted Uses.

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

1. Manufacturing activity which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions.
2. Wholesale and Warehousing operation.
3. Building material yard which is entirely enclosed by a fence that is at least six (6) feet high and screens the yard from view.
4. Public garage.
5. Repair garage.
6. Off-street parking lot or parking garage.
7. Armory.
8. Cabinet shop.
9. Cosmetic and pharmaceuticals manufacturing.
10. Distribution of products or merchandise.
11. Dry cleaning or laundering establishment.
12. Education or training facility.
13. Electrical appliance and equipment sales and repair.
14. Electronic manufacturing and assembly.
15. Plumbing shop, other contractor--including open storage of materials when located in rear yard.
16. Printing, publishing, reproducing establishment.
17. Sign painting and fabricating shop.
18. Local, State, or Federal government building.
19. Agriculture.
20. Outdoor advertising sign.
21. Group development meeting the following development standards:
 - a. The minimum lot size requirement shall be sufficient so that any structure constructed on said lot or groups of lots can be located so as to meet all setback requirements, parking requirements, and space requirements for loading and unloading for each proposed use, as per the respective zoning district, but in no event shall it be less than two (2) acres.
 - b. All principal buildings established as a part of a group development project shall be accessible to emergency or County service vehicles.

- c. All buildings and structures established as a part of a group development project shall comply with the established front yard setbacks and exterior side and rear yard requirements.
 - d. All distances between buildings shall comply with the Southern Building Code Congress International (SBCCI) Fire Prevention Code.
 - e. Uses are limited to those Permitted and Special Exception Uses allowed within this district. (A-99-01, 05/04/99)
22. Animal Hospital or kennel.
 23. Art Studio.
 24. Auto parts retail store.
 25. Bakery.
 26. Bank or financial institution.
 27. Barber/Beauty Shop.
 28. Bed and Breakfast Inn.
 29. Cabinetry Shop.
 30. Catering service.
 31. Clothing store.
 32. Club, private.
 33. College or university.
 34. Crafts.
 35. Crops, growing and sales.
 36. Cultural facility, library, museum.
 37. Dance school or studio.
 38. Dental laboratory.
 39. Department Store.
 40. Driving range.
 41. Dry goods store.
 42. Florist shop.
 43. Flowers, growing and sales.
 44. Food store.
 45. Garden, growing and sales.
 46. Gift shop.
 47. Gunsmith.
 48. Hospital.
 49. Indoor amusement or recreational activities.
 50. Laundry.
 51. Library.
 52. Legal Office.
 53. Locksmith.
 54. Medical laboratory.
 55. Medical office.
 56. Messenger service.
 57. Music teaching studio.
 58. Novelty shop.
 59. Office Equipment and supplies.
 60. Photography studio.
 61. Publicly owned recreation center.
 62. Restaurant.
 63. Shoe repair shop.
 64. Shrubbery, growing and sales.
 65. Taxidermist.
 66. Tire Store.
 67. Church, synagogue, chapel or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
 - a. It must be located on either an arterial or collector road;
 - b. The lot must have a minimum road frontage of 200 feet;
 - c. The lot must have an area of at least two (2) acres.

- d. All buildings must be located at least fifty (50) feet from any property line;
 - e. No property line on which any proposed church is to be established shall be located within nine hundred (900) feet of the main entrance of an establishment which has been licensed for the sale or consumption of alcoholic beverages.
 - f. No additional approval shall be required for the expansion or modification of any facility, as defined in this Section, which existed as of January 4, 1994 on the property on which it is presently located.
 - g. Nothing herein shall prohibit or preclude a church from being located within a group development without the necessity of complying with these development standards. (#A-00-09 - 06/05/00)
68. Gasoline Service Station that meets the following development standards:
- a. All structures, including underground storage tanks, must be placed at least thirty (30) feet from any property line.
 - b. Must be located on a corner lot or on a tract which includes a corner lot.
 - c. Curb cuts must be located at least fifteen (15) feet from the intersection of street lines.
69. Hotels and motels.
70. Office.
71. Radio station.
72. Printing, copying, publishing establishment.
73. Auctions.
74. Lodge or club.
75. Local, State, or Federal government building.
76. Funeral Homes.
77. Intermediate Care Home.
78. Nursing Home.
79. Personal Care Home, group or congregate.
80. Day Care Center meeting the following development standards:
- a. Compliance with the rules promulgated by the Georgia Department of Human Resources where applicable.
81. Pawn shops, provided no unenclosed, outside storage shall be permitted on the premises. (#A-01-09, 06/04/01)
82. Any retail business or service which has continuous, unenclosed outside storage.
83. Automobile and Truck sales.
84. Boat sales.
85. Commercial kennels.
86. Farmers' Markets.
87. Feed and seed stores.
88. Heavy equipment sales, service or rental.
89. Major automotive repair.
90. Mini-warehouses and warehouses.
91. Mobile home sales lots.
92. Outdoor theaters.
93. Recreational vehicle sales and service.
94. Tire retreading.
95. Used car and truck sales.
96. Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the Zoning Administrator to be similar to the above listed uses and which are in harmony with the purposes of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

