



Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, October 4, 2004 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, County Attorney Jim Fortune, Community Development Director Chuck Taylor, and Executive Secretary Teresa Watson.

AGENDA TOPICS

- I) OPENING (CALL TO ORDER) – Chairman Kendall**
- II) INVOCATION – Commissioner Johnie McDaniel**
- III) PLEDGE TO FLAG – Chairman Kendall**
- IV) PRESENTATIONS/PROCLAMATIONS/RECOGNITION - N/A**
- V) PRESENTATION OF FINANCIAL STATEMENTS - N/A**
- VI) CITIZENS COMMENTS – N/A**
- VII) PUBLIC COMMENT**
- VIII) MINUTES**

1. Consider approval of the minutes of the Extraordinary Session of September 20, 2004.
2. Consider approval of the minutes of the Zoning Public Hearing of September 23, 2004.

On a motion by Commissioner Morrow, and a second by Commissioner McDaniel, the vote was unanimous to approve both the minutes of the Extraordinary Session of September 20 and the Zoning Public Hearing of September 23 with the following changes noted: On pages 7 and 12 of the Extraordinary Session of September 20, the enumerated items should be properly renumbered, beginning with 1, 2, 3, etc. and on page 35, under Commissioner Morrow's motion to approve Application #04-13Z with conditions, Condition 3 should correctly read "along all property lines" and not "along all property liens."

IX) CONSENT AGENDA

1. Consider second reading of Amendment to the Official Zoning Map of the following: **Application #04-18Z**: Richard W. Kovaleski, Owner – Aerodrome Way – 1.23 acres, - AR-2 to R-1, Conditional.

APPLICATION OF RICHARD W. KOVALESKI
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;

REZONING APPLICATION 04-18Z

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 "AR-2, Rural Reserve;"

WHEREAS, Richard W. Kovaleski, applicant, applied for a change in zoning classification to be applied to the within described property to "C-2, Manufacturing District;"

WHEREAS, such application was filed with Spalding County, Georgia on July 21, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on September 23, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract, or parcel of land situate, lying and being in Land Lot 86 of the Second Land District of Monroe County, now Spalding County, Georgia containing 1.23 acres and shown and designated as 1.23 acres on plat of survey entitled, "Zoning Map for Richard Kovaleski", prepared by Conkle-Lane and Associates, and dated June 29, 2004, which said plat with the metes, bounds, courses, and distances as shown thereon is incorporated herein and made a part hereof.

Said property may be more particularly described as follows: Beginning at a point where the West boundary line of Land Lot 86 intersects the South right-of-way line of Aerodrome Way, and running thence the following courses and distances:

In an easterly direction along the South right-of-way line of Aerodrome Way a distance of 125 feet; thence South 00 degrees 47 minutes 48 seconds West a distance of 428.63 feet to a point; thence North 88 degrees 23 minutes 42 seconds West a distance of 125 feet to a point on the West boundary line of Land Lot 86; thence North 00 degrees 47 minutes 48 seconds East a distance of 428.63 feet to the point of beginning.

The above described property is bounded as follows: North by Aerodrome Way, East by property of Richard Kovaleski, South by property of Richard Kovaleski, and West by the boundary line between Land Lot(s) 86 and 75.

From “AR-2, Rural Reserve” 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. 2,400 minimum heated square foot, 2-car garage site built home.

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 October 4, 2004, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that lot, tract, or parcel of land situate, lying and being in Land Lot 86 of the Second Land District of Monroe County, now Spalding County, Georgia containing 1.23 acres located on Aerodrome Way, 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. Consider second reading of Amendment to the Official Zoning Ordinance of the following: -
Amendment to UDO #A-04-17: Quarterly adoption of official zoning map in revised Geographic Information System (GIS) platform as applicable to unincorporated Spalding County.

IN RE: Text Amendment #A-04-17

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on September 23, 2004,

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

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

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia 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: A new paragraph shall be added to Section 2302(E) of “Official Zoning Map Spalding County, Georgia (Official Map)” of the Zoning Ordinance of Spalding County as follows:

A new Official Map was adopted on October 4, 2004, which will replace the previous Official Map.

Section 2: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

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

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

3. Consider second reading of Amendment to the Official Zoning Ordinance of the following: - **Amendment to UDO #A-04-18:** Article 3, Establishment of Districts – Section 301:A(6) – add R-1A District.

IN RE: Text Amendment #A-04-18

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on September 23, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

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

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

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

Section 1: Existing Section 301(A) of the Zoning Ordinance shall be deleted in its entirety.

Section 2: A new Section 301(A) of the Zoning Ordinance of Spalding County shall be enacted as follows:

Section 301. Districts Established.

