



Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, February 2, 2004 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 Cecil Davis, Eddie Goss, Michael Kendall, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Kendall**
- II. INVOCATION - Rev. Reginald Jacobs, Pastor, St. Phillips AME Church**
- III. PLEDGE TO FLAG – Led by Chairman Kendall**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Receive presentation from Bill Ross regarding the Impact Fee Methodology Report, potential exemptions and to give an up-date on project. Mr. Bill Ross, Ross & Associates, came forward and discussed three (3) items with the Board, the time schedule, the Methodology Report, which calculates what the maximum impact fees could be and the exemption policies.

As far as the schedule goes, Mr. Ross stated that the project is on schedule. He said following today they would be completing the Capital Improvements Element (CIE). This actually goes into the County's Comprehensive Plan as an amendment to the Plan. Mr. Ross said there would be a Public Hearing at the Commissioners' first meeting in March that is required by the State. With the Board's consensus, at this time, the document will be transmitted to the State to begin the sixty day review process. While it is going through this process we will be working with the Advisory Council and this Board on preparing the actual Impact Fee Ordinance. There would have to be three (3) public hearings on this in March, April and May and then by June the two documents would be coming together for possible adoption by the Board on June 7, 2004.

Mr. Ross' son, Bill Ross III presented the changes made to the Methodology Report. Mr. Ross handed out a memo to the Board members regarding four (4) changes made to the Report. The first change is in the Employment Forecast the distribution of employment between City of Griffin and the remainder of the county has changed slightly. The second change is under Fire Protection. The Fire Chief has found another fire truck which has been added to the existing inventory that eliminates the deficiency in heavy vehicles. The third change is in the Sheriff's Department. Mr. Ross stated they are still waiting for information from the Sheriff's Department. The present report assumes that the current facility is adequate to serve the current county population. The fourth change is under Parks and Recreation. The Parks and Recreation Department has requested that we add the two (2) swimming pool projects into the Report, which

we have done. Of the two pools (Fairmont and Wyomia Tyus) 1 ½ pool becomes an existing deficiency and will have to be paid for by funds other than impact fees and ½ (25%) of those project costs becomes impact fee eligible. It was noted that the two (2) pools have been added because they are already in the Recreation Master Plan. The largest component for impact fees is the Parks and Recreation Department.

Chairman Kendall questioned the schedule timing of the Public Hearings with SPLOST projects forthcoming for a vote in November. County Manager Wilson commented that this had been put on a “fast track” in hopes to implement July 1, 2004. He said that it can be slowed down if that is what the Board desires. Mr. Wilson also commented that most of the schedule meetings were dates when the Board has their regular meetings.

Commissioner Morrow commented on the time schedule. He said that he feels that we need to move this project along quickly to get it approved and start collecting before houses are built here in large numbers. He also feels that this impacts our SPLOST vote as some of the proposed projects for SPLOST, particularly Parks and Recreation projects could be handled from impact fees.

Mr. Ross, Sr. stated that they have calculated the maximum amount of the fee. He said they do this because the law states that you cannot charge more than what the maximum is. He said the Board does not have to charge the maximum. We will get into this when we get into drafting the Impact Fee Ordinance. The projects have to be listed in the CIE and you review these projects every year for modification of projects or costs. Impact fee process is just like buying a house. Impact fee money is income, the funding source, but is not the financing vehicle. Any money exempted has to be made up with non-impact fee funds.

Mr. Ross discussed impact fee exemption policy. He said the law does allow you to adopt certain exemptions. The important thing is that each category needs to be fairly distributed based on the ones receiving the service. There are two (2) kinds of exemptions that you can grant, one is for projects that will generate affordable housing and the other is for projects that will generate extraordinary economic development employment growth and they must be defined. He gave examples of the way exemptions are handled in Cherokee County, Henry County and City of Fayetteville.

Mr. Ross stated that the Impact Fee Advisory Committee recommends that Spalding County has an exemption policy. The basic policy has to go into the CIE Plan, which they are finishing up, and asked two questions. Does the Board want to have any exemptions and do any of the examples mentioned tonight sound like the way you might want to orient the exemption policy? Commissioner Morrow stated that he would like to see an exemption policy and he would like to see exempt the kinds of industries and business that the Development Authority is trying to attract to Griffin-Spalding County, which are industrial type uses and retail business that go hand in glove with this type. Commissioner McDaniel stated he also supported us having the ability to grant exceptions. He was not sure what kind of criteria needs to be established.

Mr. Ross commented that he had not talked with anyone from the Development Authority yet but would contact them if the Board so chooses, to find out what they feel would be important in exemptions. The Board instructed Mr. Ross to move forward and discuss this with the Authority.

2. Presentation of the FY 2003 Audit by representatives of Mauldin & Jenkins. Mr. Miller Edwards came forward and made a presentation of the Audit to the Board. The statements are uniquely different because of GASB 34. Under the Financial Section, it states that as of June 30,

2003 the County reported an unreserved Fund Balance of \$3.4 Million, an increase of 1.7 or 100% of the prior year. Mr. Edwards commented that it is important to grow the Fund Balance up to fund growth to a certain degree. Mr. Edwards stated that their opinion on the overall financial statements of Spalding County, Georgia, the County is unqualified meaning a “clean opinion”. From the standpoint of compliance, the County’s reports are clean as well.