Section 7: Existing Section 1503(A) of the Zoning Ordinance shall be deleted in its entirety.

Section 8: A new Section 1503(A) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Section 1503: Permitted Uses.

A. The following **Principal Uses** are permitted in C-2 districts:

1. Manufacturing activity which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions.
2. Wholesale and Warehousing operation.
3. Building material yard.
4. Public garage.
5. Repair garage.
6. Newspaper or printing plant.
7. Off-street parking lot or parking garage.
8. Armory.
9. Bottling plant.
10. Cabinet shop.
11. Cold storage, ice plant, or freezer locker.
12. Cosmetic and pharmaceuticals manufacturing.
13. Dairy plant, ice cream manufacturing.
14. Distribution of products or merchandise.
15. Dry cleaning or laundering establishment.
16. Education or training facility.
17. Electrical appliance and equipment sales and repair.
18. Electronic manufacturing and assembly.
19. Fabricating shop such as woodworking, upholstery, or sheet metal shop.
20. Machine shop.
21. Plumbing shop, other contractor--including open storage of materials when located in rear yard.
22. Printing, publishing, reproducing establishment.
23. Sign painting and fabricating shop.
24. Textile manufacturing plant.
25. Baking establishment.
26. Heavy agricultural equipment sales and repair.
27. Truck terminal.
28. Gasoline storage terminal.
29. Tower or antenna meeting the standards and development criteria established in the Spalding County Ordinance to Establish Standards for Telecommunications Antennas and Towers.
30. Acid manufacture and storage.
31. Bulk petroleum plant.
32. Cement, lime, gypsum, or plaster of paris manufacture.
33. Ceramic products manufacture, limited to use of electric kilns.
34. Commercial livestock processing.
35. Concrete, cement products, or clay products manufacture.
36. Feed, grain, or fertilizer manufacture or storage.
37. Food processing plant.
38. Foundry or forging plant.
39. Grain elevator.
40. Ice manufacturing, including dry ice plant.
41. Planing or sawmill.
42. Poultry processing plant.
43. Railroad yard.
44. Recycling center.
45. Rock, sand, or gravel distribution or storage.
46. Tinsmith operation.
47. Roofing operation.
48. Local, State, or Federal government building.
49. Agriculture.
50. Outdoor advertising sign.
51. Group development meeting the following development standards:

- a. The minimum lot side requirement shall be sufficient so that any structure constructed on said lot or groups of lots can be located so as to meet all setback requirements, parking requirements, and space requirements for loading and unloading for each proposed use, as per the respective zoning district, but in no event shall it be less than two (2) acres.
- b. All principal buildings established as a part of a group development project shall be accessible to emergency or County service vehicles
- c. All buildings and structures established as a part of a group development project shall comply with the established front yard setbacks and exterior side and rear requirements.
- d. All distances between buildings shall comply with the Southern Building Code Congress International (SBCCI) Fire Prevention Code.
- e. Uses are limited to those Permitted and Special Exception Uses allowed within this district. (A-99-01, 05/04/99)