A. **Districts:** For the purposes of this Ordinance, Spalding County is divided into districts for the purpose of establishing zoning regulations as follows:

1. AR-1 Agricultural and Residential
2. AR-2 Rural Reserve (#A-99-15, 01-03-00)
3. R-1 Single-Family Residential
4. R-1A Single-Family Residential
5. R-2 Single-Family Residential (#A-01-22, 02/04/02)
6. R-2A Single-Family and Two-Family Residential (#A-01-22, 02/04/02)
7. R-3 Multiple-Family Residential
8. R-4 Single-Family Residential
9. R-5 Single-Family Residential
10. R-6 Planned Residential Community (#A-01-22, 02/04/02)
11. C-1 Highway Commercial
12. C-1A Neighborhood Commercial
13. C-1B Heavy Commercial
14. C-1C Manufacturing Light
15. C-2 Manufacturing
16. C-3 Used Vehicle Parts Dealers, Automobile and Truck Repair Facilities, Junkyards, and Used Vehicle Processing Facilities
17. O & I Office and Institutional District (#A-01-22, 02/04/02)
18. PDD Planned Development District (#A-01-22, 02/04/02)
19. PRRRD Planned Residential and Recreational Resort Development

Section 3: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

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

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

On a motion by Commissioner Morrow and a second by Commissioner McDaniel, all items on the consent agenda approved by a unanimous vote of 5-0.

X) OLD BUSINESS

1. Consider second reading of Amendment o the Official Zoning Ordinance of the following: - **Amendment to UDO #A-04-19:** Article 4, General Procedures – Section 413:G''(2)(d) – expand the boundaries of the Urban Proximity Map

IN RE: Text Amendment #A-04-19

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on September 23, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

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

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia 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: A new sentence shall be added to Section 413(G'')(D) Urban Proximity of the Zoning Ordinance of Spalding County as follows:

A new Official Urban Proximity Map was adopted on October 4, 2004, which will replace the previous Official Map.

Section 2: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

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

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

On a motion by Commissioner McDaniel to approve, and a second by Commissioner Davis, the motion carried 4-0 with Commissioner Morrow abstaining.

2. Consider second reading of Amendment to the Official Zoning Map of the following: -**Application #04-13Z:** Griffin-Spalding County Development Authority, Owner – Jackson Road and Wallace Road – 189.656 acres, -R-2 and AR-1, to C-2, Conditional.

**APPLICATION OF GRIFFIN-SPALDING COUNTY
DEVELOPMENT AUTHORITY
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 04-13Z

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

WHEREAS, Griffin-Spalding County Development Authority, applicant, applied for a change in zoning classification to be applied to the within described property to “C-2, Manufacturing District;”

WHEREAS, such application was filed with Spalding County, Georgia on June 23, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on September 23, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 25 and 40 of the Second Land District or originally Henry, now Spalding County, Georgia, containing 189.656 acres on a plat of survey entitled "Survey for Griffin Spalding County Development Authority", dated July 30, 2002, prepared by Stanley L. Colwell & Assoc., Inc., and recorded in Plat Book 24, page 262 in the Clerk of Superior Court of Spalding County, from said plat described as follows:

BEGIN at an iron pin found at the intersection of the southeasterly right-of-way of Jackson Road (60 foot right-of-way) (aka Old Georgia State Route No. 16) and the southwesterly right-of-way of Wallace Road (apparent 80 foot right-of-way), from said point proceed along the southwesterly right-of-way of Jackson Road North 68 degrees 57 minutes 10 seconds West, 3081.57 feet to an half inch rebar located at the intersection of the southwesterly right-of-way of Jackson Road and the westerly line of Land Lot 40; thence running along said Land Lot line 40 North 00 degrees 32 minutes 19 seconds East, 2306.57 feet to an three fourths inch open pipe located at the intersection of Land Lot(s) 40, 41, 56 and 57; thence running along Land Lot line 40 South 88 degree 53 minutes 23 seconds East, 2970.12 feet to an iron pin set; thence running South 02 degrees 07 minutes 23 seconds West, 156.26 feet to an iron pin set at the intersection of Wallace Road and the Land Lot line of Land Lot 39; thence proceed along the west boundary of Wallace Road, 335.98 feet along the arc of a curve, curving to the right, and having a radius of 1602.79 feet, to a computed point located on westerly right-of-way of Wallace Road, which arc is subtended by a chord distance of 335.37 feet on a bearing South 07 degrees 20 minutes 14 seconds West; thence running along said right-of-way of Wallace Road South 01 degrees 19 minutes 55 seconds West, 2867.64 feet and to the POINT OF BEGINNING.

From "R-2, Single Family Residential, and AR-1, Agricultural and Residential" to "C-2, Manufacturing" 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. Infrastructure improvements need to be underway prior to the issuance of any certificates of occupancy for any industrial use on the property. These include both road and water line improvements; however, should only one road frontage be developed at a time, the developer may choose to make the road improvements only on that side be developed;
2. Except as described above, improvements to the road system should include turn lanes at the intersection of Jackson Road and Wallace Road, and turn lanes at each of the entrances into the development from either road. Acceleration/deceleration lanes should be placed at each entrance from either road;
3. A 50-foot undisturbed buffer will be provided along all property liens where the project abuts noncommercial zoning districts and uses. If the County finds that the buffer is of insufficient opacity to provide sufficient screening, said buffer will be supplemented with additional trees and shrubs so as to provide the necessary opacity;

4. Restriction on exterior lighting to be designed to avoid glare into adjacent neighborhoods;
5. Pedestrian/bicycle paths are to be incorporated into and through the site with the development of the adjacent village;
6. Exterior building facades must be a minimum 30% brick, stone or stucco if visible from either Wallace or Jackson Roads if the park is developed by anyone other than the Griffin-Spalding Development Authority;
7. Street trees will be planted at a distance not to exceed 50 feet along all interior drives; and
8. All entrances will be heavily landscaped. An entrance landscape plan will be submitted with the site construction drawings.

