



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, August 2, 2004 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, County Attorney Jim Fortune, County Clerk Phyllis Doane, Administrative Services Director Jinna Garrison and Community Development Director Chuck Taylor.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Kendall
- II. INVOCATION - Rev. Reginald Jacobs
- III. PLEDGE TO FLAG – Led by Chairman Kendall
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – n/a
- V. PRESENTATION OF FINANCIAL STATEMENTS – n/a
- VI. CITIZENS COMMENTS – n/a

Chairman Kendall asked for a motion to amend the agenda to add an Item No. 12 under New Business to consider replacement of HVAC chiller at Spalding County C.I. *Motion made by Commissioner Morrow to amend the agenda to add Item No. 12 under New Business. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

Chairman Kendall stated since there are numerous citizens present for the presentation from the Development Authority and the discussion of the proposed SPLOST projects, he had been approached by several to request the Board changing the agenda to allow them to speak after the Development Authority's presentation. He asked the Board if they had any problem moving Public Comment Section after Item No. 2 under Old Business. The Board had no problem with making this change on the agenda.

Chairman Kendall asked if there was anyone who would like to address the Board on any other issue besides the SPLOST to come forward at this time.

Mr. Zachery Holmes, 357 Moreland Road, addressed the Board concerning the residents that live at the intersection of Carver and Moreland Roads. He said that some time back this Board gave approval for Blue Circle Concrete Company to do business at the intersection of Moreland and Highway 19/41. There was a lot of opposition to this zoning approval. Mr. Holmes stated that it has become a problem with the traffic of heavy duty trucks traveling Moreland Road as a thoroughfare to get to the rock quarry on Rover-Zetella Road instead of using Highway 19/41 to SR 362. He said for safety reasons he was asking the Board to ask the Sheriff's Department to enforce the agreement with the concrete company to go around to SR 362 to get to the rock quarry plant. Mr. Holmes stated that the Board gave them permission to use Moreland Road if they were making a delivery to someone doing construction in this area.

The Board did not recollect the contents of the Agreement with Blue Circle Concrete Company as part of the condition of the rezoning and asked County Manager Wilson to check into this matter.

Ms. Frances Leach, President of the Walking for Wellness Club of Spalding County, addressed the Board regarding transportation problems. She stated that they have eighty (80) members in their Club. The Parks and Recreation Department provide transportation for their day trips, which they appreciate, but they are in need of a better bus. They are presently using school buses, which the seats are too small for the senior adults and the bus is not air conditioned. She requested a nice bus to share with the Senior Citizens Center. She stated they were asking the Board of Commissioners to give serious consideration to their request and help out the people who have been the foundation of this County for so many years.

VII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of July 19, 2004 and Special Called Meeting of July 27, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the minutes were unanimously approved by a vote of 5-0.*
2. Consider approval of the minutes of the Zoning Public Hearing of July 22, 2004. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the minutes were approved by a vote of 4-0-1 with Commissioner Morrow abstaining as he was not present for the hearing.*
3. Consider approval of the minutes of the Public Hearing of July 26, 2004. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis the minutes were unanimously approved by a vote of 5-0.*

VIII. CONSENT AGENDA

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel Items 1-4 on the Consent Agenda were unanimously approved by a vote of 5-0.

1. Consider at second reading an ordinance amending the Spalding County Code to provide “No Parking” on High Falls Road, Bucksnot Road, Green Valley Boulevard and Boyd’s Crossing Road.

SPALDING COUNTY, GEORGIA NO PARKING ZONE ORDINANCE NO. 2004-04

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO PARKING ZONES ON CERTAIN COUNTY ROADS; TO PROVIDE FOR AN EFFECTIVE DATE; 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 Part VII, Chapter 1, Section 7-1004, relating to no parking zones on streets by inserting new paragraphs (32), (33), (34) and (35) said new paragraphs to read as follows:

“(32) *High Falls Road.*” Upon any portion of the roadway or public right-of-way of High Falls Road from Arthur K. Bolton Parkway to Bucksnot Road.”

“(33) *Bucksnot Road.*” Upon any portion of the roadway or public right-of-way of Bucksnot Road from High Falls Road to the Butts County Line.”

“(34) *Green Valley Boulevard.*” Upon any portion of the road or public right-of-way of Green Valley Boulevard from Green Valley Road to dead end.”

“(35) *Boyd’s Crossing Road.*” Upon any portion of the road or public right-of-way of Boyd’s Crossing Road from Green Valley Road to dead end.”

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

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

2. Consider at second reading an ordinance amending the FY 2005 Budget Ordinance to provide for prior year encumbrances.

AN ORDINANCE AMENDING THE FISCAL YEAR 2005 BUDGET ORDINANCE

**FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2005 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2004, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance Appropriated	From	\$ 487,789	to \$	900,040
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B. Expenditures

Board of Elections/Voter Registration Administration	From	\$ 163,708	to \$	163,976
Tax Commissioner	From	\$ 373,228	to \$	385,807
Janitorial Services	From	\$ 697,029	to \$	697,440
General Appropriations	From	\$ 123,333	to \$	124,549
Clerk of Court	From	\$ 2,652,478	to \$	2,867,212
State Court Solicitor	From	\$ 906,019	to \$	906,368
Magistrate Court	From	\$ 133,454	to \$	134,721
Sheriff	From	\$ 647,873	to \$	648,292
Jail	From	\$ 4,269,496	to \$	4,319,027
Narcotics Task Force	From	\$ 5,722,029	to \$	5,795,077
Correctional Institution	From	\$ 648,211	to \$	648,520
Adult Probation	From	\$ 5,238,948	to \$	5,271,753
Public Works	From	\$ 5,000	to \$	5,122
Sanitation	From	\$ 2,780,453	to \$	2,784,596
Garage	From	\$ 855,129	to \$	855,942
Recreation	From	\$ 201,129	to \$	201,210
Parks	From	\$ 584,886	to \$	589,268
Community Development	From	\$ 1,700,253	to \$	1,711,436
Code Enforcement	From	\$ 550,985	to \$	555,226
	From	\$ 77,052	to \$	77,402

