



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Regular Monthly Meeting of the Spalding County Board of Commissioners, which was scheduled for Monday, July 7, 2003 was cancelled due to the 4th of July holiday weekend.

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, July 21, 2003 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 Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, Deputy County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

I. OPENING (CALL TO ORDER) – Chairman Morrow

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

III. PLEDGE TO FLAG – Led by Commissioner Davis

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Presentation of Certificate of Achievement for Excellence in Financial Reporting plaque to Board of Commissioners for its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2002. County Manager Wilson presented this plaque to the Board in recognition of Ms. Garrison's Award of Financial Reporting Achievement she had received earlier.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Twelve Months Ended June 30, 2003. Ms. Garrison was present to answer any questions the Board might have. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Financial Statements were unanimously approved by a vote of 5-0.*

VI. CITIZENS COMMENTS

1. Captain Franklin Allen would like to address the Board concerning the pay and classification study. Mr. Allen gave his address as 740 Kilgore Road and commented that he was speaking on

behalf of the Sheriff's Department. He asked that a committee of volunteers from the various county departments comprise an oversight committee to work in conjunction with the Board of Commissioners in regards to the study. He commented that the employees were asking for a voice and input into the changes, ideals and principles that are going to affect us in the outcome of our jobs by this study.

VII. PUBLIC COMMENT

Mr. Greg Pruitt, 55 Partridge Path, addressed the moratorium on one-acre special exceptions. He asked the Board to consider amending the moratorium to take out sewer lots.

Ms. Betty Gebhardt, 79 Richardson Street, addressed the "No Parking" on Richardson Street. She commented that the people were parking on both sides of the road and the "No Parking" was not being enforced.

Mr. Mike Jackson, 154 Howard Park Drive, McDonough, GA, addressed the Board regarding his rezoning tonight on second reading. He said that he had not realized that the Board had only approved two (2) curb cuts on Highway 19/41 and he had already been approved for three (3) curb cuts by Department of Transportation. He asked the Board to change their recommendation of two (2) curb cuts to three (3).

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of June 16, 2003 and the meetings of June 26, 2003. Commissioner Morrow requested that some wording be changed in Ms. Garrison's audit presentation. Ms. Garrison is to get with Ms. Doane and make the correction.

Upon motion by Commissioner Davis, seconded by Commissioner Goss the minutes with requested correction was unanimously approved by a vote of 5-0.

IX. CONSENT AGENDA

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Items 1 & 2 on Consent Agenda were unanimously approved by a vote of 5-0. The Resolutions are as follows:

1. Consider at second reading of Amendments to the Official Zoning Map of the following:
 - **Application #02-36Z:** Euvalyn Touchstone, Owner—Lot 37 Armstead Circle—1 acre – C2 to R-4, Conditional.

**APPLICATIONS OF EUVALYN TOUCHSTONE
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 02-36Z

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

AND
THE OFFICIAL ZONING MAP OF SPALDING COUNTY, GEORGIA

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “C-2, Manufacturing;”

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

WHEREAS, such applications were filed with Spalding County, Georgia on December 26, 2002;

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 June 26, 2003, 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 Land Lots 157 & 158, 3rd Land District originally Henry now Spalding County, Georgia containing 1.000 acres and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the intersection of the east right-of-way of North Hill Street and the north right-of-way of Armstead Circle; thence running in a easterly direction along said right-of-way of Armstead Circle a distance of 459.2' to a 1" pipe and **TRUE POINT OF BEGINNING**; thence North 05°07'36" East a distance of 106.32' to a point; thence North 84°09'31" West a distance of 17.74' to a point; thence North 00°58'18" East a distance of 103.23' to a ½" rebar; thence North 00°58'18" East a distance of 103.23' to a ½" rebar; thence North 85°57'42" West a distance of 14.77' to a ½" rebar; thence North 00°27'27" West a distance of 204.83' to a ½" rebar; thence South 86°17'40" East a distance of 119.94' to a ½" rebar; thence South 00°59'45" West a distance of 416.74' to an axle located on the north right-of-way of Armstead Circle; thence North 85°07'30" West along said right-of-way a distance of 90.00' to a 1" pipe and **POINT OF BEGINNING**.