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 October 4, 2004, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that lot, tract or parcel of land situate, lying and being in Land Lot 25 and 40 of the Second Land District or originally Henry, now Spalding County, Georgia, containing 189.656 acres on a plat of survey entitled "Survey for Griffin Spalding County Development Authority", dated July 30, 2002, located on Jackson Road and Wallace Road, zoned C-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.

On a motion by Commissioner Morrow to approve, and a second by Commissioner Davis, the motion passed 3-2 with Commissioners Kendall and Goss voting in opposition.

XI) NEW BUSINESS

1. Consider approval of a proposed temporary warehouse/office site on Jackson Road at Sihane Road for the Southern Natural Gas Pipeline Project.

Charles Taylor, Spalding County Community Development Director
 Southern Natural Gas has proposed a project in Spalding County to make improvements and add another gas line to their existing right-of-way through the County. In order to accomplish their goal, they need a site to store materials and house offices for construction. Construction offices are allowed as part of the UDO when they are in association with an approved, permitted construction project. Technically, Southern Natural Gas improvements are not permitted through the County, so there is somewhat of a gray area that warrants appearing before this Board for review. This is a temporary use of the property and the proposal stipulates they will return the site to its present state after the construction project is completed. Mr. Taylor said it is a permitted activity, although not by Spalding County. He saw no harm in allowing this proposed use and suggested they place conditions stipulating the warehouse/office site only be temporary and that Southern Natural Gas must return the property to its current state.

Jim Lawn, Southern Natural Gas
 He stated he represented Southern Natural Gas in the program that will construct new pipeline through a portion of Spalding County. He assured the Board that Southern Natural Gas would restore the property

and he had provided photographs of other projects to Mr. Taylor to visually demonstrate their work elsewhere. The pictures depict examples of their restoration efforts for other disturbed properties. Mr. Lawn responded they will utilize the entrance on Jackson Road but not Sihane Road. They looked at an entrance on Sihane but, because of the curvature of the road, safety concerns ruled out that option.

Mr. Wilson, County Manager, noted that Sihane Road was an experimental paving project for Spalding County and was not designed to carry large, heavy equipment. Such use would probably damage the road surface of Sihane Road.

Mr. Lawn said they could restrict their construction activities to the Jackson Road entrance with only light pickup trucks and automobiles using Sihane Road.

Commissioner Morrow made a motion to approve the requested use by Southern Natural Gas for a temporary use of this property with conditions that the construction entrance and all construction equipment be restricted to the Jackson Road entrance and that the property is returned to its present condition, seconded by Commissioner Davis. The motion carried by a unanimous vote of 5-0.

2. Consider request from Sheriff's Department to amend Personnel allocations for the Narcotics Task Force to provide for a Lieutenant and Sergeant position in lieu of the Captain and Corporal position allocated in the FY 2005 Budget.

Mr. Wilson noted this request would result in an overall savings to the County. Sheriff Dee Stewart would like to reorganize the Narcotics Task Force, beginning with the replacement of these two positions. There are funds in the Sheriff's budget to amend these personnel allocations. They will still have nine, full-time positions; this request will result in one downgrade and one upgrade.

Commissioner Davis made a motion to approve, seconded by Commissioner McDaniel. The motion carried by a unanimous vote of 5-0.

3. Conduct Public Hearing to consider the establishment of a street lighting district for The Gables and Lakeview at Heron Bay.

There were no participants for the Public Hearing.

4. Consider request to approve street lighting district for The Gables and Lakeview at Heron Bay – Minerva Properties, LLP, Owner.

Commissioner Kendall made a motion to approve, seconded by Commissioner Davis. With no further discussion, the motion was approved by a unanimous vote of 5-0.

5. Consider approval of final plat of Lakeview at Heron Bay, located off Johnson Road Extension.

Mr. Wilson stated everything was in order with all departments and agencies having approved the plat. These are the lots that will actually front the reservoir and are some of the largest lots in Heron Bay. Provided zoning can be worked out, this will in all probability be a gated community. These houses will be valued at \$400,000 to \$1,000,000.

Commissioner McDaniel made a motion to approve the final plat of Lakeview at Heron Bay, seconded by Commissioner Davis, and approved by a unanimous vote of 5-0.

6. Consider acceptance of right-of-way deed for Linkview Court, Echo Ridge, Lake Point Circle, Panorama Drive, Winward Drive and Falcon Court located in Lakeview at Heron Bay off Johnson Road Extension.

