



Spalding County online

Board of Commissioners

REGULAR MONTHLY MEETING

The Board of Commissioners' regular monthly meeting to be held on Monday, December 1, 2003 was cancelled due to the Thanksgiving holidays.

EXTRAORDINARY SESSION

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

Agenda Topics

I. OPENING (CALL TO ORDER) – Chairman Morrow

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

III. PLEDGE TO FLAG – Led by Commissioner Goss.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. A representative of Sullivan, Sturdivant & Ogletree to present a check from the Georgia Indigent Defense Council in the amount of \$36,476.27. Hal Sturdivant was present and presented the check to Chairman Morrow. Mr. Sturdivant discussed briefly the State budget in regards to the new public defender law that was introduced during the last legislative session. County Manager Wilson commented that we have a good system in Spalding County and we were going to investigate the opportunity to opt out of the State's public defender system to keep the system that we currently have in place.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Five Months Ended November 30, 2003. Ms. Jinna Garrison, Finance Director, was present to answer any questions the Board might have. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Financial Statements were unanimously approved by a vote of 5-0.*

VI. CITIZENS COMMENTS

1. Timothy Montgomery, owner of Flipside Skateboard Shop, would like to address the need for a skateboard park for the Youth of Spalding County. Mr. Montgomery was not present to address his issue.

VII. PUBLIC COMMENT

VIII. MINUTES

1. Consider approval of the minutes for the meetings of November 17, 2003. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the LLEBG Public Hearing, Extraordinary Session and Zoning Public of November 17, 2003 was unanimously approved by a vote of 5-0.*

IX. CONSENT AGENDA

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

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, Dorothy Frances Farrar, Elaine F. Peavy, George Thomas Farrar, Jr., applicants, applied for a change in zoning classification to be applied to the within described property to "R-1, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on September 24, 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 November 17, 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 Lots 6, 7, 8, 25, 26, 27 of the Third Land District, Spalding County, Georgia, containing 303.78 acres, more or less, according to a drawing dated September 19, 2003, prepared by S. L. Colwell & Assoc., Inc. and being more particularly described as follows:

Commencing at the intersection of the easterly right-of-way of Sidney Drive (80 ft. R/w) with the southerly right-of-way of Birdie Road (60 ft. R/W); thence North 56°29'46" East a distance of 1068.08 feet to a point; thence South 33°29'20" East a distance of 316.07 feet to a point; thence South 56°30'39" West a distance of 333.31 feet to a point; thence South 09°03'43" East a distance of 398.33 feet to a point; thence South 79°39'32" East a distance of 282.17 feet to a point; said point being the true Point of Beginning; thence South 79°39'32" East a distance of 751.31 feet to a point; thence South 72°10'22" East a distance of 200.15 feet to a point; thence North 14°32'31" East a distance of 431.65 feet to a point at the southerly right-of-way of Steele Road (80 ft. R/W); thence southeasterly along south right-of-way of Steele Road a distance of 716.24 feet to a point; thence leaving said right-of-way South 01°08'16" East a distance of 827.00 feet to a point; thence South 01°08'16" East a distance of 623.56 feet to a point located at the centerline of a branch; thence southwesterly along centerline of branch a distance of 558.06 feet to a point; thence leaving centerline of branch South 82°39'21" East a distance of 226.62 feet to a point; thence South 01°00'21" East a distance of 638.11 feet to a point; thence South 02°28'35" East a distance of 587.89 feet to a point; thence South 01°24'09" East a distance of 309.84 feet to a point; thence South 01°23'48" East a distance of 1223.53 feet to a point; thence South 01°25'27" East a distance of 29.39 feet to a point located at the centerline of Heads Creek; thence southwesterly along centerline of Heads Creek at a distance of 2234.73 feet to a point; thence leaving said centerline of Heads Creek North 55°40'55" West a distance of 418.40 feet to a point; thence North 63°45'47" West a distance of 128.48 feet to a point; thence North 37°13'26" West a distance of 66.52 feet to a point; thence North 10°16'18" East a distance of 253.00 feet to a point; thence North 35°39'43" East a distance of 231.35 feet to a point; thence North 00°49'58" East a distance of 416.98 feet to a point; thence North 33°48'01" West a distance of 212.47 feet to a point; thence North 44°18'10" West a distance of 690.53 feet to a point; thence North