Section II. Emergency 911 Fund

A. Revenue

Fund Balance	From	\$ 300,000	to \$	301,000
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B. Expenditures

Emergency 911	From	\$ 1,441,542	to \$	1,442,542
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Section III. Fire Fund

A. Revenue

Fund Balance	From	\$ 276,422	to \$	289,552
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B. Expenditures

Fire Department	From	\$ 4,184,556	to \$	4,197,686
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Section IV. Water System Fund

A. Revenue

Fund Balance	From	\$ 162,733	to \$	220,721
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B. Expenditures

Water Department	From	\$ 4,678,143	to \$	4,736,131
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- MYM Enterprises, Inc. d/b/a Griffin Gas & Groceries (formerly Merrybrook Store) at 2928 Williamson Road – New Owner.

Upon motion by Commissioner Morrow, seconded by Commissioner Davis Alcoholic License for the new owner was approved by a vote of 4-1 with Commissioner McDaniel voting in opposition.

3. Consider Resolution in Support of the Southern Crescent Trailblazers' Grape Creek/Memorial Drive Pedestrian/Bicycle Trail Project.

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

RESOLUTION

A Resolution In Support Of Paths and Greenways In Spalding County

WHEREAS, The Southern Crescent Trailblazers, a coalition of interested citizens from Spalding and Fayette Counties, have formed to generate interest in the use of current greenspace and rail corridors for bicycle, pedestrian and equine paths; and

WHEREAS, The health and vitality of our communities are inextricably linked to efforts to promote the quality of life for area residents, including abundant and accessible recreational opportunities serving a wide array of needs and interests; and

WHEREAS, The Southern Crescent Trailblazers has identified greenspace area along Grape Creek from Memorial Drive to the intersection of East College Street and Macon Road suitable for a pedestrian/bicycle trail. The first segment being from Memorial Drive to Hamilton Boulevard; and

WHEREAS, The Southern Crescent Trailblazers intend to make every effort to obtain state, local and federal assistance to secure and improve pedestrian, bicycle and other multi-use paths for the enjoyment of the citizens of this area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Spalding County hereby supports the efforts of the Southern Crescent Trailblazers in their effort to provide enhanced passive recreational pathways for its citizens and visitors and supports the Grape Creek/Memorial Drive pedestrian/bicycle trail project.

This the 2nd day of August 2004.

4. Consider request from the Southern Crescent Trailblazers that the County pave and maintain the pedestrian/bicycle trail along Grape Creek. Mrs. Martha McDaniel requested to address this item. She commented that figuring a price at this date was a bit premature and at this point was not asking for this trail project to be paved. She said that they needed to get approval of all the owners of the property and felt that it would be possible if they had the support of the City and County on this project.

Upon motion by Commissioner Davis, seconded by Commissioner Morrow the request from Southern Crescent Trailblazers to pave trail was tabled indefinitely by a unanimous vote of 5-0.

9. Consider approval of final plat of Blanton Hills Subdivision (minor subdivision) located off of Blanton Mill Road and Yarbrough Mill Road. *Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel final plat was unanimously approved by a vote of 5-0.*

10. Consider approval of final plat of Hickory Cove Subdivision (minor subdivision) located off of East Maddox Road and County Line Road. *Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel the final plat was unanimously approved by a vote of 5-0.*

OLD BUSINESS

2. The Griffin-Spalding County Development Authority would like to make a presentation to the Board in regards to their proposed SPLOST Projects.

Commissioner Morrow, a member of the G/S Development Authority, recognized all the members that were present. They were Chairman Don King, Ray Dender, Alton Knight, Lon Knowles, Walter Jones, Gwen Flowers Taylor, Daa'ood Amin, and Harvey Pilkenton.

David Luckie, Executive Director of the Griffin-Spalding Development Authority came forward and gave a presentation on their decision to identify the Wallace Road/Jackson Road I-75 property for their industrial project. Mr. Luckie stated he was present to address some of the concerns and questions that have arisen as a result of their proposed site for the 2004 SPLOST.

Mr. Luckie explained how the Authority identifies property for industrial growth. The lead State agency in attracting new industry into the State of Georgia is the Georgia Department of Economic Development. Mr. Luckie stated that the Authority used the study team approach in 1994, 1995 and 2000, and one of the team players was the Georgia Power Company Community and Economic Development Department along with other power companies, gas companies and Norfolk Southern Railroad.

Mr. Bill Bryant, an employee of Georgia Power, explained the process this study team performed. These studies were a screening tool as a process to find new land for industrial growth. In 1994 the team looked at six to eight areas and established some criteria such as size, rail service potential, highway accessibility, utility availability, compatibility with surrounding land use, minimal environmental constraints, positive business image from a business prospect side and ease of acquisition. They identified four large areas to study, Cheatham (1500 acres), Crouch (2400 acres), Interstate (1200 acres) and Pomona (approximately 2200 acres). Two of these areas warranted further consideration, one was Crouch and Interstate. In 1995 the team completed another evaluation done through Georgia Power department and identified three areas, Ivan Taylor (rail service), Arthur Kay Bolton Parkway (existing infrastructure) and the Interstate 75 (good location but no infrastructure) No conclusive site was the result of the study. In 2000, after Green Valley Industrial Park was in place, the team did another study and looked at three areas, Cheatham (1500 acres) Big Shanty (1200 acres) and I-75 (approximately 200 acres). The findings were there really was not a best area. Cheatham property had rail potential but was not close to the Interstate. Big Shanty area was a closely established industrial area and there was water and sewer available. Interstate 75 was very favorable for warehouse distribution products.