Mr. Edwards discussed accounting and related matters. He said they would like to see the elected official offices work under a General Ledger system. During the audit of the offices of the elected officials, we noted no general ledger is maintained by the Superior Court, Magistrate Court, Probate Court, Sheriff, or Correctional Institute. There is not a good accountability at the end of each month of what is in cash and what is owed to whom. He said this is identified as excess funds “unknown” collections. He said a general ledger helps you do accountability. County Manager Wilson commented that we were going to start addressing one department at a time concerning accountability.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

Mr. Bill Bryant, 282 N. Rover Road, Williamson, GA addressed the Board on impact fees. As a member of the Impact Fee Advisory Committee, he feels that impact fees are a sound process and supports the exemption for industrial development and industrial growth. He said one thing to consider is that impact fees are not the final solution. It is part of a financial package you have to look at, taxes, SPLOST, grants, etc.

Mr. Bob Burke, Nottingham Estates, also addressed the Board on impact fees. He stated he is also a member of this Committee. He said he has spent well over 150 hours on this impact fee process as he is interested in the county. He said he would be glad to sit down with the members of the Board one on one or as a group to explain this process to them as this is important. He said that the maximum fees recommended are pretty close to the cost to do these projects and the numbers you see, somebody is going to pay them and he as a taxpayer of Spalding County does not want to pay for them.

Mr. Greg Pruitt, 55 Partridge Path, addressed the Board on impact fees also. He said at the beginning the Southern Builders Contractors Association was all in favor and supported impact fees; however, after hearing the discussion tonight, he had concerns, as a member of this Board, regarding the extent of projects that are going into the CIE and the exemptions on industry and how it was going to impact homeowners and builders.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of January 20, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the minutes were unanimously approved by a vote of 5-0.*
2. Consider approval of the minutes of the Zoning Public Hearing of January 22, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the minutes were*

approved by a vote of 4-0-1 with Commissioner Davis abstaining as he was not present for the meeting.

IX. CONSENT AGENDA –n/a

X. OLD BUSINESS

1. Commissioner McDaniel to make his Post 3 appointment to fill the unexpired term on the Spalding County Board of Zoning Appeals. Term to expire 12-31-04. *Commissioner McDaniel appointed **Jonathan D. (J.D.) Smith** to this position.*

2. Consider an appointment to the Keep Griffin/Spalding Beautiful, Inc. to fill the position which was held by Michael Soper. Term to expire 12-31-05. Commissioner Morrow nominated Ms. Sylvia Mitchell for this position. The Board voted unanimously to appoint **Ms. Sylvia Mitchell**.

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

- **Application #03-23Z:** High Top Holdings, Inc., Owner—Poplar Street and Seago Drive – 1.79 acres – AR-1 to R-5, Conditional.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the following Resolution was unanimously approved by a vote of 5-0.

**APPLICATIONS OF HIGH TOP HOLDINGS, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-23Z

**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, High Top Holdings, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “ R-5, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on October 14, 2003;

WHEREAS, such applications were reviewed by the Spalding County Planning Commission, and a hearing on the applications were conducted by the Board of Commissioners of Spalding County, Georgia on January 22, 2004, 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 Lots 129 and 130 of the Third Land District of Spalding County, Georgia, said tract being more particularly described as that portion of land beginning at the corner of Seago Avenue and Poplar Street running thence South 85 degrees 29 minutes 26 seconds West a distance of 93.46 feet to a point; thence South 79 degrees 49 minutes 38 seconds West a distance of 146.02 feet to a point; thence South 77 degrees 52 minutes 38 seconds West a distance of 179.41 feet to a point; thence South 82 degrees 17 minutes 49 seconds West a distance of 109.51 feet to a point; thence South 84 degrees 44 minutes 18 seconds West a distance of 122.38 feet said distance is being along curvature of Poplar Street; thence North 5 degrees 36 minutes 42 seconds West a distance of 120.91 feet to a point; thence North 85 degrees 12 minutes 25 seconds East a distance of 239.07 feet to a point; thence North 1 degree 18 minutes 8 seconds West a distance of 82.30 feet to a point; thence North 78 degrees 29 minutes 47 seconds East a distance of 140.15 feet to a point; thence South 38 degrees 27 minutes 31 seconds East a distance of 66.51 feet to a point; thence South 31 degrees 58 minutes 40 seconds East a distance of 42.91 feet to a point; thence South 74 degrees 12 minutes 48 seconds East a distance of 201.60 feet to a point; thence South 19 degrees 45 minutes 15 seconds West a distance of 67.31 feet to the true point of beginning.

From "AR-1, Agricultural and 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:

1. A car garage and a turnaround.

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 February 2, 2004, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot(s) 129 and 130 of the 3rd Land District of Spalding County, Georgia, containing 1.79 acres, on Poplar Street and Seago Drive, 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.