- 52. Animal Hospital or kennel.
- 53. Art Studio.
- 54. Auto parts retail store.
- 55. Bakery.
- 56. Bank or financial institution.
- 57. Barber/Beauty Shop.
- 58. Bed and Breakfast Inn.
- 59. Cabinetry Shop.
- 60. Catering service.
- 61. Clothing store.
- 62. Club, private.
- 63. College or university.
- 64. Crafts.
- 65. Crops, growing and sales.
- 66. Cultural facility, library, museum.
- 67. Dance school or studio.
- 68. Dental laboratory.
- 69. Department Store.
- 70. Driving range.
- 71. Dry goods store.
- 72. Florist shop.
- 73. Flowers, growing and sales.
- 74. Food store.
- 75. Garden, growing and sales.
- 76. Gift shop.
- 77. Gunsmith.
- 78. Hospital.
- 79. Indoor amusement or recreational activities.
- 80. Laundry.
- 81. Library.
- 82. Legal Office.
- 83. Locksmith.
- 84. Medical laboratory.
- 85. Medical office.
- 86. Messenger service.
- 87. Music teaching studio.
- 88. Novelty shop.
- 89. Office Equipment and supplies.
- 90. Photography studio.
- 91. Publicly owned recreation center.
- 92. Restaurant.
- 93. Shoe repair shop.
- 94. Shrubbery, growing and sales.
- 95. Taxidermist.
- 96. Tire Store.

97. Group development meeting the following development standards:
 - a. The minimum lot size requirements shall be sufficient so that any structure constructed on said lot or groups or lots can be located so as to meet all setback requirements, parking requirements, and space requirements for loading and unloading for each proposed use, as per the respective zoning district, but in no event shall it be less than two (2) acres.
 - b. All principal buildings established as a part of a group development project shall be accessible to emergency or County service vehicles.
 - b. All buildings and structures established as a part of a group development project shall comply with the established front yard setbacks and exterior side and rear yard requirements.
 - c. All distances between buildings shall comply with the Southern Building Code Congress International (SBCCI) Fire Prevention Code.
 - d. Uses are limited to those Permitted and Special Exception Uses allowed within this district. (A-99-01, 05/04/99)
98. Church, synagogue, chapel or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
 - a. It must be located on either an arterial or collector road;
 - b. The lot must have a minimum road frontage of 200 feet;
 - c. The lot must have an area of at least two (2) acres.
 - d. All buildings must be located at least fifty (50) feet from any property line;
 - e. No property line on which any proposed church is to be established shall be located within nine hundred (900) feet of the main entrance of an establishment which has been licensed for the sale or consumption of alcoholic beverages.
 - f. No additional approval shall be required for the expansion or modification of facility, as defined in this Section, which existed as of January 4, 1994 on the property on which it is presently located.
 - g. Nothing herein shall prohibit or preclude a church from being located within a group development without the necessity of complying with these development standards. (#A-00-09 - 06/05/00)
99. Gasoline Service Station that meets the following development standards:
 - a. All structures, including underground storage tanks, must be placed at least thirty (30) feet from any property line.
 - b. Must be located on a corner lot or on a tract which includes a corner lot.
 - c. Curb cuts must be located at least fifteen (15) feet from the intersection of street lines.
100. Hotels, motels, and bed and breakfasts.
101. Office.
102. Radio station.
103. Auctions.
104. Lodge or club.
105. Funeral Homes.
106. Intermediate Care Home.
107. Nursing Home.
108. Personal Care Home, group or congregate.
109. Day Care Center meeting the following development standards:
 - d. Compliance with the rules promulgated by the Georgia Department of Human Resources where applicable.
110. Pawn shops, provided no unenclosed, outside storage shall be permitted on the premises. (#A-01-09, 06/04/01)
111. Any retail business or service which has continuous, unenclosed outside storage.
112. Automobile and Truck sales.
113. Boat sales.
114. Commercial kennels.

- 115. Farmers' Markets.
- 116. Feed and seed stores.
- 117. Major automotive repair.
- 118. Mini-warehouses and warehouses.
- 119. Mobile home sales lots.
- 120. Outdoor theaters.
- 121. Recreational vehicle sales and service.
- 122. Tire retreading.
- 123. Used car and truck sales.

Section 9: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 10: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

3. Consider at second reading an ordinance amending the FY 2002 Budget Ordinance to provide for appropriations to the Health Trust Employee Fund.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2002 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2001 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on June 30, 2001, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance	From	\$	903,863	to \$	1,003,863
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B. Expenditures

General Appropriations	From	\$	2,388,888	to \$	2,488,888
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Approved on first reading this 20th day of August, 2001.