Mr. Luckie stated that the Crouch property was identified for the 1996 SPLOST because there was infrastructure easily accessible and there was rail possibility by developing the Green Valley Industrial Park. The Authority's part of the 1996 SPLOST was \$7.4 Million to acquire and develop this Park. To date this Park has generated approximately \$100 Million in capital investment, created possibly 900 new jobs and is paid to date around \$2.8 Million in taxes. After developing this Park, the Development Authority started negotiating for additional Crouch property and also I-75 property. The Authority was able to get an option on some Crouch property for the March 2003 SPLOST and were able to get a tremendous land deal out on I-75, which they have acquired a deed to 189.656 acres at the corner of Wallace Road and Jackson Road. The deed states the Authority has to pay it back in twelve (12) years at a predetermined per acre price of \$20,000/acre. The deed only cost the Authority \$100 and at the end of twelve (12) years any land that is unsold the owner agreed to take back without a penalty. The cost to develop I-75 is lower than the cost to develop Big Shanty because the issue is current market price in Green Valley is \$16,500/acre and we feel we can sell land on I-75 in the mid 30's to low 40's and can double the sales price, which means we are generating revenue for the citizens of Griffin and Spalding County.

One of the major obstacles the Authority had to overcome with the I-75 property was wastewater treatment facility. Mr. Luckie stated there is a private wastewater treatment facility located in Butts County that has offered to serve our wastewater treatment needs for this property. Paragon Consulting visited this facility for the Authority and noted several minor concerns, and this report was sent to Pendergrass & Associates, the engineering firm for this private facility, and they will address these concerns within six to eight months. The wastewater treatment plant has been permitted by EPD. The private developer has brought this sewer to the corner of the proposed site by boring under I-75 at no cost to the Development Authority. The development will only use one-third of the plant capacity. The owner has approximately 2,000 acres she is going to develop around Interstate 75.

Mr. Luckie explained what the efficiency of the I-75 property would be versus what it would be at Big Shanty and the comparison of the efficiency of the constructed Green Valley Park. Most people consider Green Valley a success. The efficiency is the buildable acres divided by the total acres. The efficiency of Green Valley was 24%. The efficiency of Big Shanty is projected to be 17% and efficiency of I-75 is projected to be 33%.

Mr. Luckie stated in 1934 the United States Government provided in America the concept of Foreign Trade Zones, which is to promote jobs within the United States. Mr. Luckie stated there were several in the State of Georgia but not many. One is Hartsfield-Jackson International Airport, the port of Savannah and the port of Brunswick and several others. The Authority has applied for Foreign Trade Zone status for the I-75 Park and we expect to hear something in March 2005. Mr. Luckie stated that once you leave

the Clayton/Henry area and drive towards Florida, this would be the only Foreign Trade Zone you would run across on I-75.

The Authority has shifted its focus on total manufacturing jobs to warehousing distribution because the economy is changing. Manufacturing has been declining and warehousing distribution is increasing. In some cases warehousing distribution jobs are actually paying at a higher rate now than manufacturing jobs. The average wage for light manufacturing assembly and warehouse distribution jobs in this area are comparable per the Georgia Department of Labor Report.

After presenting the facts stated above, Mr. Luckie stated that the Griffin/Spalding County Development Authority respectfully request that the Board of Commissioners place their request of \$17,237,948 for acquisition and development of property on I-75 at Wallace and Jackson Roads on a proposed November SPLOST ballot.

Chairman Kendall asked for questions from citizens pertaining to the acquisition of the property on Wallace Road or the acquisition of the Crouch property on the sales tax.

Mr. John Dugdale, 1985 N. Walkers Mill Road, asked how the Authority got \$40,000 an acre because when you divide the acreage by development cost you get \$90,890/acre.

The answer was if you take all the on-site development costs, it excludes water upgrade of \$1.3 Million, the road upgrade of \$3.355 Million and the contingency of 15% of \$210,000 which comes to \$12.2 Million divided 189 acres. The total is \$11,884,698.

Mr. Sinclair Hollberg, 3335 Jackson Road, asked on the 33% efficiency factor, what does it cost to achieve the 33% as opposed to some of the more compatible lands that have a less efficiency?

The answer was the \$17 Million is the efficiency factor.

Mrs. Leslie Hollberg, 3335 Jackson Road, asked a question in regards to the information on jobs and industrial growth. She wanted to know what the wage rates are for this type of warehouse distribution jobs and how they compare to light manufacturing wages.

Mr. Luckie stated that every year the State of Georgia does a wage study and he had a letter from Mr. Mark Connally, Griffin office of Department of Labor that gave the wages of the West Central Georgia area. The average wage for light manufacturing is \$9.63 per hour. The average wage for warehousing distribution is \$10.27 per hour. Mr. Connally pointed out also that wages in Spalding County are typically higher than the majority of counties in our area. The Georgia Department of Labor has a web site depicting all this information.

Mr. Randy Orahoske, 935 Jenkinsburg Road, asked was their a proposal to use Jenkinsburg Road as an exit?

The answer was that this might be a possibility down the road as the Authority does not have any money in the proposal to do this. The concept has been pursued by a number of local and government entities but the local transportation committee has not applied for the I-75/Jenkinsburg Road Interchange to the Federal Highway Administration.

Mr. David Hinton, 182 Wallace Road, asked about the sewer capacity per day and the anit-gravity sewer system. He asked is there any penalties ready to be imposed when and if the sewer system fails or in the event there is a sewer spill.

