



# Spalding County online

## Board of Commissioners

### EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, September 15, 2003 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, County Attorney Jim Fortune and County Clerk Phyllis Doane.

### Agenda Topics

#### I. OPENING (CALL TO ORDER) – Chairman Morrow

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

#### III. PLEDGE TO FLAG – Led by Commissioner McDaniel.

#### IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. A representative of Sullivan, Sturdivant & Ogletree is present to present a check from the Georgia Indigent Defense Council in the amount of \$7,788.07. Mr. Hal Sturdivant addressed the Board and presented this check to Chairman Morrow.

#### V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Two Months Ended August 31, 2003. Ms. Jinna Garrison, Finance Director, was present to answer any questions. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the Financial Statements were unanimously approved by a vote of 5-0.*

#### VI. CITIZENS COMMENTS – n/a

#### VII. PUBLIC COMMENT

Ms. Diane Phillips, 102 Front Street, addressed the new sewer bills received since the County took over the Highland Mill Sewer Plant. She wanted an explanation why the bills are so much higher now. She commented that the residents of Highland Mill are retired and are on fixed incomes and cannot afford this higher rate of sewage. She wanted to know how they could get their bills lowered. Ms. Phillips also addressed the damages that have been done to citizens' yards in the area.

Chairman Morrow explained that the grant money in the amount of \$500,000 went for the installation of collector lines and the refurbish of the plant. The reason the bills are higher is that the County is making the system self-supporting in operation and maintenance. The \$18.00 per thousand rate is based on the estimated costs for the operation and maintenance of the sewer system.

County Manager Wilson commented that he and Ms. Garrison would be reviewing the budget again this week with our consultant, Rick Jefferies, to see if there is any areas in the budget that we can reduce which in turn would result in a lower sewer bill. Mr. Wilson said there are only 79 customers on the system and that is why the sewer rate is so high. Mr. Wilson stated that all the lines are in and there are still a few minor improvements that have to be made. He said we should be resurfacing the streets up there within the next two weeks, weather permitting, and finishing the project up.

County Manager Wilson explained to Ms. Phillips that the sewer rate adopted by the Board of Commissioners is based on water consumption at a cost of \$18.00 per thousand gallons. The minimum that an individual can pay is \$54.00, which is based on a minimum of 3,000 gallons of water consumption. If there can be any adjustments made, the Board would probably make those changes during an October meeting. Mr. Wilson commented that the damages to citizens' yards would be looked into and addressed and each one would be contacted about the damages.

Ms. Cindy Sanders, 206 Park Street, addressed the Board regarding her \$114.27 sewer bill. She said they were under the impression that when they signed the construction easement that the \$500,000 CDBG grant would take care of everything and there would be no additional costs to the residents.

Mr. Robert Allen, 216 Park Street, addressed the Board on road damage to his road, which had caused damage to his vehicle and also the damage by the contractor to his yard caused by the construction of the sewer lines. He addressed the higher sewer bills and the absorption of the cost by the 79 customers.

Mr. Jason Conner, 422 Lakeview Street, addressed the Board on the \$54.00 minimum usage charge to residents for the operation and maintenance of the sewer system. He said he was planning on renting his house and wants to keep his water service but does not want to pay \$54.00 minimum until he gets a tenant in there. He said that his bill went up 600%.

Mr. Rick Conner, 218 Park Street, addressed the Board on the \$54.00 minimum usage charge per thousand gallons. He said that he had never heard of a charge like this before. He was told that the County had to divide the cost of the sewer by the number of customers that are on this system as we can't ask the taxpayers of Spalding County to subsidize this private sewer system.

It was explained to Mr. Conner and the other residents present that the County made every effort to connect them to the City system. This would have been an additional County expenditure of \$600,000 plus each resident would have had to pay a Sewer Capacity Recovery Fee of \$2200 to the City to connect to the system. The City engineers determined that the system was failing. The County has brought the system up to City specifications in case we can connect to the City system at a later date. This would require constructing a lift station at a cost of approximately \$600,000 to pump the sewage into the system.

Mr. Michael Allen, 331 Main Street, addressed the Board on the Highland Mill sewer bills and why the residents were not allowed to hook on to the City sewer system.

Mr. Fred Edwards, 747 Steele Road, asked the Board for an update on the Birdie Road traffic signal. He said that there was no work progress for the last two (2) weeks as nobody had been up there working. County Manager Wilson commented that there was a clearance problem between Department of Transportation and Georgia Power on some of the poles. Everything has been completed except the installation of the signal. Mr. Wilson commented that he would get an update on the clearance problem and the installation of the signal.

Mr. Ken Steele, 222 Main Street, addressed the Board on the CDBG Highland Mill Sewer Grant. He said that he feels that the cost of the operation of the system should be absorbed by more than the 79 people in Highland Mills.

### **VIII. MINUTES**

1. Consider approval of the minutes of the Regular Monthly Meeting of September 2, 2003 and the minutes of the meetings of September 3, 2003. Commissioner McDaniel asked the Chairman if the minutes could be voted on separately as he was not present for one of the meetings on September 3<sup>rd</sup>.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the minutes of the Regular Monthly Meeting were unanimously approved by a vote of 5-0.*

*Upon motion by Commissioner Davis, seconded by Commissioner Morrow the minutes of the Public Hearing of September 3, 2003 was approved by a vote of 40-1 with Commissioner McDaniel abstaining from the vote as he was not present for the meeting.*

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the minutes of the Special Called Meeting of September 3, 2003 were unanimously approved by a vote of 5-0.*

### **IX. CONSENT AGENDA**

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

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

- **Application #03-15Z:** Markland Management, LLC, Owner – 361 Wilson Road - .543 acre – AR-1 to C-1, Conditional.

