



Spalding County online

Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Monday, October 21, 2002 beginning at 6:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Johnie McDaniel and Dick Morrow present. Commissioner Michael Kendall was absent. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, and County Clerk Phyllis Doane.

Chairman Johnie McDaniel called the Public Hearing to order.

The purpose of the Public Hearing was to receive public comment regarding the establishment of a lighting district within the following subdivisions:

Stonebriar Subdivision, Phase I

Mr. Bill Weston gave his address as 237 Hampton Shore Drive, Hampton, GA. He represents Reese Builders/Developers Inc. and requested that the street lighting for the subdivision be approved. There was no one else who wished to make comment.

Raventree Subdivision

Mr. Niles Murray, the developer, was present and asked a question about the lay out on the subdivision. He said that it shows more lights than they want to put in and wanted to know what the procedure was to request less lights.

Assistant County Manager Sabine stated that the respective power company traditionally recommends the configurations and that issue would be between the developer and the power company.

There was no one else who wished to make comment on this subdivision.

Chairman McDaniel stated that we would need to amend tonight's agenda under New Business to consider the approval of the street lighting districts for these two subdivisions.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the meeting was unanimously adjourned by a vote of 4-0.

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, October 21, 2002 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Dick Morrow, Johnie McDaniel and Michael Kendall present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune County Clerk Phyllis Doane and Zoning Attorney Newton Galloway.

Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman Johnie McDaniel**
- II. INVOCATION - Rev. Randy Valimont – Led by Chairman McDaniel in the absence of Rev. Valimont.**
- III. PLEDGE TO FLAG – Led by County Manager William Wilson.**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – n/a**
- V. PRESENTATION OF FINANCIAL STATEMENTS**

1. Consider approval of Financial Statements for the Three Month Ended September 30, 2002. Ms. Jinna Garrison, Finance Director, was present to answer any questions.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the Financial Statements were unanimously approved by a vote of 5-0.

VI. CITIZENS COMMENTS

1. Darrell Boaz, 1596 Rehoboth Church Road, is present to discuss unfinished business.

Mr. Darrell Lee Boaz gave his address as 1596 Rehoboth Church Road. He said he had just found out that all the county meeting audio tapes had been destroyed after being assured they would be kept and they were to be used in a Federal court of law. He gave a sixteen-year history with Spalding County since 1985. He said he has been fighting his assessed property taxes and pays taxes every year in protest. He said that lawsuits would be forthcoming for illegal rezoning of his property in 1987. He ran for County Commission in 1988 and filed for election fraud. He said that the County needed to inspect the county jail, as it is an inadequate building.

VII. PUBLIC COMMENT

Mr. Mark Scudder, 1714 Ridge Street, addressed the Board on an article in a newspaper where a child was killed by dogs. This happened in Kennesaw, GA. He said that dogs are unpredictable. He read the purpose of Animal Control, which is to protect the health and safety of persons in Spalding County, to improve and make more safe pedestrian

traffic, to prohibit forms of cruelty to animals. He said that dogs do not belong on roads for safety reasons and asked the Board to consider making all county roads and rights of way dog restraint. He said we need to make the County safe for children.

Ms. Patricia Wilson, 1795 N. McDonough Road wanted the Board to know that she appreciates the fact that the Commissioners say a prayer before their meeting since God seems to be taken out of everything everywhere lately. She said she would pray that this continues and will also pray for the Commissioners that they will seek God's guidance and leadership in whatever they do.

VIII. MINUTES

1. Consider approval of the minutes for the Regular Meeting of October 7, 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the minutes were unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

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

1. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for Secretary of State Elections Grant in the amount of \$7,000 to be used for Voter Educational purposes.

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

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2002 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2002, be amended as follows:

3. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for re-appropriation of funds for the District Four Health Services grant in the amount of \$13,500.

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

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2002 Fiscal Year pursuant to the requirements of Title 36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2002, be amended as follows:

Section I. General Fund

A. Revenues

Intergovernmental Revenue	From	\$	210,587	to	\$	224,087
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B. Expenditures

Parks	From	\$	1,568,474	to	\$	1,581,974
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Approved on first reading this 7th day of October 2002.