77°22'17" West a distance of 289.09 feet to a point; thence South 74°08'59" West a distance of 454.15 feet to a point at the easterly right-of-way Sidney Drive (80 ft. R/W); thence northerly along the east right-of-way of Sidney Drive a distance of 1626.86 feet to a point; thence leaving said right-of-way North 83°44'01" East a distance of 531.64 feet to a point; thence North 06°15'16" West a distance of 249.96 feet to a point; thence North 06°16'03" West a distance of 250.08 feet to a point; thence North 06°17'08" West a distance of 249.93 feet to a point; thence North 06°15'43" West a distance of 250.07 feet to a point; thence North 06°14'14" West a distance of 63.25 feet to a point; thence North 05°21'09" East a distance of 137.60 feet to a point; thence North 05°19'28" East a distance of 224.03 feet to a point; thence North 05°21'12" East a distance of 301.43 feet to a point; thence North 89°58'56" East a distance of 404.39 feet to a point; thence North 14°07'46" East a distance of 919.15 feet to a point; thence North 14°07'46" East a distance of 360.36 feet to the Point of Beginning.

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

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

1. All homes shall be minimum 2,000 SF; and
2. Unimproved walking trails shall be incorporated into the design of the development and the design shall be submitted with construction plans.

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 December 15, 2003 by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 128 of the 3rd Land District of Spalding County, Georgia, containing 303.78 acres, more or less, on Birdie 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 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

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

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

- **Amendment to UDO #A-03-30:** Appendix A. Subdivision Ordinance – Section 405:DD—delete reference to Community Sewage System, and Section 504:D(2) –delete Community Sewer System.

IN RE:

Text Amendment #A-03-30

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**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 November 17, 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 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 504(D) entitled: Sanitary Sewer Disposal Systems.

[NOTE: The current text of the Subdivision Ordinance of Spalding County erroneously identifies two separate sections as Section 504(D). The section being deleted by this Ordinance is only that section entitled: Sanitary Disposal Systems.]

Section 2: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 504(E):

Section 504. Development Standards for Utility Installations

E. Sanitary Sewer Disposal Systems:

1. Public Sewage System: If a public sewage system is available to a proposed subdivision and connection to it is permitted, sewage mains, and stub connections to each lot within the subdivision must be provided as shown on approved construction plans.
2. Individual Sewage System: When a public sewage system is not available, the subdivider must carefully consider the capability and suitability of the general area of the subdivision to support individual sewage systems (septic tanks). Such proposed sewage system must be approved by the Spalding County Health Department. The County must consider the recommendation of the Spalding County Health Department regarding any proposed private sewage systems in considering approval of a plat.

Section 3: The following provision of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 405(DD).

Section 4: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 405(DD):

Section 4: The following provision shall be added to the Subdivision Ordinance of Spalding County, Georgia, to appear as Section 405(DD):

Section 405: Specifications for Preliminary Plat.

DD. Provisions for sewage disposal systems (individual or public), with approval by the Spalding County Health Department shown by type of system proposed.

Section 5: The foregoing amendments of the Subdivision 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.

- **Amendment to UDO #A-03-31:** Adoption of Official Zoning Map in revised Geographic Information Systems (GIS) platform as applicable to Unincorporated Spalding County.

IN RE:

Text Amendment #A-03-31

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 November 17, 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: A new paragraph shall be added to Section 2302(E) of “Official Zoning Map Spalding County, Georgia (Official Map)” of the Zoning Ordinance of Spalding County as follows:

A new Official Map was adopted on December 1, 2003, which will replace the previous Official Map.

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

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

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

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

- **Amendment to UDO #A-03-32:** Article 2, Definition of Terms Used – Section 203:EE’- correction of numbering of housing definitions: Article 2. Definitions of Terms Used – Section 203:EE’ – add definition for “Recreational Vehicles”; Article 5. AR-1 Agricultural and Residential – Section 503:C(14); Article 6. AR-2 Rural Reserve – Section 603:C(13); Article 7, R-1 Single Family Residential Low Density – Section 703:C(14); Article 8. R-2 Single Family Residential District – Section 803:C(14); Article 8A. R-2A Single Family and Two Family Residential – Section 803A:C(15); Article 10. R-4 Single Family Residential – Section 1003:C(14); and Article 11. R-5 Single Family Residential – Section 1103:C(14) – add provision for the accessory use of Recreation Vehicles.\

IN RE:

Text Amendment #A-03-32

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**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 November 17, 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 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 provision of the Unified Development Ordinance of Spalding County, Georgia, shall be deleted: Article 2. Definition of Terms Used, Section 203(EE’).

