



Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, May 3, 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 Michael Kendall, Cecil Davis, Eddie Goss, 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 – Led by Commissioner McDaniel in the absence of Rev. Jacobs.**
- III. PLEDGE TO FLAG – Led by Chairman Kendall**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval of a Proclamation “Nunc Pro Tunc” Honoring the Selection of Jerry Riordan as The Griffin Exchange Club’s Man of the Year for 2003. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Proclamation presented to Mr. Riordan on April 20, 2004 was unanimously approved by a vote of 5-0.*

A PROCLAMATION HONORING THE SELECTION OF JERRY RIORDAN AS THE GRIFFIN EXCHANGE CLUB’S MAN OF THE YEAR FOR 2003

WHEREAS, The Griffin Exchange Club has selected Jerry Riordan as its 2003 Man of the Year; and

WHEREAS, Mr. Riordan managed the Kroger supermarket in Griffin for twenty-seven years and is now retired from the Kroger Company after forty-four years of employment. He is married to the former Mary Elizabeth Black (Betty) who has been his loving wife for forty-six years and is the loving father of four children, Dan Riordan, Minister of Music at Crestview Baptist Church in Griffin, Rebecca Riordan Young, a homemaker, Rev. Tim Riordan, Pastor at Crestview Baptist Church in Griffin, David Riordan, who works in construction, and has eighteen grandchildren and one great grandson; and

WHEREAS, Mr. Riordan is an active member of Second Baptist Church of Griffin, an ordained deacon and teacher of a special education Sunday School class for men; is active in mission work through his Church and the Flint River Baptist Association. In fact, he and his wife, Betty, have

led numerous mission trips to Venezuela, Guatemala, Ohio and Chicago and will be making four mission trips this year; and

WHEREAS, Mr. Riordan's vision and love for the Spalding County community is evidenced by the numerous civic and charitable activities in which he has taken a leadership role. These activities include membership in the American Business Club where he has served in numerous positions within the club including President; the American Red Cross where he has served on the Board of Directors; the Griffin-Spalding Chamber of Commerce where he has served on the Board of Directors as Treasurer, Vice-Chairman and Chairman; also served on the Governmental Affairs and Transportation Committee; the Griffin-Spalding County United Way and presently serves on the Board of Directors; has served as Chairman of the Board and was Campaign Chairman for the annual fund raising program in 1995; has been involved since the mid 1980's in Partners in Education and serves on the Board, serving as Chairman twice and is currently Chairman of the Griffin-Spalding Education Foundation; and

WHEREAS, Mr. Riordan has been active in the American Business Club (AMBUCS) since 1981 serving on various committees, including the projects committee; was active in heading up the miniature golf course project from 1986-1990, which has proven to be very successful; currently operates the concession stand at AMBUCS Park; served as Treasurer of the Club in 1984 and was President in 1984 and 1985. In 1986 under his leadership the Club placed 2nd nationally in the number of new members recruited and received the Blue Chip Award; and

WHEREAS, Mr. Riordan was honored with the title of General Griffin for the Year 1997, a program that has been sponsored by the Griffin-Spalding Chamber of Commerce since 1993 and is named after the 1840 founder of the city, where someone each year is selected to represent the Griffin-Spalding Chamber of Commerce at various events as the "Spirit of the Community". These individuals are chosen for their involvement, contributions and support of the community.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Spalding County, recognizing his contributions to Spalding County and honoring his selection as "Man of the Year" that we hereby declare **Tuesday, April 20, 2004** as

"JERRY RIORDAN DAY"

BE IT FURTHER RESOLVED that a copy of this Proclamation is to be spread upon the minutes of the proceedings of this Board to memorialize Mr. Riordan's contributions to the citizens of Spalding County and commemorate his selection as the Griffin Exchange Club's Man of the Year for 2003.

This the 20th day of April 2004.