Approved, adopted and enacted on second reading this 21st of October 2002.

4. Consider at second reading an ordinance amending the Spalding County Code, Chapter 7, of Section 9-3002 relative to recovery of costs of repair or demolition involving the unsafe building abatement code.

**ORDINANCE NO. 2002-12
ORDINANCE TO AMEND PART IX, OF THE CODE OF LAWS
AND ORDINANCES OF SPALDING COUNTY, GEORGIA,
CHAPTER 3, UNSAFE BUILDING ABATEMENT CODE**

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY AND IT IS HEREBY RESOLVED AND ORDAINED:

Section 1. To amend Section 9-2003, Chapter 7, sub-paragraph (b) (3) by striking that portion which reads “O.C.G.A. § 48-5-358 and other applicable state statutes”, wherever same appears in said sub-paragraph and inserting in lieu thereof, the following:

“O.C.G.A § 41-2-9 and other applicable state statutes”.

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

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

X. OLD BUSINESS

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

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Resolutions for UDO #A-02-06, UDO #A-02-08 and UDO #A-02-09 were approved by a vote of 4-0-1 with Commissioner Kendall abstaining as he was not present for first reading.

- **Amendment to UDO #A-02-06:** Appendix F. Flood Ordinance – Article 3: Section B:1(e) – add provision for permit procedures.

RESOLUTION AMENDING THE FLOOD ORDINANCE OF SPALDING COUNTY, GEORGIA

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

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

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

WHEREAS, such text amendments to the Flood Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on September 26, 2002 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provision shall be added to the Flood Ordinance of Spalding County, Georgia, to appear as Article 3, Section B(1)(e):

Section B. Permit Procedures

1. Application Stage

- (e) Each new residential and commercial development located adjacent to approximate Zone A flood hazard areas designated by Article 2, Section B of this ordinance based upon the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) shall produce a based flood elevation by methods described in FEMA document Managing Floodplain Development in Approximate Zone A Areas.

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

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

- Amendment to **UDO #A-02-08**: Appendix A. Subdivision Ordinance – Article 7. Conservation Subdivision – Section 703:A(3 & 9) – add provision on density, and Section 712: add provision for design guidelines.

RESOLUTION AMENDING
THE SUBDIVISION ORDINANCE OF SPALDING COUNTY, GEORGIA

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

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

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

WHEREAS, such text amendments to the Subdivision Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on September 26, 2002 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 703(A)(3).

Section 2: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 703(A)(3):

Section 703. Dimensional Standards and Density Determination

A. Dimension Standards for Neutral Density and Basic Conservation:

Minimum Required Lot Area:

1. *For areas served by public sewer:* 15,000 square feet on average. Up to 20% of the lots within the subdivision may be reduced to a minimum of 12,000 square feet.
2. *For areas not served by public sewer:* Minimum lot size as may be established by the Spalding County Health Department.

Section 3: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 703(B).

Section 4: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 703(A)(9):

Section 703. Dimensional Standards and Density Determination

A. Dimension Standards for Neutral Density and Basic Conservation:

9. Minimum Tract Size Required for Development of Conservation Subdivision:
15 acres

Section 5: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 712(J).

Section 6: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 712(J):

Section 712. Design Guidelines for Streets in Conservation Subdivisions.

10. Curbs and Drainage: For development of streets within conservation subdivisions which are served by public sewer, curb and gutter shall be required. For development of all other streets, curb and gutter shall be required, unless the standards set forth in Section 502(Q)(2) are satisfied.

Section 7: The foregoing amendments of the Subdivision Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

- **Amendment to UDO #A-02-09:** Appendix A. Subdivision Ordinance – Article 7, Conservation Subdivision – Section 701 – add provision for maximum density according to zoning district; Section 703:A(2) – minimum greenspace 50% of total tract; Section 703:C(1)(a) – add provision in calculation of Adjusted Tract Acreage to include the deduction of proposed street area; Section 703:B(2) – add provision that greenspace is to be owned by Homeowners Association, land trust, or a conservation organization; Section 704:B(8) – add provision requiring that 10% of the total amount greenspace should be located at or near the subdivision entrance; Section 702:C – delete requirements of two (2) entrances for subdivisions within fifteen (15) or more lots; Section 708:B(A)(f) – add provision that Homeowners Association and restrictive covenants are to be reviewed during the preliminary plan phase, and Section 708:B(4)(b)(6) – add provision that increases the discretion that the Board of Commissioners has in reviewing conservation subdivision plats, and for related purposes.

