



# Spalding County online

## Board of Commissioners

### REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, October 6, 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 McDaniel in the absence of Rev. Valimont.**

#### **III. PLEDGE TO FLAG – Led by County Manager Wilson**

#### **IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Dan Dunson, Chairman Spalding County Board of Health and Wayne Moss, Spalding County Health Department Director are present to brief the Board on proposed State budget cuts. Mr. Dunson and Mr. Moss addressed the forthcoming state budget cuts. In the Governor's new program for rebalancing the budget, there will be some severe budget cuts. The Health Department is looking at budget cuts for FY 2005 totaling \$165,312 to perform at the same level of service the Department is performing at now. Mr. Dunson commented they were offering the same services with less money at the present time.

Mr. Moss commented that the Governor has proposed that it would take a 4% cut of the remainder of this fiscal year and the proposal as it stands now, an additional 14% cut in grant-in-aid in July 1 of next year for the FY 2005 budget. He provided a list of the health programs that would be cut drastically across the state in individuals, positions and programs. There will be a prioritization as which programs will continue and which will be cut.

2. Representatives of Comcast are present to give an update on the cable television rebuild project. County Manager Wilson stated that the representatives were not present for the meeting and requested to be placed on the next agenda.

#### **V. PRESENTATION OF FINANCIAL STATEMENTS – n/a**

#### **VI. CITIZENS COMMENTS – n/a**

#### **VII. PUBLIC COMMENT**

Mr. Carlton White, property owner of 100 Front Street, addressed the cost of the sewer services in Highland Mill. He said most of the people who live there are on fixed incomes and they cannot absorb a 600% increase in a sewer bill. He said that he appreciates the County stepping in and taking this sewer plant over but also asked for consideration in getting the sewer rate reduced. He said that he would hope that the City would reconsider doing something about the issue of the sewage on all the northern part of this County.

Ms. Diane Phillips, 102 Front Street, addressed the cost of sewer in Highland Mill also. She commented that her bill this month had gone from \$88 to \$261. She commented there were only two (2) people in her household. The bill showed she had consumed 14,500 gallons of water and they had checked for leaks. She said there were old meters in the neighborhood that have not been changed out yet and there were also busted meters that have not been read.

Ms. Denise Long, 100 Front Street, addressed sewage issues in Highland Mill also. She said that they had cut back on water usage and her bill went up this month. The bill depicts that she used 11,100 gallons of water and that could not be possible. She questioned if the City was even reading the meters.

Mr. Jason Conner, owner of 422 Lakeview Street, addressed sewer cost in Highland Mill also. He said he does not live there and the water is turned off and the sewage bill was \$150 this month. He said that these neighbors cannot afford these high bills and wanted to know what is going to happen if these bills are not paid.

Mr. Jamie Harless, 201 Park Street, stated the neighborhood would like to meet with the Sewer Task Force to see if something couldn't be done to get the City to let them tie in for sewer. He said the people had rather pay toward something positive than dumping all this money into the old facility. He feels that the County should pay, not just the residents in Highland Mill.

## VIII. MINUTES

1. Consider approval of the following minutes: Extraordinary Session of September 15, 2003, Joint City/County Special Called Meeting of September 16, 2003 and Zoning Public Hearing of September 25, 2003. *Motion made by Commissioner McDaniel to approve the minutes with one typographical correction. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

2. Consider approval of the minutes of the Special Called Meeting of September 29, 2003. *Motion made by Commissioner McDaniel to approve minutes with one typographical correction. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

## IX. CONSENT AGENDA

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

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

- **Amendment to UDO #A-03-12:** Article 2. Definitions of Terms Used – Section 202:Z'—add definition for Drug Abuse Treatment Program and Article 12, C-1, Highway Commercial – Section 1203:B(6)—add provision for Drug Abuse Treatment Program as a special exception use.

## IN RE:

*Text Amendment #A-03-12*

## 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 Board of Commissioners of Spalding County has determined that it is in the best interest 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 amendment to the 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 September 25, 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; 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 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 adding the following language to Section 202 of the Ordinance:

Z'. Drug Abuse Treatment and Education Program: "Drug abuse treatment and education program" or "program" means any system of treatment or therapeutic advice or counsel provided for the rehabilitation of drug dependent persons and shall include programs offered in residential and/or non-residential settings. It otherwise complies with Chapter 290-4-2: Drug Treatment Program (Rules of the Department of Human Resources).

Section 2: The following provision of the Unified Development Ordinance shall be amended by adding the following language to Section 1203(B):

6. Drug Abuse Treatment and Education Program.

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

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

- **Amendment to UDO #A-03-28:** Article 4. General Procedures – Section 416 – revision to add R-2A, R-3, PDD and PRRRD to zoning checklist and add clarification to topography requirements.