The answer was that the private wastewater facility has a permit from the State of Georgia EPD and any spills would be penalized by the State to the private landowner. The sewer capacity for this plant is 130,000 gallons per day with the park using one third of the capacity. There is a financial responsibility but no one present seemed to know what that responsibility is but under the old law usually a bond is posted.

Ms. Donna Cliatt, 2423 Wallace Road, asked Wallace Road is the main entrance and exit access to this proposed park so therefore we can expect semi-trucks on a regular basis and she wanted to know about the meeting where people voted that the I-75 property become commercial.

The answer was that Spalding County has been working on the New Land Use Master Plan for almost two (2) years and the County has held a series of meetings as well as public hearings that were advertised. The citizens' group that did this recommended that I-75 was a reasonable place to put

commercial/industrial development because this is coming down from Atlanta. A draft of Spalding County 2025 Comprehensive Land Use Plan has been passed on to the State for their approval.

Mr. Willie James Berry asked what impact is this going to have on Bethany Grove CME Church at 603 Wallace Road.

Mr. Luckie said that the Church is not located on the property they would like to develop but is actually across the street. He hopes that they will have very little impact on the Church. There is a church in the middle of the Green Valley Industrial Park and so far they have been able to co-exist pretty well.

Mr. Mike Wallace, 371 Wallace Road, asked how many years is projected payback for Spalding County taxpayers for the investment of the development of this land and how many years projected payback to the taxpayers of Spalding County in comparison to the Crouch land where infrastructure is already in place?

Based on property taxes, the Authority is projecting 15 years, which is consistent what Georgia Tech has projected in the past. Spalding County has now entered the non-attainment zone for mandated air quality and that is one of the problems that we were faced with on the Crouch property. The Authority felt like it would take a much longer period of time for building out the park.

Mr. David Burek, 6006 Jackson Road, Jackson, GA (in Griffin) asked the Development Authority surveyed the land and there would be no problem excavating it; however, four months ago they put sewer lines in across from his house and blew his house up and put nine holes in his roof. How did they determine that this land is feasible to put property if they can't even put sewer lines in 6 ft. in depth?

A representative from Paragon stated they the primary reason they did the test pits was because rock was encountered when the water and sewer was put in. Paragon did fifteen (15) test pits and of those fifteen test pits half of them showed not even a boulder. The deepest test pit done was 18 ft.

Mr. Walter Cliff Futral, 4953 Jackson Road, asked why the engineering company didn't find the big spring on this property in their survey of the property.

The primary areas that Paragon Consulting Group studied were the building pad areas and they encountered no springs.

Chairman Kendall stated that the people present tonight were very interested in how the Development Authority came to place the I-75 property on the 2004 SPLOST in lieu of the expansion of the existing Green Valley Industrial Park (the Crouch Property). Mr. Luckie explained the events that took place between the 2003 SPLOST and present. The option on the March 2003 SPLOST for the Crouch property did not run out until August 2003 at a price of \$12,999/acre. Before the end of the option expiration the Authority tried for another option and the price went up to \$14,249/acre. Had the family signed the agreement, the Authority would have had an option on the property for four months longer than the actual 2004 SPLOST. In January of 2004 the Authority had a change in the contract from \$14,249 to \$18,500/acre, which was days before they had to present a proposal to the Board of Commissioners. They had also been pursuing the I-75 property and had gotten control of that through a deed. Monetarily to develop the 652.08 acres as the owners did not want to divide the property, Mr. Luckie stated that with the utility upgrades and infrastructure upgrades it would have costs \$40 Million, which would have taken up the entire SPLOST money, which would not have left any money for the other projects.

Chairman Kendall called for a five minute recess before allowing the public to speak on the SPLOST.

Chairman Kendall called the meeting back to order.

XI. PUBLIC COMMENT

Chairman Kendall asked for any citizen who had comments regarding SPLOST projects other than the industrial project to come to the podium and speak.

Mr. Bob Burke came forward and gave his address as 125 King Richard Drive. Mr. Burke commented that he feels the most important project on the SPLOST is the four year college and also felt that should be the only project on the SPLOST. There should not be a Christmas "wish list" because somebody is always going to be against some project and vote against the sales tax.

Ms. Fannie Delaney came forward and gave her address as 208 Pinetree Circle. She requested that the Board consider expansion of sewer services on the northeast side of Spalding County. This community

was asking to be included in the upcoming SPLOST. She said they had heard about the Minerva project and this is an opportune time for this part of the County to acquire sewer. She stated they were running out of space for drain fields and sewer lines and there are 79 homes affected. The residents expect to pay their fair share for sewer connections. She also discussed sewer for the proposed school sites in their area.

Dr. Gerald Arkin, UGA Griffin Campus, came forward and asked for the continued support of the four year college at the UGA Campus and continuing inclusion on the SPLOST. This is to launch an undergraduate degree program in partnership with Gordon College. A proposal has been sent to the curriculum committee of the University of Georgia College of Agriculture Environmental Sciences and once the proposal has been approved by the College it moves on to the University and to the Board of Regents for final approval of the undergraduate degree program. Also during the legislative session \$140,000 was approved to start up and launch this program and this money is now in hand.

Mr. John Dugdale came forward and gave his address as 1985 N. Walkers Mill Road. He asked the Board to consider placing on the SPLOST the provision of ambulances at all county fire stations and staff with EMS technicians twenty-four hours a day seven days a week instead of the industrial park project.

Mr. Larry Mathis came forward and gave his address as 245 Pinetree Circle. He addressed inclusion of sewer for the north side of the county on the 2004 SPLOST.

Mr. Tom Grayson came forward and gave his address as 287 Jordan Hill Road. He stated that he supports the I-75 industrial project on the SPLOST as this will bring jobs to Spalding County and the taxes for Spalding County citizens will be reduced.