From "C-2, Manufacturing" to "R-4, 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. The lot layout is approved as shown on the concept plan submitted as part of the application.

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:

All that lot, tract or parcel of land situate, lying and being in Land Lots 157 & 158, 3rd Land District originally Henry now Spalding County, Georgia, containing 1.000 acres located off Armstead Circle, zoned R-4, Conditional.

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

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

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

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

- **Application #03-07Z:** Abu Bakr, Owner—1360 Trestle Road—38.73 acres – R-2 to AR-2, Conditional.

**APPLICATIONS OF ABU BAKR
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-07Z
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, Abu Bakr, applicant, applied for a change in zoning classification to be applied to the within described property to “AR-2, Rural Reserve;”

WHEREAS, such applications were filed with Spalding County, Georgia on April 23, 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 June 26, 2003, 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:

From the Point of Beginning marked by an iron pin at the southwest corner of Tract "C" found on plat in Plat Book 22, Page 224 thence South 88 degrees 46 minutes 10 seconds east for a distance of 1,124.73' to a point; thence South 0 degrees 33 minutes 20 seconds East for a distance of 1,225.77' to a point; thence North 73 degrees 59 minutes 15 seconds West for a distance of 318.13' to a point; thence North 74 degrees 18 minutes 5 seconds West for a distance of 193.78' to a point; thence North 72 degrees 19 minutes 25 seconds West for a distance of 112.80' to a point; thence North 0 degrees 4 minutes 20 seconds East for a distance of 249.99' to a point; thence South 89 degrees 42 minutes 10 seconds West for a distance of 309.46' to a point; thence South 89 degrees 36 minutes 30 seconds West for a distance of 242.11' to a point; thence South 8 degrees 39 minutes 30 seconds West for a distance of 136.45' to a point; thence South 8 degrees 39 minutes 0 seconds West for a distance of 363.56' to a point; thence South 86 degrees 38 minutes 15 seconds West for a distance of 278.39' to a point; thence South 86 degrees 40 minutes 30 seconds West for a distance of 298.14' to a point; thence North 26 degrees 29 minutes 0 seconds East for a distance of 108.58' to a point; thence North 63 degrees 32 minutes 30 seconds West for a distance of 100.00' to a point; thence South 26 degrees 27 minutes 30 seconds West for a distance of 92.22' to a point; thence North 45 degrees 02 minutes 30 seconds West for distance of 143.15' to a point on the easterly right-of-way of Trestle Road having a right-of-way of 60'; thence North 36 degrees 2 minutes 45 seconds East along afore mentioned right-of-way a distance of 449.83' to a point; thence North 36 degrees 42 minutes 15 seconds East a distance of 701.39' to a point on the right-of-way; thence along a curve having a radius of 1,234.34', a central angle of 6 degrees 13 minutes 5 seconds, an arc distance of 133.96' and a chord bearing and distance of North 33 degrees 55 minutes 30 seconds East for 133.89' to a point; thence North 29 degrees 35 minutes 0 seconds East for a distance of 183.02' to the Point of Beginning.

This tract is 38.73 acres and is located in Land Lot 144 of the Second Land District of Spalding County, Georgia.

From "R-2, Single Family Residential" 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:

1. Approved for only property actually owned (as there is a plat discrepancy).

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:

All that tract or parcel of land lying and being in Land Lot 144 of the Second Land District of Spalding County, Georgia, containing 38.73 acres located on Trestle 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.

- **Application #03-08Z:** Vingreco, LLC, Owner—Southwest corner of Zebulon Road and Pecan Point—1.03 acres – R-1 to C-1A, Conditional.