**IN RE:**

*Text Amendment #A-03-28*

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

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

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

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

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

WHEREAS, such proposed text amendment was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on September 25, 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; and

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

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

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

Section 1: The following provision shall be deleted from the provisions of the Zoning Ordinance of Spalding County, Article 4 "General Procedures" Section 416.

Section 2: The following provision shall be added to the provisions of the Zoning Ordinance of Spalding County, Article 4 "General Procedures", Section 416:

**Section 416: Site Plan Requirements for Rezoning.** Any Applicant seeking rezoning of property to the following zoning districts of Spalding County, Georgia, C-1, C-1A, C-1B, C-1C, C-2, C-3, PDD, PRRRD, and O&I or seeking rezoning for any property subject to the requirements of the Spalding County Subdivision Ordinance, Zoning Ordinance of Spalding County, Appendix A for residential development within the following zoning districts of Spalding County, Georgia, AR-1, AR-2, R-1, R-2, R-2A, R-3, R-4, R-5, and R-6 shall submit a conceptual site plan depicting the proposed use of the property including:

- A. Vicinity Map;
- B. Correct Scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed locations of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals (USGS Quad sheets may be used);
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;

- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

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.

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

- **Application #03-19Z:** Thomas West Gary, III, Owner – 1740 Highway 16 West – 6.989 acres – C-1 to AR-1.

**APPLICATIONS OF THOMAS WEST GARY, III  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-19Z**

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

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

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

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

WHEREAS, Thomas West Gary, III, applicant, applied for a change in zoning classification to be applied to the within described property to “ AR-1, Agricultural and Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on July 15, 2003;

WHEREAS, such applications were reviewed by the Spalding County Planning Commission, and a hearing on the applications were conducted by the Board of Commissioners of Spalding County, Georgia on September 25, 2003, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 79 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 6.989 acres as more particularly shown and designated on a plat of survey entitled "Property of Thomas West Gary, III" prepared by Griffin Engineering Company, P.C., dated May 27, 1975, recorded in Plat Book 10, page 366, of the Spalding County Superior Court records, which said plat is incorporated herein and made a part of this legal description. Said tract may be more particularly described from said plat as follows:

BEGINNING at an iron stake on the South margin of Georgia State Highway No. 16, which iron stake lies in a Southwesterly direction along the South right-of-way of Georgia State Highway No. 16 from the Westernmost concrete marker marking the intersection of the South margin of Georgia Highway No. 16 and the West margin of Pine Hill Road, said right-of-way subtended by a chord South 62 degrees 52 minutes 55 seconds West a distance of 559.15 feet; thence from said point of beginning South 1 degree 45 minutes 00 seconds West a distance of 948.29 feet to an iron stake; thence South 66 degrees 45 minutes 54 seconds West a distance of 356.42 feet to an iron stake; thence North 1 degree 45 minutes 00 seconds East a distance of 936.51 feet to an iron stake; thence in a Northwesterly direction along the South margin of Georgia State Highway No. 16, said right-of-way being subtended by a chord North 65 degrees 04 minutes 24 seconds East a distance of 361.55 feet to an iron stake; said iron marking the Point of Beginning.

Said tract is bounded now or formerly as follows: On the North by Georgia State Highway No. 16; on the East and South by lands of Ruth P. Forbes and on the West by lands of Marion Lee Ison.

From "C-1, Highway Commercial" to "AR-1, Agricultural and Residential" District.

Section 2:

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

On October 6, 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 79 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 6.989 acres as more particularly shown and designated on a plat of survey entitled "Property of Thomas West Gary, III" prepared by Griffin Engineering Company, P.C., dated May 27, 1975, recorded in Plat Book 10, page 366, of the Spalding County Superior Court records, located on Georgia State Highway 16 West, zoned AR-1.

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

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

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

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

**X. OLD BUSINESS**

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

- **Application #03-11Z:** High Top Holdings, Owner – East McIntosh Road – 1.23 acres – AR-1 to R-2, Conditional.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was approved by a vote of 3-2 with Commissioners Kendall and McDaniel voting in opposition.*

**APPLICATIONS OF HIGH TOP HOLDINGS, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-11Z**

**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, High Top Holdings, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-2, Single Family Residential;”

WHEREAS, such applications were filed with Spalding County, Georgia on May 22, 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 September 25, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia and being more particularly described as follows:

Commencing at the intersection of Land Lots 125, 126, 131, & 133 of the aforesaid district and county and proceeding thence in a southerly direction along the line dividing Land Lots 126 & 133 a distance of 1262.5 feet, more or less; thence departing said Land Lot line and proceeding South 89 degrees 55 minutes 40 seconds West a distance of 1544.6 feet, more or less, to a point on the Northwesterly right-of-way of a Central Georgia Railroad spur track said point being the TRUE POINT OF BEGINNING; thence proceeding along said right-of-way South 36 degrees 50 minutes 01 seconds West a distance of 107.27 feet to a point; thence South 34 degrees 17 minutes 12 seconds West a distance of 109.36 feet, thence South 31 degrees 49 minutes 52 seconds West a distance of 109.15 feet to a point; thence South 29 degrees 08 minutes 15 seconds West a distance of 106.89 feet to a point; thence 26 degrees 47 minutes 13 seconds West a distance of 106.93 feet to a point; thence South 24 degrees 34 minutes 16 seconds West a distance of 100.79 to a point; thence South 22 degrees 19 minutes 00 seconds West a distance of 37.86 feet to a point; thence South 89 degrees 37 minutes 22 seconds West a distance of 13.00 feet to a point on the southeastern right-of-way of Central Georgia Railroad; thence proceeding North 14 degrees 06 minutes 22 seconds East a distance of 511.74 feet to a point on the southeasterly right-of-way of Central of Georgia Railroad (having a 100 foot right-of-way); thence proceeding along said right-of-way North 13 degrees 00 minutes 00 seconds East a distance of 88.26 feet to a point; thence departing said right-of-way North 89 degrees 37 minutes 22 seconds East a distance of 208.00 feet to a point and the TRUE POINT OF BEGINNING.

Said parcel contains 1.23 acres.

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

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

- 1) Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with the preliminary plat;
- 2) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area;
- 3) Design of the walking trails and/or playground/park areas shall be submitted with the construction plans; and
- 4) Sodded front yards

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 6, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia containing 1.23 acres, located off East McIntosh Road, zoned R-2, Conditional.

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

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

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

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

- **Application #03-11AZ:** High Top Holdings, Owner – East McIntosh Road –13.82 acres – AR-1 to R-2, Conditional.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was approved by a vote of 3-2 with Commissioners Kendall and McDaniel voting in opposition.*

**APPLICATIONS OF HIGH TOP HOLDINGS, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-11AZ**

**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, High Top Holdings, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-2, Single Family Residential;”

WHEREAS, such applications were filed with Spalding County, Georgia on May 22, 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 September 25, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia and being more particularly described as follows:

Commencing at the intersection of the easterly right-of-way of Norfolk South Railroad and the easterly said of the line that divides Land Lots 126 & 127 of the aforesaid district and county and proceeding thence in a southerly direction along the line dividing Land Lots 126 & 127 a distance of 262.50 feet, more or less, to a point and TRUE POINT OF BEGINNING; thence continuing on said Land Lot line and proceed South 89 degrees 33 minutes 32 seconds East a distance of 142.18 feet to a point; thence South 86 degrees 33 minutes 32 seconds East a distance of 74.79 feet to a point; thence South 86 degrees 14 minutes 44 seconds East a distance of 329.77 feet to a point; thence leaving said Land Lot line proceeding North 02 degrees 00 minutes 13 seconds East a distance of 346.85 feet to a point; thence North 02 degrees 37 minutes 34 seconds East a distance of 582.92 feet to a point; thence North 85 degrees 33 minutes 08 seconds West a distance of 531.34 feet to a point; thence proceeding along a curve to the left, an arc distance of 821.89 feet, said curve having a radius of 2506.73 feet and being subtended by a chord with a bearing of South 17 degrees 46 minutes 55 seconds West and having a chord distance of 818.21 feet; thence departing said curve and proceeding South 82 degrees 57 minutes 47 seconds East a distance of 203.98 feet to a point; thence South 03 degrees 11 minutes 04 seconds West a distance of 131.62 feet to a point and the TRUE POINT OF BEGINNING.

Said parcel contains 13.82 acres.

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

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

- 1) Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with the preliminary plat;
- 2) Greenspace area(s) shall have frontage along a public street and no lot shall be more five hundred (500) feet from a greenspace area;
- 3) Design of the walking trails and/or playground/park areas shall be submitted with the construction plans; and
- 4) Sodded front yards

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 6, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia containing 13.82 acres, located off East McIntosh Road, zoned R-2, Conditional.

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

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

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

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

- **Application #03-11BZ:** High Top Holdings, Owner – East McIntosh Road – 17.51 acres – AR-1 to R-2, Conditional.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was approved by a vote of 3-2 with Commissioners Kendall and McDaniel voting in opposition.*