2. Consider approval of a Proclamation designating the month of May 2004 as "Electrical Safety Month" in Spalding County. Mr. Craig Frank, Manager of Marketing Services was present to receive this Proclamation. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

"ELECTRICAL SAFETY MONTH"

- WHEREAS,** Hundreds of people die and thousands are injured each year in electrical accidents; and
- WHEREAS,** There are, on average, 910 civilian deaths related to electrical home structure fires; and
- WHEREAS,** Nearly three people are electrocuted in the home and five more in the workplace each week; and
- WHEREAS,** Property damage due to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems amounts to nearly \$1.7 billion annually; and
- WHEREAS,** Following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and
- WHEREAS,** Citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and property; and
- WHEREAS,** Citizens are encouraged to test their smoke detectors and ground fault circuit interrupters monthly and after every major electrical storm; and
- WHEREAS,** The efforts of the Electrical Safety Foundation International (ESFI) and the U.S. Consumer Product Safety Commission (CPSC) promote and educate the public about the importance of respecting electricity and practicing electrical safety in the home, school and workplace; and
- WHEREAS,** Central Georgia EMC is actively helping to move this effort forward in order to reduce the number of electrical injuries and deaths from electrical hazards.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that the month of May 2004 is hereby proclaimed as

“ELECTRICAL SAFETY MONTH”

in Spalding County, Georgia and urge citizens of this County to participate in Electrical Safety Month activities and to conduct an electrical safety check of their home, school and workplace.

3. Consider approval of a Resolution Recognizing NACOM Corporation being named “Manufacturer of the Year”. Mr. John Olson, General Manager and Mr. Brian Burke, Manager of Training was present to receive the Resolution. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the following Resolution was unanimously approved by a vote of 5-0.*

**A RESOLUTION IN RECOGNITION OF NACOM CORPORATION
RECEIVING THE HONOR OF BEING MANUFACTURER OF THE YEAR
IN THE LARGE-SIZE COMPANY CATEGORY**

WHEREAS, Spalding County recognizes the importance of the NACOM Corporation in this community in economic importance with its manufacturing techniques as well as the level of commitment to the County; and

WHEREAS, NACOM is not only providing good, quality jobs for the area, but is involved in the community with the school system, Chamber of Commerce, as well as charity organizations such as the United Way, the local Salvation Army Unit, Habitat for Humanity and Partners in Education.

WHEREAS, The six-county regional marketing organization known as Metro South recently recognized NACOM as a model for large manufacturers; and

WHEREAS, NACOM, an electrical component manufacturing business for automobiles, became an important part of the Griffin-Spalding County community in December 1993 when it decided to construct a 200,000 square foot facility with a capital investment of \$25 Million and 300 jobs and presently has doubled its facility size, quadrupled its capital investment and has tripled its employees with a strong employer-employee relationship that produces; and

WHEREAS, NACOM Corporation was nominated for this prestigious award by Dr. Robert Arnold, President of Griffin Technical College; Mr. David Luckie, Executive Director of Griffin-Spalding Development Authority; Ms. Bonita Pfrogner, Executive Director of Griffin-Spalding Chamber of Commerce; Dr. Jesse Bradley, Superintendent of Griffin-Spalding County School System; County Commissioner Johnie McDaniel and Honorable Mac Collins, U.S. Congressman; and

WHEREAS, The prestigious award of Manufacturer of the Year was presented to NACOM Corporation by Governor Sonny Perdue during Manufacturing Appreciation Week (MAW) at a luncheon held on Thursday, April 15, 2004 at the Cobb Galleria Centre in Atlanta, Georgia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Spalding County recognizes how vital NACOM is to this community, how fortunate we are to have this manufacturing facility in Spalding County and how proud we are to have NACOM win this prestigious award.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS – n/a

VII. PUBLIC COMMENT

There was no one present who wished to make public comment.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of April 19, 2004; the Special Called Meeting of April 22, 2004; the Zoning Public Hearing of April 22, 2004 and Special Called Meeting of April 29, 2004.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the minutes of the Extraordinary Session of April 19, 2004 were unanimously approved by a vote of 5-0.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the minutes of the Special Called Meeting of April 22, 2004 were unanimously approved by a vote of 5-0.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the minutes of the Zoning Public Hearing of April 22, 2004 were unanimously approved by a vote of 5-0.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the minutes of the Special Called Meeting of April 29, 2004 was approved by a vote of 4-0-1 with Commissioner Davis abstaining from the vote as he was not present for the meeting.

IX. CONSENT AGENDA

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel Items 1, 2 & 3 on Consent Agenda were unanimously approved by a vote of 5-0.

1. Consider at second reading an ordinance amending the Spalding County Code to change the name of Trestle Road north of Johnson Road to Southgate Drive.

SPALDING COUNTY, GEORGIA RESOLUTION AND ORDINANCE GENERAL TRAFFIC REGULATIONS ORDINANCE NO. 2004-03

AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY DIVISION II, PART VII; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING LAWS; ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES:

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

Section 1. That the Code of Spalding County, Georgia, be amended in Division II, Part VII, Chapter 1, Section 7-1001.01 (a) (13) to read as follows:

“(13) Former Trestle Road north of Johnson Road be changed to Southgate Drive”.