**APPLICATIONS OF VINGRECO, LLP
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-08Z

**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, Abu Bakr, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1A, Neighborhood Commercial;”

WHEREAS, such applications were filed with Spalding County, Georgia on April 24, 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 June 26, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 119 of the 2nd Land District of Spalding County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING begin at the point formed by the intersection of the southerly right-of-way line of Moose Club Road (60 foot right-of-way) with the westerly right-of-way line of U.S. Route 19 (80 foot right-of-way) in Land Lot 118 of the aforesaid district and county; running thence southeasterly along the southwesterly right-of-way line of U.S. Route 19 aforesaid a distance of 490.28 feet to an iron pin located at the point of intersection of the westerly right-of-way line of U.S. Route 19 aforesaid with the north line of Land Lot 119 aforesaid; running thence southeasterly along the southwesterly right-of-way line of U.S. Route 19 aforesaid and following a bearing of South 11 degrees 33 minutes 21 seconds East a distance of 191.27 feet to a point; running thence South 09 degrees 08 minutes 15 seconds East a distance of 164.17 feet to the POINT OF BEGINNING; running thence South 89 degrees 31 minutes 24 seconds West a distance of 303.52 feet to a point; running thence and following a bearing of North 30 degrees 37 minutes 15 seconds West a distance of 105.22 feet to a point located on the southeasterly right-of-way line of Pecan Point (50 foot right-of-way); running thence northeasterly along the southeasterly right-of-way of Pecan Point aforesaid and following a bearing of North 59 degrees 22 minutes 45 seconds East a distance of 35.5 feet to a point; running thence northeasterly along the curvature of Pecan Point aforesaid and following the curve of an arc having a radius of 275.00 feet, an arc distance of 141.64 feet, a chord bearing of North 74 degrees 08 minutes 02 seconds East and

a chord distance of 140.08 feet to a point; running thence along the southerly right-of-way line of Pecan Point aforesaid and following a bearing of North 88 degrees 53 minutes 20 seconds East a distance of 137.69 feet to a point; running thence and following a curve of an arch having a radius of 35 feet, along an arc of 50.07 feet, a chord bearing of South 50 degrees 07 minutes 27 seconds East along a chord distance of 45.91 feet to a point located on the westerly right-of-way line of U.S. Route 19 aforesaid; running thence along the westerly right-of-way line of U.S. Route 19 aforesaid and following a bearing of South 09 degrees 08 minutes 15 seconds East a distance of 119.15 feet to a point and the POINT OF BEGINNING, being a residential lot according to the present system of zoning in Spalding County, Georgia, and containing 1.03 acres, more or less (44,893 square feet) according to a plat and survey prepared for The Orchards by S. Bodkin Surveying, LLC, dated November 28, 2001, by W.S. Bodkin, Georgia Registered Land Surveyor #2580.

From “R-1, Single Family Residential Low Density” to “C-1A, Neighborhood Commercial” 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. The façade of the proposed structure shall be a minimum of 25% brick, stone, or masonry stucco for any side visible from a street;
2. If a secondary use is developed, as indicated in the site plan, it shall be developed so as not to diminish the green space of the property as shown on the site plan. Such uses shall not include restaurants with a drive-thru, service station, auto repair or pawnshop;
3. Driveways shall be designed in a way that limits the impact of vehicle light (headlights) on the adjacent residential uses;
4. Site lighting for the property shall be designed in such a way as to prevent glare on adjacent residential uses; and
5. Restricted to medical office use only.

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:

All that tract or parcel of land lying and being in Land Lot 119 of the 2nd Land District of Spalding County, Georgia, containing 1.03 acres located off Zebulon Road, zoned C-1A, 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.

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

- **Amendment to UDO #A-03-18**: Article 5, AR-1, Agricultural and Residential—Section 503:B(12) – amend to delete Solid Waste Facility (landfill) as a special exception use, and Article 15. C-2, Manufacturing—Section 1503:B(8)—add provision for Solid Waste Disposal Facility as a special exception use.

IN RE:

Text Amendment #A-03-18

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on June 26, 2003 pursuant to O.C.G.A. et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

Section 1: The following provisions shall be deleted from the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential:" Section 503(B)(12), and such section shall appear as "Reserved."

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County, to appear as Article 15, "C-2 Manufacturing" as Section 1503(B)(8):

B. The following **Principal Uses** are allowed as **Special Exceptions** in C-2 Districts:

8. Solid Waste Disposal Facility, meeting the following criteria:

- a. The site must be geotechnically suitable as defined by the County's Solid Waste Management Plan.
- b. No approval shall be issued for a facility that is located within one-half (1/2) mile of an adjoining county without the applicant's first receiving the express approval of the governing authority of that adjoining county.
- c. All solid waste disposal facilities shall comply with the applicable requirements of the Georgia Solid Waste Management Act of 1990, as amended.

