



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Tuesday, September 3, 2002 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 Martha McDaniel, Merrill Massengale, Dick Morrow, Johnnie McDaniel and Michael Kendall present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

- I. **OPENING (CALL TO ORDER) – Chairman Johnnie McDaniel**
- II. **INVOCATION - Rev. Randy Valimont – Led by Chairman McDaniel in the absence of Rev. Valimont.**
- III. **PLEDGE TO FLAG – Led by Commissioner Massengale**
- IV. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider approval of a Proclamation proclaiming Monday, September 16, 2002 as “American Business Women’s Day” in Spalding County. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

“American Business Women’s Day”

- WHEREAS,** The American Business Women’s Association (ABWA) was founded in Kansas City, Mo., in 1949 to recognize the many contributions working women make in the public and private business sectors throughout this nation; and
- WHEREAS,** The mission of ABWA is to aid in the professional, education, cultural and social advancement of business women; and
- WHEREAS,** The national organization has more than 90,000 active members from all types of businesses and professions, and more than 1,900 ABWA chapters in the United States and Puerto Rico; and
- WHEREAS,** The Atlanta Area Council of the American Business Women’s Association was organized in December 1979 and was chartered in March 1989 with representative membership from 20 local ABWA chapters; and
- WHEREAS,** The Atlanta Area Council of ABWA has grown to include 32 local chapters, of which one active chapter is in Spalding County; and
- WHEREAS,** During their dinner celebration on Monday, September 16, 2002 the Atlanta Area Council of the ABWA will promote their mission to exchange ideas, to continue networking; to assist chapters in problem-solving, to conduct seminars annually and to provide support to further the goals of ABWA.

NOW THEREFORE, We, the Board of Commissioners of Spalding County, do hereby proclaim **Monday, September 16, 2002** as

“AMERICAN BUSINESS WOMEN’S DAY”

in Spalding County, Georgia and encourage citizens to recognize and support the many contributions women make in the workplace.

V. PRESENTATION OF FINANCIAL STATEMENTS – n/a

VI. CITIZENS COMMENTS

1. Elmer George and Bill Wages would like to discuss creation of a joint City-County Planning Commission.

Mr. Bill Wages gave his address as 1108 Manley Road. He said beginning in 1987 a process called Spalding 2000 was started and it had the County Commissioners and City Commissioners support verbally and financially. Mr. Elmer George was asked to be the Executive Chairman of the Spalding 2000 Committee, which he graciously accepted. The Spalding 2000 Report came out in 1988. The two (2) main concerns of the Committee (made up of six different task forces) were (1) development of a leadership program, which has been implemented and (2) a Joint City/County Planning Commission.

Mr. Wages commented that they were making this presentation to the Spalding County Board of Commissioners first but they would also be presenting this to the City Board of Commissioners at their September 10th meeting.

Mr. Elmer George gave his address as 1314 Kennedy Drive. He said that we are fixing to go through great growth in our City and County and there are going to be a lot of problems the next few years. He said that he has served in the Planning process in a lot of places and everywhere the issue came up on how are we to get the issues to the appropriate people for decisions and implementation. He said that he has been watching what is going on in the City and County and the issues in the Spalding 2000 Report are pretty much the same but in a larger scale.

He said that he feels that a process needs to be developed, if not a joint commission, of a committee of lay citizens outside the political arena. He said that this committee could look at planning issues professionally and factually at a demographic area and the impact it will have on all areas of the county. He said this is for long range planning and coordination and seeking solutions between the two systems.

The Commissioners, excluding Commissioner Kendall, agreed to set up a meeting with Mayor Todd and City Manager Ron Rabun after Mr. George and Mr. Wages give their presentation at the City meeting September 10th and also send a letter under the signature of the Chairman stating that Spalding County Board of Commissioners is definitely up to discussion about this joint planning commission or a lay citizens committee appointed by both Boards to seek solutions to problems with planning and zoning issues in both the City and County.

VII. PUBLIC COMMENT

There was no one present who wished to make comments.

VIII. MINUTES

1. Consider approval of the minutes of the Extraordinary Session of August 19, 2002 and Zoning Public Hearing of August 22, 2002. *Motion made by Commissioner Morrow to approve minutes with amendment to **Rezoning Application #02-14Z** to change condition (b) from the 3.156 acres may be used for automobile sales and repair to read “use of a salvage operation shall be specifically excluded”. Motion seconded by Commissioner Martha McDaniel and unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

Item Nos. 1-5 on the Consent Agenda were unanimously approved by a vote of 5-0 upon motion by Commissioner Martha McDaniel and seconded by Commissioner Morrow.

1. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide funding for the rubberized walking track at WTOP. *The Ordinance will be incorporated into the minutes on second and final reading.*

2. Consider at first reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for funding for the Osteoporosis Grant received for the Senior Center. *The Ordinance will be incorporated into the minutes on second and final reading.*

3. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for prior year encumbrances.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2003 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2003 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, 2002, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance Appropriated	From	\$	0	to \$	209,117
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B. Expenditures

Administration	From	\$	380,306	to \$	381,176
Information Systems	From	\$	128,824	to \$	131,682
Tax Commissioner	From	\$	629,911	to \$	631,692
Janitorial Services	From	\$	107,232	to \$	107,233
General Appropriations	From	\$	2,858,031	to \$	2,892,593
Griffin Judicial Circuit	From	\$	701,303	to \$	701,331
Clerk of Court	From	\$	712,383	to \$	713,179
State Court	From	\$	492,456	to \$	492,625
Magistrate Court	From	\$	582,364	to \$	582,559
Sheriff	From	\$	3,937,827	to \$	3,948,624
Jail	From	\$	5,187,652	to \$	5,188,295
Correctional Institution	From	\$	4,622,984	to \$	4,631,128
Coroner	From	\$	43,892	to \$	44,392
Animal Control	From	\$	239,581	to \$	240,648
Public Works	From	\$	2,668,242	to \$	2,788,597
Solid Waste	From	\$	753,408	to \$	754,376
Recreation	From	\$	533,473	to \$	536,805
Parks	From	\$	1,524,952	to \$	1,536,474
Cooperative Extension Service	From	\$	80,592	to \$	80,601
Community Development	From	\$	399,435	to \$	409,955

Section II. Emergency Communications

A. Revenue

Fund Balance Appropriated	From	\$	205,850	to \$	206,800
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B. Expenditures

Emergency 911	From	\$	1,433,073	to \$	1,434,023
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Section III. Fire District Fund

A. Revenue

Fund Balance Appropriated	From	\$	250,000	to	\$	253,482
B. Expenditures						
Fire Department	From	\$	3,815,735	to	\$	3,819,217

Section IV. Hotel/Motel Tax Fund

A. Revenue						
Fund Balance Appropriated	From	\$	0	to	\$	6,012
B. Expenditures						
Hotel/Motel Tax	From	\$	78,900	to	\$	84,912

Section V. Water & Sewerage Authority Fund

A. Revenue						
Fund Balance Appropriated	From	\$	131,628	to	\$	135,601
B. Expenditures						
Water Department	From	\$	3,916,628	to	\$	3,920,601

Approved on first reading this 19th day of August 2002.

Approved, adopted and enacted on second reading this 3rd day of September 2002.

4. Consider at second reading an ordinance amending the Spalding County Code adding “No Thru Trucks” on West McIntosh Road and Vaughn Road

**SPALDING COUNTY, GEORGIA
STREET USE ORDINANCE
ORDINANCE NO. 2002-07**

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO THROUGH TRUCKS ON CERTAIN COUNTY ROADS.

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

Section 1. That the Code of Spalding County, Georgia be amended in Part VI, Chapter 2, Section 6-2004, relating to no through trucks on streets, by adding paragraphs (47 & 48) as follows:

- “(45) West McIntosh Road from Fayette County Line to State Route 92.
- (46) Vaughn Road from State Route 16 to State Route 92.”

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.

5. Consider at second reading an ordinance amending the Spalding County Code, Part VI, Chapter 1, Article G, Excise Tax on Hotels.

**SPALDING COUNTY, GEORGIA
OFFENSES
ORDINANCE NO. 2002-09**

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, SECTION 6-1173 OF CHAPTER 1, ARTICLE G, EXCISE TAX ON HOTELS

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

Section 1. Be it resolved that Section 6-1173, Inspection of records by County; Procedure on failure of hotel to file return, is hereby amended by striking same in its entirety and inserting in lieu thereof the following:

“ The County shall have the right to see and inspect the business and financial records of each hotel as may be reasonably necessary to enforce the provisions of this article.