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. The with amendment shall be and become effective May 4, 2004.

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

Section 5. The County Manager shall notify all property owners residing along said road, the Postmaster of the City of Griffin and Director of the Emergency Telephone Communication System about the adoption of this ordinance.

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

- **Application #04-05Z:** Wilma A. Hollberg, Owner – Georgia State Route 155 (North McDonough Road) – 142.98 acres, more or less – AR-1 to R-2, Conditional.

**APPLICATION OF WILMA A. HOLLBERG
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 04-05Z

**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, Wilma A. Hollberg, 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 February 26, 2004;

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 April 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 situate, lying and being in Land Lot 81 of the Second Land District and Land Lot 251 of the Third Land District of originally Henry, now Spalding County, Georgia, containing 142.98 acres, more or less, and being more particularly described as follows:

BEGINNING at a point of the west right-of-way of State Route 155, which is located a distance of 2755.0 feet from the intersection of the west right-of-way of State Route 155 with the north right-of-way line of Old Highway 16 East, as measured in a northerly direction along the west right-of-way line of State Route 155, same being the northeast corner of property now owned by M. Douglas Hollberg, Jr. and William G. Hollberg; thence running North 88 degrees 55 minutes 50 seconds East 28.10 feet to the True Point of Beginning. From said point, thence North 88 degrees 55 minutes 50 seconds East a distance of 1472.26 feet to a corner; thence South 02 degrees 01 minute 00 seconds East a distance of 269.77 feet to a corner on the north property line now or formerly owned by Emma Bealer Hollberg; thence along said property line of Emma Bealer Hollberg South 88 degrees 00 minutes 13 seconds West a distance of 2670.53 feet to the property now or formerly owned by Gladys Ruth Rice; thence along the property line of property now or formerly owned by Gladys Ruth Rice North 03 degrees 08 minutes 36 seconds West a distance of 186.12 feet to a point; thence North 01 degree 12 minutes 47 seconds West a distance of 1683.96 feet to a point on the north boundary line of Land Lot 251; thence in along the north boundary line of Land Lot 251 and Land Lot 81 North 89 degrees 57 minutes 23 seconds East a distance of 1370.81 feet to a point; thence continuing along said north boundary line of Land Lot 251 and Land Lot 81 North 89 degrees 38 minutes 02 seconds East a distance of 703.86 feet to a point; thence continuing along said north boundary line of Land Lot 251 and Land Lot 81 North 88 degrees 22 minutes 23 seconds East a distance of 235.63 feet to a point; thence continuing along said north boundary line of Land Lot 251 and Land Lot 81 North 89 degrees 37 minutes 39 seconds East a distance of 392.43 feet to a point, the same being the northwest corner of property now or formerly owned by Charles E. Muskett; thence along the west property line of property now or formerly owned by Charles E. Muskett South 01 degrees 09 minutes 53 seconds East a distance of 624.08 feet to a corner, the same being the southwest corner of property now or formerly owned by Charles E. Muskett; thence along the south property line of property now or formerly owned by Charles E. Muskett North 88 degrees 24 minutes 26 seconds East a distance of 377.70 feet to a point; thence North 88 degrees 37 minutes 38 seconds East a distance of 442.51 feet to a point; thence North 88 degrees 15 minutes 11 seconds East 287.03 feet to a point; thence North 88 degrees 15 minutes 52 seconds East a distance of 322.43 feet to a point lying and being 39.99 feet from the west right-of-way of State Route 155;

thence South 01 degree 19 minutes 13 seconds East a distance of 126.86 feet; thence along a curve having an arc distance to 72.63 feet and a chord bearing of South 01 degree 30 minutes 03 seconds East to a point; thence North 88 degrees 19 minutes 08 seconds East a distance of 10 feet to a point; thence along a curve having an arc distance of 273.20 feet and a chord bearing of South 02 degrees 21 minutes 35 seconds East; thence South 03 degrees 02 minutes 20 seconds East a distance of 53.34 feet to a point; thence along a curve having an arc distance of 74.66 feet and a chord bearing of South 02 degrees 51 minutes 03 seconds East to a point; thence South 87 degrees 20 minutes 13 seconds West a distance of 20.00 feet to a point; thence along a curve having an arc distance of 74.41 feet and a chord bearing of South 02 degrees 28 minutes 32 seconds East; thence North 87 degrees 42 minutes 43 seconds East a distance of 10.00 feet to a point; thence along a curve having an arc distance of 198.44 feet and a chord bearing of South 01 degree 47 minutes 19 seconds East to a point; thence South 01 degrees 17 minutes 20 seconds East a distance of 36.61 feet to the True 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. No exposed foundations;
- b. Underground utilities;
- c. Under pinned front and side porches; and
- d. Becomes an animal restraint district.