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

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

X. OLD BUSINESS

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

- **Application #03-01Z:** McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners—Westmoreland Road – 50 acres – R-2 & AR-1 to R-2, Conditional

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Application #03-01Z was approved by a vote of 3-2 with Commissioners Morrow and Goss voting in opposition.

- **Application #03-01AZ:** McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners—Westmoreland Road – 50 acres – AR-1 to R-2, Conditional

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Application #03-01AZ was approved by a vote of 3-2 with Commissioners Morrow and Goss voting in opposition.

*Due to a typographical error made on the agenda by the department that submitted items for the agenda (R-2 Conditional should have read R-1 Conditional) **Applications #03-01Z and #03-01AZ** will have to go back on a second reading on August 18, 2003. **The Resolutions will be incorporated into the minutes at that time.***

- **Application #03-04Z:** Cedar Creek Farms, Inc., Owner—Southwest corner of Highway 19/41 and Birdie Road – 24.3 acres, more or less – C-1 & AR-1 to C-1, Conditional.

Due to the change Mike Jackson asked for previously, which is the three (3) curb cuts, this application will have to go back for a second reading with the change, if the Board desires to make the requested change. Community Development Director Chuck Taylor had no problem with the change due to the restrictions of the gas line and the contours of the topography of the tract, which staff didn't see on the concept plan.

*Motion made Commissioner Davis to place **Application #03-04Z** on first reading with three (3) curb cuts instead of two (2) as shown with all other conditions remaining the same. Commissioner Goss seconded the motion and motion passed by a vote of 4-0-1 with Commissioner Morrow abstaining from the vote stating conflict of interest. **The Application will be heard on second reading August 4^h and Resolution will be incorporated into the minutes at that time.***

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

- **Amendment to UDO #A-03-15:** Appendix E. Sign Ordinance—Article 2. Definitions—add definition for Vehicle Signs and Article 5. General Regulations—add provision for Vehicle Signs.

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

IN RE:

Text Amendment #A-03-15

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and subsequently thereto adopted as Appendix E thereto, the Sign Ordinance of Spalding County;

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

WHEREAS, such text amendments to the Sign Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on June 26, 2003 33-66-1, pursuant to O.C.G.A. 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 Sign Ordinance of Spalding County, Georgia conforms with sound comprehensive planning principles and is of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

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

Section 1: The following provision shall be added to the Sign Ordinance of Spalding County, Article Two: Definitions to appear as: Section 249':

Section 249': Vehicle Signs

Any sign affixed or painted permanently on any part of a vehicle, which exceeds ten (10) square feet in total sign area.

Section 2: The following provision shall be added to the Sign Ordinance of Spalding County, Article Seven: Prohibited Signs to appear as: Section 701(M):

Section 701: All signs not expressly authorized by this section are prohibited. Such signs include, but are not limited to:

M. Vehicle signs on premise when:

1. such vehicle which is used primarily for advertising and not for the purpose of providing transportation for the owner, employees, inventory, merchandise, supplies or materials of the on premise business advertised on the vehicle; or
2. such vehicle (or any part thereof) is parked for more than twelve (12) consecutive hours within 100 feet of any street right of way and the

vehicle is not being actively loaded or unloaded, and other available and accessible locations are on or about the premises where such vehicle can be parked and which are not within 100 feet of a street right of way.

Section 3: The foregoing amendments of the Sign Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

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

XI. NEW BUSINESS

1. Receive public comment regarding request for street lighting district for The Orchards Subdivision. There was no one present who wished to make comment.

2. Consider approval for street lighting district for The Orchards Subdivision. Lamar Georgia EMC has approved four (4) 150-watt decorative lighting fixtures. Total cost for lights will be \$78 per month or \$936 per year. The annual yearly cost per parcel will be \$49.26.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow street lighting district for The Orchards Subdivision was unanimously approved by a vote of 5-0.

