



# Spalding County online

## Board of Commissioners

### REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, November 4, 2002 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Dick Morrow, Johnnie McDaniel and Michael Kendall present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

### Agenda Topics

- I. OPENING (CALL TO ORDER) – Chairman McDaniel
- II. INVOCATION - Rev. Randy Valimont
- III. PLEDGE TO FLAG – Led by Commissioner Martha McDaniel
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider approval of a Proclamation proclaiming the month of November 2002 as “Adoption Awareness Month in Spalding County”. *Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the following Proclamation was unanimously approved by a vote of 5-0. Chairman McDaniel read the Proclamation and presented it to Ms. Jancey Wilson, DFCS representative.*

### Proclamation

#### “Adoption Awareness Month NOVEMBER 2002”

- WHEREAS,** Every child deserves to grow up in a loving, nurturing family; and
- WHEREAS,** Nearly 1,200 children in Georgia have no family to call their own because they have been abandoned, abused or neglected; and
- WHEREAS,** There are adults in Georgia who cannot have children or who have room in their hearts for more children; and
- WHEREAS,** Through the process of adoption, adults and children can be united to form a family; and
- WHEREAS,** The month of November is National Adoption Awareness Month, a time to celebrate the joys of adoption and focus on the need for permanent families for our waiting children.

**NOW THEREFORE BE IT RESOLVED,** the Board of Commissioners of Spalding County hereby proclaims the month of **November 2002** as

#### “ADOPTION AWARENESS MONTH IN SPALDING COUNTY”

And urge all citizens to recognize the families created by adoption and to remember our children who need permanent, loving homes.

2. Consider approval of a Proclamation proclaiming Sunday, November 17, 2002 as “Georgia Retired Educators Day” in Griffin, Spalding County, Georgia. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the following Proclamation was unanimously approved by a vote of 5-0. Chairman McDaniel read the Proclamation and presented it to a representative of the Retired Educators Association .*

# Proclamation

## “Retired Educators Day”

- WHEREAS,** The Governor of the State of Georgia has proclaimed the day of Sunday, November 17, 2002, to be known as Georgia Retired Educators Day; and
- WHEREAS,** There are over 54,000 retired educators in Georgia, 15,000 of whom are members of the Georgia Retired Educators Association (GREA); and
- WHEREAS,** The retired educators of Georgia and particularly those affiliated with the Georgia Retired Educators Association and Local Units of Retired Educators Associations return to the state, without compensation, hundreds of thousands of hours of vital community service; and
- WHEREAS,** It is fitting that a day be set aside for citizens to express their thanks and appreciation for the outstanding service provided by the retired educators of Georgia; and
- WHEREAS,** Local Churches will recognize the lasting contributions made and being made by retired educators in this community.

**NOW THEREFORE BE IT RESOLVED,** the Board of Commissioners of Spalding County hereby proclaims Sunday, November 17, 2002 as:

### “GEORGIA RETIRED EDUCATORS DAY”

and call upon the citizens of this community to observe that day in an appropriate manner honoring the retired educators in our midst.

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

#### **VI. CITIZENS COMMENTS**

1. Ed Lynch and Henry Vaughn from McDonough Road Baptist Church are present to discuss the requirements for the expansion of an existing church. Mr. Ed Lynch, Assistant Pastor, McDonough Road Baptist Church addressed the Board requesting some relief from the requirements of Appendix J, relating to Commercial/Industrial Development for Spalding County. The church had voted to add an additional one thousand twenty-four (1024) SF of new construction. The addition would house a small restroom, pastor’s study and one classroom. He said to meet all the requirements of Appendix J would cost approximately \$6,000 not including the \$1,000 building permit nor the cost of moving dirt to begin construction. The Church feels it is unfair to have to meet the same requirements of a commercial or industrial entity wishing to build hundreds or thousands of square footage with the potential of generating millions of dollars in income. They further requested that the Board investigate and determine some alternative procedure to alleviate this burden but at the same time will satisfy the requirements of your need to safeguard the public’s well-being and make it more feasible for small non-profit organizations to build to adequately meet the needs of your constituents, who happen to be members of rural community churches, such as ours.

Commissioner Morrow stated that he felt that the ordinance on new construction should differentiate between simple additions and a new building. He said that there should be a major and minor review process. Major being infrastructure change and minor being a simple addition. He said that he feels that small businesses and churches are being unduly penalized. Commissioner Massengale also affirmed with Commissioner Morrow’s comments.