Section 2: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 2. Definition of Terms Used, Section 203(EE'')

Section 203. Housing Definitions

EE''). **Residential Occupancy:** Stay at a dwelling, for any length of time, when such dwelling is the occupant's primary address of domicile.

Section 3: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 2. Definition of Terms Used, Section 203(EE'):

Section 203. Housing Definitions

EE'). **Recreational Vehicle:** A vehicle designed as a *temporary* dwelling for travel or recreational uses. Also referred to as, camping trailers, travel trailers, camper pick-up coaches, and motorized homes.

Section 4: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 5. AR-1 Agricultural and Residential, Section 503:C(14):

Section 503: Permitted Uses.

C. The following **Accessory Uses** are permitted in AR-1 districts:

14. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 5: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 6. AR-2 Rural Reserve, Section 603:C(13):

Section 603: Permitted Uses.

C. The following **Accessory Uses** are permitted in AR-2 districts:

13. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 6: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 7. R-1 Single Family Residential Low Density, Section 703:C(14):

Section 703: Permitted Uses.

C. The following **Accessory Uses** are permitted in R-1 districts:

14. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 7: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 8. R-2 Single Family Residential, Section 803:C(14):

Section 803: Permitted Uses.

C. The following **Accessory Uses** are permitted in R-2 districts:

14. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 8: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 8A. R-2A Single Family and Two Family Residential, Section 803A:C(15):

Section 803A: Permitted Uses.

C. The following **Accessory Uses** are permitted in R-2A districts:

- 15. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 9: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 10. R-4 Single Family Residential, Section 1003:C(14):

Section 1003: Permitted Uses.

C. The following **Accessory Uses** are permitted in R-4 districts:

- 14. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 10: The following provision shall be added to the Unified Development Ordinance of Spalding County, Georgia, to appear as Article 11. R-5 Single Family Residential, Section 1103:C(14):

Section 1103: Permitted Uses.

C. The following **Accessory Uses** are permitted in R-5 districts:

- 14. Recreational Vehicles as temporary housing.
 - a) Building permit is required.
 - b) Allowed for six (6) months in conjunction with a building permit for a principal dwelling on the subject property.

Section 11: The foregoing amendments of the Subdivision Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 12: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

X. OLD BUSINESS

1. Consider at second reading of an ordinance amending the Spalding County Code, Part VII, Chapter 2, Section 7-2002 relative to junked or abandoned motor vehicles.

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

ORDINANCE NO. 2003-10

ORDINANCE TO AMEND PART VII, CHAPTER 2, SECTION 7-2002 OF THE SPALDING COUNTY CODE, JUNKED OR ABANDONED MOTOR VEHICLES

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 7-2002 by striking the second paragraph in its entirety and inserting in lieu thereof a new second paragraph to read as follows:

“Any junk motor vehicle or parts thereof shall be stored in a structure in the rear yard of the building so as to fully and completely enclose the junk motor vehicle or parts thereof to prevent it

from being seen from any public street or from any other private property owned by anyone other than the owner of the junk motor vehicle or parts thereof.”

Section 2. To amend Section 7-2002 by adding a third paragraph to the section to read as follows:

“For the purposes of this code section, the term “Structure” shall mean anything constructed or erected that requires a fixed location on the ground or which is attached to something having a fixed location on the ground.”

Section 3. To amend Section 7-2002 by adding a fourth paragraph to the section to read as follows:

“For the purposes of this code section, the term “Rear Yard” shall mean the open space located between the rear property line and the rear building line as extended to the side lot lines.”

Section 4. To amend Section 7-2002 by adding a fifth paragraph to the section to read as follows:

““This ordinance shall not apply to any property upon which is operated a “junk yard” as defined by the Spalding County zoning ordinance.”

Section 5. This ordinance shall not become effective until 120 days after the date of final adoption on second reading by the Spalding County Board of Commissioners.”

Section 6. All ordinance and parts of ordinances in conflict herewith are repealed.

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

- **Application #03-21Z:** MRD Realty, LLC, Owner – West McIntosh Road – 25.522 acres – R-2 & AR-1 to R-1, Conditional.