Mr. Johnnie Goodrum came forward and gave his address as 222 Pinetree Circle. He addressed the need for sewer in their community and the north side of Griffin. He commented that their land is not perking very well and many have gone to the expense of installing new drain fields; however, this has not improved the odor of raw sewage. The raw sewage is going to cause some severe health problems in this community. He asked the Board to please consider sewer expansion on the upcoming SPLOST.

The following individuals spoke in opposition to the Wallace Road/Jackson Road I-75 industrial site on the 2004 SPLOST referendum and how this warehousing distribution development would impact their community by changing the essential character of their neighborhood and addressed concerns they have resulting from this industrial park site. These individuals asked the Board not to sacrifice the 2004 SPLOST for development.

John Dugdale came forward and gave his address as 1985 N. Walkers Mill Road.

David Hinton came forward and gave his address as 182 Wallace Road.

Renee Futral came forward and gave her address as 4953 Jackson Road.

Sinclair Hollberg came forward and gave his address as 3335 Jackson Road.

Bradford Burson came forward and gave his address as 258 Jenkinsburg Road.

Kay Penn came forward and gave her address as 665 Jenkinsburg Road.

Gerald Talbot came forward and gave his address as 213 Oxford Road.

Jim Wallace came forward and gave his address as 405 Wallace Road.

Beth Wallace came forward and gave her address as 405 Wallace Road.

Jean Wallace Brown came forward and gave her address as 5668 Jackson Road.

Nancy Burks Cook came forward and gave her address as 1351 Jackson Road.

Walter Cliff Futral came forward and gave his address as 4953 Jackson Road.

Donna Cliatt came forward and gave her address as 2423 Wallace Road.

Jesse Branch came forward and gave his address as 245 Jenkinsburg Road.

David Burek came forward and gave his address as 606 Jackson Road.

Mr. Steve Coker came forward and gave his address as 5380 Jackson Road.

Mike Wallace came forward and gave his address as 371 Wallace Road.

Mildred Wallace came forward and gave her address as 235 Wallace Road.

Tom Smith came forward and gave his address as 600 Wallace Road.

Daa'ood Amin came forward and gave his address as 123 Hummingbird Hollow and stated he was a volunteer member of the Griffin-Spalding County Development Authority and just wanted to say that the Authority voted as a Board to place this I-75 property site on the SPLOST for the future industrial growth of Spalding County. He further commented that Mr. Luckie did the job that he was hired to do and will continue to do his job regardless if the approximately 200 acres on the corner of Wallace and Jackson Road is on the SPLOST or not. The Board of Commissioners will make the decision on what projects are on the SPLOST but the people will have the final decision in November.

3. **Lift from the table.** Consider finalizing list of projects for the November SPLOST referendum. Upon motion by Commissioner Morrow, seconded by Commissioner Davis item was lifted from the table by a unanimous vote of 5-0.

After a lengthy discussion by the members of the Board of Commissioners, a motion was made by Commissioner Morrow to approve the distribution of SPLOST as follows:

Countywide Projects:

G/S Development Authority	\$17,237,948
800 MHz Radio System	11,400,000
UGA Griffin Campus	<u>4,000,000</u>
Total Countywide Projects	\$32,637,948

Remaining \$10,708,052 for selected projects to be divided per the statute as follows: Spalding County \$6,341,208; City of Griffin \$4,298,655, City of Orchard Hill \$42,160 and City of Sunny Side \$26,029. Commissioner Davis seconded the motion for purpose of discussion.

There was a discussion regarding the projects to be selected by the County for their portion of the sales tax in the amount of \$6,341,208.

Commissioner Morrow stated that in order to receive the \$4.5 Million dollars from ARC for transportation projects, the County has to come up with a 20% match in the amount of \$900,000. This is part of what is critical about the transportation money in the SPLOST as well as the other projects.

Commissioner Kendall discussed the importance of sewer expansion according to Wastewater Management Plan. The plan for the Spring Lake expansion is broken down into three phases and each phase is approximately \$4 Million; therefore, it would take \$4 Million to start implementing the Wastewater Management Plan. It was necessary to have this calculated so that the people building the treatment plant for Spring Lake would know what size of plant to build and how much money they would be investing into the project. Mr. Kendall stated he feels this is why it is imperative that something happens now or they are going to go on with their project without the County's participation.

Brian Upton, Paragon Consulting, explained that the first phase of the sewer would actually tie the County to the plant and goes to Jackson Road School. The time line is two to three years on the plant. There was a question asked about the time line to tie into Bourbon Street, Pinetree Circle and Northside Drive. Mr. Upton stated that Pinetree is directly across from the existing sewer line and we would not have to run a trunk line. Mr. Kendall also discussed sewer problems that the school system is going to encounter when building the new schools in this area.

Commissioner Morrow amended his motion to state that the \$6,341,208 be spent as follows:

Parks and Recreation Projects

Senior Citizens Center	\$ 750,000
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Public Works Projects

Resurfacing Projects	\$1,000,000
Intersection Improvements	\$1,500,000
Unpaved Roads	\$2,591,208

Program Management Fees

\$ 500,000

Total of Projects	\$6,341,208
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Commissioner Davis seconded the amended motion and motion passed by a vote of 3-2 with Commissioner Kendall voting in opposition as he supports the expansion of sewer in lieu of the four year college and Commissioner Goss voting in opposition as he opposes the I-75 industrial project.

Commissioner Davis left the meeting at 11:00 P.M.

OLD BUSINESS

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

- **Application #04-12Z:** David H. Duke, Trustee of Clifford C. Duke, Trust, Owner – Johnson Road – 76.97 acres – R-2 to PDD.

Upon motion by Commissioner McDaniel, seconded by Commissioner Kendall the following Resolution was approved by a vote of 3-1 with Commissioner Goss voting in opposition.