Approved, adopted and enacted on second reading this 4th of September, 2001.

4. Consider at second reading an ordinance amending the FY 2002 Budget Ordinance to provide for lease purchase for Parks and Recreation.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2002 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2001 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

Government Records”, as compiled by the Georgia Department of Archives and History and as approved by the State Records Committee, are hereby adopted and by reference incorporated herein and made a part of this Code as completely and to the same extent as if all provisions thereof were fully recited in this chapter. Provided, however, that the records committee herein established and created may make recommendations to revise, amend, delete or add schedules not in conflict with state law and deemed advisable and necessary. Final approval authority for all recommendations by the records committee shall be the board of commissioners.

Section 3. The foregoing amendments to the Code of Ordinances 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.

6. Consider at second reading an ordinance amending the Spalding County Code relative to Street Use ordinance.

**SPALDING COUNTY, GEORGIA
STREET USE ORDINANCE
ORDINANCE NO. 2001-10**

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO THROUGH TRUCKS ON CERTAIN COUNTY ROADS.

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 VI, Chapter 2, Section 6-2004, relating to no through trucks on streets, by adding paragraphs (41) and (42) as follows:

“(41) Hudson Road, from Old Macon Highway to dead end.

(42) Green Valley Road from Johnston Road to Arthur K Bolton Parkway.”

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

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

X. OLD BUSINESS- n/a

XI. NEW BUSINESS

1. Consider request from Rita Mace for an amplification permit. Her request is to use amplification for an old car show at 3345 Williamson Road on September 30, 2001 from 10:00 a.m. until 5:00 p.m. *Motion to approve made by Commissioner Massengale, seconded by Commissioner Morrow and unanimously approved by a vote of 5-0.*

2. Consider Resolution authorizing call for Special Election for continuation of the imposition of one percent sales and use tax. Due to different interpretations by the Department of Revenue and bond counsel King & Spalding of Code Section 48-8-111 (e) regarding the question if a referendum fails the question of imposing a tax shall not again be submitted to the voters of the county until after 12 months immediately following the month in which the election was held, an

interruption in sales tax collections as taxes would not start until April 2002 and the referendum possibly being challenged in court, *motion made by Commissioner Martha McDaniel not to issue the call for the special election in November . Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.*

Commissioner Martha McDaniel asked that her following comments be spread into the minutes. She said that she would like for this call for election to be May 6, 2002.

3. Consider recommendation from the Parks and Recreation Advisory Commission. Louis Greene was present to answer any questions. The recommendations are (1) to give the Advisory Commission permission to plan and conduct a grand opening of baseball complex at WTOP in spring 2002 and also to give them permission to honor state champs in affiliated youth associations with ice cream socials when appropriate.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel recommendations were unanimously approved by a vote of 5-0.

4. Consider adoption of a Resolution amending the Spalding County Parks and Recreation Rules & Regulations to alcohol and tobacco use. Louis Greene was present to present this Resolution. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel the following Resolution was unanimously approved by a vote of 5-0.*

**A RESOLUTION AMENDING SECTION 1 OF APPENDIX A
OF THE SPALDING COUNTY PARKS & RECREATION
RULES & REGULATIONS**

WHEREAS, the Spalding County Parks and Recreation Department has certain rules and regulations which govern the affairs of the department as well as the coaches, league officials, spectators and participants; and

WHEREAS, the Spalding County Commissioners must adopt any amendments or additional rules and regulations before same would become effective; and

WHEREAS, alcohol is strictly prohibited on all Parks and Recreation facilities; and

WHEREAS, the use of tobacco products is prohibited in all Spalding County buildings; and

WHEREAS, the Parks and Recreation Advisory Commission has recommended to the Board of Commissioners that additional prohibitions be placed on tobacco products and on alcohol during games; and

WHEREAS, the Parks and Recreation Advisory Commission has recommended to the commissioners certain penalties for various offenses of this rule.

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned rules and regulations of the Spalding County Parks and Recreation Department are hereby amended by adding a new paragraph (7) to Section 1 of Appendix A of the Spalding County Parks and Recreation Department Rules to read as follows:

Section 1.