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

**APPLICATIONS OF MRD REALTY, LLC
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATIONS 03-21Z

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

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “R-2, Single Family Residential and AR-1, Agricultural and Residential;”

WHEREAS, MRD Realty, LLC, applicant, applied for a change in zoning classification to be applied to the within described property to “ R-4, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on September 11, 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 November 17, 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 62 of the Fourth Land District of originally Henry, now Spalding County, Georgia, containing 25.522 acres as shown on a plat of survey entitled "Property Survey for National Mortgage Investments Co.," prepared by Cochran-Presley & Associates, Inc., dated June 2, 1988, recorded in Plat Book 17, Page 669, Spalding County Superior Court records and which said plat is hereby 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 East margin of Westmoreland Road, which iron stake lies in a Northerly direction along said East margin of Westmoreland Road a distance of 250.0 feet from its intersection with the North margin of West McIntosh Road; thence from said point of beginning North 88°23'51" East, a distance of 273.01 feet to an iron stake; thence North 88°18'32" East, a distance of 77.13 feet to an iron stake; thence North 88°16'37" East, a distance of 174.8 feet to an iron stake; thence North 88°18'57" East, a distance of 174.98 feet to an iron stake; thence North 88°4'51" East, a distance of 241.770 feet to an iron stake; thence North 7°30'3" East, a distance of 29.62 feet to an iron stake; thence South 84°6'41" East, a distance of 220.07 feet to an iron stake; thence South 5°45'38" West, a distance of 29.96 feet to an iron stake; thence South 6°1'14" West, a distance of 278.25 feet to an iron stake; thence South 83°54'40" East, a distance of 182.79 feet to an iron stake; thence North 6°29'52" East, a distance of 259.42 feet to an iron stake; thence South 78°7'23" East, a distance of 185.97 feet to an iron stake; thence South 78°6'35" East, a distance of 185.57 feet to an iron stake; thence South 78°6' East, a distance of 191.72 feet to an iron stake; thence North 54°27'41" East, a distance of 146.19 feet to an iron stake; thence North 46°15'12" West, a distance of 112.6 feet to an iron stake; thence North 46°18'22" West, a distance of 100.0 feet to an iron stake; thence North 43°41'1" East, a distance of 200.09 feet to an iron stake; thence North 46°21'19" West, a distance of 49.84 feet to an iron stake; thence South 43°47'28" West, a distance of 200.01 feet to an iron stake; thence North 46°11'38" West, a distance of 815.22 feet to an iron stake; thence North 88°4'14" West, a distance of 945.94 feet to an iron stake; thence South 1°18'44" West, a distance of 165.13 feet to an iron stake; thence South 1°16'28" West, a distance of 164.82 feet to an iron stake; thence North 88°45'14" West, a distance of 266.7 feet to an iron stake; thence South 2°15'24" West, a distance of 390.2 feet to an iron stake; thence South 2°15'24" West, a distance of 390.2 feet to an iron stake, and iron stake marking the point of beginning.

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

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

1. 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 any greenspace area;
3. Design of the walking rails and/or playground/park areas shall be submitted with the construction plans;
4. The development shall incorporate a twenty-five (25) foot vegetative buffer to act as screening along Westmoreland Road. If existing vegetation screens the property along the road, then no additional vegetation will be required; however, if the property is not screened along Westmoreland Road, additional vegetation shall be planted in accordance with Section 408 (vegetation requirements only);
5. No exposed concrete block in the foundation; and
6. All front porches be underpinned and finished with the character of the house.

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 December 15, 2003 by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that lot, tract or parcel of land situate, lying and being in Land Lot 62 of the 3rd Land District of originally Henry, now Spalding County, Georgia, containing 25.522 acres located on West McIntosh 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 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

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

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

- **Amendment to UDO #A-03-17:** Article 4. General Procedures – Section 413—add provision for criteria for special exception for 1-acre lots.

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

IN RE:

Text Amendment #A-03-17

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

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

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

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on November 17, 2003 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

Section 1: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 4, "General Procedures:" Section 413(G").

Section 413: Special Exceptions.