**APPLICATION OF DAVID H. DUKE, TRUSTEE
OF CLIFFORD C. DUKE TRUST
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 04-12Z

**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, David H. Duke, Trustee of Clifford C. Duke Trust, applicant, applied for a change in zoning classification to be applied to the within described property to "PDD, Planned Development District;"

WHEREAS, such application was filed with Spalding County, Georgia on May 27, 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 July 22, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 143 of the 2nd Land District, Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at the intersection of the southwesterly right-of-way of Johnson Road (40' R/W) and the Land Lot Line common to Land Lot(s) 143 and 146; thence along said

right-of-way South 27°43'02" East, a distance of 60.11 feet to a point; thence along said right-of-way 105.14 feet along a curve to the left, said curve having a chord of South 42°42'51" East 104.22 feet and a radius of 228.37 feet to a point on the centerline of creek; thence leaving said right-of-way along centerline of creek the following calls: South 10°37'14" West, a distance of 34.82 feet to a point; thence South 42°36'17" East, a distance of 53.42 feet to a point; thence South 62°46'22" East, a distance of 32.43 feet to a point; thence South 21°27'11" East, a distance of 64.54 feet to a point; thence South 24°24'46" East, a distance of 72.26 feet to a point; thence South 05°08'41" East, a distance of 64.29 feet to a point; thence South 11°40'26" West, a distance of 84.91 feet to a point; thence South 05°51'04" East, a distance of 84.81 feet to a point; thence South 01°03'22" East, a distance of 44.21 feet to a point; thence South 09°29'02" East, a distance of 87.11 feet to a point; thence South 46°20'05" East, a distance of 41.06 feet to a point; thence South 07°54'02" East, a distance of 32.96 feet to a point; thence South 33°03'03" East, a distance of 28.39 feet to a point; thence South 23°25'44" East, a distance of 34.46 feet to a point; thence South 14°31'06" West, a distance of 23.94 feet to a point; thence South 54°18'03" West, a distance of 43.83 feet to a point; thence South 02°02'30" East, a distance of 86.79 feet to a point; thence South 06°02'24" West, a distance of 53.81 feet to a point; thence South 20°02'49" East, a distance of 39.26 feet to a point; thence South 12°38'54" West, a distance of 51.38 feet to a point; thence South 44°41'21" West, a distance of 33.30 feet to a point; thence South 01°51'18" East, a distance of 63.10 feet to a point; thence South 08°24'05" East, a distance of 27.96 feet to a point; thence South 16°46'32" West, a distance of 57.07 feet to a point; thence South 20°37'28" West, a distance of 79.44 feet to a point; thence South 20°49'43" West, a distance of 89.15 feet to a point; thence South 45°08'58" West, a distance of 27.70 feet to a point; thence North 77°48'05" West, a distance of 22.23 feet to a point; thence South 40°50'17" West, a distance of 67.66 feet to a point; thence South 31°11'19" West, a distance of 72.76 feet to a point; thence South 46°51'13" West, a distance of 48.75 feet to a point; thence South 14°23'43" West, a distance of 68.45 feet to a point; thence South 30°32'13" West, a distance of 28.79 feet to a point; thence South 45°18'45" West, a distance of 90.01 feet to a point; thence South 32°32'13" West, a distance of 49.91 feet to a point; thence South 07°48'08" West, a distance of 60.52 feet to a point; thence South 45°59'42" West, a distance of 29.70 feet to a point; thence South 00°18'40" East, a distance of 26.93 feet to a point; thence South 23°23'03" East, a distance of 49.46 feet to a point; thence South 01°01'41" East, a distance of 45.19 feet to a point; thence South 72°21'07" West, a distance of 27.35 feet to a point; thence South 19°47'40" West, a distance of 54.39 feet to a point; thence South 33°06'32" West, a distance of 60.94 feet to a point; thence leaving said centerline of creek North 56°39'56" West, a distance of 13.16 feet to a ½" rebar found; thence North 56°39'59" West, a distance of 25.17 feet to a ½" rebar found; thence North 56°39'22" West, a distance of 375.28 feet to a ½" rebar found; thence North 56°35'02" West, a distance of 297.90 feet to a ½" rebar found; thence North 73°34'58" West, a distance of 351.86 feet to a ½" rebar found; thence North 73°43'30" West, a distance of 493.70 feet to a ½" rebar found on the Land Lot Line common to Land Lot(s) 143 and 144; thence along said Land Lot Line North 00°29'33" West, a distance of 1324.07 feet to a ½" rebar found; thence leaving said Land Lot Line 198.35 feet along a curve to the left, said curve having a chord of North 59°34'46" East 198.38 feet and a radius of 2153.21 feet to a ½" rebar found on the Land Lot Line common to Land Lot(s) 143 and 146; thence along said Land Lot Line South 89°32'46" East, a distance of 1635.70 feet to a ½" rebar found, being the POINT OF BEGINNING.

Said tract contains 76.975 acres of 3,353,051 square feet.

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

Section 2:

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

On August 2, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 143 of the 2nd Land District, Spalding County, Georgia, and being 76.975 acres located on Johnson Road, zoned PDD.

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

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

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

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

- **Application #04-12AZ:** Minerva Properties, L.L.P., Owner – Old Railway portion on Johnson Road – 0.207 acre – R-2 to PDD.

Upon motion by Commissioner McDaniel, seconded by Commissioner Kendall, the following Resolution was approved by a vote of 3-1 with Commissioner Goss voting in opposition.