Rev. Henry Vaughn, Pastor of McDonough Road Baptist Church, stated he could understand if it was going to be a new building but the church has been standing for twenty-five years. He said that they have always come and got a permit and just went back and built for their last three improvements. He was floored it would cost \$1,000 for this permit to build.

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

1. Rev. Randy Valimont, Pastor of First Assembly of God Church, addressed the Board on the church expansion issue. He suggested that maybe a committee could be appointed by the Commission made up of people you would delegate to come together, maybe some local pastors, that could give some input so

that this type of expansion would not become an issue. He said it is really not fair to penalize our smaller churches who want to do the business that helps our community so much. He said there should be a distinction made between smaller and larger churches in the UDO.

Mr. Gene Suggs, 1567 Highway 16 West (Glenn Eagle Apartments) stated he was a member of McDonough Road Baptist Church and is also in construction. He said they were not trying to get out of inspectors because they need to be there. He said they will have the people to do the work and the work will be done. He asked the Board to please let them have their addition onto their church as they need it. He invited the Commissioners to their church.

After a discussion staff was directed to look into developing a minor construction plan review process for commercial/industrial expansion of existing facilities and possibly consider making a recommendation to the Planning Commission at our December 2<sup>nd</sup> meeting. This has to go through procedures for any Resolution for change and it takes two readings.

### **VIII. MINUTES**

1. Consider approval of the minutes of the Extraordinary Session of October 21, 2002 and Zoning Public Hearing of October 24, 2002. *Motion made by Commissioner Martha McDaniel to approve with correction of the omission of a second and action taken under New Business, approval of street lighting districts. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

### **IX. CONSENT AGENDA**

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel Items 1-3 on the Consent Agenda were unanimously approved by a vote of 5-0.*

1. Consider at second reading an Ordinance amending the Spalding County Code, Sections 6-1083 and 6-1084 relative to business registrations.

#### **ORDINANCE NO. 2002-13**

#### **ORDINANCE TO AMEND PART VI, CHAPTER 1, ARTICLE D, GENERAL BUSINESS AND OCCUPATION TAX OF THE SPALDING COUNTY 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 Part VI, Chapter 1, Business and Occupations, Article D, Sections 6-1083 and 6-1084 of the Spalding County Code as follows:

**Section 2.** Section 6-1083 of the Spalding County Code of Ordinances, the following language shall be stricken in its entirety:

*“Location or office: The word or term “location or office” shall not include a temporary worksite which serves a single customer or project.”*

Within the existing Section 6-1083 of the Spalding County Code of Ordinances, the following new language shall be inserted:

*“Location or office: The word or term “location or office” shall be defined as the primary physical place of business, or in the event of a home occupation, the physical location of a qualifying residence. The word or term “location or office” shall not include a temporary worksite which serves a single customer or project.”*

**Section 2.** Within the existing Section 6-1083 of the Spalding County Code of Ordinances, the following new subparagraph shall be added as follows:

*“Place of business: The word or term “place of business” shall be defined as the physical structure employed for the purpose of conducting trade and mercantile, or other commercial, transactions.”*

**n 3.**

Existing Section 6-1084 of the Spalding County Code of Ordinances shall be stricken in its entirety and a new Section 6-1084 of the Spalding County Code of Ordinances shall be inserted as follows:

“Annually as provided in this article, or before commencing to engage in any new business, all persons doing business, or proposing to do business, in the unincorporated areas of Spalding County shall register with the county manager or his delegated representative at such place designated by the county manager and shall pay an occupation tax for said business. A certificate of such registration, to be provided by the county, shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in Spalding County, Georgia. If the taxpayer conducts business through a licensed home occupation in Spalding County, Georgia, such business tax registration shall be shown to the county manager or his deputies or to any sheriff's deputy of said Spalding County, Georgia, upon request.”

**Section 4.** 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 5.** All ordinances and parts of ordinances in conflict herewith are repealed.

2. Consider at second reading an Ordinance amending the Spalding County Code, Part VI, Chapter 4, Logging and/or Pulpwood Ordinance.