G". In addition to any criteria set forth in subsection (G), above, the Board of Appeals and Board of Commissioners shall for any application for a special exception to reduce density below one (1) residential unit per two (2) acres, as allowed in Sections 703(B), 704(B), 803(B), 804(B), 1003(B), 1004(B) and 1104(B) of this Ordinance, determine that such development is in keeping with the goals of the County to improve the quality and attractiveness of new homes built in Spalding County. To that end, approval of special exceptions for less than two acre lots shall be based on the following criteria and standards:

1. Common space shall be required in all subdivisions for which a special exception is granted to allow development at a density of less than 1 dwelling per two acres. Common space shall meet the following criteria:
 - a. a minimum of 25% of the total acreage within the subdivision shall be included in common space.
 - b. Common space may include any amenity area located within the subdivision, for purposes of this section, an amenity shall be any improvement provided for the recreation of residents.
 - c. designated wetland areas may be included within common space in an amount not more than 10% of the total acreage of the tract.
 - d. detention facilities may be included in common space.
 - e. retention ponds, lakes and watercourses may be included within the common space to the extent of not more than 10% of the total area of the tract.
 - f. common space shall not include any area platted out or included within any lot of the subdivision.

2. Special exceptions to allow subdivisions with a density of one unit per acre may be granted provided the proposed development utilizes a pattern of development consistent with one of the following designs:

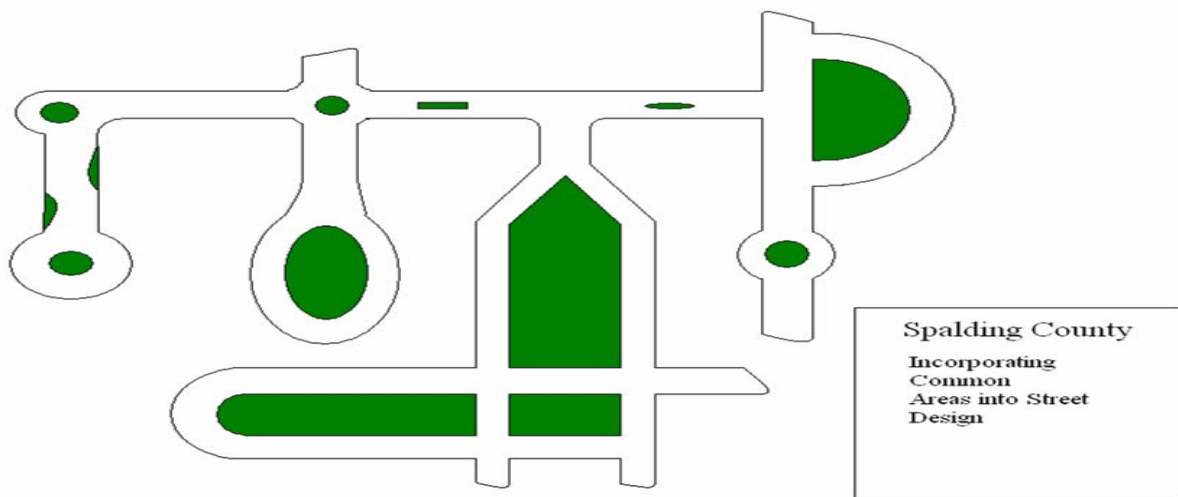
a. Traditional Design: This subdivision design is based upon architectural styles and neighborhood layout and design grids which were common in the era predating World War II. Houses in such subdivisions were of traditional design and construction with architectural features such as: front porches, Craftsman style, Victorian gingerbread, Queen Anne or Georgian cottage. Existing neighborhoods with architectural and layout design contemplated in this section are currently found within the City of Griffin along South 6th Street, South Hill Street and Terracedale Court. Additional examples are Apple Orchard in Fayetteville, Georgia and Honeysuckle Ridge in Peachtree City, Georgia.

i. Architectural Design Criteria:

1. Traditional vernacular architectural design is required.
2. Each house within the subdivision must be build with at least two (2) of the following:
 - a. authentic exterior siding, i.e. wood or wood appearing;
 - b. minimum ten (10) feet ceilings on ground floor (with the exception of powder rooms, restrooms utility rooms, pantries and closets;
 - c. minimum eight (8) feet depth front porches extending at least 60% of the width of the facade of the house;
 - d. foundations or slab above grade (to make the appearance of a crawlspace) or crawlspace;
 - e. Victorian gingerbread detailing;
 - f. widows walks;
 - g. bay windows or turrets;
 - h. decorative gable vents and gables;
 - i. entrance porticos;
 - j. Greek revival columns;
 - k. decorative window pediments.

ii. Common Space design criteria:

1. common space shall meet the requirements of Section 413(G")(1), above.
2. common space shall be included in the street design of the subdivision as illustrated in Fig. 1, below.



