



Spalding County online

Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, December 17, 2001 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 5:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Johnie McDaniel and Michael Kendall present. Commissioner Morrow was absent. 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 Planner Jennifer Reynolds.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – n/a

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of the Financial Statement for the Five Months Ended November 30, 2001. Ms. Jinna Garrison, Finance Director, was present to answer any questions. *Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel the Financial Statements were approved by a vote of 3-0, as Commissioner Martha McDaniel was absent during the vote.*

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

There was no one present who wished to make comments.

VIII. MINUTES

1. Consider approval of the minutes for the meetings of December 3, 2001. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Kendall the minutes were approved by a vote of 3-0, as Commissioner Martha McDaniel was absent during the vote.*

IX. CONSENT AGENDA

Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel items on the Consent Agenda were approved by a vote of 3-0, as Commissioner Martha McDaniel was absent during the vote.

1. Consider at first reading an amendment to the FY 2002 Budget Ordinance for improvements at Volunteer Park.

2. Consider at second reading an ordinance amending the Spalding County Code to provide for “No Thru Trucks” on Rehoboth Road.

SPALDING COUNTY, GEORGIA STREET USE ORDINANCE ORDINANCE NO. 2001-14

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 (44) as follows:

“(44) Rehoboth Road from Arthur K Bolton Parkway to Green Valley Road”.

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

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

- **Amendment to UDO #A-01-17:** General amendment to residential districts (dimensional requirements) and Planned Development District (greenspace requirements).

Motion made by Commissioner Massengale to approve amendment. Commissioner Johnie McDaniel seconded the motion for discussion as to the impact of existing lots of record.

Commissioner Martha McDaniel came in to the meeting at this time.

There was a discussion regarding allowing developers to build on existing subdivision lots that are already platted at the 1250 sq. ft. minimum. When this amendment is passed tonight on second reading all lots in AR-1 subdivisions will have to be built at 1500 sq. ft. minimum. Assistant County Manager Sabine stated that there was no bridging position for the AR-1 text amendment; however, one could be added. Planner Jennifer Reynolds commented that there would be approximately 200 lots in subdivisions in an AR-1 district.

County Manager Wilson stated after discussion with Planning Commission and developers maybe there should be a moratorium or a 90-day phase in of this but this has not been drawn up.

Assistant County Manager Sabine recommended that the Board adopt on second reading tonight and then go back and direct Planning Commission that a bridging provision be created and work with those people that have this issue in the meantime and direct staff to handle these cases on a case-by-case basis. County Manager Wilson had no problems with this recommendation.

Commissioner Massengale amended his motion to include a provision that all lots of record zoned AR-1 on or before December 17, 2001 can build out at 1250 sq. ft. Commissioner Johnie McDaniel seconded the amended motion and motion was approved by a vote of 3-1 with Commissioner Kendall voting against the motion. The amendment will have to go back for second reading.

- **Amendment to UDO #A-01-18:** Amendment to General Definitions and AR-1, Ar-2, R-1, R-2 & R-4 zoning districts—add Conservation Subdivisions.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was approved by a vote of 3-1 with Commissioner Kendall voting against the motion.

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 November 29, 2001 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions of Terms Used, to appear as Section 202(W):

Section 202: General Definitions.

W'. **Conservation Subdivision:** any division of real property designed to preserve greenspace and undeveloped land which meets the development and design requirements of Article 7 of the Spalding County Subdivision Ordinance, Appendix A, and which is approved by Spalding County pursuant to the procedures as set forth therein.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions of Terms Used, to appear as Section 202(MMM):

Section 202: General Definitions.

MMM'. **Subdivision, Conservation:** See: Conservation Subdivision (Section 202(W)).

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential District to appear as Section 503(A)(3):

Section 503: Permitted Uses.

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

3. Conservation Subdivision.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 6, "AR-2 Rural Reserve District to appear as Section 603(A)(5):

Section 603: Permitted Uses.

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

5. Conservation Subdivision.

Section 5: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7, "R-1 Single-Family Residential Low Density District to appear as Section 703(A)(6):

Section 703: Permitted Uses.

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

6. Conservation Subdivision.

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 8, "R-2 Single-Family Residential Low Density District to appear as Section 803(A)(3):

Section 803: Permitted Uses.

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

3. Conservation Subdivision.

Section 7: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 10, "R-4 Single-Family District to appear as Section 1003(A)(6):

Section 1003: Permitted Uses.