**SPALDING COUNTY, GEORGIA  
ORDINANCE 2002-14**

**AN ORDINANCE TO AMEND CHAPTER 4, LOGGING AND/OR PULPWOOD OPERATIONS  
SECTION 6-4001 THROUGH 6-4006 OF THE  
SPALDING COUNTY CODE.**

**Section 1.** SAID CHAPTER 4 IS AMENDED BY STRIKING SAME IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF A NEW CHAPTER 4. LOGGING AND/OR PULPWOOD OPERATIONS TO READ AS FOLLOWS:

**Section 6-4001. Purpose**

It is the purpose and intent of this resolution to insure that those persons or entities engaging in logging and/or pulpwood operations be responsible for any damage inflicted on the county road system as a result of their operations.

**Section 6-4002. Application**

This chapter shall apply to all persons or firms harvesting standing timber in any unincorporated area of Spalding County for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state.

**Section 6-4003. Bond Required**

(a) Any person or firm engaged in the cutting, removing or harvesting of standing timber in any unincorporated area of Spalding county for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state shall deliver to the County Commission or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Spalding County, against any damage caused by such person or firm in the amount of \$5,000.00 or, at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. §7-1-4, in the amount of \$5,000 in lieu of such bond.

(b) The surety bond and/or irrevocable letter of credit required under this section shall be valid only for the calendar year in which it is delivered.

**Section 6-4004. Notice Required**

(a) No person or firm shall begin to cut, remove or harvest standing timber in any unincorporated area of Spalding county for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state without first providing notice of such harvesting operations to the County Commission prior to cutting any such timber.

(b) Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be in such form as prescribed by rule or regulation of the Director of the State Forestry Commission, and shall consist of the following:

(1) A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road;

(2) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. § 48-5-7.5;

(3) The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and

(4) The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber;

(c) Notice may be submitted in person, by transmission of an electronic record via telefacsimile or such other means as approved by the County, or by mail;

(d) The failure of any person or firm to provide the surety bond or irrevocable letter of credit required under subsection 1 above, shall render the notice required in this section ineffective for any such harvesting operations unless and until the person or firm providing such notice has delivered to the County Commission a valid surety bond or irrevocable letter of credit.

(e) Notice shall be effective for such harvesting operation on such tract within such unincorporated area of Spalding County upon receipt of the same by the County Commission or its designated agent and, if applicable, compliance with the requirements of subsection 1 of this section and until such time as the person or firm giving such notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the governing authority or its designated agent within three business days after such change.

**Section 6-4005. Construction Entrance**

Although not required to obtain a permit, any person or firm engaged in the cutting, removing or harvesting of standing timber in any unincorporated area of Spalding county for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state shall create and/or maintain a construction entrance. Said construction entrance shall be graveled as directed by the public works director. The public works director shall also dictate the type and size of pipe which shall be used in the construction entrance. The public works director shall also impose such other obligations on the person or firm as in the public works directors sole discretion are necessary to provide for the safe and efficient use of the county road system. The construction entrance shall be maintained so long as timber harvesting operations are ongoing.

**Section 6-4006. Violations**

Each violation of the requirements of this section shall be punishable by a fine of \$500.00. Each day any violation under this ordinance continues shall be considered a separate offense.

**Section 2.** That the within ordinance shall be and become effective immediately upon its adoption on two presentations, as provided by Section 2-1005 of the Code of Spalding County, Georgia, and upon erection of speed limit signs as designated herein.

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

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

- **Rezoning Application #02-20Z:** Richard B. Corbin, Owner – 7600 Highway 16 West, 5.58 acres, AR-1 to C-1B, conditional.

**APPLICATION OF RICHARD B. CORBIN  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 02-20Z**

**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, Richard B. Corbin, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1B, Heavy Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on August 20, 2002;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on October 24, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying and being in Land Lot 14 of the 1<sup>st</sup> Land District, Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a point at the intersections of Georgia Highway 16 (80' R/W) and Hollonville Road, a distance of 570.68' Westerly along the southern R/W of Georgia Hwy. 16 (80' R/W) to a 1" pipe, and being the TRUE POINT OF BEGINNING; thence running S 73°57'41" E, a distance of 244.76' to a 3/8" rebar found, S 00°00'00" E, a distance of 663.81', to a 3/8" rebar found; thence running N 89°05'00" W, a distance of

400.00' to a ½" rebar set; thence running N 00°00'00" W, a distance of 400.00' to a ½" rebar set; thence running N 90°00'00" E, a distance 72.46' to a point ½" rebar set; thence running 15°50'45" E, a distance of 337.87' to a 1" pipe found, and being the TRUE POINT OF BEGINNING.