3. Receive public comment on abandoning a portion of Seven Forks Road. There was no one present who wished to make comment.

4. Consider Resolution To Abandon a Portion of Seven Forks Road. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was unanimously approved by a vote of 5-0.*

RESOLUTION TO ABANDON SEVEN FORKS ROAD OR A PORTION THEREOF

WHEREAS, landowners contiguous to Seven Forks Road contend that a portion of Seven Forks Road has ceased to be used by the public to the extent that no substantial public purpose is served by said road and have requested the Board of Commissioners of Spalding County as the governing authority of said county, to abandon said portion of road as a part of the county road system; and

WHEREAS, on June 16, 2003 the Board of Commissioners adopted a resolution of intent to consider the abandonment of a portion of Seven Forks Road; and

WHEREAS, a copy of such resolution along with a copy of said plat and sketch was sent to each of the contiguous property owners and to the local Postmaster for review with the rural mail carrier and to the Superintendent of the Griffin-Spalding County School System for review with the person in charge of the bus transportation for students in the local school system, and in addition thereto copies of such resolution were posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex; and

WHEREAS, no objections to such abandonment have been received;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that a portion of Seven Forks Road lying and being in the Cabin Militia District, running north northeasterly from its intersection with Teamon Road approximately 560 feet, then southerly approximately 680 feet to its intersection with Teamon Road as more particularly shown and designated on the plat or sketch attached hereto, has ceased to be used by the public to the extent that no substantial public purpose is served by it, accordingly, said road is hereby considered, ordered and declared abandoned, and it is further ordered that said this portion of Seven Forks Road shall hereafter cease to be a part of the county road system; and

IT IS FURTHER RESOLVED that a copy of the within resolution shall be transmitted to the Georgia Department of Transportation and to the Spalding County Board of Tax Assessors, so as to record the deletion of a portion of Seven Forks Road as a part of the Spalding County road system; and

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

5. Consider authorizing 2003-2004 VOCA Grant Application for Victim Services Unit at Spalding County Sheriff's Department. County Manager Wilson stated the grant is in the amount of \$64,000 with a cash match of \$16,703 which is budgeted in FY 2004 Budget.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis grant application for VOCA for Sheriff's Department was unanimously approved by a vote of 5-0.

6. Lanier Boatwright and Robert Hiatt of the McIntosh Trail Regional Development Center are present to consider available options regarding the County's MPO situation.

Deputy County Manager Michael Sabine addressed this item first. He said that he and Chairman Morrow had met with the Governor's Office staff on June 26th and at that meeting it was indicated to us that they were not willing to take into consideration a separate MPO any further; however, based on comments generated by Chairman Morrow, they were willing to entertain a sub-region concept within the ARC MPO which would give us more autonomy than just joining the ARC MPO parcel. There are four proposed sub regions: Metro Central (incorporating the "Big Five" counties of Cobb, Clayton, DeKalb, Fulton and Gwinnett), Metro South incorporating Carroll, Coweta, Fayette, Henry & Spalding Counties; Metro East incorporating Barrow, Newton, Rockdale and Walton Counties and Metro West incorporating Bartow, Cherokee, Douglas, Forsyth and Paulding Counties.

Mr. Boatwright addressed the Board . He said this was an option mentioned to Chairman Morrow by GRTA (Georgia Regional Transportation Authority). He said at the time this document is just for Spalding County; however, this is something that could be worked with the other five (5) RDC's and the other counties involved and passed on to GRTA to see how they feel about this proposal. This proposal is a long term solution and hopefully it would not have to be revisited every time there is a census update or a new census taken.

Mr. Sabine commented the sub-region approach takes the Atlanta Metropolitan Region and breaks it up for internal planning purposes only into smaller areas of four (4) or five (5) counties each. The idea being that local control would be enhanced by having a smaller decision making

venue before you send everything up to this large nineteen (19) county TAQC (Transportation & Air Quality Committee).

Chairman Morrow commented that he and Mr. Sabine would be meeting Wednesday with staff in Coweta County regarding this concept.

The consensus of the Board was to continue pursuing this concept in theory.