**APPLICATIONS OF HIGH TOP HOLDINGS, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA**

**REZONING APPLICATIONS 03-11BZ**

**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, High Top Holdings, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such applications were filed with Spalding County, Georgia on May 22, 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 September 25, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly right-of-way of Eat McIntosh Road and the easterly right-of-way of Central of Georgia Railroad; thence proceeding along said right-of-way of East McIntosh Road North 71 degrees 54 minutes 43 seconds East a distance of 73.20 feet to a point; thence proceeding North 18 degrees 25 minutes 43 seconds West a distance of 35.81 feet to a point; thence along a curve to the left, an arc distance of 282.96 feet, said curve having a radius of 520.64 feet and being subtended by a chord of North 60 degrees 58 minutes 28 seconds East a chord

distance of 279.49 feet; thence departing said right-of-way and proceeding South 05 degrees 20 minutes 52 seconds West a distance of 154.29 feet to a point; thence proceeding South 84 degrees 20 minutes 06 seconds East a distance of 540.70 feet to a point of the westerly right-of-way of Lakeview Street; thence along the said right-of-way of Lakeview Street South 01 degrees 02 minutes 46 seconds East a distance of 525.40 feet; thence departing said right-of-way and proceeding South 52 degrees 44 minutes 38 seconds West a distance of 188.15 feet to a point; thence North 37 degrees 34 minutes 13 seconds West a distance of 25.00 feet to a point; thence South 52 degrees 25 minutes 46 seconds West a distance of 182.00 feet; thence South 37 degrees 34 minutes 13 seconds West a distance of 10.00 feet to a point; thence South 52 degrees 24 minutes 39 seconds West a distance of 372.09 feet to a point; thence proceeding South 42 degrees 00 minutes 44 seconds East a distance of 15.00 feet; thence proceeding along a curve to the left, an arc distance of 225.10 feet (said curve having a radius of 2554.67 feet and being subtended by a chord with a bearing of South 45 degrees 27 minutes 11 seconds West and a chord distance of 225.03 feet); thence departing said right-of-way North 88 degrees 09 minutes 20 seconds West a distance of 200.07 feet to a point on the easterly right-of-way of Central Georgia Railroad; thence proceeding along a curve to the left with an arc distance of 1155.08 said curve having a radius of 3018.03 feet and being subtended by a chord with a bearing of North 05 degrees 37 minutes 06 seconds East and a chord distance of 1148.08 feet to a point and POINT OF BEGINNING.

Said parcel contains 17.51 acres.

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

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

- 1) Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with the preliminary plat;
- 2) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area;
- 3) Design of the walking trails and/or playground/park areas shall be submitted with the construction plans; and
- 4) Sodded front yards

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 6, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia containing 17.51 acres, located off East McIntosh Road, zoned R-2, Conditional.

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

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

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

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

- **Application #03-11CZ:** High Top Holdings, Owner –Stephens Street– 19.96 acres – AR-1 to R-2, Conditional.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was approved by a vote of 3-2 with Commissioners Kendall and McDaniel voting in opposition.*

**APPLICATIONS OF HIGH TOP HOLDINGS, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-11CZ**

**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, High Top Holdings, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such applications were filed with Spalding County, Georgia on May 22, 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 September 25, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly right-of-way of Stephens Street and the line dividing Land Lots 126 and 131; thence proceeding South 03 degrees 27 minutes 11 seconds West a distance of 199.94 feet to a point; thence proceeding South

04 degrees 22 minutes 05 seconds West a distance of 43.62 feet to a point; thence departing said land lot line and proceeding North 88 degrees 09 minutes 20 seconds West a distance of 1486.35 feet to a point; thence proceeding along a curve to the right, an arc distance of 176.76 feet, said curve having a radius of 2404.67 feet and being subtended by a chord with a bearing of North 45 degree 57 minutes 27 seconds East; thence South 42 degrees 00 minutes 44 seconds East a distance of 15.00 feet; thence North 52 degrees 26 minutes 54 seconds East a distance of 365.90 feet to a point; thence South 37 degrees 34 minutes 13 seconds East a distance of 10.00 feet to a point; thence North 52 degrees 25 minutes 46 seconds East a distance of 182.00 feet; thence North 37 degrees 34 minutes 13 seconds West a distance of 25.00 feet to a point; thence proceeding North 53 degrees 40 minutes 29 seconds East a distance of 970.73 feet to a point; thence proceeding South 04 degrees 02 minutes 40 seconds West a distance of 269.73 feet; thence North 86 degrees 22 minutes 46 seconds East a distance of 212.71 feet to a point; thence South 03 degrees 51 minutes 58 seconds West a distance of 133.33 feet; thence proceeding South 03 degrees 51 minutes 56 seconds West a distance of 97.68 feet to a point; thence South 03 degrees 23 minutes 22 seconds West a distance of 302.06 feet; thence proceeding South 03 degrees 43 minutes 27 seconds West a distance of 49.84 feet to a point and POINT OF BEGINNING.

Said parcel contains 19.96 acres.

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

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

- 1) Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with the preliminary plat;
- 2) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area;
- 3) Design of the walking trails and/or playground/park areas shall be submitted with the construction plans; and
- 4) Sodded front yards

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 6, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia containing 19.96 acres, located off Stephens Street, zoned R-2, Conditional.