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

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

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

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

WHEREAS, such text amendments to the Subdivision Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on September 26, 2002 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 701(B).

Section 2: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 701(B):

Section 701. Purposes

- B. In order to achieve the purposes of this Article, flexibility is allowed for the design of residential subdivisions by allowing a conservation form of subdivision, as follows:

Neutral Density and Basic Conservation: This form of subdivision development is allowed in the following zoning districts: AR-1, AR-2, R-1, R-2, R-4 and R-5. Residential uses are allowed at the following maximum densities for the amount of adjusted tract acreage:

AR-1:	1 unit/2 acres
AR-2:	1 unit/5 acres
R-1, R-2, R-4 and R-5:	1 unit/2 acres (where property is not served by public water or sewer); 1 unit/1 acre (where property is served by public water but not sewer); and 1.75 units/1 acre (where property is served by both public water and sewer)

Greenspace and undeveloped land must make up at least 50% of the entire tract.

Section 3: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 703(A)(2).

Section 4: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 703(A)(2):

Section 703. Dimensional Standards and Density Determination

A. Dimension Standards for Neutral Density and Basic Conservation:

2. Minimum Required Greenspace: In addition to any amount of wetlands and watercourses already present on the tract, at least 50% of the total tract size shall be reserved for greenspace. Lakes and ponds may be included in greenspace. Greenspace shall not be used for residential lots.

Section 5: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 703(C).

Section 6: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 703(C):

Section 703. Dimensional Standards and Density Determination

3. Density Determinations for Conservation Subdivisions

The methods for determining the maximum permitted residential dwelling density for Neutral Density and Basic Conservation Subdivisions.

Section 7: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 703(C)(1)(a).

Section 8: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 703(C)(1)(a):

Section 703. Dimensional Standards and Density Determination

4. Density Determinations for Conservation Subdivisions

1. Adjusted Tract Acreage Method:

1. All land within the right of way of existing or proposed streets or highways and/or within the right of way for existing or proposed right of way or easement for any utilities;

Section 9: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 704(B)(2).

Section 10: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 704(B)(2):

Section 704. Greenspace Land Use and Design Standards.

2. Greenspace Design Standards

2. Greenspace may be owned and maintained by a homeowner association, land trust or a conservation organization recognized by Spalding County.

Section 11: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 704(B)(8):

Section 704. Greenspace Land Use and Design Standards.

2. Greenspace Design Standards

8. At least 10% of the total amount of greenspace shall be located at or near each subdivision entrance. All remaining greenspace shall be designed to best preserve any and all natural features of the tract and/or allow reasonable access to greenspace from each lot within the subdivision. Examples of the manner in which greenspace may be designed within the subdivision are found in Section 715.

Section 12: The following provisions of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 702(C).

Section 13: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 702(C):

Section 702. General Regulations.

3. **Intersections and Access:** Driveways serving residences located within a conservation subdivision must provide access by intersections with roads developed within the subdivision. New intersections between existing roads and roads within the conservation subdivision shall be minimized. Additional intersections may be required based upon the location and condition of existing roads, the size of the proposed development, the size of the tract, traffic flow and management and public safety.

Section 14: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 708(B)(1)(f):

Section 708. Plan Submission and Approval Procedures

2. Conceptual Preliminary Plan

1. ...