7. Consider approval of Change Orders #1 & 2 for the Highland Mill CDBG Sewer Project. These change orders will add complete overlay (repaving) of disturbed streets in Highland Mill, TV testing of line and replacement of equipment as required by EPD at treatment plant and delete the sidewalks and curb replacement not required for this project.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Change Orders 1 & 2 were unanimously approved by a vote of 5-0.

8. Consider reappointment of Dr. Scott Rowlett to the Spalding County Department of Family & Children Services Board. (Term to expire 6-30-08). No action was taken as there was word that Dr. Rowlett was moving out of Spalding County but no official letter from DFACS.

9. Consider reappointment of Trudy McDevitt and Chipper Gardner to the West Georgia Emergency Medical Service Council. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Trudy McDevitt and Chipper Gardner were unanimously reappointed for a two year term.*

10. Consider request from the Flint River Council Boy Scouts of America to place message boards on County right-of-way on September 10, 2003 for their Sporting Clay Event. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis request to place message board on Baptist Camp Road right of way was unanimously approved by a vote of 5-0.*

11. Consider authorizing Fire Department to apply for Office of Domestic Preparedness (ODP) Emergency Management Grant. There is no local match requirement for this grant. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis authorization of grant was unanimously approved by a vote of 5-0.*

12. Consider approval of a Resolution to Contract with the Georgia Department of Human Resources to provide CSBG services within Spalding County for FFY2004 CSBG program. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

Resolution

WHEREAS, the Spalding County Board of Commissioners desires to provide services to assist underprivileged families throughout the County of Spalding; and

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

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

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

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that the Board intends to contract with the Georgia Department of Human Resources (Community Services Section) to provide CSBG services within Spalding County for the period of October 1, 2003 to September 30, 2004. Eligible services shall be made available through provisions of the FFY 2004 CSBG program.

13. Consider amended FFY 2003 Community Services Block Grant (CSBG) contract with Georgia Department of Human Resources. This is for the \$140,146.23 in roll-over funds, which will bring the total to \$313,000 available for the CSBG program. *Upon motion by Commissioner Davis, seconded by Commissioner Morrow amended FFY 2003 CSBG contract was unanimously approved by a vote of 5-0.*

14. Consider additions to the Pay and Classification Plan as provided for in the Fiscal Year 2004 Budget. The five (5) positions are as follows:

Administrative Services Director	Grade 50	\$52,622 - 78,117
Licensed Practical Nurse Supervisor	Grade 21	\$29,653 - 44,020
Elections Supervisor	Grade 19	\$28,067 - 41,665
Voter Registration Coordinator	Grade 15	\$24,898 - 36,961
Appraiser II/Wingap Coordinator	Grade 15	\$24,898 - 36,961

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the additions were approved by a vote of 4-1 with Commissioner Goss voting in opposition.

15. Consider at first reading an ordinance amending the Fiscal Year 2004 Budget Ordinance to provide for the proceeds of the 2002 LLEBG Grant. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

16. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to provide for outstanding encumbrances for FY 2003. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

17. Consider at first reading an ordinance amending the Fiscal Year 2004 Budget Ordinance to provide for NFL Grant proceeds. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

18. Consider approval of contract with the City of Griffin for billing of Highland Mill sewer customers. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the following contract was unanimously approved by a vote of 5-0.*

STATE OF GEORGIA
COUNTY OF SPALDING

CONTRACT FOR THE BILLING OF
HIGHLAND MILLS SEWER CUSTOMERS
BETWEEN THE CITY OF GRIFFIN, GEORGIA, AND
COUNTY OF SPALDING, GEORGIA.

This agreement is made and entered into this 8th day of July 2003 by and between THE CITY OF GRIFFIN, GEORGIA, a Municipal Corporation of the State of Georgia (hereinafter referred to as "the City"), and THE COUNTY OF SPALDING, GEORGIA, a Political Subdivision of the State of Georgia (hereinafter referred to as "the County").