3. common space shall not be located more than 500 feet from the boundary of any residential lot, provided that such distance may be increased to 750 feet when required for the layout and design of the subdivision while maintaining an average distance from the boundary of each lot which does not exceed 500 feet.
 4. common space shall also include at least two (2) of the following:
 - a. park benches;
 - b. gazebos;
 - c. decorative fountains;
 - d. statues;
 - e. playgrounds.
- iii. Streets and Sidewalk Design Criteria:
1. The following are required:
 - a. minimum four (4) feet width sidewalks;
 - b. streetscape design which includes street trees;
 - c. curb and gutter.
 2. At least one (1) of the following design criteria must also be included:
 - a. alleyways with rear entry garages;
 - b. traffic calming devices, such as center green islands or speed tables;
- iv. Other Design Criteria:
1. reduced setbacks to fifteen (15) feet provided each house in the subdivision is built with a rear facing garage;
 2. significant subdivision entrance feature (to approved by the Board of Commissioners);
 3. sodded front yards, with corner lots and double frontage lots having any yard fronting on the right of way sodded;

4. street paving at minimum of ten (10) feet per lane (if lanes are separated) or twenty (20) feet (if not separated).
- b. Country Club Subdivision: This Subdivision Design features strong reliance on well developed, inclusive amenities. Streets are wide and include wide sidewalks. The streetscape design includes street trees and streetlights. Architectural design relies spacious homes with masonry facades. Existing neighborhoods with layout and design contemplated in this section are the Club Estates in Spalding County and Whitewater Creek in Fayette County.
- i. Architectural Design Criteria
 1. Brick, stone, or stucco front façade for each dwelling is required.
 2. The Architectural Design must include at least two (2) of the following:
 - a. minimum three side brick, stone, stucco or hardy plank façade;
 - b. porticos;
 - c. transom windows;
 - d. detailed balusters and pediments;
 - e. masonry chimneys; or
 - f. quoins.
 - ii. Common Space Design Criteria:
 1. common space meeting the requirements of Section 413(G'')(1) shall be required. Common space shall not be located more than 500 feet from the boundary of any residential lot, provided such distance may be increased to 750 feet when required for the layout and design of the subdivision while maintaining an average distance from the boundary of each lot which does not exceed 500 feet.
 2. extensively developed recreation areas to be completed prior to street acceptance.
 3. common space must include at least three (3) of the following:
 - a. tennis courts;
 - b. improved walking trails;
 - c. playgrounds, commercial grade;
 - d. swimming pool; or
 - e. clubhouse.
 4. common space included within the street design may not be large enough to accommodate amenities, in such case, such common space shall be landscaped.
 - iii. Streets and Sidewalks Design Criteria:
 1. The following are required:
 - a. minimum four (4) feet width sidewalks;

- b. streetscape design which includes street trees;
 - c. curb and gutter.
 - 2. At least one of the 1 (one) following design criteria shall be incorporated into the street and sidewalk design:
 - a. traffic calming devices, such as center green islands and speed tables;
 - b. sidewalks with a paved width exceeding four (4) feet; or
 - c. enhanced and/or larger tree plantings in the streetscape.
 - iv. Other Design Criteria: At least one (1) of the following design criteria shall be included in the subdivision design:
 - 1. minimum 100 feet setbacks; 50 feet if yard is sodded;
 - 2. extensive landscaping on individual lots; or
 - 3. significant subdivision entrance feature to be approved by the Board of Commissioners.
- c. Estate Life Neighborhood: This neighborhood has a rural theme where disturbance of the property during the construction process is minimized. The design calls for large lots, narrow streets, significant effort to preserve trees and other natural features. A country estate architectural design for the homes is required. Commonly owned open space is prominent in the subdivision, but is largely unimproved. An example of this subdivision design is Oakley Estates, located on Highway 92 just north of Woolsey in Fayette County, Georgia.
- i. Architectural Design Criteria: An English or American large, country estate home dominated by the use of brick or stone is required, with outbuildings generally designed to look like farm buildings.
 - ii. Common Space Design Criteria:
 - 1. common space shall meet the requirements of Section 413(G)(1), above.
 - 2. at least one (1) of the following design criteria must be included:
 - a. improved walking trails; or
 - b. large open space areas, largely unimproved.
 - iii. Streets Design Criteria:

Subdivision streets may be developed without curb and gutter, in compliance with the Spalding County Subdivision Ordinance, Section 502(Q)(2).
 - iv. Other Design Criteria:
 - 1. Low density, with a maximum density of one dwelling per 1.5 acres.
 - 2. A minimum of one (1) of the following design criteria must be included:
 - a. minimum grading on lots;
 - b. development emphasis on tree preservation;
 - c. preservation of property in its natural state; and

d. setbacks exceeding 100 feet.