6. Homeowner Association and/or restrictive covenant documents

Section 15: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 708(B)(4)(b)(6):

Section 708. Plan Submission and Approval Procedures

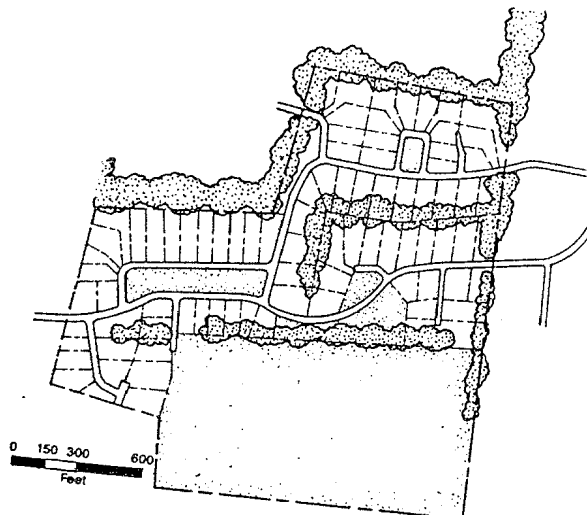
2. Conceptual Preliminary Plan
 4. Review and Approval of the Conceptual Preliminary Plan
 2. Action by the Board of Commissioners
 6. Approval of the Board of Commissioners shall be based upon a determination that the layout and design of the conservation subdivision is consistent with adjoining development and that the layout and design of the subdivision satisfies the intent of this Ordinance to encourage logical development design and preservation of greenspace and sensitive land areas.

Section 16: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 715:

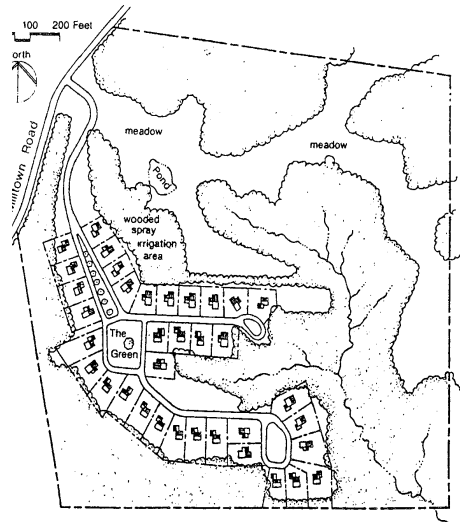
Section 715: Greenspace Layout and Design

The following are examples of acceptable layout and design for conservation subdivisions within Spalding County. The examples shown within this section are not exhaustive. However, the design and layout of conservation subdivisions following these examples are deemed by Spalding County to be consistent with the design goals and objectives for conservation subdivisions.