In the event that any person who is required to file a return as required by Section 6-1171 of this article fails to make any return or pay the full amount of the tax required by this section, there shall be imposed, in addition to other penalties provided by law, a penalty to be added to the tax in the amount of 5% or \$5.00, whichever is greater, if the failure is not more than thirty days, and an additional 5% or \$5.00, whichever is greater, for each additional thirty days or fraction of thirty days during which the failure continues. The penalty for any single violation shall not exceed 25% or \$25.00 in the aggregate, whichever is greater. If the failure is due to providential cause shown to the satisfaction of the governing authority imposing a tax under this section in affidavit form attached to the return and remittance is made within ten days of the due date, the return may be accepted exclusive of penalties and interest.

In the case of a false or fraudulent return or of a failure to file a return where willful intent exists to defraud the governing authority of any tax due under this article, a penalty of 50% of the tax due shall be assessed.”

Section 2. This ordinance shall be and become effective immediately upon its adoption by the Board of Commissioners of Spalding County, Georgia, as prescribed by Section 2-1005 of the Code of Spalding County.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed.

X. OLD BUSINESS

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

- **Rezoning Application #02-12Z:** Paul Eugene, Jr. and Valerie S. Reynolds, Owners—Georgia State Route 16 West, 83.5899 acres, AR-1 to AR-2, conditional.

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

**APPLICATION OF PAUL EUGENE JR. AND VALERIE S. REYNOLDS
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-12Z

**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 "AR-1, Agricultural and Residential;"

WHEREAS, Paul Eugene Jr. and Valerie S. Reynolds applicant, applied for a change in zoning classification to be applied to the within described property to "AR-2, Rural Reserve;"

WHEREAS, such application was filed with Spalding County, Georgia on May 21, 2002;

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 August 22, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 23 of the 1st Land District, Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a ½" rebar set at the intersection of the east line of Land Lot 23 of the southern right-of-way line of Georgia State Route 16; Thence leaving the true POINT OF BEGINNING and running along said east line of Land Lot 23, South 02°39'27" West, 962.10 feet to a concrete monument found; Thence, South 03°13'45" West, 889.08 feet to a ½" rebar set along the northern right-of-way line of Lakeview Drive (an 80 foot wide right-of-way); Thence running along said northern right-of-way line of Lakeview Drive, South 85°29'45" West, 345.00 feet to a point on the centerline of a creek; Thence leaving said northern right-of-way line of Lakeview Drive and running along said centerline of a creek, North 60°54'23" West, 129.74 feet to a point; Thence, North 30°43'58" West, 76.78 feet to a point; Thence, North 58°15'11" West, 149.14 feet to a point; Thence, North 57°01'34" West, 136.54 feet to a point; Thence, North 13°37'39" West, 37.93 feet to a point; Thence, North 49°46'39" West, 258.94 feet to a point; Thence, North 21°01'18" West, 273.95 feet to a point; Thence, North 27°53'08" West, 176.09 feet to a point; Thence, North 63°14'29" West, 267.97 feet to a point; Thence, North 39°00'10" West, 154.53 feet to a point; Thence, North 43°24'27" West, 28.28 feet to a point; Thence leaving said centerline of a creek and running, North 86°52'04" West, 1290.71 feet to a ½ rebar found; Thence, North 03°40'28" East, 578.74 feet to a ½ rebar set; Thence, North 82°52'16" West, 300.00 feet to a ½ rebar set; Thence, North 03°40'28" East, 581.87 feet to a ½ rebar set along the aforesaid southern right-of-way line of Georgia State Route 16; Thence running along said southern right-of-way of Georgia State Route 16, South 82°52'16" East, 53.37 feet to a ½" rebar set; Thence, North 07°07'44" East, 10.00 feet to a ½" rebar set; Thence, South 82°52'16" East, 800.00 feet to a concrete right-of-

way monument found; Thence, North 07°07'52" East, 25.00 feet to a concrete right-of-way monument found; Thence, South 82°52'16" East, 472.10 feet to a ½" rebar set; Thence, 340.61 feet along a curve to the right, having a radius of 2824.79 feet and being scribed by a chord bearing South 79°25'00" East, 340.41 feet to a ½" rebar set; Thence leaving said southern right-of-way line of Georgia State Route 16 and running, South 02°39'27" West, 697.46 feet to a ½" rebar set; Thence, South 87°20'33" East, 331.42 feet to a ½" rebar set; Thence, North 02°39'27" East, 610.69 feet to a ½" rebar set along said southern right-of-way line of Georgia State Route 16; Thence running along said southern right-of-way line of Georgia State Route 16, South 70°36'42" East, 542.08 feet to a ½" rebar set and the true POINT OF BEGINNING.