(7) Any player, coach, manager, team mother or game official listed on the game roster, and league officials, may not use tobacco products in any form and/or consume alcohol on the playing field or playing courts belonging to, or leased by, the Spalding County Parks and Recreation Department, in the event of an infraction of this rule the penalty shall be as follows:

First Offense – Ejection from the game.

Second Offense – Ejection from the game and recreation park plus an additional one (1) game suspension.

Third Offense – Ejection from the game and recreation park plus suspension for the balance of the season of that sport.

5. Consider request from HDR/WL Jorden to amend the Hill Construction Co. contract to include installation of traffic signal at Green Valley Road and SR 16. *Motion made by Commissioner Martha McDaniel, seconded by Commissioner Morrow to approve the amendment of the contract in the amount of \$88,321.05 and unanimously approved by a vote of 5-0.*

6. Consider approval of vehicle transfer agreement with DOT, Pickens and Gilmer Counties. Assistant County Manager Michael Sabine addressed this item. He said this transfers our 5311 transportation vehicles to these counties. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel agreements were unanimously approved by a vote of 5-0.*

7. Consider lease for Yamacraw Road Landfill property. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnnie McDaniel the following five-year lease was unanimously approved by a vote of 5-0.*

LEASE AGREEMENT

This agreement made and entered into this 4th day of September, 2001, by and between Ralph W. Lewis, Catherine Archer Lewis, Johnny W. Lewis, Mrs. Ruth L. Evans (nee Ruth Lewis), Betty Lewis, William (Bill) Lewis, Jr., Chad Lewis and Clay Lewis of Spalding County, Georgia, hereinafter referred to as "Lessors" and the County of Spalding, a political subdivision of the State of Georgia, hereinafter after referred to as "Lessee".

WITNESSETH;

NOW, THEREFORE, in consideration of the covenants and agreements herein set out, and the mutual benefits flowing to the parties hereto the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

-1-

The Lessors do hereby lease, rent and demise unto Lessee, for a term of five years, expressly subject to the stipulations and covenants herein set out, all real property more particularly set out and described in the attached Exhibit "A" which is hereby incorporated by reference and made a part herein. The lease term shall begin at 12:00 noon on the first day of April, 2001, and shall terminate at 12:00 noon on the first day of April, 2006.

-2-

The Lessee shall pay to the Lessors, for and during the aforesaid term of such lease, an annual rental of \$7200.00, payable on April 1st of the first year, and annual rental of \$10,000 for years 2-5 and continuing annually on April 1st thereafter, with such final rental installment due and payable on April 1, 2005.

-3-

The real property described in the attached Exhibit "A" shall continue to be used by the Lessee for the purpose of monitoring ground water wells and methane gas vents, as well as any other activities required by the EPD to comply with the land-filling permit.

-4-

It is the expressed intent of the parties hereto that the within contract or agreement shall be construed to constitute a lease or rental agreement and shall not convey an estate for years, and the parties hereto, the Lessors and the Lessee, shall respectively be regarded and considered as landlord and tenant under and by virtue of the pertinent laws of the State of Georgia.

-5-

During the tenure of any lease under and by virtue of the within Agreement, the Lessee shall have the right to remove any and all improvements, fences, structures, trees and vegetation now or hereafter located, standing or growing upon the whole, or any part or parts, of such demised premises, and shall further have the right to make, construct, repair, replace and remove roads, driveways, improvements, water drainage facilities, trees, vegetation and any other type or kind of property onto or from said lands.

-6-

Any notice to the Lessee, as required to be given by law or by the within Agreement, shall be sufficiently delivered or served if it is mailed to Lessee, postage prepaid, by registered or certified mail, at the office of the Board of Commissioners of Spalding County at the Spalding County Courthouse Annex, 119 East Solomon Street, P.O. Box 1087, Griffin, Georgia, 30224, or to such address as the Lessee may hereafter designate in writing to the Lessors or to Johnny W. Lewis, as their attorney-in-fact. Likewise, any notice to the Lessors, as required by law or by the within Agreement, shall be sufficiently delivered and served if it is mailed by registered or certified mail, postage prepaid, to Mr. Ralph W. Lewis or Mrs. Catherine Archer Lewis, 350 Parham Road, Griffin, Georgia, 30223, or to such address as the said Ralph W. Lewis or Mrs. Catherine Archer Lewis may hereafter designate in writing to the Lessee.