- **Application #03-24Z:** G. T. Architecture Contractors Corporation, Owner—Teamon Road – 86.614 acres – AR-1 to R-1, Conditional.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the following Resolution was unanimously approved by a vote of 5-0.

**APPLICATIONS OF G. T. ARCHITECTURE
CONTRACTORS CORPORATION
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-24Z

**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, G. T. Architecture Contractors Corporation, 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 October 30, 2003;

WHEREAS, such applications were reviewed by the Spalding County Planning Commission, and a hearing on the applications were conducted by the Board of Commissioners of Spalding County, Georgia on January 22, 2004, 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 the tract and parcel of land lying and being in Land Lot 201 of the 3rd Land District of Spalding County (original Henry County), Georgia, and more particularly described as follows:

Commencing at the existing intersection of Land Lot 202, 215, 216 and 201, this point being THE POINT OF BEGINNING.

From the POINT OF BEGINNING, thence South 05°38'55" East a distance of 30.25' to a point; thence South 02°06'08" West a distance of 271.09' to a 5/8" rebar; thence South 00°58'44" West a distance of 324.07' to a 5/8" rebar; thence South 00°49'10" West a distance of 613.97' to a 5/8" rebar; thence South 04°03'42" West a distance of 797.66' to a 24" pine tree; thence North 74°24'59" West a distance of 1016.63' to a point; thence around a curve to the right having a radius of 1449.62', an arc distance of 966.32', a chord bearing of North 55°19'10" West a distance of 948.53' to a point; thence North 36°13'22" West a distance of 784.21' to a point; thence North 01°03'12" East a distance of 406.62' to a 1/2" rebar; thence North 03°17'46" East a distance of 189.96' to a 1" OTP; thence North 03°17'46" a distance of 78.02' to a Point; thence South 87°47'38" East a distance of 25.33' to a 2" OTP; thence South 87°47'38" East a distance of 213.52' to a 1/2" OTP; thence South 82°40'09" East a distance of 207.81' to a 1/2" OTP; thence North 87°16'44" East a distance of 194.98' to a railroad crosstie fence corner; thence South 88°30'47" East a distance of 198.99' to a 1/2" OTP; thence South 87°52'35" East a distance of 200.44' to a 1/2" rebar; thence South 87°56'12" East a distance of 199.94' to a 3/4" OTP; thence South 87°51'13" East a distance of 199.72' to a 1/2" OTP; thence South 87°52'13" East a distance of 199.90' to a 1" OTP; thence South 87°52'13" East a distance of 640.10' of 640.10' to THE POINT OF BEGINNING.

Containing 84.614 acres.

From "AR-1, Agricultural and Residential" to "R-1, Single Family Residential Low Density" 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:

- 1) All homes a minimum 1,750 square feet;
- 2) No exposed concrete or block foundations be allowed;
- 3) Front porches and stoops underpinned and finished with the character of the house;
- 4) All lots developed shall have sodded front yards;
- 5) All lots developed shall be served by underground utilities;
- 6) All detention facilities shall be landscaped and/or screened to minimize their visual impact;

- 7) The subdivision entrance shall include an accel/decel lane and the developer shall consult with the developer of Teamon Acres so that the entrance will line up with one of the entrances into Teamon Acres;
- 8) A no-access easement must be recorded with the Final Plat for all lots fronting on Teamon Road; and
- 9) A minimum 50 foot undisturbed buffer shall be established along the lots fronting on Teamon Road. Where the buffer is deemed insufficient to provide sufficient opacity, the developer shall supplement said buffer with a mixture of canopy and under story trees to provide said opacity. A buffer plan shall be provided with the construction plan of the subdivision showing existing tree coverage areas and proposed planting.

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 February 2, 2004, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 201 of the 3rd Land District of Spalding County (originally Henry County), Georgia, containing 84.614 acres, on Teamon Road, zoned R-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.

- **Application #03-25Z:** Jefferson David Fincher, Etal, Owner—Johnson Road – 199.669 acres – R-2 to PDD, Conditional.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel, the following Resolution was approved by a vote of 4-1 with Commissioner Goss voting in opposition.

**APPLICATIONS OF JEFFERSON DAVID FINCHER, ETAL
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-25Z

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, Jefferson David Fincher, Etal, applicant, applied for a change in zoning classification to be applied to the within described property to " PDD, Planned Development District;"

WHEREAS, such application was filed with Spalding County, Georgia on October 30, 2003;

WHEREAS, such applications were reviewed by the Spalding County Planning Commission, and a hearing on the applications were conducted by the Board of Commissioners of Spalding County, Georgia on January 22, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