Said tract contains 83.5899 acres (3,614,176 square feet), more or less, as show in a survey prepared for Gene Reynolds & Valerie Reynolds by Site Design Services, Inc. dated May 17, 2002 and last revised June 19, 2002.

From "AR-1, Agricultural and 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:

- a. Site plan as submitted with 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:

On September 3, 2002, 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 23 of the 1st Land District, Spalding County, Georgia, consisting of 83.5899 acres, more or less, and located on Georgia Route 16 West and Lakeview Drive, 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.

- **Rezoning Application #02-14Z:** Dell Investment Corporation, Owner—2539 U.S. Highway 19/41, 9.150 acres, C-1 & R-1 to C-1B, conditional & C-1, conditional.

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

**APPLICATION OF DELL INVESTMENT CORPORATION
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-14Z

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-1, Highway Commercial, and AR-1, Agricultural and Residential;”

WHEREAS, Dell Investment Corporation applicant, applied for a change in zoning classification to be applied to the within described property to “C-1B, Heavy Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on June 27, 2002;

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 August 22, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land situate, lying and being in Land Lot 102 of the Third Land District of originally Henry, now Spalding County, Georgia, containing 9.150 acres may be more particularly described as follows:

BEGINNING at an iron stake on the west boundary of Land Lot 102, said point of beginning being South 0 degrees 33 minutes West 373.0 feet along the west boundary of Land Lot 102 from the northwest corner of said Land Lot 102; thence, from said point of beginning, South 0 degrees 33 minutes West 270.5 feet along the west boundary of Land Lot 102 to an iron stake; thence, South 88 degrees 39 minutes East 1480.2 feet to an iron stake on the west right of way line of U. S. Highway 19 and 41; thence, North 2 degrees 17 minutes East 266.6 feet along the west right of way line of U. S. Highway 19 and 41 to an iron stake; thence, North 88 degrees 30 minutes West 1488.3 feet to the **POINT OF BEGINNING.**

From “C-1, Highway Commercial, and AR-1, Agricultural and Residential” to “C-1B, Heavy Commercial, and C-1, Highway 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:

- a. Parcel 3.156 acres, as depicted on the site plan, be rezoned to C-1B.
- b. The use of a salvage operation shall be specifically excluded.
- c. Eastern façade of the building shall be renovated to consist of a brick façade.
- d. Northern and southern façade of the building shall be consisted of masonry stucco.
- e. Detention area shall not be within the buffer zone.
- f. Parcel 5.994 acres, as depicted on the site plan, be rezoned to C-1 with a 200' buffer off the existing western edge of the tract.
- g. The use of a salvage operation shall be specifically excluded.

Section 3

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

On September 3, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following changes were made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being in Land Lot 102 of the Third Land District of originally Henry, now Spalding County, Georgia, consisting of 3.156 acres located on US Highway 19/41, zoned C-1B, Conditional; and 5.994 acres off US Highway 19/41, zoned C-1, Conditional.

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

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

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

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

- **Rezoning Application #02-06Z:** R. J. and Ollie M. Exum, Owners—Rehoboth Church Road and Whatley Road, 26.613 acres, more or less, AR-1 to R-2, conditional.

Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the following Resolution was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion.

IN RE:

**APPLICATION R. J. AND OLLIE M. EXUM
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-06Z

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

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

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

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

WHEREAS, R. J. and Ollie M. Exum applicant, applied for a change in zoning classification to be applied to the within described property to “R-5, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on February 21, 2002;