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

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

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

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

- **Application #03-11DZ:** High Top Holdings, Owner – East McIntosh Road – 23.83 acres – AR-1 to R-2, Conditional.

*Upon motion by Commissioner Davis, seconded by Commissioner Goss the following Resolution was approved by a vote of 3-2 with Commissioners Kendall and McDaniel voting in opposition.*

**APPLICATIONS OF HIGH TOP HOLDINGS, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATIONS 03-11DZ**

**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, High Top Holdings, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to "R-2, Single Family Residential;"

WHEREAS, such applications were filed with Spalding County, Georgia on May 22, 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 September 25, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the easterly right-of-way of Norfolk South Railroad and the easterly side of the line that divides Land Lots 126 & 127 of the aforesaid district and county and proceeding thence in a southerly direction along the line dividing Land Lots 126 & 127 a distance of 262.50 feet, more or less, to a point; thence continuing on

said Land Lot line and proceeding South 86 degrees 33 minutes 32 seconds East a distance of 142.18 feet to a point; thence South 86 degrees 33 minutes 32 seconds East a distance of 74.79 feet to a point; thence South 86 degrees 14 minutes 44 seconds East a distance of 329.77 feet to a point; thence leaving said Land Lot line proceeding North 02 degrees 00 minutes 13 seconds East a distance of 346.85 feet to a point; thence North 02 degrees 37 minutes 34 seconds East a distance of 582.92 feet to a point and the TRUE POINT OF BEGINNING; thence South 85 degrees 33 minutes 08 seconds West a distance of 1310.37 feet to a point; thence proceeding North 03 degrees 38 minutes 46 seconds East a distance of 195.27 feet to a point; thence proceeding North 04 degrees 48 minutes 35 seconds West a distance of 186.72 feet to a point; thence proceeding North 03 degrees 52 minutes 40 seconds East a distance of 272.16 feet to a point; thence proceeding North 88 degrees 09 minutes 20 seconds West a distance of 1493.23 feet to a point; thence proceeding along a curve to the left, an arc distance of 682.76 feet, said curve having a radius of 2506.73 feet and being subtended by a chord with a bearing of South 34 degrees 58 minutes 40 seconds East and having a chord distance of 680.66 feet; thence departing said curve and proceeding South 85 degrees 33 minutes 08 seconds West a distance of 531.34 feet to a point and the TRUE POINT OF BEGINNING.

Said parcel contains 23.83 acres.

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

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

- 1) Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with the preliminary plat;
- 2) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area;
- 3) Design of the walking trails and/or playground/park areas shall be submitted with the construction plans; and
- 4) Sodded front yards

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 6, 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 126 of the 3<sup>rd</sup> Land District, originally Henry now Spalding County, Georgia containing 23.83 acres, located off East McIntosh Road, zoned R-2, Conditional.

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

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

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

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

## **XI. NEW BUSINESS**

1. Consider establishing new sewer rate for Highland Mill Sewer Plant customers. County Manager Wilson stated that he and Ms. Garrison had extensively reviewed the FY 2004 budget for Highland Mill Sewer Plant and the water consumption records of the 82 customers connected to the plant and were

recommending a revised sewer rate of \$10.80 per one thousand gallons of water consumption with a two thousand gallon monthly minimum (\$21.60). Mr. Wilson commented that the calculation assumes 308,119 monthly gallon averages will be maintained and that 100% of amounts billed will be collected. He also commented that staff would continue to monitor the monthly consumption and the expenditures at the plant and would advise the Board of any significant changes. The revised sewer rates would take effect with the October consumption on the November billing cycle.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the revised sewer rates (beginning with the October consumption) of \$10.80 per one thousand gallons of water consumption with a two thousand gallon monthly minimum were unanimously approved by a vote of 5-0.*

2. Consider approval of Change Order No. 3 for Highland Mill CDBG project. The change order is needed for preparatory work (leveling) on streets disturbed by sewer installation. All streets in Highland Mill will be resurfaced at completion of project. The change order is a net of \$0.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Change Order No. 3 was unanimously approved by a vote of 5-0.*

3. Consider request from Griffin-Spalding Development Authority for a license to install a well on the right of way of Boyd's Crossing Road. County Manager Wilson commented that the Authority wants to irrigate the entrance to the industrial park to keep the landscaping looking good and needs to drill a well. The County right of way is 80 foot. He said that we have traditionally not allowed any permanent structures on county right of way.