Commissioner McDaniel made a motion to accept the right-of-way deed for Linkview Court, Echo Ridge, Lake Point Circle, Panorama Drive, Winward Drive and Falcon Court located in Lakeview at Heron Bay off Johnson Road Extension, seconded by Commissioner Davis. The motion was approved by a unanimous vote of 5-0.

7. Consider lease agreement with the City of Sunny Side for public park and playground.

**STATE OF GEORGIA,
SPALDING COUNTY:**

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 4th day of October, 2004 between the City of Sunnyside, Georgia, a municipal corporation organized and existing pursuant to a Charter issued by the State of Georgia (“Lessor”) and Spalding County (“Lessee”) their successors and/or assigns;

WHEREAS, LESSOR owns certain property that would be suitable for use as a public park and playground within its city limits;

WHEREAS, LESSEE desires to install certain playground equipment on the property for use by residents of Spalding County;

WHEREAS, LESSOR desires to lease the property as a public park and playground to LESSEE upon the terms and conditions stated herein;

WHEREAS, LESSOR is authorized to enter into this lease property to LESSEE for a period of twenty (20) years pursuant to the Art. IX, Section 3, ¶ 1 of the Constitution of the State of Georgia; and

WHEREAS, the terms and conditions of this Lease have been approved by the Mayor and Council of LESSOR and the Board of Commissioners of LESSEE;

NOW THEREFORE, for and in consideration of the mutual premises and promises contained herein and the sum of ONE DOLLAR (\$1.00), in hand paid the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Leasehold Premises: LESSEE agrees to lease from said LESSOR and LESSOR agrees to lease to LESSEE, the described premises and property identified and described more particularly on Exhibit A, attached hereto. (the Subject Property)
2. Lease Term: LESSOR shall lease to LESSEE the Subject Property for a term of twenty (20) years, commencing on November 1, 2004 and terminating October 31, 2024. LESSEE shall pay LESSOR an annual rent of One Dollar (\$1.00) for use of the property as a public park and playground, payable by LESSEE to LESSOR in advance on the first day of January of each year during the term of this agreement. LESSEE shall have an option to renew the lease for an additional five (5) year term pursuant to the same terms and conditions of this Lease Agreement at the expiration of the regular lease term. If LESSEE elects to exercise such option, LESSEE shall give LESSOR notice by certified mail at least sixty (60) days prior to the end of the existing lease term.
3. Limitation of Use to a Public Park and Playground: LESSOR and LESSEE mutually agree that the Subject Property will be used by LESSEE solely and exclusively for use as a public park and playground. LESSEE shall formulate a use plan for the property in accordance with the Spalding County Parks and Recreation Commission Master Plan. Lessor shall have the right to comment upon the use plan and make suggestions for better utilization of the Subject Property. This lease is revocable by LESSOR for LESSEE’s non-compliance with the provisions herein contained, its cessation of use of the Subject Property as a public park and playground or its abandonment of the park and playground facilities.
4. Installation of Playground: LESSEE shall install any and all playground equipment on the Subject Property on or before December 31, 2004.
5. Maintenance: LESSEE shall maintain the Subject Property and any and all improvements in a reasonable condition. LESSEE shall bear all expenses of repairs to the premises and equipment unless said repairs are necessitated by negligence on the part of LESSOR, or its employees, agents, or assigns. At the termination of the lease, LESSEE will return the premises to LESSOR in good condition and repair.

6. Applicability of the Georgia Recreational Property Act: LESSOR and LESSEE mutually agree that no provision of this Lease Agreement shall be deemed to waive or otherwise disavow the applicability of the Georgia Recreational Property Act, O.C.G.A. § 51-3-20, et. seq.

7. Assignment: LESSEE shall not assign this lease without the prior written consent of LESSOR. LESSEE shall renew this lease only by the written approval of LESSOR. Should LESSEE hold over after the expiration of the term of this lease, with the consent of the LESSOR, express or implied, that tenancy shall be deemed to be a tenancy only from month to month, subject to all terms and conditions of this lease as far as applicable.

8. Right of Entry: LESSOR reserves the right of entry upon the leased premises by LESSOR for the purposes of inspecting same at any time during the term of this Lease Agreement.

9 Insurance: LESSEE shall maintain general liability insurance covering the Subject Property and any and all equipment thereon in a sum of not less than \$1,000,000.00 per person or occurrence and naming LESSOR as an additional insured.

IN WITNESS WHEREOF the Lessor and the Lessee have hereunto set their hands and affixed their seals, this day and year first above written.

LESSOR:

By: (L.S.) William Slaughter, Mayor
Attest: (L.S.) Gossett, Clerk

LESSEE:

By: (L.S.) M. Michael Kendall, Chairman
Board of Commissioners
Attest: (L.S.) William P. Wilson, Jr.,
County Manager

Mr. Wilson stated this lease was identical to the one presently existing with Orchard Hill. Sunny Side has used the last of their 1997 SPLOST money to equip a playground with County-approved equipment. The County will install and maintain the equipment, as is the case with Orchard Hill, as well. He recommended approval and noted the Parks and Recreation Advisory Board was aware of this, also.