-7-

The within Agreement, as duly executed by the undersigned Lessors and Lessee, in duplicate originals, merges all understandings, covenants and agreements by and between said parties hereto with respect to the leasing of the property described in said Exhibit "A", and the within Agreement constitutes the entire contract between the parties hereto, time being the essence hereof, and no modification, change or amendment of the within Agreement shall be valid unless the same is executed in writing by the parties hereto, in which event any such modification, change or amendment shall, by reference, become a part of the within Agreement.

-8-

This Agreement shall inure to the benefit of, and be binding upon, the Lessors and the Lessee and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Lessors and the Lessee, the parties hereto, have caused the within instrument to be duly executed, in duplicate originals, under their respective hands and seals on the day and year first above written.

_____(LS)
RALPH W. LEWIS

CATHERINE ARCHER LEWIS (LS)

JOHNNY W. LEWIS (LS)

RUTH L. EVANS (LS)
(Nee Ruth Lewis)

BETTY LEWIS

(LS)

WILLIAM (BILL) LEWIS, JR.

(LS)

CHAD LEWIS

(LS)

CLAY LEWIS

(LS)

agent

By: (L.S.) JOHNNY W. LEWIS, as

and attorney-in-fact for each
above named Lessor as LESSORS

As to Lessors, signed, sealed
and delivered in the presence
of:

Notary Public, Spalding Co., Ga.
This ___ day of _____, 2001.
(Seal)

COUNTY OF SPALDING

(L.S.) H. Merrill Massengale
Chairman

Attest: (L.S.) Phyllis P. Doane
Clerk of Board of Commissioners

As to Lessee, signed, sealed
and delivered in the presence

Notary Public, Spalding Co., Ga.
This ___ day of _____, 2001.
(Seal)

8. Elect a voting delegate for the Business Session at the ACCG/GMA Joint Fall Policy Conference. *Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel, Mrs. Martha McDaniel was unanimously approved to be the voting delegate.*

9. Consider request from Griffin Rotary Club to provide signage for school zones. The request is for the Rotary Club of Griffin to erect signs along the right of way in and around the county's elementary school zones to promote safety with Public Works Department installing the signs. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel request was unanimously approved by a vote of 5-0.*

10. Consider changing the date of Regular Meeting of October 1, 2001 due to the ACCG/GMA 2001 Joint Fall Conference. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Morrow the meeting dates for October were changed to Monday, October 8th and Monday, October 22nd by a unanimous vote of 5-0.*

11. Consider dates for joint meeting with City of Griffin to review the tax equity study. A draft is ready and the city has requested a meeting either Monday or Tuesday afternoon, September 10th or 11th to present this draft to both boards simultaneously so no one would have an upper hand on what the document says. They have suggested a time of 4:30 p.m. either at City Hall or McIntosh Trail. There was a brief discussion regarding this study and how it is to be handed out.

Motion made by Commissioner Martha McDaniel to have the joint meeting Tuesday, September 11, 2001 at 4:30 p.m. at City Hall to discuss this study and request that the study be placed in each of both of the Boards mailboxes and given to news media also on Monday September 10th at 12:00 noon. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson made the Board aware that the November and December meeting dates for Public hearings for Zoning were during the Thanksgiving and Christmas holidays and asked for dates to reschedule these meetings. Staff recommends the 29th of November and 17th of

December, which is also the date of the Extraordinary Session as last year we had both meetings together. We had the Public Hearing at 5:00 p.m. and the Extraordinary Session immediately following at 6:00 p.m.

Motion made by Commissioner Kendall to change the Public Hearing of November 22nd to November 29th and to have the December Public Hearing and Extraordinary Session in one meeting on, December 17th. Commissioner Johnnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

County Manager Wilson reminded the Board that Tuesday, September 11th at 10:00 a.m. was the day and time to go to Atlanta to the Reapportionment Office. He said with all five (5) commissioners going this would have to be called a meeting and we would have to advertise and post the doors accordingly. He said that representatives from the Board of Elections and Voter Registration were going also and we would be taking vans.