**APPLICATIONS OF MARKLAND MANAGEMENT, LLC  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-15Z**

**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 “AR-1, Agricultural and Residential;”

WHEREAS, Markland Management, LLC, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1, Highway Commercial;”

WHEREAS, such applications were filed with Spalding County, Georgia on June 26, 2003;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land lying and being located in Land Lot 206 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, as shown on a plat of survey entitled “Property Survey for Markland Management” prepared by Bernhard, Harper and Associates, Inc. dated June 26, 2003 containing 0.551 acres and maybe more particularly described as follows:

Beginning at the intersection of the south right-of-way of Arthur Bolton Parkway and the east right-of-way of Wilson Road; thence running southerly along the east right-of-way of Wilson Road 291.61' to a point and true point of beginning; thence S89°11'43" E a distance of 112.34' to a point; thence S27°29'26" E a distance of 71.54' to a point; thence S24°05'56" E a distance of 95.10' to a point; thence S79°14'48" W a distance of 189.98' to a point on the east right-of-way of Wilson Road; thence northerly along Wilson Road N16°00'50" W a distance of 30.52' to a point; thence N76°04'19" E a distance of 40.25' to a point; thence along a curve to the right of arc distance of 151.01' with a radius of 1367.31' subtended by a bearing of N10°45'51" W a chord distance of 150.93' to a point and true Point of Beginning.

From "AR-1, Agricultural and Residential" to "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:

1. The duplex property be actively marketed for development after completion of the convenience store.

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 15, 2003, 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 lying and being located in Land Lot 206 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, as shown on a plat of survey entitled "Property Survey for Markland Management" prepared by Bernhard, Harper and Associates, Inc. dated June 26, 2003 containing 0.551 acres located at 361 Wilson Road, 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.

- **Application #03-16Z**: C. Mark McCullough, Owner – Memorial Drive – 1.35 acres – AR-1 to C-1, Conditional.

**APPLICATIONS OF C. MARK MCCULLOUGH  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-16Z**

**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, C. Mark McCullough, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1, Highway Commercial;”

WHEREAS, such applications were filed with Spalding County, Georgia on June 26, 2003;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land situate, lying and being in Land Lots 178 and 179 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 1.35 acres, as shown on plat of survey entitled Survey for D. Bartlett Searcy, Jr.", dated February 27, 1996, prepared by S. L. Colwell & Associates, Inc., a copy of which said plat of survey is recorded in Plat Book 24, page 425, in the Office of Clerk of Superior Court of Spalding County, Georgia, and according to said plat of survey, said property is more particularly described as follows:

BEGINNING at a point on the southerly right-of-way line of Memorial Drive, which is located a distance of 271.36 feet from the intersection of the southerly right-of-way of Memorial Drive and the center line of Hamilton Boulevard, as measured in a westerly direction along the southerly right-of-way line of Memorial Drive; thence South 47 degrees 02 minutes 29 seconds West 196.34 feet to a point; thence North 40 degrees 24 minutes 16 seconds West 300.76 feet to a concrete monument; thence North 47 degrees 02 minutes 29 seconds East 198.34 feet to a point on the south right-of-way line of Memorial Drive; thence in an easterly direction along the south right-of-way line of Memorial Drive a distance of 300.90 feet to the Point of Beginning.

Said property is bounded by Memorial Drive; east and south by property now or formerly owned by Robert Leroy Brown; and west by property now or formerly owned by WLT Associates, L.P.

From "AR-1, Agricultural and Residential" to "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:

1. Brick, stone or masonry façade shall be used on the front of the structure(s). For facades that can be seen from the right-of-way, brick, stone or masonry stucco shall be used 20 feet deep on the property; and
2. Lighting for the site shall not reflect on adjoining property.

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 15, 2003, 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 Lots 178 and 179 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 1.35 acres, as shown on plat of survey entitled Survey for D. Bartlett Searcy, Jr.", dated February 27, 1996, prepared by S. L. Colwell & Associates, Inc., a copy of which said plat of survey is recorded in Plat Book 24, page 425, in the Office of Clerk of Superior Court of Spalding County, Georgia, and according to said plat of survey, said property is located on Memorial Drive, 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.

- **Application #03-17Z:** G. Niles Murray, III—Mimosa Road – 4.04 acres – AR-1 to R-4, Conditional.