Tract A

All that tract or parcel of land lying and being in Land Lot 146 of the 2nd District, Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a rock found at the Land Lot corner common to Land Lots 145, 146, 175 and 176; thence along the Land Lot line common to Land Lots 146 and 175, which is also the Spalding/Henry County line South 89°32'17" East, a distance of 2715.27 feet to a 1/2 inch rebar found; thence South 10°59'04" East, a distance of 261.02 feet to a 3/4 inch rod found; thence North 81°54'50" East, a distance of 347.69 feet to a 1 inch pipe found on the Land Lot line common to Land Lots 146 and 147; thence along said Land Lot line South 00°50'37" West, a distance of 2277.96 feet to a 1/4 inch rebar found; thence continuing along said Land Lot line South 01°08'02" West, a distance of 500.00 feet to a point at the Land Lot corner common to Land Lots 142, 143, 146 and 147; thence along the Land Lot line common to Land Lots 143 and 146 North 89°32'46" West, a distance of 1207.74 feet to a point on the easterly right-of-way of Johnson Road (40' R/W); thence along said right-of-way the following calls: North 27°36'29" West, a distance of 65.82 feet to a point; thence 126.40 feet along a curve to the left, said curve having a chord of North 38°12'15" West 126.24 feet and a radius of 718.83 feet to a point; thence North 46°17'48" West, a distance of 511.73 feet to a point; thence North 45°48'27" West, a distance of 462.01 feet to a point; thence North 48°38'54" West, a distance of 204.38 feet to a point; thence leaving said right-of-way 134.86 feet along a curve to the left, said curve having a chord of North 12°49'07" East 134.82 feet and a radius of 1679.04 feet to a point; thence 1762.15 feet along a curve to the left, said curve having a chord of North 22°49'21" West 1660.14 feet and a radius of 1481.86 feet to a point; thence North 56°53'20" West, a distance of 334.06 feet to a point on the Land Lot line common to Land Lots 145 and 146; thence along said Land Lot line North 00°18'15" West, a distance of 184.97 feet to a rock found, being the POINT OF BEGINNING.

Said tract contains 147.573 acres or 6428301 square feet of land.

Tract B

All that tract or parcel of land lying and being in Land Lot 146 of the 2nd District, Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a rock found at the Land Lot corner common to Land Lots 145, 146, 175 and 176; thence along the Land Lot line common to Land Lots 145 and 146 the following calls: South 00°18'15" East, a distance of 1481.71 feet to a 1/2 inch rebar found; thence South 02°23'16" West, a distance of 298.01 feet to a 1 inch pipe found on the northerly right-of-way of Johnson Road (40' R/W); thence crossing said right-of-way South 00°27'10" East, a distance of 41.20 feet to a point; thence continuing along said Land Lot line South 00°27'10" East, a distance of 1155.25 feet to a point; thence South 87°18'21" East, a distance of 172.32 feet to a point on the Land Lot line common to Land Lots 143 and 146 and the TRUE POINT OF BEGINNING; thence 288.79 feet along a curve to the left, said curve having a chord of North 53°05'53" East 288.58 feet and a radius

of 2153.21 feet to a point; thence 889.43 feet along a curve to the left, said curve having a chord of North 32°43'36" East 878.40 feet and a radius of 1627.51 feet to a point on the southerly right-of-way of Johnson Road (40' R/W); thence along said right-of-way the following calls: South 48°38'54" East, a distance of 184.33 feet to a point; thence South 45°48'27" East, a distance of 461.19 feet to a point; thence South 46°17'48" East, a distance of 510.82 feet to a point; thence 116.40 feet along a curve to the right, said curve having a chord of South 38°14'26" East 116.26 feet and a radius of 678.83 feet to a point; thence South 27°36'29" East, a distance of 42.53 feet to a point on the Land Lot line common to Land Lots 143 and 146; thence along said Land lot line North 89°32'46" West, a distance of 1635.70 feet to a point, being the TRUE POINT OF BEGINNING.

Said tract contains 15.871 acres or 691339 square feet of land.

Tract C

All that tract or parcel of land lying and being in Land Lot 146 of the 2nd District, Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a rock found at the Land lot corner common to Land Lots 145, 146, 175 and 176; thence along the Land Lot line common to Land Lots 145 and 146 the following calls: South 00°18'15" East, a distance of 1481.71 feet to a 1/2 inch rebar found; thence South 02°23'16" West, a distance of 298.01 feet to a 1 inch pipe found on the northerly right-of-way of Johnson Road (40' R/W); thence crossing said right-of-way South 00°27'10" East, a distance of 41.20 feet to the TRUE POINT OF BEGINNING; thence along the southerly right-of-way of Johnson Road the following calls: South 76°35'52" East, a distance of 531.32 feet to a point; thence South 74°45'00" East, a distance of 291.10 feet to a point; thence leaving said right-of-way 23.29 feet along a curve to the right, said curve having a chord of South 16°11'43" West 23.29 feet and a radius of 1579.04 feet to a point; thence 834.39 feet along a curve to the right, said curve having a chord of South 32°44'02" West 824.06 feet and a radius of 1527.51 feet to a point; thence 414.23 feet along a curve to the right, said curve having a chord of South 54°30'30" West 413.26 feet and a radius of 1750.52 feet to a point on the Land Lot line common to Land Lots 145 and 146; thence along said Land Lot line North 00°27'10" West, a distance of 1155.25 feet to a point on the southerly right-of-way of Johnson Road, being the TRUE POINT OF BEGINNING.