Commissioner Davis made a motion to approve the lease agreement with the City of Sunny Side, seconded by Commissioner McDaniel. The motion was approved by a unanimous vote of 5-0.

8. Consider resolution reaffirming necessity for "911" charge.

RESOLUTION
REAFFIRMING NECESSITY FOR "911" CHARGE

WHEREAS, the Board of Commissioners of Spalding County have established an Emergency Telephone Number "911" service; and

WHEREAS, the laws of Georgia provide that the governing authority of a local government operating or contracting for the operation of an emergency "911" system shall, by resolution, reaffirm the necessity for the "911" charge, and

WHEREAS, this Board of Commissioners, as the governing authority of Spalding County, now desires to reaffirm the necessity for such "911" charge;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED that the Board of Commissioners of Spalding County does hereby reaffirm the necessity for the "911" charge of \$1.50 per month, per exchange access facility provided to the telephone subscriber and \$1.00 per month per wireless connection provided to each telephone subscriber.

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

This the 4th of October 2004.

Spalding County Board of Commissioners
(L.S.) M. Michael Kendall, Chairman

Attest: Spalding County Board of Commissioners
(L.S.) William P. Wilson Jr., Clerk

Commissioner Morrow made a motion to reaffirm the necessity for the "911" charge, seconded by Commissioner McDaniel. The motion was approved by a unanimous vote of 5-0.

9. Consider authorizing Chairman to execute request for a traffic signal at the intersection of High Falls Road and State Route 16.

Mr. Wilson stated the Department of Transported recommended a stop-and-go traffic signal at this intersection where there is currently a flashing signal. Spalding County will be responsible for providing power and telephone service to the site. This will be a state-of-the-art, telephone-controlled traffic signal which can be remotely accessed and reset from the Thomaston location. This is part of the Arthur K. Bolton widening project and will be installed at the time of the widening project.

Commissioner Morrow stated he thought a stop-and-go traffic signal in the middle of the parkway was the wrong solution.

Commissioner McDaniel concurred but stated that when the parkway became a four-lane highway, this already dangerous intersection would become even more so.

Commissioner Davis made a motion to approve the request, seconded by Commissioner Kendall. The motion was approved by a vote of 3-2 with Commissioners Goss and Morrow voting in opposition.

10. Consider resolution relative to the adoption and maintenance of an amended Service Delivery Strategy pursuant to House Bill 489.

**A RESOLUTION RELATIVE TO THE ADOPTION AND MAINTENANCE
OF AN AMENDED SERVICE DELIVERY STRATEGY PURSUANT TO HOUSE BILL 489**

WHEREAS, House Bill 489 of the General Assembly of Georgia, codified as O.C.G.A. 36-70-20, et seq. requires each county and qualifying municipalities within Georgia to adopt and maintain a Service Delivery Strategy; and

WHEREAS, the existing Service Delivery Strategy between the City of Griffin and Spalding County is scheduled to expire on October 31, 2004; and

WHEREAS, the Board of Commissioners for the City of Griffin and the Board of Commissioners for Spalding County mutually desire to amend the Service Delivery Strategy between Griffin and Spalding County in order to reflect changes in certain service areas;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the City of Griffin and the Board of Commissioners for Spalding County that the Service Delivery Strategy adopted by the governing boards of Griffin and Spalding County in 1999, as amended in September 2000, October 2001 and December 2002, shall be amended to reflect changes in service areas for water distribution to provide for service within Spalding County by the Henry County Water and Sewerage Facilities Authority and Spalding County;

NOW THEREFORE BE IT FURTHER RESOLVED by the Board of Commissioners for the City of Griffin and the Board of Commissioners for Spalding County that the Service Delivery Strategy adopted by the governing boards of Griffin and Spalding County in 1999, as amended in September 2000, October 2001, and December 2002 shall be amended to reflect changes in service areas for wastewater treatment and collection to provide for service within Spalding County by the Henry County Water and

Sewerage Facilities Authority, Spalding County or other third parties, including, but not limited to, the Henry County Water and Sewerage Facilities Authority.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the City of Griffin and the Board of Commissioners for Spalding County that the Service Delivery Strategy adopted by the governing boards of Griffin and Spalding County in 1999, as amended in September 2000, October 2001 and December 2002, shall be amended to reflect the use of impact fees as a funding source for several County Services.

BE IT FURTHER RESOLVED that the Service Delivery Strategy for the City of Griffin and Spalding County shall be reviewed, pursuant to O.C.G.A. 36-70-28(b), upon occurrence of the following events:

- (1) In conjunction with updates of the comprehensive plan as required by O.C.G.A 36-70-1, et seq.;
- (2) Whenever necessary due to changes in service delivery arrangements;
- (3) Whenever necessary due to changes in revenue distribution arrangements;
- (4) In the event of the creation, abolition, or consolidation of local governments;
- (5) Whenever the county and affected municipalities agree to revise the strategy.