Said tract contains 5.62 acres.

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

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

- a. Mini storage units only.
- b. 40 foot buffer on west and south side of property.
- c. Submit landscaping plan for approval.

### 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 November 4, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 14 of the First Land District, Spalding County, Georgia, consisting of 5.62 acres located on Highway 16 West, zoned C-1B, 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.

## **X. OLD BUSINESS**

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

- **Rezoning Application #02-23Z:** Greg Pruitt Construction Company, Inc., Owner – 947 Bailey Jester Road, 4 acres, AR-1 to R-1.

*Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the Resolution as follows was approved by a vote of 3-2 with Commissioners Martha McDaniel and Johnie McDaniel voting against the motion.*

**APPLICATION OF GREG PRUITT CONSTRUCTION COMPANY, INC.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY,  
GEORGIA;**

**REZONING APPLICATION 02-23Z**

**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, Greg Pruitt Construction Company, 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 application was filed with Spalding County, Georgia on August 22, 2002;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on October 24, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 9 of the 2<sup>nd</sup> Land District of originally Henry, now Spalding County, Georgia, and being particularly described as follows:

Beginning at the intersection of the centerline of Cabin Creek and the east right-of-way of Bailey Jester Road, said point being the Point of Beginning; thence along the centerline of Cabin Creek North 88°47'46" East, a distance of 261.08 feet; thence South 72°05'35" East, a distance of 164.34 feet; thence South 49°28'18" East, a distance of 324.07 feet to a point; thence leaving the centerline of the creek South 73°47'41" West, a distance of 597.31 feet to the east right-of-way of Bailey Jester Road; thence along said right-of-way of Bailey Jester Road North 12°02'52" West, a distance of 431.84 feet to the Point of Beginning.

Containing 4.0 acres, more or less.

From "AR-1, Agricultural and Residential" to "R-1, Single Family Residential Low Density" 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 November 4, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being in Land Lot 9 of the 2<sup>nd</sup> Land District of originally Henry, now Spalding County, Georgia, consisting of 4 acres located on Bailey Jester Road, zoned R-1, Conditional.

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

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

Section 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.

- **Rezoning Application #02-24Z:** Anita G. Barfield, Executrix for the Estate of Kenneth A. Barfield and William Dim Barfield, Owners—Southeast corner of Highway 19/41 and Mailer Road, 11.55 acres more or less, C-1 to C-1B, conditional.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the Resolution as follows was approved by a vote of 4-0-1 with Commissioner Morrow abstaining from vote stating potential conflict of interest.*

**APPLICATION OF ANITA G. BARFIELD, EXECUTRIX FOR THE ESTATE OF KENNETH A. BARFIELD, AND WILLIAM DIM BARFIELD FOR REZONING CERTAIN PROPERTY LOCATED WITHIN SPALDING COUNTY, GEORGIA;**

**REZONING APPLICATION 02-24Z**

**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, Anita G. Barfield, Executrix for the Estate of Kenneth A. Barfield, and William Dim Barfield, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1B, Heavy Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on August 22, 2002;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on October 24, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 108 of the Third Land District of Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a spike on the west side of Georgia Highway No. 3 and the south side of Malier Road, if extended to form an angle instead of a curve; thence South 1 degree 56 minutes East 518.5 feet to an iron pin on the west side of Georgia Highway No. 3; thence South 3 degrees 47 minutes East 137.4 feet to an iron pin on the west side of Georgia Highway No. 3; thence South 87 degrees 11 minutes West 208.71 feet to a point; thence South 4 degrees 30 minutes East 208.71 feet to a point; thence South 87 degrees 11 minutes West 411.29 feet to an iron pin on the east side of U. S. Highway No. 41; thence along U. S. Highway 41, North 7 degrees 20 minutes West 943.11 feet to an iron pin on the south side of Malier Road, thence South 86 degrees and 36 minutes East 698.4 feet along the south side of Malier Road to the Point of Beginning, and containing 12.45 acres, as per plat by Richard T. Conner, Registered Land Surveyor No. 1075, all being located in Land Lot 108, 3<sup>rd</sup> District, Spalding County, Georgia.

From "C-1, Highway Commercial" to "C-1B, Heavy Commercial" District.

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

- a. Brick and/or masonry stucco on any wall visible from roadway.