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 May 3, 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 situate, lying and being Land Lot 81 of the Second Land District and Land Lot 251 of the Third Land District originally Henry, now Spalding County, Georgia, consisting of 142.98 acres, more or less, located on Highway 155 (North McDonough Road), 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.

3. Consider a second reading of Amendment to the Official Zoning Ordinance of the following:
- **Amendment to UDO #A-04-02:** Appendix A. Subdivision Ordinance – Section 505:B(6) – amend to only require detention pond fencing for ponds deeper than 5 feet.

IN RE:

Text Amendment #A-04-02

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 April 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: Existing Appendix A Section 505B.6. of the Unified Development Ordinance shall be deleted in its entirety.

Section 2: A new Section 505B.6. of the Unified Development Ordinance shall be enacted as follows:

6. Detention ponds shall be designed for the two, five, ten, twenty-five, fifty and one hundred year storms. Either the "DeKalb Rational Method" or the "SCS Method" (Soil Conservation Service Method) shall be used for producing all hydrographs for storage design. No additional runoff will be allowed over the predeveloped rate. All detention facilities exceeding a five (5) foot depth from the spillway or overflow to the invert of the main outlet orifice shall be fenced with a cyclone fence a minimum of six (6) feet in height. Potential access to fenced detention facilities shall be provided by means of a twelve (12) foot minimum width fence gate, latched and locked five (5) or more feet above grade. All detention ponds shall have a fifteen (15) foot minimum width easement to a public right of way.

Section 21: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective June 30, 2004. The provisions of this ordinance shall not apply to any lot in any subdivision for which has been recorded or for which a preliminary plat has been filed with the Community Development Department, which meets the requirements of Appendix A, Section 405 of the Unified Development Code for the approval of plats on or before June 30, 2004.

Section 22: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-04-04:** Appendix G. Standard for Off-Street Parking and Service Facilities – Section 105:D – delete minimum setback requirement for any driveway from curb cut requirements.

IN RE:

Text Amendment #A-04-04

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 April 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 deleted from the provisions of the Zoning Ordinance of Spalding County, Appendix G: Standard for Off-Street Parking and Service Facilities, Section 105(D).

Section 2: The following provision shall be added to the provisions of the Zoning Ordinance of Spalding County, Appendix G: Standard for Off-Street Parking and Service Facilities, Section 105(D):

D. *Reserved*

Section 3: 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 4: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 5: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-04-05:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

IN RE:

Text Amendment #A-04-05

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 April 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: A new paragraph shall be added to Section 2302(E) of “Official Zoning Map Spalding County, Georgia (Official Map)” of the Zoning Ordinance of Spalding County as follows:

A new Official Map was adopted on May 3, 2004, which will replace the previous Official Map.

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.

- **Amendment to UDO #A-04-06:** Appendix J. Commercial/Industrial Development Ordinance – Article 3 & 4 – establish minimum threshold for site plan review and change fee structure.

IN RE:

Text Amendment #A-04-06

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 April 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 to the provisions of the Zoning Ordinance of Spalding County, Appendix J; Article 3. (4'):

4' Additions to existing development where the total

**amount of impervious surface
added is less than 5,000 square feet**

\$750.00

Section 2: The following provision shall be deleted from the provisions of the Zoning Ordinance of Spalding County, Appendix J; Article 4, Section 405'

Section 3: The following provision shall be added to the provisions of the Zoning Ordinance of Spalding County, Appendix J; Article 4, Section 405'

Section 405': Specifications for Construction Plans for Expansion and/or Addition to Existing Commercial or Industrial Sites not Exceeding 5,000 square feet of impervious surface. Construction Plans for expansions and/or additions to existing commercial or industrial sites, which *do not expand or add to such site by more than 5,000 square feet of impervious surface and do not add additional or multiple stories* must meet the minimum standards of design set forth in this Ordinance and must include the following; however, expansions which do not add more than 500 square feet of impervious surface or which add less than 500 square feet of building shall not be required to submit a construction plan:

- A. A letter requesting review and approval of the construction plans for the expansion or addition, giving the name, address and telephone number of the developer submitting the plan.
- B. Name and location of the development.
- C. Name, address, telephone number and seal of **person** preparing the plan for expansion or addition.
- D. Date, scale, north arrow and number of sheets.
- E. Locations and dimensions of all existing structures (principal and accessory).
- F. Location and dimensions of the proposed expansion or addition.
- G. Minimum yards and setbacks specified in the Zoning Ordinance.
- H. Exits, entrances, internal circulation patterns showing traffic lanes, fire lanes and acceleration/deceleration lanes, only if being modified or changed as a result of the expansion or addition.
- I. Parking layout, including handicapped parking and landscaping, only if being modified or changed as a result of the expansion or addition.
- J. Off-street loading, only if being modified or changed as a result of the expansion or addition.
- K. Location of refuse collection and any outside storage and/or service areas, and how such refuse and storage areas will be screened, only if being modified or changed as a result of the expansion or addition.

- L. Water and sanitary sewer plans (if applicable) which comply with all county development standards, only if being modified or changed as a result of the expansion or addition.
- M. A specification chart on the plans with all pipe gauges and other pertinent specifications.
- N. Site grading plan with soil erosion and sedimentation control plan.

Section 4: 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 5: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 6: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 7: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-04-07:** Article 4. General Procedures – Section 408:A(2) – amend “Building Permit Required” information.

IN RE:

Text Amendment #A-04-07

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 April 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 deleted from the provisions of the Zoning Ordinance of Spalding County: Article 4 “General Procedures” Section 408(A)(2).

Section 2: The following provision shall be added to the provisions of the Zoning Ordinance of Spalding County, Article 4 “General Procedures” Section 408(A)(2):

Section 408: Building Permit Required.

- A. The developer or other person wishing to do any of the following must first apply to the Building Official for a Building Permit:
2. Erection, movement and enlargement of a building where the cost of such erection, movement or enlargement \$1,000 or more.

Section 3: 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 4: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 5: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

- **Amendment to UDO #A-04-10:** Article 2. Definitions of Terms Used – Section 202:L – Buffer – amend provision to allow septic systems.

IN RE:

Text Amendment #A-04-10

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 April 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: Existing Section 202.L. of the Unified Development Ordinance shall be deleted in its entirety.

Section 2: A new Section 202.L of the Unified Development Ordinance shall be enacted as follows:

L. Buffer: That portion of a lot established for open space purposes and intended to separate properties with different and possibly incompatible types of use. A buffer shall not be occupied with structures and facilities except for septic tank drain fields and as permitted by this Ordinance. Where encroachment of the buffer is allowed, vegetation disturbance shall be kept to the minimum required for the installation and vegetation that is removed during the process shall be replaced with suitable landscape material that provides the same quality of screening. Where required by this Ordinance, a buffer must include the installation of a suitable visual screen in accordance with the provisions contained in Article 4. Developments for which a preliminary plat has been approved prior to the adoption of this amendment that include "Undisturbed

Buffers” will be allowed to locate septic drain fields in said buffers as long as they the minimal disturbance and replacement criteria of this paragraph are met.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon its adoption by the Spalding County Board of Commissioners.

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

X. OLD BUSINESS

1. Consider at second reading an ordinance amending the Spalding County Code relative to Sale of Alcohol and Consumption of Premises on Election Days. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Ordinance was approved by a vote of 4-1 with Commissioner McDaniel voting in opposition.*

**SPALDING COUNTY, GEORGIA
ALCOHOL BEVERAGE ORDINANCE
PART II, CHAPTER 2, SEC. 2-2002 AND
PART VI, CHAPTER 1, ARTICLE A, SUBPARAGRAPH 2
PART VI, CHAPTER 1, ARTICLE B, SUBPARAGRAPH 3
PART VI, CHAPTER 1, ARTICLE C, SEC. 6-1057 SUBPARAGRAPH 3
ORDINANCE NO. 2004-02**

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, AS AMENDED TO PROVIDE FOR CHANGE RELATING TO SALE OF ALCOHOL ON ELECTION DAYS AND CONSUMPTION ON PREMISES

WHEREAS, the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, is empowered under and by virtue of the Constitution and the Laws of the State of Georgia to provide, and to amend, the Spalding County Code; and

WHEREAS, this Board of Commissioners now deems it appropriate and in the best interest of the County of Spalding to amend the Elections Ordinance and the Spalding County Alcohol Beverage Ordinance;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County, as follows.