Said tract contains 12.989 acres or 565816 square feet of land.

Tract D

All that tract or parcel of land lying and being in Land Lot 146 of the 2nd District, Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a rock found at the Land Lot corner common to Land Lots 145, 146, 175 and 176; thence along the Land Lot line common to Land Lots 145 and 146 South 00°18'15" East, a distance of 304.77 feet to the TRUE POINT OF

BEGINNING; thence South 56°53'20" East, a distance of 268.08 feet to a point; thence 1643.87 feet along a curve to the right, said curve having a chord of South 22°48'34" East 1548.64 feet and a radius of 1381.86 feet to a point; thence 105.46 feet along a curve to the right, said curve having a chord of South 12°24'29" West 105.44 feet and a radius of 1579.04 feet to a point on the northerly right-of-way of Johnson Road (40' R/W); thence along said right-of-way the following calls: North 74°45'00" West, a distance of 291.61 feet to a point; thence North 76°35'52" West, a distance of 541.83 feet to a 1 inch pipe found on the Land Lot line common to Land Lots 145 and 146; thence along said Land Lot line North 02°23'16" East, a distance of 298.01 feet to a 1/2 inch rebar found; thence along said Land Lot line North 00°18'15" West, a distance of 1176.93 feet to a point, being the TRUE POINT OF BEGINNING.

Said tract contains 23.236 acres or 1012152 square feet of land.

From "R-2, Single Family Residential" to "PDD, Planned Development District" 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. Zoning by Pod:

1. Section JJ shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1,750 square feet and with the additional conditions prescribed in Section B and C.
2. Section KK shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1,500 square feet and with the additional conditions prescribed in Section B and C.
3. Section LL shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1,500 square feet and with the additional conditions prescribed in Section B and C.

B. General conditions applied to all the tracts:

1. All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.
2. The minimum roof pitch for all structures shall be 6:12.
3. Architectural shingles shall be required.
4. Cantilevered chimneys are not permitted.
5. Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.
6. Decks shall be painted or stained if they back onto the golf course or open space.
7. Mailboxes shall be coordinated and uniform within neighborhoods.
8. No chain link fencing permitted unless it is vinyl coated.

9. Freestanding dog pens shall not be permitted.
10. Accessory structures shall match the style and materials of the home.
11. If vinyl siding is used, a minimum .44-mil siding is required.
12. Garages shall not protrude more than five feet beyond the front building line of the home.
13. All front porches shall and porch stairs shall be underpinned with material compatible with the architectural design of the Home.
14. Recreational vehicles shall not be stored between the street and the front building line of any home.
15. Subject of density approval by the Henry County Water and Sewer Authority, prior to subdivision construction plan submittal.
16. Zoning is subject to water and sewer service and provided by the Henry County Water and Sewer Authority.
17. Zoning Subject to approval of the water and sewer service by Spalding County.

C. Streets and Sidewalks

1. A street tree plan shall be implemented through the development. The plan shall conform to the following standards:
2. Sections JJ, KK, and LL: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.

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 February 2, 2004, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 146 of the 2nd Land District of Spalding County, Georgia, containing 199.669 acres, on Johnson Road, zoned PDD, 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.

- **Application #03-25AZ:** Minerva Properties, L.L.P., Owner—Johnson Road (old railway line) – 7.675 acres – R-2 to PDD, Conditional.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the following Resolution was approved by a vote of 4-1 with Commissioner Goss voting in opposition.

**APPLICATIONS OF MINERVA PROPERTIES, L.L.P.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-25AZ

**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 “R-2, Single Family Residential;”

WHEREAS, Minerva Properties, L.L.P., applicant, applied for a change in zoning classification to be applied to the within described property to “ PDD, Planned Development District;”

WHEREAS, such application was filed with Spalding County, Georgia on October 30, 2003;

WHEREAS, such applications were reviewed by the Spalding County Planning Commission, and a hearing on the applications were conducted by the Board of Commissioners of Spalding County, Georgia on January 22, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

Tract A

All that tract or parcel of land lying and being in Land Lot 146 of the 2nd District, Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a rock found at the Land Lot corner common to Land Lots 145, 146, 175 and 176; thence along the Land Lot line common to Land Lots 145 and 146 South 00°18'15" East, a distance of 184.87 feet to a point on the northeasterly right-of-way of Norfolk/Southern Railroad (100' R/W) and the TRUE POINT OF BEGINNING; thence along said railroad right-of-way the following calls: South 56°53'20" East, a distance of 334.06 feet to a point; thence 1762.15 feet along a curve to the right, said curve having a chord of South 22°49'21" East 1660.14 feet and a radius of 1481.86 feet to a point; thence 134.86 feet along a curve to the right, said curve having a chord of South 12°49'07" West 134.82 feet and a radius of 1679.04 feet to a point on the northerly right-of-way of Johnson Road (40' R/W); thence along said right-of-way North 48°38'54" West, a distance of 49.49 feet to a point; thence along said right-of-way North 74°45'00" West, a distance of 55.76 feet to a point; thence 105.46 feet along a curve to the left, said curve having a chord of North 12°24'29" East 105.44 feet and a radius of 1579.04 feet to a point; thence 1643.87 feet along a curve to the left, said curve having a chord of North 22°48'34" West 1548.64 feet and a radius of 1381.86 feet to a point; thence North 56°53'20" West, a distance of 268.08 feet to a point on the Land Lot line common to Land Lots 145 and 146; thence along said Land Lot line North 00°18'15" West, a distance of 119.80 feet to a point, being the TRUE POINT OF BEGINNING.