*Motion made by Commissioner Davis to approve request from Development Authority for license to install well on county right of way. Commissioner McDaniel seconded his motion. After a lengthy discussion regarding the timing of this request as the drought is over, Commissioner McDaniel withdrew his second. Motion to approve died for lack of a second.*

*Motion made by Commissioner Morrow to table request to a date uncertain. Commissioner Kendall seconded the motion and motion to table was approved by a vote of 3-2 with Commissioners Goss and Davis voting in opposition.*

4. Consider at first reading an ordinance amending the FY 2004 Budget Ordinance to provide for AMBUCS donation and reimbursement for broken window at Fairmont Park. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow first reading of ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

5. Consider request from Parks and Recreation Director to demolish and remove trailer at Fairmont Park. The trailer has become an eyesore, unsafe and has no value to the Recreation Department. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel request to demolish and remove trailer was unanimously approved by a vote of 5-0.*

6. Consider bids and award contract for the 2003 LARP Projects. County Manager Wilson stated that we had received five (5) bids for each LARP Project and low bidder for each was Hill Construction Co. with bids of \$222,288 and \$215,753. There are fourteen (14) roads to be resurfaced.

*Motion made by Commissioner McDaniel to award contract to Hill Construction Co. in the amount of \$222,288 on Project LAR00-S005-00(593) C1. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0. **Reference Contract #2003-10-06(A).***

*Motion made by Commissioner McDaniel to award contract to Hill Construction Co. in the amount of \$215,753 on Project LAR00-S005-00 (594) C1. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0. **Reference Contract #2003-10-06(B).***

7. Consider approval of Task Order for NPDES Phase II Stormwater Permit Implementation for Spalding County. County Manager Wilson commented that the County had originally set up a position in the budget for Environmental Resources Coordinator; however, we have found that some of this can be done in house using our staff along with working with Paragon Consulting and come in under budget without hiring any additional staff person and recommended that we move forward with this program.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Task Order for NPDES Phase II Stormwater Permit Implementation was approved by a vote of 4-1 with Commissioner Goss voting in opposition.*

**TASK ORDER FORM  
NPDES PHASE II STORMWATER PERMIT IMPLEMENTATION  
FOR  
SPALDING COUNTY**

**WORK TASK Job #3029.00**  
**September 25, 2003**

Paragon Consulting Group, Inc. (PCG) has prepared this Task Order Form (TOF) in accordance with our 2003 Master Services Agreement with Spalding County. This TOF has been prepared to assist Spalding County with developing and implementing Best Management Practices (BMPs) identified in the revised Notice of Intent (NOI) submitted in September 2003. Specifically, this TOF addresses the scope of work, fee and schedule for PCG to assist the County with managing specific components of the NOI.

**SCOPE OF WORK**

The scope of work proposed by PCG was developed in general accordance with the guidelines and comments prepared by the Georgia Environmental Protection Division (EPD) and our discussions with Mr. William Wilson. The proposed scope of work has been formulated to facilitate assisting the County with implementing and managing stormwater programs for compliance with the NPDES permit.

PCG proposes to assist the County with developing specific programs identified in the NOI and will strive to utilize existing activities for compliance with the permit. To comply with the regulation, some new programs are required to be developed and implemented. In this manner, PCG will train County staff on these requirements. Once trained, County staff will be required to implement each BMP and documents activities performed for incorporation into the annual report.

**SCHEDULE AND FEE ESTIMATE**

This TOF for project activity based on the attached schedule and cost estimate for work performed through June 30, 2004. Any work requested beyond this scope of work will be performed on an hourly basis in accordance with our current Unit Prices.

It is our understanding that County staff will be actively involved in assisting with implementing each BMP and PCG will be managing the program and data. In this manner, the Scope of Work outlined herein and the overall cost can be accomplished in the most cost effective manner.

Based on the proposed Scope of Work outlined herein, PCG proposes to complete the project for a not to exceed fee of \$50,000.

8. Consider Resolution to Endorse the Concept of Sub-Regional Transportation Planning Within the Atlanta Metropolitan Planning Organization (MPO). *Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel the following Resolution was unanimously approved by a vote of 5-0.*

**RESOLUTION TO ENDORSE THE CONCEPT  
OF SUB-REGIONAL TRANSPORTATION PLANNING  
WITHIN THE ATLANTA METROPOLITAN PLANNING ORGANIZATION**

WHEREAS, Spalding County must participate in the Atlanta Metropolitan Planning Organization (MPO) for the purposes of regional transportation planning; and

WHEREAS, the MPO encompasses 19 counties; and

WHEREAS, Spalding County does not believe that its best interests can be properly represented in a 19-county planning area under the terms and conditions offered by the Atlanta Regional Commission (ARC); and

WHEREAS, Georgia statute allows an appropriate level of local government representation in regional planning through its local Regional Development Center (RDC); and

WHEREAS, MPO transportation outside of the ARC's jurisdiction should allow for an appropriate level of involvement and representation from affected local governments; and

WHEREAS, Spalding County desires the ARC to negotiate with its local RDC to create a Memorandum of Understanding (MOU); and

WHEREAS, said MOU should produce a planning process that represents the best interests of Spalding County; and

WHEREAS, a sub-regional transportation planning process provides greater local control and participation for the jurisdictions participating in the MPO; and

WHEREAS, a sub-regional approach makes strategic sense for the long term growth of the Greater Atlanta Area.