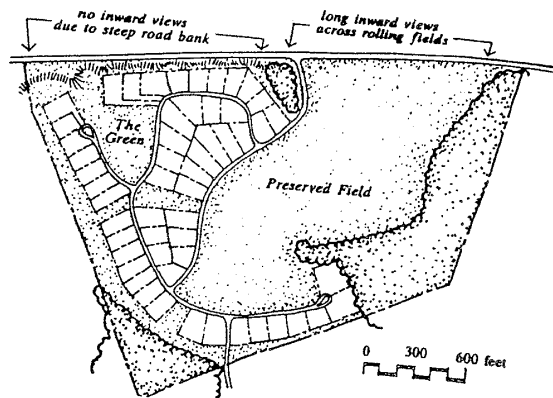
Appendix I



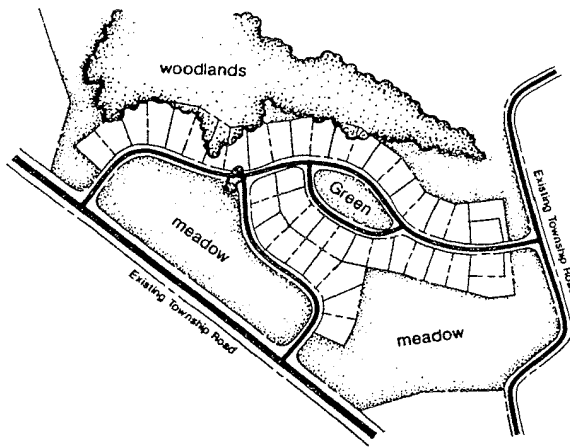
Appendix II



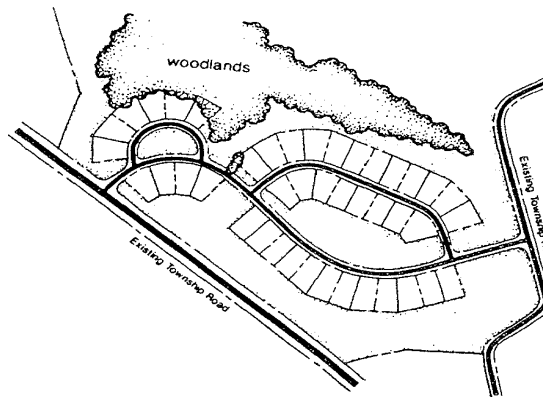
Appendix III



Appendix IV



Appendix V



Section 17: The foregoing amendments of the Subdivision Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 18: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

XI. NEW BUSINESS

Motion made by Commissioner Martha McDaniel to amend the agenda to consider the approval of street lighting districts for Stonebriar Subdivision, Phase I and Raventree Subdivision.

Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

Stonebriar Subdivision, Phase I - The recommendation is for twenty-six decorative lighting fixtures with total cost of \$6,084 per year, yearly annual cost per parcel to be \$72.43.

Raventree Subdivision – The recommendation is for fourteen decorative lighting fixtures with total cost of \$846 per year, yearly annual cost per parcel to be \$38.45.

Motion made by Commissioner Morrow to approve these two subdivisions for street lighting districts. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

1. Consider authorizing Chairman to execute grant package for the 2002 Victims of Crime ACT (VOCA Grant) and also authorize Chairman to designate County Manager Wilson to sign all other forms regarding this grant. The grant is in the amount of \$46,911. *Motion made by Commissioner Martha McDaniel to approve execution of grant package and to designate County Manager Wilson to sign papers relating to grant. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

2. Consider approval of final plat of Raventree Subdivision, located off Aerodrome Way. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow final plat was unanimously approved by a vote of 5-0.*

3. Consider acceptance of Right-of-Way Deed for Raventree Way and Raventree Lane, located in Raventree Subdivision. Roads approved for release by Public Works Department. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow acceptance of roads was unanimously approved by a vote of 5-0.*

4. Consider approval of final plat for Weldon Crossing Subdivision, located off Cecil Jackson Road, Weldon Road and Smoak Road. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the final plat was approved by a vote of 4-1 with Commissioner Morrow voting against the motion.*

5. Consider Lease Purchase of Roll Off Hoist Collection Vehicle (trash truck) to low bidder, Heil Environmental Industries, LTD in the amount of \$88,575. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale low bidder, Heil Environmental Industries was unanimously approved by a vote of 5-0.*

6. Consider request from HDR/WL Jorden to award contract for the Birdie Road Traffic Signal Project to low bidder Riverdale Paving in the amount of \$292,468.30. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel contract to Riverdale Paving was unanimously approved by a vote of 5-0. **Reference Contract #2002-10-21(A).***

7. Consider recommendation of Allen-Smith Consulting for Administrative & Related Grant Services for a proposed 2003 CDBG Grant in the amount of \$500,000. This grant is for a 2003 proposed CDBG Grant for North Hill Street Sewer Project requested through the Sewer Task Force. Allen-Smith Consulting has agreed to meet the low bid of 5.6%, which was the bid of Northwest Georgia Administrative Services. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Allen-Smith Consulting was unanimously approved by a vote of 5-0.*

8. Consider recommendation of Integrated Science & Engineering for Engineering Services for a proposed 2003 CDBG Sewer Project. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnnie McDaniel Integrated Science & Engineering was unanimously approved by a vote of 5-0.*

9. Consider at first reading an Ordinance amending the Spalding County Code, Sections 6-1083 and 6-1084 relative to business registrations. This is a legal clarification. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the 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.***

10. Consider at first reading an Ordinance amending the Spalding County Code, Part VI, Chapter 4, Logging and/or Pulpwood Ordinance. The ordinance brings County Code in compliance with State Laws on cash bonds. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the first reading of Ordinance was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second reading.***

11. Commissioner Kendall desires to discuss upcoming Glenview Estates Subdivision final plat submission. Glenview Estates subdivision, off South McDonough Road, is in the process of constructing improvements/infrastructure. However, their preliminary plat lapsed in late May 2002. While the developers were sent a letter advising them of the lapse, they did not respond and did not extend the approval of their preliminary plat. Therefore, their existing developmental protections under the preliminary plat have lapsed. Their old design was no longer valid as the UDO had changed during that time of preliminary plat approval. A stop order was issued. The zoning was approved at R-2 conditional to 1400 SF.