WHEREAS, the County is taking over the operation of the Highland Mills Wastewater Treatment Plant; and

WHEREAS, the City is handling the billing of Spalding County Water Customers for the County; and under a separate contract dated December 13, 1995; and

WHEREAS, the City has agreed that it will likewise bill the County's Highland Mills Sewer Customers;

NOW THEREFORE, it is agreed as follows:

1.

This instrument shall constitute a binding, legal contract by and between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the function and otherwise do all things necessary, convenient and necessary to fulfill the terms of this agreement.

2.

The City agrees that it will bill the County's Sewer customers, which are served by the Highland Mill's Wastewater Plant, during the same period and for the duration it is providing billing services under the Water Sales Agreement, dated December 13, 1995, which expires on December 31, 2020.

3.

The County will pay the City \$3.00 for each sewer account billed per month. The City will remit all net sums collected from County Sewer customers to the County by the 15th of the month following collection, after deducting \$3.00 per account billing charge. After the first year of billing, the City shall evaluate its cost of this service. The parties agree to annual increase in the cost per account billed, upon not less than sixty (60) days written notice from the City.

4.

The City agrees that it will provide itemized monthly reports on the amounts billed and the amounts collected.

5.

This contract shall continue to the duration of the Water Sales agreement referenced above, which is December 31, 2020, or until one party to this contract gives written notice to the other party that it intends to terminate this contract, whichever occurs sooner. Upon receipt of notice, as provided, this contract shall be null, void and of no effect, ninety days from receipt of the notice of intent to terminate.

6.

The City agrees that it shall terminate service for non-payment of any portion of the customers utility bill, including, but not limited to, water and sewer. If a customer fails to pay any portion of the bill, then all services will be terminated. The City agrees that it shall not restore any service to any residence until all utility bill amounts due are collected in full.

7.

This contract shall become effective as of July 10, 2003.

CITY OF GRIFFIN, GEORGIA

COUNTY OF SPALDING

BY: (L.S.) Walker, Cook, Jr., Mayor
Chairman

BY: (L.S.) Dick Morrow,

ATTEST: (L.S.) Ron H. Rabun
Doane

ATTEST: (L.S.) Phyllis P.

19. Consider at first reading an ordinance amending the Spalding County Code relative to Part VII, Section 7-1001.01 (A) changing road name of Panita Lane to Shady Hill Lane. This road was previously changed at Planning & Zoning Board level at the request of the developer; consequently, they do not have the authority to change a road deeded to the County. Only the Board of Commissioners has that authority.

*Upon motion by Commissioner McDaniel, 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.***

XII. REPORT OF COUNTY MANAGER

County Manager Wilson reported to the Board that this Friday would be Michael Sabine's last day and he will be missed. He wished him well in Henry County and thanked him for all he has done for the County in the time he has been here.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall had no comments.

Commissioner Goss had no comments.

Commissioner Davis inquired as to the status of a grant writer. Commissioner Kendall commented that the Hospital Authority is in the process of acquiring a grant writer.

Commissioner McDaniel stated he feels that this Board ought to really consider having frequent meetings with Planning & Zoning Board. He said with all the activity that appears to be coming our way, we might want to consider this.

Commissioner McDaniel commented that he doesn't feel comfortable approving or denying zoning applications with a 2-1 vote and asked would it be possible to change the rules where denial required a minimum of three (3) votes. County Attorney Fortune commented that you would have to have local legislation passed to require a minimum vote to deny an application. Mr. McDaniel was referring in particular to Thursday night's public hearing where one (1) commissioner will be absent and you will have a commissioner recusing himself from some votes, which would only leave three members voting. He asked the Board to think about this to see if they felt like it needed to be changed.

Chairman Morrow stated he agreed with Mr. McDaniel's comments; however, the Board members present have the option to table the application until there is a full Board present to vote if they so choose.

Commissioner Morrow read the following thank you note from Helen Grayson for the Proclamation the Board of Commissioners presented to her at her retirement reception.

“Please convey my thanks to the Spalding County Commissioners for the Proclamation and the Courthouse print. I have enjoyed doing the elections in our county and sincerely appreciate the support and help offered by this and previous commissions.”

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting unanimously adjourned at 7:23 P.M.

County Clerk

Chairman

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Please send comments to webmaster@spaldingcounty.com
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