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

REZONING APPLICATION 04-12AZ

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

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

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

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

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

WHEREAS, such application was filed with Spalding County, Georgia on May 27, 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 July 22, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 143 of the 2nd Land District, Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a ½ inch rebar found at the intersection of the southwesterly right-of-way of Johnson Road (40' R/W) and the Land Lot Line common to Land Lot(s) 143 and 145; thence along said Land Lot Line North 89°32'46" West, a distance of 1635.70 feet to a ½ inch rebar found on the Land Lot Line common to Land Lot(s) 143 and 146 and being the TRUE POINT OF BEGINNING; thence leaving said Land Lot Line 198.35 feet along a curve to the right, said curve having a chord of South 59°39'46" West 198.28 feet and a radius of 2153.21 feet to a ½ inch rebar found on the Land Lot Line common to Land Lot(s) 143 and 144; thence along said Land Lot Line North 00°36'43" West, a distance of 101.77 feet to a point on the Land Lot corner common to Land Lot(s) 143, 144, 145 and 146; thence along said Land Lot Line South 89°32'46" East, a distance of 172.08 feet to a ½ inch rebar found and being the TRUE POINT OF BEGINNING.

Said tract contains 9056 square feet or 0.207 acres.

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

Section 2:

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

On August 2, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 143, 144, 145 and 146 of the 2nd Land District, Spalding County, Georgia, and being 0.207 acres located on Johnson Road, zoned PDD.

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

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

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

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

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

- **Amendment to UDO #A-04-14:** Appendix A. Subdivision Ordinance – Section 301:E and Appendix J. Commercial/Industrial Development Ordinance – Section 7:7 –amend fee schedule.

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

IN RE:

Text Amendment #A-04-14

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 July 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 A: Article 3. Fees, Section 301(E):

E. Utility Installation: \$100.00

Section 2: The following provision shall be added to the provisions of the Zoning Ordinance of Spalding County, Appendix J: Article 3. Fees, Section 7:

7. Utility Installation: \$100.00

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-04-15:** Appendix J. Commercial/Industrial Development Ordinance – Section 408:B(7)—delete detention pond requirements.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the following Resolution was approved by a vote of 3-1 with Commissioner Goss voting in opposition.

IN RE:

Text Amendment #A-04-15

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; 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 July 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 J Section 408.B.7. of the Unified Development Ordinance shall be deleted in its entirety.

Section 2: A new Section 408.B.7.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. No additional runoff will be allowed over the predevelopment 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 fifteen (15) foot minimum width fence gate, latched and locked five (5) or more feet above grade. All detention ponds shall have a twelve (12) foot minimum width easement to a public right of way.

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

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

NEW BUSINESS

5. Consider request from Public Works Director Jake Garner to increase the cost of driveway pipe installation. County Manager Wilson stated that previous Boards have tired to have uniformity of driveways throughout the County and have always subsidized the costs. The consensus of the Board was to charge the actual cost to install driveways. Mr. Garner stated that FEMA rates for equipment and actual material and labor costs are \$793.57 for a 15” pipe to \$878.42 for a 24” pipe.

Motion made by Commissioner Morrow to increase charges for pipe as follows: \$800 for a 15" pipe; \$820 for a 18" pipe and \$880 for a 24" pipe. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.

6. Consider authorizing the Chairman to sign Letter of Support for continuance funding for the VOCA Program of the Griffin Judicial Circuit District Attorney's Office. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel authorizing Chairman to sign Letter of Support was unanimously approved by a vote of 5-0.*

7. Consider Inmate Commissary Agreement between Oasis Management Systems, Inc. and Spalding County to provide services for the Correctional Institution. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the following Agreement was unanimously approved by a vote of 5-0.*

Inmate Commissary Agreement

THIS AGREEMENT, MADE THIS 15th DAY OF JULY 2004 by and between Oasis Management Systems, Inc., a Georgia Corporation, with its principal offices located at 5320 Lake Pointe Center Dr., Suite A, Cumming, Georgia, 30041 (hereinafter referred to as "Oasis") and Spalding County, a political subdivision of the State of Georgia, located in Griffin, Georgia (hereinafter referred to as "Client").

1. RIGHT AND TERM. Oasis is hereby given and granted the exclusive right to operate all commissary services on the premises of the Spalding County Correctional Institute, located in Griffin, Georgia, commencing August 16th, 2004. All profits or losses from the inmate commissary operations will be for Oasis' account. Either party may terminate this Agreement without cause upon (90) ninety days prior written notice. The term of this agreement will commence upon the execution hereof and will continue in force until December 31, 2004. Thereafter, this agreement will automatically renew itself and continue from year to year until terminated by either party upon written notice at least (90) ninety days prior to the end of the current contract year. Oasis will be entitled to withhold from any amounts due to Client any past due monies owed to Oasis by Client.

2. RELATIONSHIP OF PARTIES. The parties intend that Oasis will be an independent contractor to Client. Nothing herein will be construed to create a partnership, joint venture or agency relationship between the parties, and neither will have the authority to bind the other in any respect.

3. DUTIES OF OASIS. (a) Inmate Commissary. Oasis will install the DSI inmate accounting program, with optical scanner and provide twice a week inmate commissary service to inmates of Spalding County, a political subdivision of the State of Georgia. (b) Compliance with Laws and Obtaining Licenses. Oasis will comply with all applicable ordinances, laws, and regulations pertaining to the operations covered by this Agreement and will obtain licenses. (c) Property Insurance. Oasis will maintain insurance policies and client will maintain insurance on its premises, including all Clients property contained therein; for loss or damage by fire or other casualties. Each party hereby waives its respective rights of recovery, including subrogation, against the other's property as a result of fire or other casualties normally covered under standard broad form property insurance. (d) Insurance. Oasis will maintain in force at all times during the term hereof; worker's compensation insurance and public liability insurance.

4. TERMINATION. If either party fails to perform its obligations under this Agreement, the non-defaulting party may terminate this agreement upon (30) thirty days prior written notice. If the default is remedied within a (30) thirty-day period, the non-defaulting party will have the right to terminate Agreement upon the expiration of an additional (30) thirty days.