Commissioner Morrow stated under today's rules on forty-eight acres, you would get twenty-four houses but could go as much as forty-eight houses. The preliminary plat shows 67 parcels. He said he would be willing to consider the forty-eight houses with the exception of a couple of conditions, one being twelve acres of greenspace and upgrade to 1500 SF.

This situation with a lapsed preliminary plat has never occurred before and the county would be setting a new precedence.

Mr. Greg Stringer, owner of the property gave his address as 1115 Admiral Crossing, Alpharetta, GA and addressed the Board on this issue. He said he bought the property May 25, 2001 and got his development permit January 29, 2002. He said that it was hard to development a subdivision in a three months window and was not aware of this two-year sunset revision. He said there are already sixty-seven sewer taps and water taps are already in place. The only infrastructure lacking is the curb and gutter and paving designed for the sixty-seven parcels.

After a lengthy discussion Assistant County Manager Sabine along with Community Development Director Chuck Taylor and Zoning Attorney Newton Galloway are to meet with the developers to look at a possible solution to problems with the proposed subdivision.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson announced that Joy Maltese, District Four Health Services, had contacted Louis Greene and she is requesting that there be a grand re-opening of the Wyomia Tyus Olympic Park Walking Track and the fitness stations which are in the process of being completed. They have requested the date of November 13, 2002 during school hours.

County Manager Wilson stated that he would like to schedule a LOST Work Session on Monday, October 28, 2002 at 5:00 PM to go over a study being performed by Mike Jackson, discuss possible mediators and dates. The Board had no problem with the date or time.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall gave an update report on the Hospital Authority. The Authority is under some severe financial restraints this year because of the lack thereof of income received from their investment portfolio. Consequently, they have had to readjust some our priorities in their distribution of grants and have done away with multi-year grants after this year. He said that a plan is going to be developed as to how to best utilize the money from the Hospital Authority.

Commissioner Massengale addressed the two four way stop intersections on Birdie Road stating that some one has placed small signs on the stop signs saying "You do not have to stop at this four-way stop. The signs have been taken down by Sheriff deputies. Mr. Massengale asked County Manager Wilson to have the Sheriff look into this matter.

Commissioner Martha McDaniel asked County Manager Wilson to contact DOT and ask them to remove the real estate signs on DOT right of way. She said these signs are out there every weekend. She said they are also on county right of way as well and asked that our sign ordinance be enforced.

Commissioner Morrow had no comments.

Commissioner Johnnie McDaniel stated that he and Commissioner Massengale had attended the groundbreaking today for the new City water reservoir and said it is exciting

to see something going on that is going to impact the future of this County. He said the County salutes the City in getting their project started.

Commissioner Johnie McDaniel stated that the Henry County Greenspace Meeting had been rescheduled for November 19th for those who plan to attend.

Commissioner Johnie McDaniel stated he had been advised that we need to amend the agenda to go into Closed Session to discuss pending litigation and personnel.

Chairman McDaniel entertained a motion to amend the agenda. *Motion by Commissioner Morrow to amend the agenda to go into a Closed Session. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

XIV. CLOSED MEETING

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

CLOSED MEETING AFFIDAVIT

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

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

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

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on October 21, 2002.

2.

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

3.

The executive session was called to order at 7:56 p.m.

4.

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

Yes Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions

brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

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

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

Yes 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 21st day of October 2002.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 21st day of
October 2002.

Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

Johnie A. McDaniel

H. Merrill Massengale

Martha W. McDaniel

M. Michael Kendall

Dick Morrow

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

No business was transacted at this time.

XV. ADJOURNMENT

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

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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