**APPLICATIONS OF G. NILES MURRAY, III  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-17Z**

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

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

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

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

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

WHEREAS, such applications were filed with Spalding County, Georgia on June 26, 2003;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

#### **Tract A**

All that lot, tract or parcel of land situate, lying and being in Land Lot 43 of the 2<sup>nd</sup> Land District of originally Henry County, now Spalding County, Georgia, and being more particularly shown and designated as Tract A containing 2.00 acres on that certain plat of survey entitled “Zoning Plat for Niles Murray” dated June 24, 2003, prepared by G. Tim Conkle, Registered Land Surveyor No. 2001. Said Tract A is more particularly described as follows:

To reach the POINT OF BEGINNING travel 324.7 feet East from the west boundary of Land Lot 43 along the south boundary of Mimosa Road to a point, said point being the POINT OF BEGINNING. From said POINT OF BEGINNING travel 200.00 feet East along the south boundary of Mimosa Road to a point; thence South 07 degrees 47 minutes 40 seconds East a distance of 300.00 feet to a point; thence South 48 degrees 49 minutes 55 seconds East a distance of 343.19 feet to a point; thence South 19 degrees 18 minutes 04

seconds East a distance of 46.76 feet to a point; thence South 19 degrees 37 minutes 46 seconds West a distance of 53.44 feet to a point; thence North 49 degrees 00 minutes 53 seconds West a distance of 10.80 feet to a point; thence North 49 degrees 00 minutes 53 seconds West a distance of 166.19 feet to a point; thence North 48 degrees 53 minutes 11 seconds West a distance of 442.70 feet to a point; thence North 07 degrees 47 minutes 40 seconds West a distance of 216.41 feet to the POINT OF BEGINNING.

### **Tract B**

All that lot, tract or parcel of land situate, lying and being in Land Lot 43 of the 2<sup>nd</sup> Land District of originally Henry County, now Spalding County, Georgia, and being more particularly shown and designated as Tract B containing 2.00 acres on that certain plat of survey entitled "Zoning Plat for Niles Murray" dated June 24, 2003, prepared by G. Tim Conkle, Registered Land Surveyor No. 2001. Said Tract B is more particularly described as follows:

To reach the POINT OF BEGINNING travel 524.70 feet East from the west boundary of Land Lot 43 along the south boundary of Mimosa Road to a point, said point being the POINT OF BEGINNING. From said POINT OF BEGINNING travel 211.63 feet East along the south boundary of Mimosa Road to a point; thence South 10 degrees 13 minutes 59 seconds West a distance of 95.99 feet to a point; thence South 20 degrees 13 minutes 32 seconds East a distance of 114.30 feet to a point; thence South 30 degrees 08 minutes 13 seconds East a distance of 97.00 feet to a point; thence South 18 degrees 25 minutes 40 seconds East a distance of 45.08 feet to a point; thence South 26 degrees 58 minutes 10 seconds West a distance of 33.73 feet to a point; thence South 04 degrees 11 minutes 52 seconds East a distance of 140.83 feet to a point; thence South 19 degrees 18 minutes 04 seconds East a distance of 21.22 feet to a point; thence North 48 degrees 49 minutes 55 seconds East a distance of 343.19 feet to a point; thence North 07 degrees 47 minutes 40 seconds East a distance of 300.00 feet to the POINT OF BEGINNING.

From "AR-1, Agricultural and Residential" to "R-4, Single Family Residential" District.

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

1. Property limited to two tracts; and
2. The houses have two car garages.

### 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 15, 2003, 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 Land Lot 43 of the 2<sup>nd</sup> Land District of originally Henry County, now Spalding County, Georgia, and being more particularly shown and designated as Tract A containing 2.00 acres and Tract B containing 2.00 acres on that certain plat of survey entitled "Zoning Plat for Niles Murray" dated June 24, 2003, prepared by G. Tim Conkle, Registered Land Surveyor No. 2001, located on Mimosa Road, zoned R-4, Conditional.

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

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

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

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

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

- **Amendment to UDO #A-03-25**: Appendix A. Subdivision Ordinance – Article 5. Required Development Standards – Section 506:A – amend provision to Surety for Completion of Improvement.

Text Amendment #A-03-25

## **AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY**

### **RESOLUTION AMENDING THE UNIFIED 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 A, Subdivision Ordinance.

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 Unified Development Ordinance of Spalding County;

WHEREAS, such text amendments to Unified Development Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text

amendments to the Unified Development Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A. ? 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Unified Development 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 Unified Development Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision of the Unified Development Ordinance shall be amended by Deleting Appendix A, Subdivision Ordinance Section 506 A. in its entirety and replacing said Section 506 A. with the following:

- A. **When Allowed:** Before seeking approval of the Final Plat and upon a finding by the Administrative Officer that the improvements within a subdivision are substantially completed, the sub divider may provide surety for completion of minor repairs to curb and gutters, landscaping, and erosion control. All such items must be completed to the satisfaction of the governing authority within the period of performance specified by the government authority or forfeit the surety.

Section 2: The foregoing amendments to the Unified Development Ordinance Spalding County shall become effective immediately upon adoption of this resolution.

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

- **Amendment to UDO #A-03-26:** Appendix B. Ordinance Establishing Planning Commission – Section II- amend provision to add School Board representative to Planning Commission.

*Text Amendment #A-03-26*

## **AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY**

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to

regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provision shall be added to the Zoning Ordinance of Spalding County to appear as, "Ordinance Establishing Planning Commission," Appendix B, Section II(b):

**Section II.**

(b) Ex-Officio Member: A designee or representative of the Griffin-Spalding County Board of Education shall be an ex-officio member of the Planning Commission. The ex-officio member shall advise the Planning Commission regarding the impact of developments proposed in rezoning and/or special exception applications on school facilities. The advice of the ex-officio member may be presented by the ex-officio member in person at meetings of the Planning Commission or tendered in writing in advance thereof. The Planning Commission may consider the advice of the ex-officio member, but it shall not be bound thereby in making its recommendation to the Board of Commissioners. The ex-officio member shall not vote on any matter pending before the Planning Commission. The ex-officio member shall not be counted for purposes of determining whether a quorum of the Planning Commission is present for the conduct of business. The term of the ex-officio member shall commence on September 1, 2003.