BE IT FURTHER RESOLVED that in the event that either the City of Griffin or Spalding County refuses to review and revise, if necessary, a strategy in accordance with events (2) and (3) as stated immediately above, then either party may use the alternative dispute resolution and appeal procedures set forth in subsection (d) of O.C.G.A. 36-70-25.1.

RESOLVED this the _____ day of September, 2004
By the City of Griffin

RESOLVED this the 4th day of October, 2004
By Spalding County

(L.S.) CYNTHIA REID WARD, CHAIRMAN
CHAIRMAN

(L.S.) M. MICHAEL KENDALL,

Attest:

Attest:

(L.S.) KENNY SMITH
Secretary to the Board of Commissioners
City of Griffin, Georgia

(L.S.) WILLIAM P. WILSON, JR.
Clerk to the Board of Commissioners
Spalding County, Georgia

Chairman Kendall said the City of Griffin has already executed this agreement with these amendments.

Mr. Wilson said these amendments predominantly allow for the collection of impact fees for fire protection, emergency communications, Sheriff's Department (including the Jail), emergency management, Parks and Recreation, and library services. Also attached to the resolution are delineated service areas for water and wastewater within Spalding County. One area of contention for the City of Griffin has been that they would like for any water service in Spalding County to be provided by the Spalding County Water Authority. Referencing the provided map, this will essentially provide for the unincorporated areas being under the Water Authority's Service Delivery, the City area in the center being under their own Service Delivery, and the small area in the northeast section of Spalding County (predominantly Heron Bay proper) being served by the Henry County Water Authority.

For the wastewater section, it essentially does the same thing. Referencing the provided map, the large blue shaded area is the City of Griffin; a very tiny area is Highland Mill's sewage treatment plant; and an area in northeast Spalding County that is currently Heron Bay for sewage capacity. It does allow that anything in the white area can be served by Spalding County or third-party service providers. Mr. Wilson responded they had not executed an agreement with Henry County regarding this area, but essentially this had been given because that is what's in the ground. This will set up those service areas but will allow for the expansion of sewer in Spalding County by Henry County and/or by private sewer plants as needed for the Spring Lake development and the Industrial Development Authority

development on I-75. It does not limit Henry County, nor private developers, from coming into those areas of Spalding County as noted outside the service areas highlighted as the City's.

Mr. Wilson further noted the provision also calls for amendment of the Strategy whenever necessary due to changes in Service Delivery arrangements but does not provide for an automatic renewal as we have had in previous Service Delivery Agreements that were required every three years. Consequently, unless there is a need to work out something with the City of Griffin in the future, we will not be addressing this Service Delivery Strategy until required by the new Census in 2010.

Commissioner Morrow noted approval of this Service Delivery Strategy would allow the new Comprehensive Plan to be approved, plus it will allow Spalding County to start collecting on impact fees so developers can subsidize some of the infrastructure improvements.

Commissioner Morrow made a motion to approve the resolution to adopt and maintain an amended Service Delivery Strategy pursuant to House Bill 489, seconded by Commissioner McDaniel. The motion was approved by a unanimous vote of 5-0.

11. Consider employment agreement for County Manager.

EMPLOYMENT AGREEMENT COUNTY MANAGER/BOARD OF COMMISSIONERS

THIS AGREEMENT made and entered into this 4th day of October, 2004, by and between the Board of Commissioners of Spalding County, Georgia, hereinafter called "Employer", and William P. Wilson, Jr. hereinafter called "Employee", both of whom understand and agree as follows:

WITNESSETH:

WHEREAS, Employer desires to employ the services of said William P. Wilson, Jr. as County Manager of the County of Spalding County, Georgia, effective on October 1, 2004, as provided by the Official Code of Georgia and County Code; and

WHEREAS, it is the desire of Employer, to provide certain benefits, establish certain conditions of employment, and to set working conditions of said Employee; and

WHEREAS, it is the desire of Employer to (1) secure and retain the services of Employee and to provide inducement for him to remain in such employment, (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security, and (3) to provide a just means for terminating Employee's services for cause or at such time when Employer may otherwise desire to terminate his employ; and

WHEREAS, Employee desires to accept employment as County Manager of said Spalding County, Georgia.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties.

Employer hereby agrees to employ said William P. Wilson, Jr. County Manager of said Employer to perform the functions and duties specified in such Code of Ordinances of Spalding County, Georgia, and to perform other legally permissible duties and functions as Employer from time to time may assign.

Section 2. Term.

A. This contract shall become effective on October 1, 2004. Nothing in the Agreement shall prevent, limit or otherwise interfere with the right of Employer to terminate the services of Employee at any time, subject only to the provisions set forth in Section 4, Paragraphs A and B of this Agreement.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign at any time from his position with Employer, subject only to the provision set forth in Section 4, Paragraph D of this Agreement.

C. Employee agrees to remain in the exclusive employ of Employer until December 31, 2005, and neither to accept other employment nor become employed by any other employer until said termination date, unless said termination date is affected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, speaking, writing or consulting activities performed on the employee's time off.