Section 1. Part II, Chapter 2, Elections, Section 2-2002, Sale of alcohol on elections days: the Code of Laws and Ordinances should be amended by deleting this section in its entirety, which reads as follows:

“On any day in which an election is being held within the incorporated area of Spalding County the lawful hours of sale shall be from 7:00 p.m. until 11:45 p.m. on said election day.”

Section 2. Part VI, Chapter 1, Licensing and Regulation, Article A, Section 6-1006, Regulations of retail dealers, the Code of Laws and Ordinances should be amended by deleting in its entirety the second sentence in sub-paragraph (2) and in lieu thereof insert the following sentence:

“ Sell or deliver malt beverages or wine on a Sunday or Christmas Day.”

Section 3. Part VI, Chapter 1, Licensing and Regulation, Article B, Section 6-1031, Days when sale prohibited, the Code of Laws and Ordinance should be amended by deleting sub-paragraph (3) in its entirety and in lieu thereof insert the following sub-paragraph (3):

“On any day before 8:00 a.m. and after 11:45 p.m.”

Section 4. Part VI, Chapter 1, Section 6-1057, Article C, Subparagraph 3 of the Code of Laws and Ordinances of Spalding County, Georgia should be amended as follows:

By striking in its entirety the second sentence in sub-paragraphs (3) which reads as follows:

“However, no licensee hereunder shall open his place of business prior to 7:00 p.m. on any day in which an election is being held within the unincorporated area of Spalding County.”

Section 5. This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed.

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

- **Application #03-26Z:** Dixie B. Johnston, Owner – 1351 Zebulon Road – 12.164 acres – R-1 to AR-2, Conditional.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following Resolution was approved by a vote of 3-1-1 with Commissioner Kendall voting in opposition and Commissioner McDaniel abstaining giving reason of personal conflict of interest.

**APPLICATION OF DIXIE B. JOHNSTON
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 03-26Z

**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 Low Density;”

WHEREAS, Dixie B. Johnston, applicant, applied for a change in zoning classification to be applied to the within described property to “AR-2, Rural Reserve;”

WHEREAS, such application was filed with Spalding County, Georgia on November 12, 2003;

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 April 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 lot, tract or parcel of land situate, lying and being in the Land Lot(s) 117 and 118 of the Second Land District of originally Monroe, now Spalding County, Georgia, consisting of 12.164 acres and being more particularly described as follows:

To locate the point of beginning is a ½ inch pipe located on the right-of-way of Zebulon Road, thence South 48 degrees 42 minutes 28 seconds West a distance

of 214.26 feet to a point; thence South 46 degrees 51 minutes 46 seconds West (R=6959.94; Arc=420.18 feet; Chord=420.12 feet) to a point; thence South 45 degrees 8 minutes 15 seconds West a distance of 5.37 feet to a point; thence North 46 degrees 30 minutes 52 seconds West a distance of 180 feet to a point; thence South 45 degrees 08 minutes 15 seconds West a distance of 163.04 feet to a point; thence North 46 degrees 30 minutes 52 seconds West a distance of 48.71 feet to a point; thence South 46 degrees 02 minutes 14 seconds West a distance of 10.02 feet to a 2" pipe; thence North 38 degrees 45 minutes 38 seconds West a distance of 325.16 feet to an iron pin; thence North 5 degrees 24 minutes 39 seconds East a distance of 298.14 feet to a point; thence North 5 degrees 31 minutes 54 seconds East a distance of 177.13 feet to a point; thence South 84 degrees 32 minutes 40 seconds East a distance of 200.08 feet to a point; thence South 83 degrees 55 minutes 27 seconds East a distance of 34.13 feet to a point; thence North 17 degrees 26 minutes 38 seconds East a distance of 224.65 feet to a point; thence North 82 degrees 22 minutes 30 seconds West a distance of 213.46 feet to a mill spindle; thence South 8 degrees 18 minutes 11 seconds East a distance of 397.03 feet to an iron pin; thence South 65 degrees 49 minutes 5 seconds East a distance of 382.71 feet to the POINT OF BEGINNING.