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

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

## **X. OLD BUSINESS**

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

- **Application #03-02Z**: Clara Company, Owner—Teamon Road – 70.321 acres – AR-1 to R-4, Conditional.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was approved by a vote of 3-1-1- with Commissioner Goss voting in opposition and Commissioner Morrow abstaining from voting stating conflict of interest regarding a business relationship.*

### **APPLICATIONS OF CLARA COMPANY FOR REZONING CERTAIN PROPERTY LOCATED WITHIN SPALDING COUNTY, GEORGIA;**

#### **REZONING APPLICATIONS 03-02Z**

#### **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, Clara Company, applicant, applied for a change in zoning classification to be applied to the within described property to “R-2, Single Family Residential, Conditional;”

WHEREAS, such applications were filed with Spalding County, Georgia on February 19, 2003;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding

County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 201 of the 3<sup>rd</sup> District of originally Henry, now Spalding County, Georgia, being 70.321 acres as per plat of survey for Stewart R. Roberts and William C. Roberts, dated 11/14/01, prepared by S.L. Colwell & Assoc., Inc., Stanley L. Colwell GRLS# 2605, and being more particularly described as follows:

BEGINNING at an iron pin found at the common intersection of Land Lots 200, 201, 216 and 217 of said District and County; thence North 87 degrees 55 minutes 53 seconds West a distance of 2236.33 feet to an iron pin found; thence North 00 degrees 41 minutes 18 seconds East a distance of 1486.28 feet to an iron pin found; thence North 00 degrees 41 minutes 18 seconds East a distance of 803.04 feet to an iron pin set, located on the southwesterly right-of-way of Teamon Road (having an apparent 60 foot right of way); thence South 36 degrees 13 minutes 22 seconds East along the southwesterly right-of-way of Teamon Road a distance of 729.46 feet to a point; thence southeasterly along the southwesterly right-of-way of Teamon Road, and following the curvature thereof, an arc distance of 1006.32 feet (said arc being a portion of a curve having a radius of 1509.62 feet an being subtended by a chord bearing South 55 degrees 19 minutes 10 seconds East a chord distance of 987.79 feet) to a point; thence South 74 degrees 24 minutes 59 seconds East along the southwesterly right-of-way of Teamon Road a distance of 1031.71 feet to an iron pin set; thence South 01 degrees 28 minutes 40 seconds West a distance of 149.77 feet to an iron pin found; thence South 01 degrees 28 minutes 40 seconds West a distance of 292.02 feet to an iron pin found; thence South 02 degrees 06 minutes 09 seconds West a distance of 500.89 feet to an iron pin found and the POINT OF BEGINNING.

This being a portion of that property conveyed by Warranty Deed from L.T. Langford to Ruby H. Roberts, dated 9/11/64, recorded in Deed Book 200, Page 561, Records of Spalding County, Georgia.

From “AR-1, Agricultural and Residential” to “R-4, Single Family Residential” District.

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

1. All lots have sodded front yards;
2. All homes will have a minimum of 50% masonry accents;
3. No exposed concrete block foundations;
4. All lots be served by underground utilities;
5. All detention facilities will be landscaped and/or screened to minimize the visual impact;
6. Provide two (2) entrances into the subdivision into Teamon Road, each shall have an accel, decel lane;
7. No-access easement must be recorded with the Final Plat for all lots facing Teamon Road;
8. All front porches be underpinned and finished in character with the house;
9. Minimum .44 grade vinyl siding; and
10. Screening and buffers be conditioned as shown on the preliminary site plan.

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 15, 2003, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 201 of the 3<sup>rd</sup> District of originally Henry, now Spalding County, Georgia, being 70.321 acres as per plat of survey for Stewart R. Roberts and William C. Roberts, dated 11/14/01, prepared by S.L. Colwell & Assoc., Inc., Stanley L. Colwell GRLS# 2605, located on Teamon Road, zoned R-4, Conditional.

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

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

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

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

- **Application #03-18Z**: Crescendo Land, LLC, Owner—Georgia Highway 155 – 41.26 acres – R-2 to R-1, Conditional.

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

**APPLICATIONS OF CRESCENDO LAND, LLC  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-18Z**

**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, Spalding County Board of Commissioners, applicant, applied for a change in zoning classification to be applied to the within described property to “R-1, Single Family Residential Low Density;”

WHEREAS, such applications were filed with Spalding County, Georgia on June 26, 2003;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on August 28, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land containing 40.26 acres, being located in Land Lot 111 of the 2<sup>d</sup> Land District of Spalding County, Georgia, and being more particularly described as follows:

POINT OF BEGINNING being a point on the east line of Land Lot 111 a distance of 218.17 feet northerly along said Land Lot line from the southeast corner of Land Lot 111. From Point of Beginning thence North 89 degrees 12 minutes 55 seconds West a distance of 1,458.63 feet to a point; thence North 00 degrees 43 minutes 40 seconds East a distance of 412.10 feet to a point; thence South 70 degrees 02 minutes 15 seconds West a distance of 1,376.72 feet to a point; thence North 00 degrees 42 minutes 42 seconds East a distance of 135.00 feet to a point; thence South 70 degrees 02 minutes 15 seconds West a distance of 344.35 feet to a point on the east right-of-way of Georgia Highway 155 (80' R/W); thence North 00 degrees 38 minutes 39 seconds east a distance of 471.89 feet along said right-of-way to a point; thence North 82 degrees 09 minutes 55 seconds east a distance of 3,103.97 feet to a point on the east line of Land Lot 111; thence South 00 degrees 43 minutes 28 seconds West a distance of 874.50 feet along the east line of Land Lot 111 to Point of Beginning.