5. SOFTWARE. Oasis will install the DSI inmate accounting program at no cost to the facility.

6. WORK PERFORMED. This account will be totally serviced from an off-site distribution center.

7. REMOVAL OF PROPERTY. Within thirty (30) days after the termination of this Agreement, Oasis will remove its property from Client's premises. Oasis will be responsible for repairing any physical damage that may occur on our behalf and will restore the premise to the physical condition in which it began its services.

8. NONDISCRIMINATION. The parties shall comply with all applicable statutes, rules and regulations prohibiting discrimination and promoting equal employment opportunities for qualified individuals.

9. SAFETY STANDARDS. Oasis will ensure that all of its employees will maintain proper sanitary practices. Client will be allowed to do background checks in pre-qualifying Oasis employees.

10. RECORDS. Oasis agrees it will keep an accurate record of all sales in connection with the operation of the commissary and will permit Client to examine such records during normal business hours upon reasonable notice to Oasis.

11. CONTINGENCIES. Neither party will be liable for any nonperformance, in whole or part, of its obligations under this Agreement caused by the occurrence of any contingencies beyond the control of the party such as war, sabotage, insurrection, riot or other acts of civil disobedience, acts of third parties not within the control of the party, shortages of fuel, failures of power, accidents, fires, explosions, floods, or other acts of God. In the event that any contingency occurs, the party whose performance is affected will have a reasonable time in which to resume performance.

12. NEW PRODUCTS, PROGRAMS, PRICING. Any and all new products and/or specialty programs must be reviewed by Client before being placed on menu or into service. Oasis agrees to provide client adequate documentation to support commissary price increases. Adequate documentation may be considered to be Oasis supplier invoices for the specific item to be increased.

13. WAIVER. The failure of either party to enforce any term of this Agreement on one or more occasions will not constitute a waiver of the right to enforce such or any other term on any other occasion.

14. MODIFICATION. No modification of any of the terms and conditions of this Agreement will be effective unless such modification is signed by both parties.

15. ENTIRE AGREEMENT. This Agreement and the Exhibits hereto contain the entire understanding of the parties with respect to the subject matter hereof.

16. BINDING EFFECT. This Agreement will be binding upon and will inure to the benefit of the parties hereto and their respective successors, assigns, and representatives.

17. NOTICE. Notice means written notice, by certified mail or verified facsimile or personally delivered, to the address as either party may designate for itself by written notice to the other.

18. FINANCIAL ARRANGEMENTS. (a) Commissions to Client: Oasis will pay Client an amount of money equal to 16.0% of Net Sales. "Net Sales" is defined as total commissary sales minus any applicable taxes, cost of merchandise, licenses, postal products, and refunds. (b) Accounting and Reporting. After the end of each week, Oasis will submit a report of Net Sales and an itemization of the Client Commission during the preceding week period. Client agrees to pay Oasis weekly for all items purchased through the Inmate Commissary. An interest rate of 1 1/2 % will be assessed to all accounts in excess of thirty days. (c) Offset. Oasis will be entitled to withhold from any amounts due to Client any past due amounts owed to Oasis by Client.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in the day and year first above written.

APPENDIX A

Item Description	Value
One (1) single-user DSI inmate accounting program.	\$5,500.
Interface with facilities current JMS program	\$5,000.
Installation, training and support	\$5,000.
Optical scanner	\$4,500.
Total Investment	\$20,000.

8. Consider appointment of Richard D. Faulkner to the West Central Georgia MHDDAD (Mental Health, Developmental Disabilities and Addictive Diseases) Regional Board. Term to expire 07/31/06.

*Upon motion by Commissioner Kendall, seconded by Commissioner Morrow appointment of **Richard D. Faulkner** was unanimously approved by a vote of 4-0.*

9. Consider Resolution to contract with DHR (Dept. of Human Resources) to provide CSBG services for the period Oct. 1, 2004 – Sept. 30, 2005 (FFY'05) and approve Program Budget in the amount of \$150,198.50. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the following Resolution was unanimously approved by a vote of 4-0.*

RESOLUTION

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

WHEREAS, a project application plan has been prepared for submission 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, Emergency Services, and Youth and Family Development Programs; and

WHEREAS, it is the intent of this Board to contract for said services;

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 October 1, 2004 through September 30, 2005. Eligible services shall be made available through the provisions of the FFY 2005 CSBG Program.

12. Consider replacement of HVAC chiller at the Spalding County Correctional Institution. County Manager Wilson made the Board aware that he has had a chiller out there that has been out of service for about six days with temperatures inside the building ranging from 86° to 92°. Mr. Wilson said that they have had problems for the past two years and he is recommending replacement of the system with a 200 ton chiller unit through Johnson Controls Performance Contracting Agreement that we have with them at a cost of approximately \$224,000. Commissioner Kendall asked if we have anyone we can hold responsible for the present HVAC system. County Manager Wilson commented that he is working with County Attorney Fortune on the engineering situation. The money is to come out of the C.I. Grant Fund.

Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel replacement of HVAC chiller for the Spalding County C.I. was unanimously approved by a vote of 4-0.

XII. REPORT OF COUNTY MANAGER – No Report

XIII. REPORT OF COMMISSIONERS

Commissioner McDaniel commented that the Board's first meeting in September falls on a County holiday, Labor Day, and the Board needs to consider whether to reschedule the meeting or cancel the meeting. County Manager Wilson stated he would be able to give the Board a better confirmation of whether to reschedule or cancel at the August 16th meeting.

None of the other Commissioners had any comments.

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the meeting was unanimously adjourned at 11:22 P.M.

County Clerk

Chairman

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