From "R-1, Single Family Residential Low Density" to "AR-2, Rural Reserve" 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. Cannot be used as a commercial stud farm;
- b. No rodeos allowed;
- c. Cannot host other riding events; and
- d. A limit of three horses.

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 May 3, 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 situate, lying and being Land Lot(s) 117 and 118 of the Second Land District originally Monroe, now Spalding County, Georgia, consisting of 12.164 acres located on Zebulon Road, zoned AR-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.

XI. NEW BUSINESS

1. Consider request from New Era Baptist Convention Center, Inc. for outside amplification permit at 1229 Green Valley Road for their Youth Conference to be held June 19th and also for their annual Congress of Christian Education Conference July 18-22, 2004. The request is for the Youth Conference on June 19, 2004 from 8:30 a.m. – 5:00 p.m. and July 18-22, 2004 as follows: Sunday, July 18th from 4-9:30 p.m., Monday – Wednesday, July 19-21 from 8:30 a.m. until 9:30 p.m. and on Thursday, July 22nd from 8:30 a.m. until 2:00 p.m. The amplification sound system will be used for singing, speeches and music during these requested hours.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the above requested dates and times were unanimously approved by a vote of 5-0.

2. Consider request from Shirley Souder for an amplification permit for a party to be held at 124 Kathryn Road, Saturday, June 19, 2004. Ms. Souder was present to answer any questions. Ms. Souder had requested the hours of 6:00 p.m. until 2:00 a.m. and was told amplification could not go past 11:00 p.m. of which she agreed. Ms. Souder was also requested to be mindful of the neighbors with traffic congestion in the neighborhood.

Upon motion by Commissioner Davis, seconded by Commissioner Morrow amplification request for the hours of 6:00 p.m. until 11:00 p.m. was unanimously approved by a vote of 5-0.

3. Consider Resolution Approving the Issuance of Revenue Bonds by the Griffin/Spalding County Development Authority for an addition to an existing manufacturing facility. *No action was taken as requested by County Attorney Fortune.*

4. Consider Lease Agreement between Spalding County and Fashion Industries for rental of property at 835 Memorial Drive (Oxford Shop) to expire December 31, 2004. The Lease Agreement is for rental at \$1,000 per month beginning May 1, 2004 with either party terminating the contract in its entirety upon giving thirty (30) days written notice to the other party of its intent to terminate.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Lease Agreement with Fashion Industries was unanimously approved by a vote of 5-0.

5. Consider approval of Reimbursement Resolution authorizing lease purchase of equipment for the Sheriff's Department. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION OF SPALDING COUNTY FOR DECLARATION OF OFFICIAL INTENT TO REIMBURSE OR REFINANCE COSTS FOR EQUIPMENT WITH TAX EXEMPT FINANCING

WHEREAS, the **SPALDING COUNTY** Board of Commissioners desires to acquire and equip **SPALDING COUNTY'S Sheriff's Department** with equipment, and

WHEREAS, the **SPALDING COUNTY** Board of Commissioners desires to declare its official intent to reimburse and refinance certain cost of the property by the issuance of bonds, lease or other obligations, to provide such reimbursement;

NOW THEREFORE, BE IT RESOLVED, that **SPALDING COUNTY** Board of Commissioners hereby declares pursuant to the Treasury Regulations Section 1.150-2 its official intent to reimburse and finance the costs for the property by the issuance of tax exempt bonds, a lease or other obligations, for the purpose of reimbursing costs of the property up to **\$67,444.00**.

BE IT FURTHER RESOLVED, that a copy of this resolution be placed in the official minutes of the Board of Commissioners and made available for inspection by the public in accordance with the provisions of law.

6. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to appropriate funds for confiscated assets. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis first reading of ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

7. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to appropriate funds for the CDBG sewer improvement project. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis first reading of ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

8. Consider bids for the purchase of backhoe loader for the Spalding County Water Department. County Manager Wilson recommended low bid of Yancey Brothers for a Caterpillar 420D in the amount of \$57,847. Budgeted \$60,000. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow low bid in the amount of \$57,847 from Yancey Brothers was unanimously approved by a vote of 5-0.*

XII. REPORT OF COUNTY MANAGER

County Manager Wilson made the Board aware that the City of Griffin did obtain insurance coverage for the Griffin-Spalding County Airport before the deadline. The City submitted a Capital Improvements Budget for the five year Capital Improvements Program to the FAA for a \$787,500 request with total 95% Federal funding with a total cost of \$18,750 for the City and County.