From "R-2, Single Family Residential" to "R-1, Single Family Residential Low Density" District.

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

- 1) A maximum of 31 lots;
- 2) Entrance shall be brick, rock and/or stucco;

- 3) Architectural lighting poles;
- 4) Sidewalk community;
- 5) Underground utilities;
- 6) Minimum 2,000 square foot homes;
- 7) Must have 1 to 3 sides brick or stucco homes (minimum 1-side masonry); and
- 8) Side garage entrances.

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 15, 2003, 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 containing 40.26 acres, being located in Land Lot 111 of the 2<sup>nd</sup> Land District of Spalding County, Georgia, located on Georgia Highway 155, zoned R-1, Conditional

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

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

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

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

2. Commissioner Morrow to make his appointment to the Spalding County Parks & Recreation Advisory Commission to fill the unexpired term of David Thaxton. Term to expire 12/31/03. *Commissioner Morrow appointed Mr. Ronnie Perdue, 661 Oak Grove Road to fill this unexpired term.*

3. Lift from the table. Consider appointment to the Spalding County Board of Zoning Appeals to fill the unexpired term of Mose Stogner. Term to expire 12/31/04. *Motion made by Commissioner McDaniel to lift item from the table, seconded by Commissioner Davis and unanimously approved by a vote of 5-0.*

The only nomination placed in the nomination book was by Commissioner Morrow and that was Mr. Allan McCallum. There were no other nominations to be considered.

*Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel Mr. Allan McCallum was unanimously appointed to the Spalding County Board of Zoning Appeals.*

## **XI. NEW BUSINESS**

1. Commissioner McDaniel to make his 3<sup>rd</sup> District Appointment to the Spalding County Board of Zoning Appeals to fill the unexpired term of Keith Dryden. Term to expire 12/31/04. Commissioner McDaniel asked that no action be taken on this item.
2. Consider Resolution Approving the Issuance of Industrial Development Revenue Bonds by the Griffin-Spalding County Development Authority for Ware Industries, Inc. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Resolution was unanimously approved by a vote of 5-0.*

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF SPALDING COUNTY, GEORGIA APPROVING THE  
ISSUANCE OF INDUSTRIAL DEVELOPMENT  
REVENUE BONDS BY THE GRIFFIN-SPALDING  
COUNTY DEVELOPMENT AUTHORITY FOR THE  
BENEFIT OF WARE INDUSTRIES, INC.**

**WHEREAS**, on at least 14 days notice published in The Griffin Daily News, a public hearing was held, which commenced at 11:00 o'clock a.m. on the 11th day of September, 2003, at 109 East Solomon Street, Griffin, Georgia 30223, by the Hearing Officer of the Griffin-Spalding County Development Authority (the "Issuer") concerning a proposed issuance by the Issuer of its Tax-Exempt Industrial Development Revenue Bonds (Ware Industries, Inc. Project) in one or more series in an aggregate principal amount not to exceed \$7,000,000. The proceeds of the sale of the Bonds, when and if issued, are to be used to pay or reimburse the costs of real property (including an industrial building and related improvements), the renovation and expansion thereof and equipment therefor located at 777 Greenbelt Parkway, Griffin, Georgia 30223 (the "Project"). The Project is to be owned by the Issuer and leased to Ware Industries, Inc., d/b/a Marino\Ware Industries (the "Company") which is to operate the Project as a facility for the manufacture of metal framing products. The proposed Bonds will not be obligations of Spalding County, or of the City of Griffin, or of the State of Georgia or of any county, municipal corporation, or political subdivision of the State of Georgia. The proposed Bonds will not be paid from taxes, but will be payable by the Issuer solely from rent and other amounts to be paid by the Company.

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides, in effect, that in order for the interest on the proposed Bonds to be excluded from the holders' gross incomes for federal income tax purposes, the "public approval" requirements of said section must be complied with.

**WHEREAS**, the location of the Project is entirely within Spalding County (the "County"), and the Board of Commissioners of the County (the "Board") constitutes the elected legislative body of the County and is the proper body for granting the necessary public approval.

**WHEREAS**, the Issuer has requested that the Board approve the issuance of the Bonds for the purposes stated above, the nature and location of the Project and the plan of financing the Project with the Bonds.

**WHEREAS**, the Board finds and determines that it is in the public interest of the County to grant such approval,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Spalding County as follows:

Section 1. The issuance of the Bonds by the Issuer for the benefit of the Company in the aggregate principal amount of \$7,000,000 for the above-described purposes and the nature and location of the Project and the plan of financing, described above, are hereby approved for purposes of Section 147(f) of the Code.