In the event that no written notice is given by either party to this Agreement to the other party prior to November 30, 2004, then this Agreement shall be extended on the same terms and conditions as herein for an additional year beginning January 1, 2005 and continuing to December 31, 2005. Said Agreement shall continue to be renewed each year thereafter unless either party hereto gives written notice to the other by September 30th of any renewal year that the other party does not wish to extend this Agreement for an additional one-year term.

Section 3. Suspension.

Employer may suspend Employee with full pay and benefits at any time during the term of this Agreement upon the vote of a majority of Employer.

Section 4. Termination and Severance Pay.

A. In the event Employee is terminated by Employer before expiration of the aforesaid term of employment for reasons other than cause, then in that event, Employer agrees to pay Employee a lump sum cash payment equal to six months aggregate salary, six months for expense allowances and six months for Employee's cost of COBRA continuation. Further, compensation shall be provided for Employee's accrued annual leave, offset time and sick leave. Employer must give Employee a minimum of sixty (60) days notice of termination for other than cause. During said sixty (60) day period, Employer shall continue to pay employee full pay and benefits under this contract.

B. In the event Employer at any time during the term of this Agreement reduces the salary or other financial benefits of Employee for other than cause in a greater percentage than an applicable across-the-board reduction for all employees of Employer, then, in that event, Employee, may, at his option, be deemed to be "terminated" at the date of such reduction within the meaning and context of the herein severance pay provision.

C. In the event Employee resigns upon a majority vote of the Employer, then in that event the Employee shall be deemed terminated.

D. In the event Employee voluntarily resigns his position with Employer before expiration of the aforesaid term of his employment, then Employee shall give Employer sixty days notice in advance, unless the parties otherwise agree. Employee's resignation shall not obligate Employer to provide any severance pay described in this section. However, Employer shall pay Employee for accrued annual leave, sick leave and offset time.

Section 5. Salary.

Employer agrees to pay Employee for his services rendered pursuant to hereto an annual base salary of \$102,705.00 payable in installments at the same time as other employees of Employer are paid. In addition, Employer agrees to increase said base salary and/or other benefits of Employee in such amounts and to such extent as Employer may determine that it is desirable to do so on the basis of an annual salary review of said Employee made at the same time as similar consideration is given to other employees generally. Employee shall receive general cost-of-living adjustments or in the case of "step increases" to other County employees, employee shall receive the same percentage increase in his salary as the "step increase" gives to the other employees of the County in the same form and manner as other employees of the Employer.

Section 6. Hours of Work.

Employee is an exempt employee who is expected to engage in those hours of work, which are necessary to fulfill the obligations of his position of employment. Employee does not have pre-established hours as he is expected to be available at all times.

Section 7. Outside Activities.

Employee shall not spend more than ten hours per week in teaching, counseling or other non-Employer connected business without the prior approval of Employer.

Section 8. Annual Leave, Sick Leave, Etc.

Notwithstanding the provisions of this contract relative to termination of employment, the employee shall be subject to and governed by, the general personnel policies for county employees regarding the accrual of vacation, sick leave, other forms of leave and holidays.

Section 9. Automobile Allowance.

Employee's duties require that he shall have the exclusive and unrestricted use at all times during his employment with Employer of an automobile. Employee shall provide his own automobile and maintain a current valid operator's license. Employer agrees to pay Employee an additional monthly salary in the amount of \$500.00. Employee is solely responsible for all costs and expenses for the purchase, repair, maintenance, operation, insurance, license, registration costs or other expenses associated with such automobile. Employee is solely liable for the payment of any fines or fees upon a conviction of a violation of any traffic law or traffic ordinance. Employer agrees to pay Employee the standard IRS mileage rate for travel outside the geographical boundaries of Spalding County.

Section 10. General Expenses.

Employer recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee and hereby agrees to reimburse Employee upon presentation of receipt.

Section 11. Health Care Benefits & Insurance.

Employee shall be entitled to receive all Health Care, Life Insurance and Disability Insurance benefits offered to all other County employees, with no lapse of coverage for involuntary separation for a period of six months following the involuntary termination date. Employer also agrees to provide at no cost to the employee full health care benefits for his wife and children. In addition, Employee shall receive a \$5,000.00 allowance each year for the purpose of purchasing other benefits as deemed necessary by the Employee. Said \$5,000.00 allowance shall be payable at the rate of \$208.33 per pay period.

Section 12. Retirement.

Employee shall not be subject to the general policies of the County regarding retirement as the same exists or may hereafter be amended due to the unique nature of his employment and profession. In lieu thereof, Employer shall contribute an amount equal to 15% of employee's annual salary into an individualized retirement account on a monthly basis. Said distribution may be invested by employee at his sole discretion. However, payment by the County will be in accordance with the rules and regulations governing the payment of same promulgated by the Internal Revenue Service of the United States of America, and employee shall be responsible for any and all income tax liability, both federal or state, in respect to same.

Section 13. Dues and Subscriptions.

Employer agrees to budget and pay for the reasonable professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of Employer.

Section 14. Professional Development.