County Manager Wilson stated that we had received a request from the City of Griffin to use Fairmont Park Facility on May 22, 2004 for a Block party celebration of Juneteenth, which is a traditional African-American celebration that started as a result of the Emancipation Proclamation. Mr. Wilson stated that he has sent this request to the Sheriff's Department and the Parks and Recreation Department. Mr. Wilson stated this was received too late to place on the agenda and he would like a consensus of the Board to allow the use of this facility for this event. The consensus of the Board was to grant the request with City of Griffin providing security and a Rental Agreement is signed stating that someone will be responsible for the property.

County Manager Wilson stated he was recommending to the Board that the Zoning Hearing scheduled for May 27th be held in two (2) sessions , the previous items where no action was taken and those items tabled are to be held from 9:00 until 4:00 p.m. and any new items will be held at the regular time of 6:00 p.m. This is to prevent the meeting lasting until the wee hours of the next morning. Chairman Kendall has advised that he would be unavailable for the 6:00 part of the meeting. The Board had no problem with the two separate meetings on the 27th to try to solve this problem.

County Manager Wilson reminded the Board that budget review sessions begin Monday, May 24th at 4:30 p. m. and are scheduled to continue through Thursday, May 27th if sessions are needed.

County Manager Wilson reminded the Board of the joint meeting with the City of Griffin Thursday, May 6, 2004 at 6:00 p.m. to discuss the projects on the proposed SPOST. He explained the two (2) ways that a SPLOST can be called relative to the new law, which goes into effect July 1, 2004 followed by further discussion and dialogue between the members of the Board.

XIII. REPORT OF COMMISSIONERS

Commissioner Morrow stated that he would be attending a TAQC meeting next Thursday in Atlanta and he will continue to attend these meetings for the County until his commission term expires December 31st.

Commissioner Goss had no report.

Commissioner Davis had no report.

Commissioner McDaniel made comments regarding the extra long Zoning Public Hearing on the 27th that lasted until the wee hours of the morning and stated that the minutes for this lengthy meeting had to be done by Mrs. Doane and have those ready for the meeting tonight to comply with the Open Records Act. She was up here several nights after hours and a Saturday, part of that time by herself, transcribing these tapes. He said that he speaks for the Board that he appreciates her diligence in doing these minutes. He asked County Attorney Fortune if he might look at the interpretation again as the zoning meeting is a public hearing and the other two meetings are regularly scheduled business meetings and if there is some way this could be interpreted different in order for Mrs. Doane to be able to have adequate time to do the public hearing minutes. Mr. Fortune commented unfortunately he has already been through this type of litigation in Pike County and argued this to Judge Edwards and lost. The next regular scheduled meeting is the next regular scheduled meeting as is interpreted by this circuit.

Commissioner Kendall stated that he, Mr. Wilson, Ms. Garrison, Mr. Fortune and Mr. Kenway had a meeting a couple of weeks ago with Dr. Keller, Ron Harris, Drew Whalen and Lisa Hutcheson to talk about some of the County's reservoir issues and from this meeting arose concerns from both entities. The City does have concerns about the customer base as this customer base is contingent on making it work by adding Coweta County to the equation. The City has to have water to sell to Coweta County on January 1, 2006 and they have a contingency plan if the reservoir is not on line by this date. They will have to be able to sell Coweta County one million gallons a day on January 1, 2006. According to their records water consumption is going down and with bills going up, this is going to create a big problem for everyone. The City is supposed to have one year's payment on this debt service in the bank at all times. The County

is the City's biggest water customer and Mr. Kendall is afraid that all these customers are going to have to finance this debt service on the new reservoir. The City is highly upset with the County's proposed deal with Henry County to serve customers in Spalding County and wants answers to why the County feels this proposal makes any sense.

Commissioner Davis explained the proposal that he and Mr. Kenway have been working on with Henry County. There will be no cost to Henry County to construct lines as the developer will run the lines for the area there. We will begin to get construction since they will have water and sewage and this will increase our tax base tremendously. Henry County has abundant water and would like to sell it and make a profit on it. For the water department to run a 12 loop out there we would pick up twenty customers at a cost of \$500,000 until Minerva starts creating homes that will need water. It would be economically unfeasible for the County to run water line to pick up twenty customers. Commissioner Davis stated that we were waiting for the letter of "harmless" from Henry County before we do anything.

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Upon motion by Commissioner Morrow, seconded by Commissioner Davis the meeting was unanimously adjourned at 7:34 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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