Section 2. Such approval by the Board does not constitute any representation by the County to the prospective purchasers of the Bonds as to the creditworthiness of the Company or the economic feasibility of the Project nor does it create, either expressly or by implication, any obligation on the part of the County for the payment of the Bonds or debt service thereon, such Bonds and debt service being payable solely from the sources described above.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 15th day of September, 2003.

(SEAL)

By: (L.S.) Dick Morrow  
Chairman, Board of  
Commissioners of  
Spalding County, Georgia

Attest

(L.S.) Phyllis P. Doane  
Clerk, Board of Commissioners of  
Spalding County, Georgia

3. Consider Lease Agreement with Fashion Industries for a three month rental of 917 Memorial Drive. County Manager Wilson stated that Fashion Industries had requested a three month rental agreement for the Old Food Depot building at a cost of \$2,000/mo beginning October 1, 2003. They will be conducting some of their weekend sales.

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

4. Consider authorizing Chairman to execute a Subordination Agreement for the CHIP (Community Housing Improvement Program) of Cindy Hestley Barnett. County Attorney Fortune commented that Ms. Barnett refinanced and the County holds a second mortgage, which is the CHIP Grant. She is now in some financial difficulties and is going to convey the property to her daughter, Crystal Manderson. Crystal is going to have to borrow to get a new loan so she can actually buy the house from her Mother to keep her from losing it. The new lender is asking the County to subordinate our second mortgage and agree to stay as a second.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Chairman was authorized to execute the following Subordination Agreement by a unanimous vote of 5-0.*

#### **SUBORDINATION AGREEMENT**

The undersigned is the holder and owner of a Security deed made by CINDY HESTLEY BARNETT a.k.a. CINDY HESTLEY BARRETT n.k.a. CINDY M. BARNETT (hereinafter the

"Borrower"), dated June 4, 2001, recorded in Deed Book 1927, Page 192, Spalding County, Georgia, which was made to secure an indebtedness of \$14,670.00 in favor of the undersigned.

The Borrower is selling her property and the Purchaser, CRYSTAL MANDERSON has applied for a loan in the sum of \$113,500.00 to be secured by a security deed conveying said property to SOUTHSTAR FUNDING (hereinafter the "Lender"). That said Lender has declined to make the \$113,500.00 loan unless the outstanding Security Deed and Note referenced above is subordinated to said new loan and the deed securing property described in Exhibit "A" attached hereto and by reference made a part hereof.

THEREFORE, in consideration of ONE DOLLAR (\$1.00) in hand paid by the undersigned to SPALDING COUNTY, and in consideration of the consummation of said loan in reliance upon this instrument, the undersigned hereby waives and subordinates all right, title or interest under said outstanding Security Deed above set forth or otherwise, in or to the property therein described, as against said loan to be so made by said Lender, so that the Security Deed to be executed by the Borrower of said Lender shall convey title to said property superior to said outstanding Security Deed of the undersigned and superior to the indebtedness thereby secured. This subordination Agreement shall be binding upon the heirs and assigns of the undersigned, and shall operate to the benefit of the Grantee and of any purchase of any foreclosure sale thereunder, and shall apply with like force and effect to any renewal thereof.

The said outstanding Security Deed now held by the undersigned shall remain otherwise in full force and effect, the waiver and subordination herein provided being limited in application to the proposed loan herein set forth this \_\_\_\_\_ day of September, 2003.

5. Consider contract with City of Sunny Side for Fire Protection Services for the period October 2003 -September 2004. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Contract was unanimously approved by a vote of 5-0.*

#### **AGENCY CONTRACT FOR FIRE PROTECTION SERVICES**

**STATE OF Georgia**

**COUNTY OF Spalding**

**THIS AGREEMENT** made and entered into on this the first day of October, 2003 by and between the City of Sunny Side, hereafter sometimes referred to as the "Municipality", a municipal corporation of the State of Georgia, and the "COUNTY OF Spalding", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

#### **WITNESSETH:**

THAT WHEREAS, the Municipality now deems it in the best interest of the City of Sunny Side and its citizens for the Municipality to furnish fire protection services in the exercises of a governmental function of the Municipality, and has requested the County to aid and assist it in furnishing such fire protection services within the corporate limits of the Municipality; and

WHEREAS, the County has now established a Fire Protection District comprising all of the unincorporated area of Spalding County and is presently furnishing fire protection services for such Fire Protection District and is willing to serve as an agent of the Municipality in providing

the equipment, personnel and supplies for furnishing such fire protection services within the corporate limits of the Municipality for the consideration hereinafter set out; and

WHEREAS, the County deems it in the best interest of both parties hereto to enter into the within agency contract;

NOW, THEREFORE, for and in consideration of the premises and the respective benefits to be derived by each party hereto and in consideration of the covenants and agreements hereinafter set forth and payments of money by the Municipality to the County, as hereinafter set out, it is hereby mutually understood and agreed by and between the parties hereto, as follows:

-1-

Beginning at 12:00 o'clock Noon on October 1, 2003 the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2004 which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand One Hundred Eight-Seven Dollars and fifty cents (\$1,187.50) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2003, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2004, or until this contract is sooner terminated as hereinafter provided.

-3-

Time is of the essence of this contract and each of its provisions.