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 August 22, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Landlot 41, 3rd Land District originally Monroe, now Spalding County, Georgia containing 23.613 acres may be more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the intersection of the center line of Whatley Road with the west right-of-way of Rehoboth Church Road thence running in a northwesterly direction along said right-of-way a distance of 1695.13’ to a point and **TURE POINT OF BEGINNING:** thence South 50°38’00” East a distance of 869.49’ to a point; thence South 87°09’06” East a distance of 374.83’ to a point; thence South 87°14’26” East a distance of 41.73’ to a point; thence South 00°39’41” West a distance of 355.65’ to a point; thence South 13°37’11” West a distance of 128.13’ to a point; thence South 03°17’01” West a distance of 132.83’ to a point; thence North 70°34’14” West a distance of 1624.00’ to a point; thence North 02°03’23” East a distance of 699.92’ to a point located on the south right-of-way of Rehoboth Church Road; thence continuing along said right-of-way South 83°12’42” East a distance of 463.29’ to a point and **POINT OF BEGINNING.**

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

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

- a. Site built homes only.
- b. 7:12 (minimum) roof pitch.

- c. Two-car (minimum) garages shall be constructed in association with all homes built.
- d. 30% brick, stone, or masonry stucco front façade accent with remaining exterior wall featuring a hardiplank cement board siding or .46 thickness vinyl siding.
- e. All homes constructed shall incorporate a trim package, specifically the interior trim around all windows and chair rails in dining rooms.
- f. Minimum 10 of the 14 homes shall be constructed on crawlspace or basement foundations, no exposed cinder block shall be visible from the crawlspace of basement foundations constructed.
- g. A landscaping plan consistent with the Trees Program with the National Arbor Day Foundation shall be implemented for all homes constructed.
- h. A 25-foot undisturbed buffers as on the new site plan (submitted to the Board of Commissioners 08/22/02).
- i. Conditioned upon the new site plan submitted (08/22/02), with no more lots than shown: 12 lots on Rehoboth Church Road and 2 lots on Whatley Road.

Section 3

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

On August 22, 2002, 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 lot, tract or parcel of land situate, lying and being in Landlot 41, 3rd Land District originally Monroe, now Spalding County, Georgia, 23.613 acres, more or less, and located on Rehoboth Church Road and Whatley Road, zoned R-2, Conditional.

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

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

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

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

- **Rezoning Application #02-15Z**: H. Vic Spier, Sr., Owner—Lot 5 Ninety Two Place - .5 acre – R-2 to R-2A, conditional.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was approved by a vote of 4-1 with Commissioner Morrow voting against the motion.

**APPLICATION OF H. VIC SPIER, SR.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-15Z

**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, H. Vic Spier, Sr. applicant, applied for a change in zoning classification to be applied to the within described property to “R-2A, Single-Family and Two-Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on June 27, 2002;

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 August 22, 2002, 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 Lot 62 of the Third Land District of originally Henry, now Spalding County, Georgia, and being more particularly described as:

BEGINNING at the Northeast corner of Land Lot 62 of the Third Land District of originally Henry, now Spalding County, Georgia, and running thence from said point South 89 degrees 12 minutes 38 seconds West a distance of 208 feet to a point running thence South 89 degrees 4 minutes 38 seconds West for a distance of 126.65 to a point running thence South 89 degrees 4 minutes 38 seconds West for a distance of 55 feet to a point being the Northeast corner of Lot 5 of Ninety Two Place Subdivision and said point being the Point of Beginning for the said Lot 5 running thence South 89 degrees 10 minutes 5 seconds West for a distance of 99.53 feet to a point running thence North 1 degree 49 minutes 50 seconds East for a distance of 191.30 feet to a point running thence North 81 degrees 51 minutes 8 seconds East for a distance of 13.96 feet to a point running thence North 72 degrees 38 minutes 4 seconds East for a distance of 64.25 feet to a point running thence North 60 degrees 12 minutes 58 seconds East for a distance of 20 feet to a point running thence North 3 degrees 21 minutes 42 seconds East for a distance of 224.12 feet to a point, said point being the Northeast corner of Lot 5 and the **POINT OF BEGINNING**.

From “R-2, Single Family Residential” to “R-2A, Single-Family and Two-Family Residential” District.

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

- a. Dwelling to include brick, stone, or stucco accent.
- b. Minimum 6:12 roof pitch.
- c. Site built construction 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:

On September 3, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being in Land Lot 62 of the Third Land District of originally Henry, now Spalding County, Georgia, consisting of .5 acre located on Ninety-Two Place, zoned R-2A, 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 and Official Zoning Map of the following:

- **Amendment to UDO #A-02-05:** Appendix J. Commercial /Industrial Development Ordinance—Section 405:W, and Appendix A. Subdivision Ordinance—Section 407:K- revise provision for hydrology study.