A. The following **Principal Uses** are permitted in R-4 districts:

6. Conservation Subdivision.

Section 8: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 9: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

- **Amendment to UDO #A-01-19:** Appendix A. Subdivision Ordinance—add Article 8: Legal Status Provisions.

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the following Resolution was approved by a vote of 3-1 with Commissioner Kendall voting against the motion.

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

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted as Appendix A thereto, the Subdivision Ordinance of Spalding County;

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

WHEREAS, such text amendments to the Subdivision 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 29, 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 Subdivision Ordinance of Spalding County, Georgia conforms with sound comprehensive planning principles and is of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

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

Section 1: The following provisions shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as "Article 8. Legal Status Provisions," as follows:

Article 8. Legal Status Provisions.

Section 801: Adoption of This Ordinance. The adoption of this Ordinance shall operate as a repeal of Section 4-1027 and 4-1029 of Division II, Part IV, Chapter I of the Code of Spalding County, Georgia. The adoption of this Ordinance shall also operate to repeal any ordinances in conflict with this Ordinance.

Section 802: Effect of Repeal. The repeal provided for in the preceding section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date.

Section 803: Severability of Provisions. It is hereby declared to be the intention of the County that the sections, paragraphs, sentences, clauses and phrases of this Ordinance hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, this unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance hereby adopted.

Section 804: Effect of Catchlines. The catchlines of the several sections of this Ordinance printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of the sections nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines are amended or reenacted.

Section 805: Effective Date. This Ordinance shall be effective April 26, 1994, the date of its adoption.

Adopted at first reading on April 5, 1994.

Adopted at second reading on April 26, 1994.

Section 2: The sole purpose of this Ordinance is to move the former provisions of the Subdivision Ordinance of Spalding County which formerly appeared as Article 7, Sections 701-705 (along with the original enactment provisions and signatures) to appear as Article 8, Sections 801-805 (along with the original enactment provisions and signatures) to accommodate the enactment of a new Article 7, Conservation Subdivisions.

Section 3: The foregoing amendments of the Subdivision 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 Amendments to the Official Zoning Ordinance and Official Zoning Map of the following:

- **Rezoning Applications #01-23Z, #01-23AZ, #01-24Z, #01-24AZ, #01-25Z & #01-25AZ:** David J. Bailey, Stephen B. Bailey & Virginia B. Stewart, Owners—Reese Builders & Developers, Agent – Tomochichi Road – 98.12 acres, AR-1 to R-2 Conditional.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Rezoning Resolution was unanimously approved by a vote of 4-0.

IN RE:

**APPLICATION OF DAVID J. BAILEY, STEPHEN B. BAILERY, & VIRGINIA B. STEWART.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-23Z, 01-23AZ, 01-24Z, 01-24AZ, 01-25Z, and 01-25AZ

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

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "AR-1, Agricultural and Residential;"

WHEREAS, Reese Builders & Developers, Inc., applicants, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on September 7, 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 November 29, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land, lying and being in Land Lot 23 of the 3rd District of Spalding County, Georgia containing 98.12 acres more or less and being more particularly described as follows:

Beginning at a point located on the eastern right-of-way of Tomochichi Road (80' r/w) proceed thence south 89 degrees, 49 minutes, 00 seconds east a distance of 499.69 feet to the point of beginning. Proceed thence north 00 degrees, 16 minutes, 18 seconds east a distance of 600.00 feet to a point. Proceed thence south 89 degrees, 49 minutes, 00 seconds east a distance of 2423 feet to a point. Proceed thence south 00 degrees, 08 minutes, 45 seconds east a distance of 1759.78 feet to a point. Proceed thence south 89 degrees, 49 minutes, 00 seconds west a distance of 2427 feet to a point. Proceed thence north 00 degrees 15 minutes, 20 seconds east a distance of 600 feet to a point. Proceed thence north 00 degrees, 36 minutes, 09 seconds west a distance of 575.35 feet to a point and the point of beginning.

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

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

- a. One third of all homes shall be a minimum of 1,400 heated square feet. One third of all homes shall be a minimum of 1,450 heated square feet. One third of all homes shall be a minimum of 1,500 heated square feet.
- b. All homes shall have a minimum 8:12 roof pitch.
- c. All homes shall have at minimum a two-car garage.
- d. All front yards shall be sodded to the building line.
- e. All homes shall have masonry and/or stone accents of the front façade.
- f. All utilities shall be underground.