County Manager Wilson stated that we had proposed there would be a 4% net growth increase in the tax digest; however, according to preliminary figures from the Board of Assessors there is only a 3.09% growth in the digest, which means there will have to be a tax increase of .21 mills, going from 9.70 mills to 9.91 mills. He said there is not enough money in fund balance to take care of this lack of growth. On a \$100,000 home taxes would be going up approximately \$8.00. Mr. Wilson stated that he did not have digest figures for the Fire District and only preliminary figures for the General Fund. If the tax increase is implemented public hearings would have to be held by state law and we would proceed with the advertisements as required as soon as we get the final figures from the Tax Assessors/Tax Commissioners office.

County Manager Wilson also stated that after consulting with Assistant County Manager Michael Sabine and Finance Director Jinna Garrison, he would probably be implementing a hiring freeze to help cut down cost associated with the budget at this time, which we would probably lift after taxes start coming in to start helping with a cash flow situation. He said that key department head open positions would not be affected. The only one open right now is the Community Development Director position. He said that he would ask this of constitutional officers also.

County Manager Wilson thanked Louis Greene and his department and all the other departments involved for all their work in setting up the Sesquicentennial Celebration at WTOP; however, because of inclement weather the festivities had to be cancelled. The Sesquicentennial Committee would be meeting soon to reschedule the celebration.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall made the Board aware that the Hospital Authority was reviewing grant applications at this time. He said the total applications totaled between \$650,000-\$700,000 and the total amount to be distributed was \$250,000. He said that he would put a copy of all the yearly grants and multi-year grants in their mailboxes. He gave a update report on the dental program that the Health Department is engaging upon. He said the program was underway.

Commissioner Johnnie McDaniel commented that we had some items from our retreat that had a ninety (90) day time frame to bring a couple of ordinances back and wanted to know the status of these. He said one was the conservation subdivision and the other one was the nuisance ordinance. Assistant County Manager Michael Sabine stated that the conservation subdivision was on track but there was nothing definitive on the nuisance issue. He said that he felt it would be best to handle one major issue at a time.

Commissioner Johnnie McDaniel commented that he had asked before to get some description of the functions of boards and commissions appointed by the commissioners. He asked for information on these boards and commissions and to receive some feedback at least once a quarter. County Manager Wilson commented that he would get Ms. Doane to check into this. He said that we do get minutes from some of these appointed boards and we would request the minutes of all of them.

Commissioner Martha McDaniel gave kudos to the Parks and Recreation Department for all their hard work towards having the Sesquicentennial festivities and also thanks to the Sesquicentennial Committee that worked so hard to bring off the festivities. She said that the committee would be getting back together again selecting another date hopefully during the month of October.

Commissioner Morrow addressed having a nuisance abatement about being a good neighbor. Assistant County Manager Michael Sabine reported that in the month of August our code enforcement officer had 142 cases which is a record. Mr. Morrow commented that he wanted issues addressed such as appliances, trash, tires, dilapidated outbuildings, etc. Mr. Sabine commented that we have several ordinances covering these issues; however, they may need to be readdressed and tightened up some. County Manager Wilson stated that we would get copies out of the ordinances that we currently have for your review and comment.

Commissioner Massengale commented that he had gone up to Woodroof Recycling Center this morning and the attendants asked him to convey their thanks for the new signs placed at the center.

Commissioner Massengale asked for an update on Birdie Road Signalization at 19/41. Mr. Hinners commented that there is a design contract in the process now and we would probably have the results in another sixty (60) days. At that time the study would be coming back to the Board with estimates for construction and action by the Board.

XIV. CLOSED MEETING

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the Board unanimously to go into a Closed Meeting to discuss potential litigation.

1. The County Attorney would like to have a Closed Meeting to discuss potential litigation.

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

CLOSED MEETING AFFIDAVIT

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

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

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

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on September 4, 2001.

2.

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

3.

The executive session was called to order at 7:45 p.m.

4.

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

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

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

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

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

No Other (*describe the exemption to the open meetings law*): _____ as provided in (*insert the citation to the legal authority exempting the topic*)_____.

This the 4th day of September 2001.

Spalding County Board of Commissioners

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

Phyllis P. Doane

Notary Public

My commission expires: March 18, 2002

(L.S.) H. Merrill Massengale

(L.S.) Johnie A. McDaniel

(L.S.) Martha W. McDaniel

(L.S.) Dick Morrow

(L.S.) M. Michael Kendall

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

No business was transacted at this time.

XV. ADJOURNMENT

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

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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