Said tract contains 4.863 acres of land.

Tract B

All that tract or parcel of land lying and being in Land Lot 146 of the 2nd District, Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a rock found at the Land Lot corner common to Land Lots 145, 146, 175 and 176; thence along the Land Lot line common to Land Lots 145 and 146 South 00°18'15" East, a distance of 184.87 feet to a point on the northeasterly right-of-way of Norfolk/Southern Railroad (100' R/W); thence along said railroad right-of-way the following calls: South 56°53'20" East, a

distance of 334.06 feet to a point; thence 1762.15 feet along a curve to the right, said curve having a chord of South 22°49'21" East 1660.14 feet and a radius of 1481.86 feet to a point; thence 134.86 feet along a curve to the right, said curve having a chord of South 12°49'07" West 134.82 feet and a radius of 1679.04 feet to a point; thence 44.31 feet along a curve to the right, said curve having a chord of South 15°52'33" West 44.31 feet and a radius of 1679.04 feet to a point on the southerly right-of-way of Johnson Road (40' R/W) and the TRUE POINT OF BEGINNING; thence 889.43 feet along a curve to the right, said curve having a chord of South 32°43'36" West 878.40 feet and a radius of 1627.51 feet to a point; thence 288.79 feet along a curve to the right, said curve having a chord of South 53°05'53" West 288.58 feet and a radius of 2153.21 feet to point on the Land Lot line common to Land Lots 143 and 146; thence along said Land Lot line North 89°32'46" West, a distance of 172.08 feet to a point at the Land Lot corner common to Land Lots 143, 144, 145 & 146; thence along the Land Lot line common to Land Lots 145 and 146 North 00°27'10" West, a distance of 6.74 feet to a point; thence 414.23 feet along a curve to the left, said curve having a chord of North 54°30'30" East 413.26 feet and a radius of 1750.52 feet to a point; thence 834.39 feet along a curve to the left, said curve having a chord of North 32°44'02" East 824.06 feet and a radius of 1527.51 feet to a point; thence 23.29 feet along a curve to the left, said curve having a chord of North 16°11'43" East 23.29 feet and a radius of 1579.04 feet to a point on the southerly right-of-way of Johnson Road (40' R/W); thence along said right-of-way South 74°45'00" East, a distance of 46.35 feet to a point; thence along said right-of-way South 48°38'54" East, a distance of 59.27 feet to a point, being the TRUE POINT OF BEGINNING.

From "R-2, Single Family Residential" to "PDD, Planned Development District" 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:

D. Zoning by Pod:

1. Section JJ shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1,750 square feet and with the additional conditions prescribed in Section B and C.
2. Section KK shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1,500 square feet and with the additional conditions prescribed in Section B and C.
3. Section LL shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1,500 square feet and with the additional conditions prescribed in Section B and C.

E. General conditions applied to all the tracts:

1. All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.
2. The minimum roof pitch for all structures shall be 6:12.
3. Architectural shingles shall be required.
4. Cantilevered chimneys are not permitted.
5. Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.
6. Decks shall be painted or stained if they back onto the golf course or open space.
7. Mailboxes shall be coordinated and uniform within neighborhoods.
8. No chain link fencing permitted unless it is vinyl coated.
9. Free standing dog pens shall not be permitted.
10. Accessory structures shall match the style and materials of the home.
11. If vinyl siding is used, a minimum .44 mil siding is required.
12. Garages shall not protrude more than five feet beyond the front building line of the home.
13. All front porches shall and porch stairs shall be underpinned with material compatible with the architectural design of the Home.
14. Recreational vehicles shall not be stored between the street and the front building line of any home.
15. Subject of density approval by the Henry County Water and Sewer Authority, prior to subdivision construction plan submittal.
16. Zoning is subject to water and sewer service and provided by the Henry County Water and Sewer Authority.
17. Zoning Subject to approval of the water and sewer service by Spalding County.

F. Streets and Sidewalks

1. A street tree plan shall be implemented through the development. The plan shall conform to the following standards:
2. Sections JJ, KK, and LL: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.

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 February 2, 2004, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 146 of the 2nd Land District of Spalding County, Georgia, containing 7.675 acres, on Johnson Road (old railway line), zoned PDD, 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.

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

- **Amendment to UDO #A-03-34:** Article 22, AKB—Arthur K. Bolton Parkway Overlay Zone – Section 2203:A(5) – add provision to allow expansion of existing single family residential on any existing lot of record as of the date of enactment of this Ordinance.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.