NOW THEREFORE BE IT RESOLVED by the Spalding County Board of Commissioners that the County fully endorses the sub-regional concept for transportation planning.

BE IT FURTHER RESOLVED that this Board authorizes the McIntosh Trail Regional Development Center to pursue, in conjunction with other affected Regional Development Centers, the establishment of a sub-regional planning process under the umbrella of the Atlanta MPO.

BE IT FURTHER RESOLVED that the Chairman of this Board be authorized to execute this resolution.

RESOLVED this 6th day of October 2003.

9. Consider Resolution Reaffirming Necessity for "911" Charge. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the following Resolution was unanimously approved by a vote of 5-0.*

**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.

10. Consider recommendation from Spalding County Board of Health for appointment of Virginia McClarien to fill the unexpired term of Susie Herbert on the McIntosh Trail Community Service Board. (Term to expire 6-30-04).

*Motion made by Commissioner Davis to approve request from Spalding County Board of Health to appoint Virginia McClarien to fill the unexpired term of Susie Herbert to expire June 30, 2004. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.*

11. Consider at first reading an ordinance amending the Spalding County Code, Part VII, Section 7-1004 and the addition of Section 7-1010 to provide for "No Parking Zones" on Spalding County property and also to provide for towing of unauthorized vehicles parking on Spalding County property. *Upon motion by Commissioner Davis, seconded by Commissioner McDaniel first reading of ordinance was approved by a vote of 4-1 with Commissioner Goss voting in opposition. **The Ordinance will be incorporated into the minutes on second and final reading.***

12. Consider at first reading an ordinance amending Part V, Chapter 1 of the Spalding Code to provide for a new Section 5-1020 Theft of Utilities. *Upon motion by Commissioner Morrow, seconded by Commissioner Davis first reading of ordinance was approved by a vote of 4-1 with Commissioner Goss voting in opposition. **The Ordinance will be incorporated into the minutes on second and final reading.***

13. Consider approval of CSBG contract for FFY04 (October 2003-September 2004) in the amount of \$132,300.59. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis CSBG contract for FFY04 was unanimously approved by a vote of 5-0.*

14. Consider Resolution to Extend Moratorium on Special Exception Applications for a Reduction in Lot Size. *Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel the following Resolution to extend Moratorium for three months was approved by a vote of 4-0-1 (Commissioner Davis out of room at time of vote).*

### **Resolution**

#### *A Resolution of the Board of Commissioners To Extend Moratorium Pertaining to Special Exception Applications for a Reduction in Lot Size*

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 authority to regulate the public health and safety of its citizens by providing for and enacting appropriate rules and regulations governing application of the Unified Development Ordinance of (UDO) Spalding County and administration of associated permitted land uses; AND

WHEREAS, the Board of Commissioners has determined that the public health, safety, and welfare would benefit from the enactment of certain criteria governing the granting of special exceptions to reduce minimum lot size in the residential-class (R-class) zoning districts of unincorporated Spalding County; AND

WHEREAS, the Board of Commissioners desires to carefully and deliberatively determine the shape and form of these special exception criteria regarding the granting of special exceptions to reduce the minimum lot size; AND

WHEREAS, the Board of Commissioners further desires to study available options regarding these aforementioned criteria; AND

WHEREAS, the Board of Commissioners is aware that a period of time is required to study options, formulate policy decisions, and enact corresponding measures.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA THAT THE BOARD HEREBY ENACTS A MORATORIUM GOVERNING THE FOLLOWING:

THERE SHALL BE AN EXTENSION OF AN ALREADY ADOPTED MORATORIUM UNTIL DECEMBER 31, 2003, PERTAINING TO THE FILING AND ACCEPTANCE BY COUNTY STAFF OF ANY SPECIAL EXCEPTION APPLICATION SEEKING A REDUCTION IN MINIMUM LOT SIZE TO A LOT SIZE LESS THAN 2.0 (TWO AND NO TENTHS) ACRES. THIS MORATORIUM SHALL INCLUDE, BUT NOT LIMITED TO, SPECIAL EXCEPTION USES SPECIFIED IN SECTIONS 703(B)(3), 704(B), 803(B)(3), 804(B), 1003(B)(3) AND 1004(B) OF THE UNIFIED DEVELOPMENT ORDINANCE(UDO).

THIS MORATORIUM SHALL REMAIN IN EFFECT UNTIL DECEMBER 31 2003, UNLESS SAID MORATORIUM IS EXTENDED BY THE BOARD TO PROMOTE PUBLIC HEALTH AND SAFETY OR UNLESS SAID MORATORIUM IS TERMINATED BY THE BOARD OF COMMISSIONERS AT AN EARLIER TIME.