-4-

Notwithstanding anything herein contained to the contrary the within agreement may be terminated by either party hereto on the first day of any calendar month during the aforesaid twelve month term by giving notice in writing of such termination to the other party hereto at least thirty days in advance of the designated date of such termination, and thereafter this contract shall be terminated and neither party hereto shall be obligated to furnish fire protection services to the other party hereto, and no further monthly payments shall become due and payable thereafter by the Municipality.

-5-

Any notice contemplated or required by this contract shall be deemed effectively given when mailed by United States registered or certified mail, with the required postage prepaid, and addressed as follows:

If to the Municipality, address to:

City of Sunny Side  
P. O. Box 100  
Sunny Side, Georgia 30284

If to the County, address to:

County of Spalding  
P. O. Box 1087  
Griffin, Georgia 30224-1087

The parties hereto have respectively caused the within agreement to be duly executed in duplicate originals by and through their authorized officers and under their respective hands and seals on the day and year first above written.

6. Consider contract with City of Orchard Hill for Fire Protection Services for the period October 2003 – September 2004. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Contract was unanimously approved by a vote of 5-0.*

#### **AGENCY CONTRACT FOR FIRE PROTECTION SERVICES**

**STATE OF Georgia**

**COUNTY OF Spalding**

**THIS AGREEMENT** made and entered into on this the first day of October 2003, by and between the City of Orchard Hill, hereinafter sometimes referred to as the "Municipality", a municipal corporation of the State of Georgia, and the "COUNTY OF SPALDING", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

#### **WITNESSETH:**

THAT WHEREAS, the Municipality now deems it in the best interest of the City of Orchard Hill and its citizens for the Municipality to furnish fire protection services in the exercises of a governmental function of the Municipality, and has requested the County to aid and assist it in furnishing such fire protection services within the corporate limits of the Municipality; and

WHEREAS, the County has now established a Fire Protection District comprising all of the unincorporated area of Spalding County and is presently furnishing fire protection services for such Fire Protection District and is willing to serve as an agent of the Municipality in providing the equipment, personnel and supplies for furnishing such fire protection services within the corporate limits of the Municipality for the consideration hereinafter set out; and

WHEREAS, the County deems it in the best interest of both parties hereto to enter into the within agency contract;

NOW, THEREFORE, for and in consideration of the premises and the respective benefits to be derived by each party hereto and in consideration of the covenants and agreements hereinafter set forth and payments of money by the Municipality to the County, as hereinafter set out, it is hereby mutually understood and agreed by and between the parties hereto, as follows:

-1-

Beginning at 12:00 o'clock Noon on October 1, 2003, the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2004, which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand Three Hundred Eighty-Three Dollars and forty-five cents (\$1,383.45) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2003, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2004, or until this contract is sooner terminated as hereinafter provided.

-3-

Time is of the essence of this contract and each of its provisions.

-4-

Notwithstanding anything herein contained to the contrary the within agreement may be terminated by either party hereto on the first day of any calendar month during the aforesaid twelve month term by giving notice in writing of such termination to the other party hereto at least thirty days in advance of the designated date of such termination, and thereafter this contract shall be terminated and neither party hereto shall be obligated to furnish fire protection services to the other party hereto, and no further monthly payments shall become due and payable thereafter by the Municipality.

-5-

Any notice contemplated or required by this contract shall be deemed effectively given when mailed by United States registered or certified mail, with the required postage prepaid, and addressed as follows:

If to the Municipality, address to:

City of Orchard Hill  
P. O. Box 448  
Orchard Hill, Georgia 30266

If to the County, address to:

County of Spalding  
P. O. Box 1087  
Griffin, Georgia 30224-1087

The parties hereto have respectively caused the within agreement to be duly executed in duplicate originals by and through their authorized officers and under their respective hands and seals on the day and year first above written.

7. Consider Resolution from Department of Transportation relative to revision of the National Highway System, urbanized area boundary and the Highway Functional Classification System. County Manager Wilson stated that the Board of City Commissioners approved this Resolution and executed same at their September 9<sup>th</sup> meeting.

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

## **RESOLUTION**

**WHEREAS**, the Federal Highway Administration (FHWA) requires that revisions to our National Highway System, the Urbanized Area Boundaries, and the Highway Functional Classification System be made by each state acting through its state highway agency and the appropriate local officials or metropolitan planning organization acting in cooperation with each other; and

**WHEREAS**, the Georgia Department of Transportation in cooperation with Spalding County and the City of Griffin has conducted a review of the Highway Functional Classification System in conjunction with the Census 2000 Urban Area Boundary Study; and

**WHEREAS**, the study and justifications were prepared in accordance with the FHWA Manual title "Highway Functional Classification: Concepts, Criteria, and Procedures".

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Georgia Department of Transportation take the necessary steps to revise our National Highway System, the Atlanta Urbanized Area, and the Highway Functional Classification System as shown on the enclosed Spalding County Map and in the data enclosed.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be furnished to the Georgia Department of Transportation.

**I HEREBY CERTIFY**, that the Spalding County Board of Commissioners adopted the foregoing resolution. This the 15<sup>th</sup> day of September 2003.

(L.S.) Dick Morrow, Chairman

Attest: (L.S.) Phyllis P. Doane, Clerk

**I HEREBY CERTIFY**, that the Mayor and the City Council of Griffin have adopted the foregoing resolution.

(L.S.) Cynthia R. Ward, Mayor Pro-Tem

Attest: (L.S.) Lisa Hutcheson, Clerk

## **XII. REPORT OF COUNTY MANAGER**

County Manager Wilson asked the Board if they had any problem with removing the stop signs at the abandoned railroad crossing on Bendview Road. The Board had no problem with the removal. Mr. Wilson commented he would notify Public Works Director to take them down.