IN RE:

Text Amendment #A-03-34

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 January 22, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

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

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia is in conformance with sound

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

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

Section 1: The following provision shall be added the provisions of the Zoning Ordinance of Spalding County, Article 22, "AKB Arthur K. Bolton Parkway Overlay Zone," Section 2203.A.

5. Single family detached dwellings meeting the minimum heated floor area of the underlying zoning district on lots of record as they existed at the time of the adoption of this ordinance. Nothing in this Section shall prevent the expansion of existing single family, site built homes provided that the minimum setback, buffer and height requirements of the underlying zoning district are met.

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

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

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

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

5. Consider approval of revised tap fees as recommended by the Spalding County Water & Sewerage Facilities Authority. The revised fees recommended by some of the Water Authority members were as follows: ¾" from \$570 to \$900; w lateral from \$420 to \$750; 1" from \$825 to \$1200; w lateral from \$675 to \$1050. Commissioner Davis stated that he was not in favor of raising the fees at this time as he feels that the fees charged at present are fair and reasonable to the residents and the builders. County Manager Wilson stated that he is also in agreement that the cost structure is fair and equitable and recommends leaving the tap fees as they are at present.

Motion made Commissioner Davis to deny the revised tap fees as recommended by the Spalding County Water & Sewerage Facilities Authority. Commissioner Morrow seconded the motion and motion to deny passed by a unanimous vote of 5-0.

XI. NEW BUSINESS

1. Conduct Public Hearing to consider the establishment of a street lighting district for Stanfield West Subdivision Phase V. There was no one present who wished to make comment.
2. Consider request to approve street lighting district for Stanfield West Subdivision Phase V – Greg Pruitt Construction Company, Inc., Owner. Recommended was 10-150 watt decorative

lighting fixtures at a cost of \$117.50 per month or \$1,410 per year with yearly cost per parcel being \$29.38. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis street lighting district was unanimously approved by a vote of 5-0.*

3. Conduct Public Hearing to consider the establishment of a street lighting district for Park Place Subdivision Phase II. There was no one present who wished to make comment.

4. Consider request to approve street lighting district for Park Place Subdivision Phase II – Park Place, LLC, Owner. Recommended was 10-150 watt decorative lighting fixtures at a cost of \$172.50 per month or \$2,070 per year with yearly cost per parcel being \$55.95. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel street lighting district was unanimously approved by a vote of 5-0.*

5. Conduct Public Hearing to consider the establishment of a street lighting district for Will's Walk Subdivision Phase II.

Mrs. Stacy Leigh Sellers came forward and gave her address as 126 Kayla Court, Will's Walk Subdivision Phase I. She said that Phase I residents have no problem with Phase II lighting taking place, they are concerned about the lack of lighting at the entrance way to their subdivision, especially without having accel/decel lanes. She appealed to the Commissioners that an entrance light be added to the subdivision. She said that it is difficult to find the entranceway in the dark and often miss the turn.

County Manager Wilson stated that Mrs. Sellers' request, unfortunately, is not addressed in the street lighting ordinance we presently have. She is requesting an additional light at the entrance. We already have a street lighting district for Phase I in place. Mr. Wilson stated that the design of the street lights are done by the power company and the developer. We do not have spacing regulations in our ordinance. The power company has no problem adding a street light; however, in order to add to Phase I our ordinance requires that the majority of the property owners sign for that light and conduct the public hearing and add it to their bill. County Attorney Fortune stated that if we do not use this process to amend the street lights, somebody is going to come up and say that they didn't vote for that light and they are not going to pay for it and want it deducted.

Mrs. Sellers commented that she had started a petition and the ones that had signed were all in agreement. She was told to stop the petition process and come to the meeting tonight. She said there were 76 units in Phase I and she was told by a representative from Central Georgia EMC that the light would go in at lot no. 76 at the entrance.

County Manager Wilson commented that the ordinance does not take into account different phases of subdivisions.

County Attorney Fortune stated the easiest way to get this accomplished is to get the required signatures from Phase I to amend the Phase I Street Lighting district for one additional light. This would require another public hearing and approve the amendment to the street lighting district.

She said she had come to address the Board to see if this additional light could be done when Phase II lighting was taking place instead of having to go through the petition process since both phases would be using the same entrance to the subdivision.

6. Consider request to approve street lighting district for Will's Walk Subdivision Phase II.- Will's Walk, LLC, Owner. Recommended was 16-150 watt decorative lighting fixtures for a

total cost of \$156.00 per month or \$1.872 per year with a yearly cost per parcel of \$21.03. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel, street lighting district was unanimously approved by a vote of 5-0.*

7. Consider approval of Supplemental Agreement #3 for the SR 16 AKB project for bridge changes as requested by Georgia Department of Transportation. County Manager Wilson stated that the additional cost for design and engineering to add sidewalks is \$11,042. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel Supplemental Agreement #3 was unanimously approved by a vote of 5-0.*

8. Consider approval of FY 2005 Budget Calendar. *Upon motion by Commissioner Morrow, seconded by Commissioner Goss the FY 2005 Budget Calendar was unanimously approved by a vote of 5-0.*

9. Consider approval of a November SPLOST referendum schedule.

County Manager Wilson commented that the meeting date with municipalities would determine the SPLOST schedule. He recommended a meeting with municipalities on Thursday, March 4, 2004. The letters have to be sent out according to the time frame of the statute. He said that date would give us March and April to come up with projects and May 3rd we could adopt a Resolution calling for the election detailing all the projects but would probably be in June.