15. Set a date for Public Hearing on the Comprehensive Plan. The recommended date for the Public Hearing was during the Zoning Public Hearing, which begins at 6:00 P.M. to be held Thursday October 23, 2003 and be the first item of business on the agenda. The Board had no problem with the recommended date and time.

16. Commissioner Morrow would like to discuss plans for a legislative breakfast meeting. Chairman Morrow commented that it has been a concern of his that we do not seem to be in good connection with our State Legislators on many items and that we should make a more conservative effort to meet with

them in some sort of fashion and relay on to them many of our concerns. Possible topics for discussion are our LARP or the shortage thereof, HB 489 renegotiations, LOST renegotiations, Indigent Defense funding and possibly having a HOST Tax (8%) when the LOST expires. He recommended that the Board invite our four State Senators and three State Representatives and we also invite our Constitutional Officers and the Superior, State and Magistrate Court Judges.

The Board had no problem with setting up this breakfast with the State Legislators and authorized Chairman Morrow to set date, time and place and send out letter to invite all the individuals mentioned above to attend this breakfast.

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

County Manager Wilson reported that he, Chuck Taylor and Louis Green attended a Transportation Enhancement Workshop at McIntosh Trail and advised the Board that there is approximately \$1Million available with matching funds of 20% required. Louis and the Rails to Trails group are interested in acquiring money for a possible walking and/or biking, skating trails along old railways and they would like to apply for a project. The deadline for the application is November 3, 2003. He wanted to know if there was any interest in pursuing funding for this ISTE Grant. Commissioner Morrow commented that the Rails to Trails group were meeting Tuesday night and an item on the agenda was to try to pick out some trail projects. Mr. Morrow recommended that we wait until after the group meets to see if we have a viable option and what we could use for the match. Mr. Wilson stated submission of application would have to be approved at the October 20<sup>th</sup> meeting in order to meet the November 3<sup>rd</sup> deadline.

County Manager Wilson reported that we have been asked by the Georgia State Patrol Post to install stop signs at the rail spur crossing on Wilson Road. The Board had no problems and Mr. Wilson commented he would authorize Public Works to install these signs for safety concerns.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Kendall wanted to know the status with the Development Authority in regards to the re-discussion of the sales tax question. Mr. Morrow commented there was a deadline on the option that was extended at the request of the landowners and he feels that the extended deadline has expired. Mr. Morrow stated he would discuss this with Mr. Amin, Chairman of the Board. Mr. Kendall stated he brought this up because of all the developmental issues we have going on at Highland Mill, Pine Tree Hills and situation on the south side of town and we need to start the implementation of our Sewer Master Plan. He said that the only mechanism he sees for this to come to fruition is the sales tax and we need to start figuring out what our priorities are and what direction we need to go in. Mr. Kendall said with the growth in Spalding County, infrastructure certainly needs to be addressed.

Commissioner Kendall addressed the Health Department budget cuts initiated by the State. He said that he feels that we are going to be faced with some very severe cuts in a lot of different areas and there needs to be some coordination between the Hospital Authority, Tenet and the Health Department. He said that we have enough assets in various places so that we don't get caught up in having to raise taxes or cut these services drastically because there are funds available.

Commissioner Goss had no comments.

Commissioner Davis had no comments.

Commissioner McDaniel agreed with Mr. Kendall that infrastructure typically plays catch-up and he doesn't know of anywhere infrastructure hasn't had to play catch-up, especially in schools.

Commissioner McDaniel commented during the Citizens Task Force meetings on one acre lot criteria, there was discussion about making improvements to the building code that would allow us to enforce some better quality houses that are being built in Spalding County. One of the improvements is that we are going to submit a request to DCA to require 16 inch centers on all framing to include roof trusses and another is to set a minimum grade for the vinyl siding to be applied to the houses. Mr. McDaniel said that these changes have to be sent to DCA for approval and the committee welcomed any input from members of the Board, which would make better quality houses.

Commissioner Morrow commented that the Impact Fee Advisory Committee had met and is moving forward and feels that this would help us a great deal with infrastructure.

Commissioner Morrow commented that he keeps getting calls from citizens on Smoakfield Road regarding the dangerous curve. He said that a lady suggested using those mirrors like they use on curvy

mountain roads to help see the on-coming traffic and asked if we would consider putting these mirrors up. He said that it might be a solution to their problems of seeing around that curve. County Manager Wilson stated that he would find out about the mirrors and the cost.

**XIV. CLOSED MEETING – n/a**

**XV. ADJOURNMENT**

*Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel the meeting was unanimously adjourned at 8:08 P.M.*

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County Clerk

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Chairman

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