County Manager Wilson made the Board aware that the Zoning Public Hearings for November and December were scheduled on County holidays and asked the Board if they had any problem combining the November and December meetings with the Extraordinary Sessions for these two months. The Board had no problem with the rescheduling. Mr. Wilson announced that the combined meetings would be held November 17<sup>th</sup> and December 15<sup>th</sup> with the Extraordinary Session beginning at 6:00 p.m. and the Zoning Public Hearing immediately following at 7:00 p.m.

County Manager Wilson reported that there had been a request for an outside amplification permit for a party to be held at Wyomia Tyus Olympic Park pavilions over the weekend. There was no time allowed for this permit to be presented to the Board for approval; however, he feels that there should be restrictions placed on the use of amplification devices at public facilities, such as our pavilions and has asked Parks and Recreation Director Louis Greene to bring the issue up to the Parks and Recreation Advisory Commission to set some policies on the use of amplification devices in our parks.

County Manager Wilson reminded the Board of the Joint City/County Special Called Meeting regarding the Airport Master Plan, which will be held Tuesday, September 16, 2003 beginning at 6:00 p.m. at the Taylor Street Auditorium. HNTB will be present to make a presentation to both Boards. There was some discussion as if any action would be taken at this meeting.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall addressed the use of patrol cars for private jobs. He had been approached by several citizens regarding off-duty sheriff deputies using County vehicles to do private work. Sheriff Dee Stewart was present to address this. Sheriff Stewart commented the policy is that deputies can use the patrol cars for traffic safety and control for DOT paving and traffic control for safety uses. They do use their cars at Spalding Heights to discourage crime at Spalding Heights. They can use one vehicle when there is a major event like at Country Rock Café.

Commissioner Kendall gave a report on the meeting with the problems at Spalding Heights. He said the committee has asked staff to go back to their management folks and see if they are prepared to spend some additional resources to try to help their staff, our Sheriff and us to help

rectify some of the problems that we are experiencing up at Spalding Heights. Mr. Kendall said that we have given management of Spalding Heights sixty (60) days to reply to our request.

Commissioner Kendall asked what the prospects are of revisiting the SPLOST sales tax. Commissioner Morrow commented that the industrial authority is waiting on a reply for a proposal from some landowners and should know something by the first of October.

Commissioner Goss had no comments.

Commissioner Davis had no comments.

Commissioner McDaniel reported that the Hospital Authority did not have a meeting in August but are scheduled to have one the last Monday in September.

Commissioner McDaniel discussed some Parks and Recreation issues. The Advisory Commission and Director Greene are not happy with the way the Comprehensive Plan addresses recreation as there is no mention of the Recreation Master Plan. Mr. Wilson has written feedback to JJ&G regarding this omission.

Commissioner McDaniel commented that we have had several people come before us with zoning applications and talk about doing playgrounds. The Parks and Recreation Advisory Commission is in the process of developing some standards for smaller playgrounds and are going to ask the Board of Commissioners to formally adopt these standards.

Commissioner McDaniel commented that Parks and Recreation is interested in putting together a meeting with representatives from the Advisory Board and members of the Industrial Development Authority to talk about how things can be blended to include recreation on a SPLOST. It was suggested that Mr. McDaniel contact Mr. Daa'ood Amin, Chairman, to set a meeting up.

Commissioner Morrow discussed land donation for future parks. He said that he feels that there is land out there that people will donate to the County and we need to establish a program and develop a brochure to present to the public.

Commissioner Morrow commented that he and Mr. Wilson had attended a MPO meeting in Carrollton today. We have been told that there will be no additional MPO's in the Atlanta Area and there will be the Atlanta Regional Commission MPO only. ARC is currently ten (10) counties and is going to sixteen (16) counties. Mr. Morrow had made a recommendation that we break ARC up into four centers (ARC north, south, east and west), and we join with the southern counties, Carroll, Coweta, Henry and Fayette to work as a five sub-section on submitting our MPO's to the ARC. Mr. Morrow stated that there will be a Resolution for consideration supporting this concept on our October 6<sup>th</sup> agenda.

#### **XIV. CLOSED MEETING**

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Board voted unanimously to go into a Closed Meeting to discuss acquisition of real estate.*

1. The County Manager desires a Closed Meeting to discuss acquisition of real estate.

Those present were Commissioners Dick Morrow, Michael Kendall, Cecil Davis, Johnnie McDaniel and Eddie Goss. Also present were County Manager William Wilson, 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 15, 2003.

2.

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

3.

The executive session was called to order at 8:06 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:

**No** Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

**No** Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and  
(insert the citation to the legal authority making the tax matter confidential)\_\_\_\_\_;

**Yes** Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

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

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

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

This the 15<sup>th</sup> day of September 2003

Spalding County Board of  
Commissioners

Sworn to and subscribed  
Before me this 15th day of  
September 2003.  
Phyllis P. Doane  
Notary Public  
My commission expires: March 13, 2006

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

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

*No business was transacted at this time.*

#### **XV. ADJOURNMENT**

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was unanimously adjourned at 8:10 P.M.*

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

.....  
Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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