A. Employer hereby agrees to budget and pay for the reasonable travel and subsistence expenses of Employee for professional and official travel, meetings and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the Annual Conference of the International City/County Management Association, ACCG, NACO and such other national, regional, state and local government groups and committees thereof, which Employee serves as a member. Said expenses shall be subject to budget limitations and County travel policies.

B. Employer also agrees to budget and pay for the reasonable travel and subsistence expenses of Employee for short courses, institutes and seminars that are necessary for his professional development and for the good of Employer. Said expenses shall be subject to budget limitations and County travel policies.

Section 15. Bonding.

Employer shall bear the full cost of any fidelity or other bonds required of Employee under any law or ordinance.

Section 16. Indemnification.

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability, claim or demand or other legal action, arising out of an alleged act or omission occurring in the performance of Employee's duties as County Manager except for those instances where the act or omission of Employee rises to the level of gross negligence, reckless conduct or intentional acts. Employer will litigate, compromise and/or settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 17. Other Terms and Conditions of Employment.

A. Employer, in consultation with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, County Ordinances or any other law or policy.

B. All provisions of the County Code, and regulations and rules of Employer relating to vacation and sick leave, holidays, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to Employee as they would to other employees of Employer, in addition to said benefits enumerated specifically for the benefit of Employee as herein provided.

C. Employee shall be entitled to receive the same vacation and sick leave benefits as are accorded department heads, including provisions governing accrual.

Section 18. Notices.

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) Employer: Chairman Spalding County Board Commissioners
119 East Solomon Street
County Annex
Griffin, Georgia 30223
- (2) Employee: William P. Wilson, Jr.
835 Hanover Drive
Griffin, Georgia 30224

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal

service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 19. General provisions.

A. The text herein shall constitute the entire Agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. If any provision, or portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, Employer has caused this Agreement to be signed and executed in its behalf by its Chairman and duly attested by its Ex Officio Clerk, and Employee has signed and executed this Agreement, both in duplicate, the date and year first above written.

BOARD OF COMMISSIONERS OF
SPALDING COUNTY

By: (L.S.) M. Michael Kendall, Chairman

ATTEST:

(L.S.) William P. Wilson, Jr., County Clerk

Approved as to form:

(L.S.) James R. Fortune, Jr.

County Attorney, Spalding County

(L.S.) William P. Wilson, Jr., Employee

Commissioner Morrow made a motion to approve the employment agreement with the County Manager as presented, seconded by Commissioner McDaniel. The vote to approve the motion was unanimous 5-0.

XII) REPORT OF COUNTY MANAGER – N/A

XIII) REPORT OF COMMISSIONERS

Commissioner Morrow had no report.

Commissioner Goss noted that the Spalding County Health Department has dropped the WIC (Women, Infants, Children) Program, and District Four Health Services will administer the program. This will result in a savings for Spalding County.

Commissioner Davis thanked the Board for a very productive and efficient meeting.

Commissioner McDaniel stated the Griffin-Spalding County Hospital Authority has received their sectarian and non-sectarian grant applications and will meet to decide on grants to be awarded. He will leave a financial statement in commissioners' boxes this week with greater detail.

Commissioner McDaniel also relayed that he had received a complaint of noise from a constituent in Commissioner Morrow's district who had been awakened by a car traveling on the road. He asked that staff look into how noise ordinances are structured in other counties.

Commissioner Morrow noted enforcement of noise ordinances, due to decibel-monitoring equipment, training and subjectivity, had proven to be costly, difficult and troublesome for most counties. It is also difficult to monitor and charge for such an infraction as it occurs, and there is some question also of the unconstitutionality of such ordinances.

County Attorney Jim Fortune suggested that, rather than having a pure noise ordinance, which would require decibel meters, training and calibration, perhaps we could enforce state laws that already apply. Disturbing the peace is a state law that perhaps could be enforced for these rolling violations.

XIV. CLOSED MEETING

1. County Manager requests a Closed Meeting to discuss the acquisition of real estate.

On a motion made by Commissioner Morrow, seconded by Commissioner McDaniel, and unanimously approved, the Commissioners adjourned to a Closed Meeting at 6:35 p.m.

Those present at the closed session were Commissioners Michael Kendall, Dick Morrow, Cecil Davis, Johnie McDaniel and Eddie Goss. Also present were County Manager William Wilson, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

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 October 4, 2004
:

2.

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

3.

The executive session was called to order at 6:35 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 4th day of October 2004.

Sworn to and subscribed
Before me this 4th day of October, 2004.
Teresa A. Watson
Notary Public
My commission expires: March 3, 2007.

Spalding County Board of Commissioners
M. Michael Kendall
Cecil L. Davis
Edward Goss, Jr.
Dick Morrow

At the end of the closed session, the Commissioners reconvened in open session at 6:45 p.m. with all Commissioners present on a motion by Commissioner McDaniel, seconded by Commissioner Morrow and unanimously approved.

XV. ADJOURNMENT

On a motion by Commissioner Kendall and a second by Commissioner Davis, the vote was unanimous to adjourn at 6:55 p.m.

County Clerk

Chairman

=====
Please send comments to webmaster@spaldingcounty.com
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