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 December 17, 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 23 of the 3rd Land District of Spalding County, Georgia, consisting of approximately 98.12 acres, zoned R-2, Conditional.

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

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

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

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

- **Rezoning Application #01-26Z:** Randy Royals, Owner – High Top Holdings, Inc., Agent – Jordan Hill Road – 10 acres, R-1 to R-5, Conditional

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the following Rezoning Resolution was unanimously approved by a vote of 4-0.

IN RE:

**APPLICATION OF RANDY ROYALS
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-26Z

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

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

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

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

WHEREAS, High Top Holdings, Inc., applicants, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on September 19, 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 November 29, 2001, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 168 of the 3rd land district, Spalding County, and being more particularly described as that tract beginning at the corner of Baptist Camp Road and Jordan Hill Road. Go south 350 feet to the true point of beginning; go south 00 degrees, 20 minutes, 32 seconds west; a distance of 350 feet along the west R.O.W. of Jordan Hill Road to a point thence south 89 degrees, 49 minutes, 57 seconds, west 1248.71 feet to a point, thence north 00 degrees, 50 minutes, 00 seconds east; a distance of 350 feet to a point, thence north 89 degrees, 49 minutes, 57 seconds east, a distance of 1245.71 feet to the true point of beginning.

From "R-1, Single Family Residential" to "R-5, Single Family Residential" District.

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

amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. All homes shall be site built homes.
- b. All homes shall have at minimum a single car garage.

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 December 17, 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 168 of the 3rd Land District of Spalding County, Georgia, consisting of approximately 10 acres, zoned R-5, 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 Applications #01-28Z & #01-28AZ:** Robert E. Flewellen, Owner – Lenox Circle – 6 acres, AR-1 to R-4, Conditional.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Rezoning Resolution was unanimously approved by a vote of 4-0

IN RE:

**APPLICATION OF ROBERT F. FLEWELLEN
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 01-28Z and 01-28AZ

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

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “AR-1, Agricultural and Residential;”

WHEREAS, Robert F. Flewellen, applicant, applied for a change in zoning classification to be applied to the within described property to “R-4, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on September 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 November 29, 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 53 of the 2nd Land District originally Monroe now Spalding County, Georgia containing 6.00 acres and may be more particularly described as follows:

To find the true point of beginning commence at the southwest corner of Landlot 53 thence running North 36 degrees 07 minutes 42 seconds West a chord distance of 2661.05 feet to a point and the true point of beginning; thence North 89 degrees 35 minutes 30 seconds East a distance of 348.48 feet to a point located on the west right-of-way of Lenox Circle; thence continuing along said right-of-way South 00 degrees 07 minutes 20 seconds East a distance of 311.89 feet to a point; thence South 04 degrees 36 minutes 04 seconds West a chord distance of 64.15 feet, (arc 64.17 feet, rad 754.94 feet) to a point; thence South 11 degrees 53 minutes 39 seconds West a chord distance of 127.87 feet (arc 128.03 feet, rad 754.94 feet) to a point; thence South 22 degrees 30 minutes 03 seconds West a chord distance of 151.23 feet (arc 151.49 feet, rad 754.94 feet) to a point; thence South 32 degrees 34 minutes 03 seconds West a chord distance of 113.69 (arc 113.80 feet, rad 754.94 feet) to a point; thence South 39 27 52 West a distance of 37.65 feet to a point; thence North 73 degrees 39 minutes 30 seconds West a distance of 235.08 feet to a point; thence North 48 degrees 18 minutes 27 seconds West a distance of 268.37 feet to a point; thence North 00 degrees 00 minutes 00 seconds East a distance of 49.26 feet to a point; thence South 72 degrees 52 minutes 51 seconds East a distance of 204.04 feet to a point; thence North 14 degrees 52 minutes 00 seconds East a distance of 129.50 feet to a point; thence North 00 degrees 07 minutes 20 seconds West a distance of 375.00 feet to a point and the point of true beginning.

From "AR-1, Agricultural and Residential" to "R-4, Single Family Residential" District.

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

- a. All homes shall have at minimum at two-car garage.
- b. All homes shall have a minimum 7:12 roof pitch.