Motion made by Commissioner McDaniel to schedule the meeting with the City of Griffin, City of Sunny Side, City of Orchard Hill and other organizations to discuss projects to be included on the 2004 SPLOST for Thursday, March 4, 2004 at 6:00 P.M. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

10. Consider approval of revised water rate schedule as recommended by the Spalding County Water & Sewerage Facilities Authority. Commissioner Davis stated that we have had a substantial increase from the City and the Authority is only recommending to recoup this cost. County Manager Wilson commented that the numbers were provided from their auditor but their audit is not complete as of yet for us to verify. The costs to become effective March 1, 2004 is 0-10,000 gallons from \$2.95 to \$3.40 per gallon and over 10,000 gallons from \$3.65 to \$4.10 per gallon. County Manager Wilson stated after we received a copy of the City's audit, the numbers would be verified and a change would be made if present figures are not correct.

Upon motion by Commissioner Davis, seconded by Commissioner Goss the revised water rate schedule was unanimously approved by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson reminded the Board of the Joint City/County Meeting to discuss safety issues at the airport Tuesday, February 3, 2004 from 4:00 until 6:00 p.m.. Mr. Scott Seritt, Manager FAA Southern Region will be the speaker followed by questions and comments by the County and City Commissioners. No public comment will be taken.

County Manager Wilson reminded the Board of the Joint City/County Workshop regarding 800 MHz, which will be held at City Hall on Tuesday, February 10, 2004 at 5:00 p.m.

County Manager Wilson announced that the Sewer Task Force will be meeting Wednesday, February 11, 2004 at 3:00 p.m. in the Meeting Room.

County Manager Wilson announced that he had hired a Personnel Director, Mr. Bill Gay, who presently is employed by the City of Atlanta. He will be taking on his new position on February 23rd.

County Manager Wilson stated that the Stanfield West Subdivision signs are located on the county right of way at the entrance to the subdivision on Rover-Zetella Road. They presently look bad and Mr. Greg Pruitt would like to know if he can get permission to improve these signs or if the Board would like them to be removed since they are on the county right of way. There is no island entrance to this subdivision and they do not have a homeowners association. The consensus of the Board was not to issue Mr. Pruitt a license to maintain these signs but give him permission to remove the signs from the county right of way.

XIII. REPORT OF COMMISSIONERS

Commissioner Morrow gave an update on the MPO process. He stated that GDOT has submitted thirteen (13) road projects to the ARC to be included in the TIP. These thirteen projects require federal money and have to go to ARC for approval.

Commissioner Morrow commented that he and Mr. Wilson had attended a meeting regarding MPO's with other counties at the Governor's office last week and the Governor told us that Spalding County is going to be part of the ARC MPO and will be designated in April. There will be no sub-regions formed. He said the good news is that we will have a seat on the TAQC (Transportation Air Quality Committee). This is where the real power rest on what gets done and who gets what money on projects and we will have one vote like all the other counties. All the members on the TAQC are Chairman's of the County Commissioners and they meet once a month. He said the other good news is that there will be no charge to Spalding County to be a member of the ARC. We will continue paying our dues to our RDC. Commissioner Morrow stated he feels that we are going to need a transportation planning member on our staff to comply with all this.

Commissioner Goss asked County Manager Wilson to look into the cost of realigning Smoakfield Road and Teamon Road.

Commissioner Goss feels that we need to look into the maintenance bonds on roads of the new subdivisions as he would like to see the County get this moved up to at least four (4) years. They are presently for two (2) years.

Commissioner Goss stated in his opinion only the SPLOST should not be a wish list. He said a "Christmas tree" approach is only asking for trouble.

Commissioner Davis only comment was he feels that we need to keep the "pork" out of the SPLOST.

Commissioner McDaniel stated that he had given Commissioners copies of minutes of the last two (2) board meetings of the Hospital Authority regarding questions about financial situations. He said he would try to remember to make sure the Board gets the minutes every month after the meetings.

Commissioner McDaniel asked the status of getting accel/decel lanes as a requirement in the subdivision ordinance. He said that we might want to consider also lights at entrances after the discussion we had tonight.

Commissioner Kendall had no comments.

XIV. CLOSED MEETING

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the Board voted unanimously to go into a Closed Meeting to discuss the following.

1. The County Attorney desires a Closed Meeting to discuss pending litigation.
2. The County Manager desires a Closed Meeting to discuss acquisition of real estate.

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 February 2, 2004.

2.

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

3.

The executive session was called to order at 8:47 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)_____;

Yes 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)_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 2nd day of
February 2004.
Phyllis P. Doane
Notary Public
My commission expires: March 13, 2006

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

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis 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 Kendall, seconded by Commissioner Morrow the meeting was unanimously adjourned at 8:50 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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