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

**RESOLUTION AMENDING
THE COMMERCIAL/INDUSTRIAL DEVELOPMENT ORDINANCE
OF SPALDING COUNTY, GEORGIA**

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted as Appendix J thereto, the Commercial/Industrial Development 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 Commercial/Industrial Development Ordinance of Spalding County;

WHEREAS, such text amendments to the Commercial/Industrial Development 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 August 22, 2002 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 Commercial/Industrial Development 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 Commercial/Industrial Development Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be added to the Commercial/Industrial Development Ordinance of Spalding County, Georgia, to appear as Section 405(W)(3):

Section 405. Specifications for Construction Plans

W. Hydrology Study

3. Detention requirements for any development located adjacent to a watercourse with a drainage basin significantly larger than the area proposed for development may include a required “timing study analysis”. If required, such study must comply with the guidelines set forth in the Georgia Stormwater Management Manual utilizing acceptable methods for determining flow path times and hydrographs. HEC-1 models must be utilized to produce hydrographs of the site and basin for use in determining peak flow rates at the study point determined to be the critical point of study. The “10% rule” outlined in the Georgia Stormwater Management Manual should be utilized in studying the downstream impact of development and reported in the study. A pre-design meeting will be required before plans or a study is developed and submitted for review.

Section 2: The foregoing amendments of the Commercial/Industrial Development Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

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

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

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

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

WHEREAS, such text amendments to the Subdivision Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on August 22, 2002 pursuant to O.C.G.A. 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 407(K)(5):

Section 407. Specifications for Construction Plans

K. Hydrology Study

5. Detention requirements for any development located adjacent to a watercourse with a drainage basin significantly larger than the area proposed for development may include a required “timing study analysis”. If required, such study must comply with the guidelines set forth in the Georgia Stormwater Management Manual utilizing acceptable methods for determining flow path times and hydrographs. HEC-1 models must be utilized to produce hydrographs of the site and basin for use in determining peak flow rates at the study point determined to be the critical point of study. The “10% rule” outlined in the Georgia Stormwater Management Manual should be utilized in studying the downstream impact of development and reported in the study. A pre-design meeting will be required before plans or a study is developed and submitted for review.

Section 2: The foregoing amendments of the Subdivision Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

3. Consider Performance Contract Master Agreement with Johnson Controls for improvements to Courthouse, Annex and Health Department and the financing thereof. County Manager Wilson said this Agreement would reduce the financing from 15 years to 10 years with the first payment being due January 2004. Included in the improvements are new chillers and all pumping systems for the Courthouse, new roof for the Annex, new chillers for the Health Department and all pumping systems and replacement of lighting with electronic ballast at Courthouse, Annex and Health Department. Mr. Wilson asked for the two following Resolutions to be approved.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale authorization to proceed with the projects and the following Resolutions were unanimously approved by a vote of 5-0.

Lease Number: []
Equipment Schedule: 01

RESOLUTION OF GOVERNING BODY

At a duly called meeting of the governing body of Lessee held in accordance with all applicable legal requirements, including open meeting laws, on the 3rd day of September 2002, the following resolution was introduced and adopted:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the governing body of SPALDING COUNTY, GEORGIA (“Lessee”) desires to obtain certain equipment (the “Equipment”) described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the “Lease”) with FIRST SECURITY LEASING, INC., the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with FIRST SECURITY BANK (the “Escrow Agent”) pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the “Escrow Agreement”) and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with FIRST SECURITY LEASING, INC. and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.

Health Department

The scope of work will vary at each facility and will include:

- High Efficiency Lighting Retrofits to Reduce Energy Costs (Code Compliance on Light Levels)**
- Major HVAC and Mechanical Upgrades to Improve Comfort, Reliability and Reduce Energy Costs to include Chiller Replacements at Health Department and Courthouse.**
- Roofing Upgrade at Annex Building Roof to Repair Leak Damage and Reduce Energy Costs**
- Planned Service Agreement inclusive of savings guarantee component (5 years)**

BOARD ACTION:	APPROVED:	Yes _____ No _____
Spalding County		Johnson Controls, Inc.
Chairman, Board of Commissioners		Performance Contracting Director
_____		_____
Signature		Signature
_____		_____
Date		Date

XI. NEW BUSINESS

County Manager Wilson asked the Chairman to ask for a motion to amend the Agenda to add Item No. 7 as consider at first reading an ordinance to amend the Spalding County Code relative to redefining Animal Control Board in the Animal Control Ordinance.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the agenda was amended to add Item No. 7 by a unanimous vote of 5-0.