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 December 17, 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 53 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, consisting of approximately 6.00 acres, zoned R-4, 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.

XI. NEW BUSINESS

1. Consider approval for renewal of 2002 Alcoholic Beverage License – Retail Package for the following:

- **Prakash I. Patel d/b/a** 19-41 Package Store, Inc., 2004 N. Expressway – **Beer, Wine & Liquor**
- **Mesfin A. Mengesha d/b/a** Carver Package Store, 1557D Williamson Road – **Beer, Wine & Liquor**
- **Raymond J. Beaugrand d/b/a** Fatzo’s Bottle Shop, 2931 N. Expressway – **Beer, Wine & Liquor**
- **Mayank D. Desai d/b/a** Max’s Quick Mart & Max’s Liquor, 1600A Williamson Road – **Beer, Wine & Liquor**
- **Young Jin Moon, YJ Enterprises, Inc. d/b/a** Sam’s Package Store, 1301 N. Hill Street – **Beer & Wine**
- **Jong Se Kim d/b/a** The Liquor Gate, 1740 Zebulon Road, - **Beer, Wine & Liquor**
- **Young Jin Moon, YJ Enterprises, Inc. d/b/a** Young’s Liquor, 1301 N. Hill Street – **Liquor only.**

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale all the above Alcoholic Beverage Licenses for 2002 were approved by a vote of 3-1 with Commissioner Johnnie McDaniel voting against the motion.

2. Consider approval for renewal of 2002 Alcoholic Beverage License – Consumption on Premises for the following:

- **Ronald Milton Turner d/b/a** Country Rock Café, 2700 North Expressway – **Beer, Wine & Liquor**
- **Robert Milton Atchinson d/b/a** Griffin Moose Ledge #1503, 1435 Zebulon Road- **Beer, Wine & Liquor**
- **Joe Lee Mathis d/b/a** JJ’s Restaurant and Lounge, 2043 Highway 16 West – **Beer & Liquor**

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale all the above Alcoholic Beverage Licenses for 2002 were approved by a vote of 3-1 with Commissioner Johnnie McDaniel voting against the motion.

3. Consider approval for renewal of Alcoholic Beverage License – Wholesale Distributor for Robert H. Glover d/b/a Jackson Beverage, Inc., 915 South Pine Hill Road – Beer – 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the renewal of Alcoholic Beverage License for Robert Glover d/b/a Jackson Beverage for Wholesale Distributor was approved by a vote of 3-1 with Commissioner Johnnie McDaniel voting against the motion.*

4. Consider request of State Court Judge Esary to endorse introduction of local legislation altering the May term for State Court of Spalding County. The request from Judge Esary is to change the State Court's current May term from the third and fourth weeks in May to the first and second weeks in May each year.

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel request was unanimously approved by a vote of 4-0.

5. Consider request from HDR/WL Jorden for supplemental funding for removal of rock at WTOP-Phase III Baseball Concession building site. The request was in the amount of \$8,147.75 for proposal from Whitworth Construction Company.

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel request for supplemental funding was unanimously approved by a vote of 4-0.

6. Consider Resolution of Intent to Consider the Abandonment of Dendee Street. *Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel, the following Resolution was unanimously approved by a vote of 4-0.*

RESOLUTION
OF INTENT TO CONSIDER THE ABANDONMENT
DENDEE STREET

WHEREAS, subsection 32-7-2(b)(1) of the Official Code of Georgia Annotated provides the procedure for abandonment of a section of the county road system when, for any reason, it has ceased to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia has been requested to determine whether Dendee Street in the north central portion of Spalding County, and in the Experiment Militia District, running north northeasterly from its intersection with Lynn Street approximately 550 feet, to a point intersecting with Magnolia Drive that is more particularly described as being a point approximately 480 feet west of the intersection of Old Atlanta Road and Magnolia Drive, has ceased for any reason to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, a plat or sketch of said road, which is hereto attached, has been tendered to this Board for its use in making such determination; and

WHEREAS, the Board of Commissioners of Spalding County deems it prudent and in the best interest of the County to investigate this request and to make a determination as to whether or not such road should be abandoned;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that a copy of the within resolution, and a copy of such plat or sketch, be posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex, and further that a copy of this resolution and said plat or sketch be transmitted to the Postmaster of Griffin, Georgia for his review with the local mail carrier, and a copy hereof be transmitted to the Superintendent of Schools for his review with the person in charge of bus transportation for the students of the local school system, so that this Board may have any response from the public or from the local postmaster or from the Superintendent of the Griffin-Spalding County School System on or before January 7, 2002 that would aid and assist this Board in making, or declining to make, such determination; and

BE IT, AND IT IS, FURTHER RESOLVED that the within resolution shall become effective immediately and that all acts or resolutions, or parts thereof, in conflict herewith be, and the same are hereby repealed.