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 November 4, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being in Land Lot 108 of the Third Land District of Spalding County, Georgia, consisting of 11.55 acres, more or less, located on the southeast corner of Highway 19/41 and Malier Road, zoned C-1B, 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 at first reading an Ordinance amending Section 3-2011 of the Spalding County Code of Ordinances, pertaining to fire protection codes. This is a technical amendment. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Ordinance at first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

2. Consider at first reading an ordinance amending the Spalding County Code relative to the deletion of a “No Thru Truck” Road. This ordinance deletes paragraph (46) Vaughn Road and restructures to move the last two up on the list.

Commissioner Morrow asked the Board members to also give consideration to deleting “No Thru Trucks” on Moreland Road, County Line Road and North and South McDonough Road to give truckers a way to maneuver to their destination without going through the City of Griffin. Commissioner Martha McDaniel stated that the City roads were more able to handle the weight of these trucks than our County roads and this is what precipitated us to make these roads “No Thru Truck” roads. Staff is to look into this more and also talk with Public Works Director Jake Garner.

At this time, David Trice asked to address the Commissioners. He gave his address as 41 Crystal Creek Drive, Williamson, GA. He said that the county is letting some trucks (Hill’s Construction) run Moreland Road but other truck drivers are told the road will not handle the weight.

County Manager Wilson stated that Hill Construction is making deliveries on that road. He said he realizes that they are on the end of the road but they are making a delivery and it is only Hill Construction trucks that are going in and out of their plant going to the asphalt plant going to the rock quarry.

It was also noted that lots on Moreland Road to be built upon would add approximately 3,000 cars a day chiefly the Stonebriar Subdivision and the building out of Huntington South and Park Place. Also the school board is looking to build two schools, a grammar and middle school and there would be bus traffic from both.

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the ordinance at first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

3. Consider Agreement and Right of Way Deeds with Department of Transportation for Justice Boulevard and State Route 362 Realignment Project. *Motion made by Commissioner Martha McDaniel to approve the following Agreement and the Right of Way Deeds. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

## **AGREEMENT**

STATE OF GEORGIA  
COUNTY OF SPALDING

THIS AGREEMENT, entered into this the 4<sup>th</sup> day of November, 2002, by and between the GEORGIA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as “DOT”) and the SPALDING COUNTY BOARD OF COMMISSIONERS (hereinafter referred to as “SPALDING COUNTY”);

**WITNESSETH:**

WHEREAS, the DOT is making certain improvements to Justice Boulevard and Williamson Road as part of its Project #NH-001-4(63); and,

WHEREAS, the plans for said project require the closing of the presently existing Justice Boulevard and relocating same to the east of its present location; and

WHEREAS, at the conclusion of the construction of the improvements of said project the DOT will convey the property acquired during this project to SPALDING COUNTY for its future maintenance of the improvements;

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

**1.**

DOT will construct the improvements shown on its plans for Project #NH-001-4(63).

**2.**

After construction of the project improvements and acceptance thereof by the DOT, the DOT will convey the property acquired from SPALDING COUNTY east of State Route 3 and 155 for Project #NH-001-4(63) to SPALDING COUNTY.

**3.**

SPALDING COUNTY will not re-open the presently existing Justice Boulevard nor permit any access to Williamson Road west of the relocated Justice Boulevard.

**4.**

This Agreement shall not be modified or amended except in writing and signed by both parties.

IN WITNESS WHEREOF, the parties by their duly authorized representatives have hereunto affixed their hands and seals in duplicate originals on the day and year first above written.

4. Consider request of Commissioner Martha McDaniel to attend ACCG Board of Managers Meeting December 10-12, 2002. The cost per night is \$264.00 and includes three meals per day. *Upon motion by Commissioner Massengale, seconded by Commissioner Morrow request for travel was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

5. Review status and consider future activity relative to LOST renegotiations. An update of current status of renegotiation efforts was presented by County Manager Wilson. Mr. Wilson stated that the Department of Revenue had notified ACCG that they would not be accepting multi-year certificates of distribution as they have done in the past; therefore, the graduated proposal from the City would not be acceptable. The distribution agreed on would be for the whole ten years. Also there seems to be an impasse on the selection of a mediator to handle mediation.

The Commissioners discussed the consulting report that the County had prepared by Mike Jackson stating that the report showed that the County should receive 67.1% and the City receive 32.9%. Commissioner Morrow stated that our report shows the County should receive more and the City's report shows they should receive more and he feels that a compromise would be leaving the distribution as is, which is County 62% and City 38%.