1. Discuss request from Parks and Recreation Advisory Commission to implement a “tobacco-free” policy at all Parks and Recreation facilities. *After a lengthy discussion a motion was made by Commissioner Massengale to implement a “tobacco-free” policy at all Parks and Recreation facilities effective January 1, 2003. Commissioner Kendall seconded the motion and motion was approved by a vote of 3-2 with Commissioners Martha McDaniel and Dick Morrow voting against the motion, as they feel this would be taking away personal freedom of citizens. This will be a policy rule of the Parks and Recreation Department, not a County ordinance.*
2. Consider request from the Parks and Recreation Advisory Commission to submit a grant application to the Falcons Youth Foundation Grant Program. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel request to submit grant application was unanimously approved by a vote of 5-0.*
3. Consider request from URS Corporation for the revised drilling location for monitoring well MW-17 for Airport Road Park. *Motion made by Commissioner Martha McDaniel to approve the revised drilling location with the stipulations that County Manager Wilson will send in his letter to the Corporation. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*
4. Consider Contract with Department of Transportation for Acquisition of Right of Way on the Macon Road@ East College Street & Futral Road Project. County Manager Wilson stated this is for the acquisition of nine (9) parcels; however, he does not have a cost figure yet. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale DOT Contract was unanimously approved by a vote of 5-0.*
5. Consider at first reading an ordinance amending the Spalding County Code adding “No Thru Trucks” on Holly Grove Road and Wilson Road.

Commissioner Morrow addressed this item. He said Wilson Road runs right along the industrial business park and trucks are going in and out to his industrial park. He said that he doesn’t feel that thru trucks are a problem and how can you determine if a truck is a thru truck or not traveling on this road. He then excused himself from the discussion of this item as he owns an industrial park in this area.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale first reading of ordinance was approved by a vote of 4-0-1 with Commissioner Morrow abstaining giving reason as personal conflict. **The Ordinance will be incorporated into the minutes on second and final reading.***

6. Consideration of a public hearing date to establish a street lighting district for Seven Forks Phase II Subdivision. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale*

a public hearing date of Monday, September 16, 2002 at 5:45 PM was unanimously approved by a vote of 5-0.

7. Consider at first reading an ordinance amending the Spalding County Code relative to redefining Animal Control Board in the Animal Control Ordinance. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow 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 stated that State DOT has requested that we send a formal letter stating that we would no longer utilize the old Justice Boulevard once the new section was approved. He said this was part of the traffic and safety redesign of SR 362 intersection. The Board had no problems sending formal approval.

County Manager Wilson stated that on the September 16th agenda coming for formal approval before the Board would be a Resolution authorizing the issuance of a Tax Anticipation Note (TAN). He said that A.G. Edwards and King and Spalding are helping us with this project.

County Manager Wilson stated he had received a letter from the Flint River Council Boy Scouts of America requesting permission to place a message board on right-of-way on Baptist Campground Road for one day September 12th to advertise their Boy Scouts of American Sporting Clay event. The Board had no problem with this request for the one day only.

County Manager Wilson stated that Insight Communications has asked for a one-year extension on their rebuild for the cable system. Georgia Municipal Association (GMA) assisted the City and County with the establishment of a new franchise agreement and they are currently assisting the City with the rebuild request. He said he would bring a proposal at the September 16th agenda authorizing GMA and Lou Comer to work with the County on this renegotiation on the franchise agreement and extension. He said that we had been advised that they will be selling the system to AT&T and we will also need GMA services for this.

County Manager Wilson stated that John Jett, City Police Chief interim, has asked for inmate help in regards to the renovation of the Fourth Ward School for the new Police Department. Mr. Jett and Warden Massac will be meeting to see if there are any dual trained officers in the Police Department who will be able to take inmate crews for that. If not, we proposed to Mr. Jett that any of our officers who would like to work on that project could work overtime to be reimbursed by the City. The Board had no problems with helping with this project as Mr. Wilson stated.