7. Consider at first reading an amendment to the FY 2002 Budget Ordinance to increase Capital Lease Pool for capital lease proceeds that we received and immediately paid back. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the first reading of amendment was unanimously approved by a vote of 4-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

8. Consider declaring old state flags surplus property and liquidation by means of sealed bid. *Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel flags were declared surplus and liquidated by sealed bid to highest bidder by a unanimous vote of 4-0.*

County Manager Wilson stated that the ceremonial flag that was displayed in the Meeting Room would be given on permanent loan to the Griffin-Spalding Historical Society. There would be twelve (12) flags available for sealed bid. The flags have been marked from the location they came from.

9. Consider Change Order No. 9 for Spalding County Correctional Institution in the amount of \$4,038. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Change Order No. 9 was unanimously approved by a vote of 4-0.*

XII. REPORT OF COUNTY MANAGER

County Manager Wilson made the Board aware that we had received a check from the Griffin-Spalding County Board of Education for the election expense for the educational SPLOST. The check was in the amount of \$7470.10.

County Manager Wilson made the Board aware that former County Commissioner Dale Wilson had passed away and announced the funeral arrangements, which were visitation from 7-9 p.m. at Conner Westbury Funeral Home tonight and a graveside service at Oak Hill Cemetery at 11:00 a.m. Tuesday.

County Manager Wilson advised the Board that the Sheriff had sent in a requisition for nineteen (19) vehicles under state contract pricing as he had requested in this year's budget. These vehicles are scheduled for lease-purchase over a three-year period. He advised the Board that he would be discussing this purchase with Sheriff Stewart and report back to them.

XIII. REPORT OF COMMISSIONERS

None of the Commissioners had any further comments.

County Attorney Fortune stated that the Board has a Public Hearing at 6:00 p.m. and recommended that the Board recess this meeting and have the Public Hearing and then go into Executive Session.

Chairman Massengale called for a five-minute recess before convening the Public Hearing.

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Monday, December 17, 2001 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale and Johnie McDaniel present. Commissioner Dick Morrow was absent. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway, Planner Jennifer Reynolds and County Clerk Phyllis Doane.

A M E N D E D A G E N D A

A. Call to order: Chairman Massengale

B. Rezoning:

- 1. Application #01-29Z:** F. J. Evans, Owner – 2898 North Expressway (1 acres located in Land Lot 103 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Ms. Christine Livingston, attorney for Shepherd & Johnston, stated she was present to represent Mr. Evans. She said the purpose of rezoning is to construct an office building/car lot. The property is surrounded by commercial property.

*Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel **Rezoning Application #01-29Z** was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

- 2. Application #01-30Z:** John T. Bolton, Owner – Richard L. Mullins, Agent – 4.64 acres on Rover-Zetella Road located in Land Lot 95 of the 1st Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. John T. Bolton requested that this application be tabled until the January 2002 meeting. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Rezoning Application #01-30Z was tabled to the January 24, 2002 Public Hearing by a unanimous vote of 4-0.*

C. Other Business: none

D. Adjournment.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the meeting was unanimously adjourned at 7:10 p.m.

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the Board voted unanimously to go back into general session.

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the Board voted unanimously to go into Closed Meeting to discuss pending litigation.

XIV. CLOSED MEETING

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

1. The County Attorney desires a Closed Meeting to discuss pending litigation.

CLOSED MEETING AFFIDAVIT

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

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

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

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on December 17, 2001.

2.

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

3.

The executive session was called to order at 7:17 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 17th day of December 2001.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 17th day of
December 2001.
Phyllis P. Doane
Notary Public
My commission expires: March 18, 2002

(L.S.) H. Merrill Massengale
(L.S.) Martha W. McDaniel
(L.S.) Johnie A. McDaniel
(L.S.) M. Michael Kendall

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

No business was transacted at this time.

XV. ADJOURNMENT

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Massengale the meeting was unanimously adjourned.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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