*Motion made by Commissioner Morrow to send an executed Certificate of Distribution to the City Commission showing distribution between the City and County as is at present (City 38% and County 62%) along with a letter signed by Chairman McDaniel asking for their approval and also send a copy of the Spalding County study to all the City Commissioners. The letter is to explain the County's position and if not favorable with the City, that the County is willing to meet and discuss further. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 4-1 with Commissioner Kendall voting against the motion.*

6. Discuss status of C-2 property subject to current moratorium. Assistant County Manager Sabine presented the Commissioners a map delineating the parcels that are surrounded by residential

development. The most prominent areas are East Griffin Mill Village, West Ellis Road, North Hill Street and Macon Road. These C-2 properties are located off of the state/federal highway system. The moratorium was enacted to allow for a review of these C-2 properties. The moratorium is in effect until December 31, 2002.

The Planning Commission is already aware of this problem and would like some direction from the Board of Commissioners of what to do. The consensus of the Board was to have staff review impacted areas and make recommendation before November 18, 2002 meeting and ask for authorization to go to Planning Commission and commission a new map at that meeting.

Commissioner Kendall left the meeting at this time.

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

County Manager Wilson stated that we need to set up a Public Hearing for a Local Law Enforcement Block Grant for the Sheriff's Department and suggested Monday, November 18, 2002 at 5:45 PM. There was no opposition to this date and time.

County Manager Wilson reminded the Board that there would be a grand re-opening of the Wyomia Tyus Olympic Park Walking Track and the fitness stations on November 13, 2002 at 1:30 P.M. and invited everyone present to attend.

## **XIII. REPORT OF COMMISSIONERS**

Commissioner Massengale stated at the last Spalding County Water & Sewerage Authority meeting, he was charged to see if the Board of Commissioners would be interested in a Regional or a Joint Water Authority with the City of Griffin and the discussion was to appoint two county commissioners, two city commissioners and two members of the Spalding County Water Authority to meet and discuss this issue to see if we can get some movement towards a Joint or Regional Authority. There was also some discussion at the Water Authority meeting regarding using the SPLOST money to help build the reservoir to keep the citizens of Griffin from having to pay the \$43 Million.

Commissioner Martha McDaniel stated that there is an opportunity for the City of Griffin to have their reservoir constructed free and paid for by the State of Georgia. The current Governor is interested in establishing regional reservoirs. The reservoir would be owned by the State of Georgia. The area around the reservoir would be recreational area owned by the Department of Natural Resources. The State of Georgia would in fact build the reservoir and wholesale the water to regional players. The City of Griffin is aware of this but did not respond. She said she would not support SPLOST money taken away from industrial development.

The Board was interested in the six members sitting down and talking about a Regional Water Authority. Commissioners Martha McDaniel and Massengale are to be the members of the Board to serve along with two members of the Water Authority, who have not been appointed as yet. A letter is sent to the City of Griffin to see if they would be interested in sending two city commissioners to a meeting.

Commissioner Martha McDaniel had no further comments.

Commissioner Morrow stated as a member of the Airport Advisory Commission, it has come to his attention that neither the City nor the County has the approved zoning ordinances circling the airport for height and construction limitations. He said that the FAA model ordinance needs to be adopted to keep someone from building a multi-story building and impacting the airport operation. He asked staff to review the ordinance and draft an ordinance for Spalding County.

Commissioner Johnie McDaniel had no comments.

## **XIV. CLOSED MEETING**

*Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the Board voted unanimously to go into a Closed Meeting to discuss the following.*

1. The County Attorney desires a Closed Meeting to discuss pending/potential litigation.

Those present were Commissioners 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 November 4, 2002.

2.

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

3.

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

4.

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

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

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

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

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

**No** Other *(describe the exemption to the open meetings law)*: \_\_\_\_\_ as provided in  
*(insert the citation to the legal authority exempting the topic)*\_\_\_\_\_.

This the 4<sup>th</sup> day of November 2002.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 4<sup>th</sup> day of  
November 2002.

Johnie A. McDaniel  
H. Merrill Massengale  
Martha W. McDaniel  
Dick Morrow

Phyllis P. Doane  
Notary Public

My commission expires: March 13, 2006

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnie McDaniel 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 Board voted unanimously to adjourn the meeting at 7:54 P.M.*

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

\_\_\_\_\_  
Chairman

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