County Manager Wilson stated that Louis Greene has a confirmation that the rail line west of Griffin is to be abandoned and he wanted to see if the Board still had formal interest in this rail line so we can go ahead and contact Norfolk/Southern to see if we can get the line donated to Spalding County. This would be a good rail to trails program. The Board was very eager to get this project going.

County Manager Wilson reminded everyone of the United We Stand Programs that would be held September 11th, one at the Courthouse at 8:45 A.M., noon program at City Park and a program at Memorial Stadium at 8:00 p.m. He invited everyone to come out to these programs.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall made comments regarding the Board members being in support of a joint City/County committee to resolve problems and conflicts in the Zoning Ordinances. He said that he is disappointed that the City Commissioners and County Commissioners can't be tasked to figure out some of these problems in our Zoning Ordinance and having to resort to non-elected folks to do this. He said the system has become so political and finds this most disturbing.

Commissioner Kendall commented that Hospital Authority grant proposals have come in and they total \$1 Million. He said that Stepping Stones had asked for most of this grant money since being turned down for a loan. He asked the Board what position he needed to be taking on this from the County Commissions' standpoint and said he would appreciate their input.

Commissioner Massengale made comments regarding the water ban. He said he had received several calls asking about outside watering and what was exempt. Mr. Wilson stated that there is to be no outside watering of any kind.

Commissioner Martha McDaniel made the Board aware that she had gone down and spoken to the City Commissioners regarding a Regional Reservoir. She said that the State of Georgia is now looking at Regional Reservoirs. She said she was prompted to approach the City because of the headlines in the *Griffin Daily News* stating that water rates would be increasing. She said if the State were to pay for this reservoir, the City would not need nearly as much money. The City of Griffin would keep the customers they already have, the State would own the reservoir and would sell the raw water to the communities. They would also have greenspace with recreation areas, which would be managed through the Department of Natural Resources. She said that she encouraged the City Commissions to investigate this further. There could be state funding through the Georgia Environmental Facilities Authority (GEFA).

Commissioner Morrow commented about the new Wal-Mart Shopping Center and how appalling it is to him what the City has approved. The City allowed Halpern to build a horrible, ugly parking lot, four acres in front of Wal-Mart with not one tree. The City required 5% greenspace. He is going to approach the City regarding requiring no trees in the parking lot and landscaping.

Commissioner Johnie McDaniel stated that were a lot of places out in the County that do not have visible addresses as required by both the County and City code to facilitate the emergency services. He asked County Manager Wilson to explore some ways that we could get the information out to the public and educate the public. He suggested that maybe the City would place this on the joint water bills that go out to every water customer.

Commissioner Johnie McDaniel stated that he got a brochure on the Georgia Conservancy's Annual Conference, Saving Georgia's Landscape Call to Action and wanted to know if any member of the Board was planning to attend this conference.

Commissioner Johnie McDaniel stated he noticed in reading the City's minutes that they have formed a new Community Relations Council, seven member Council, and wondered if it was different than the one we had jointly. He said he did not know if the City is redefining the term "Community" or what their intentions are. He said we need to check into this and see what we want to do because we do have some citizens serving on that Board representing both the City and County.

Commissioner Johnie McDaniel stated that staff and attorney had been involved in some LOST renegotiations as a group but we did not empower them to turn it over into mediation and feel that it would be a good idea before going into mediation to maybe have a joint meeting with the City to see if we could put this renegotiation in the right direction. The City is wanting 60% and County 40% based on several points of methodology, one being point of sales. The members of the Board supported the joint meeting with the City.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the Board voted unanimously to go into a Closed Meeting.

XIV. CLOSED MEETING

1. The County Manager desires a Closed Meeting to discuss potential and pending litigation.

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

CLOSED MEETING AFFIDAVIT

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

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

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

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on September 3, 2002.

2.

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

3.

The executive session was called to order at 7:47 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and

(insert the citation to the legal authority making the tax matter confidential) _____;

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law):

_____ as provided in
(insert the citation to the legal authority
exempting the topic)_____.

This the 3rd day of September 2002.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 3rd day of
September 2002.
Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

Johnie A. McDaniel
H. Merrill Massengale
Martha W. McDaniel
Dick Morrow
M. Michael Kendall

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

No business was transacted at this time.

XV. ADJOURNMENT

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned at 8:00 PM.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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