d. Urban Proximity: This subdivision design is appropriate for undeveloped property which abuts or is near to boundaries of the City of Griffin. Appropriate properties for this development are surrounded by residential development with densities equal to or exceeding 2 dwelling units per acre and which are already developed in an existing grid street pattern and are not self-contained subdivisions. In such areas, amenities are provided on a community basis and are not restricted to the development of the particular subdivision. The urban proximity areas may be developed in a manner which simply extends the existing grid residential development. Properties for which the urban proximity design pattern is appropriate are located designated areas shown on the "Urban Proximity Overlay" map. The "Urban Proximity Overlay" map is adopted hereby in and made a part of this Ordinance as if fully set forth. Such map shall be signed by the Chairman of the Board of Commissioners of Spalding County and bear the seal of the County or that of a Notary Public under the following words: "This certifies that this is the Official "Urban Proximity Overlay Map" referred to in Section 413(G'')(2)(d) of the Zoning Ordinance of Spalding County."

i. Architectural Design Criteria:

1. Traditional vernacular architectural design is required.
2. Each house within the subdivision must be build with at least two (2) of the following:
 - a. authentic exterior siding, i.e. wood or wood appearing;
 - b. minimum ten (10) feet ceilings on ground floor (with the exception of powder rooms, restrooms utility rooms, pantries and closets;
 - c. minimum eight (8) feet depth front porches extending at least 60% of the width of the facade of the house;
 - d. foundations or slab above grade (to make the appearance of a crawlspace) or crawlspace;
 - e. Victorian gingerbread detailing;
 - f. widows walks;
 - g. bay windows or turrets;
 - h. decorative gable vents and gables;
 - i. entrance porticos;
 - j. Greek revival columns;
 - k. decorative window pediments.

ii. Streets and Sidewalk Design Criteria:

1. The following are required:
 - a. minimum four (4) feet width sidewalks;
 - b. streetscape design which includes street trees;
 - c. curb and gutter; and
 - d. streetlights.

iii. Other Design Criteria:

1. reduced setbacks to fifteen (15) feet provided each house in the subdivision is built with a rear facing garage;
2. sodded front yards, with corner lots and double frontage lots having any yard fronting on the right of way sodded;
3. Prior to application of such Special Exception, the developer, project engineer, and other individuals involved in the design of the project shall meet with the Administrative Officer or his designee to discuss detail design issues for the project.
4. Along with the application for a Special Exception, the developer shall submit detailed plans of the subdivision, building elevations of proposed homes within the development, streetscape design plan (if applicable), and site plan for common space areas (if applicable).
5. Where there exists a conflict between any of the regulations or limitations prescribed in this Section with any other provision of the Spalding County Unified Development Ordinance, Subdivision Regulations or any other Spalding County ordinance, the more stringent limitation or requirement shall govern and prevail.

Section 2: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution. Special Exception requests that have been submitted prior to the adoption of this ordinance shall be exempt from the requirements of this ordinance.

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

- **Amendment to UDO #A-03-27:** Article 6, AR-2 Rural Reserve – Section 603:A(1), Section 603:A(3) and Section 604:A; Article 7. R-1 Single Family Residential Low Density – Section 703:A(1), Section 703:B(3)(b) and Section 704:A; Article 8. R-2 Single Family Residential – Section 803:A(1), Section 803:A(2), Section 803:B(3)(b) and Section 804:A—increase minimum heated square footage.

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

IN RE:

Text Amendment #A-03-27

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 November 17, 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: Existing Section 603(A)(1) of AR-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 2: A new Section 603(A)(1) of AR-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Site-built, single-family detached dwelling with a heated floor area of at least 1,750 square feet.

Section 3: Existing Section 603(A)(3) of AR-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 4: A new Section 603(A)(3) of AR-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Industrialized home, single family detached dwelling with a heated floor area of at least 1,750 square feet.

Section 5: Existing Section 604(A) of AR-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 6: A new Section 604(A) of AR-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

**Minimum Heated Floor
Area per Dwelling Unit:** 1,750 square feet

For lots situated within the AR-2 district and that have been platted and recorded in the records of the Clerk of Court of Spalding County on or before June 30, 2004. Development of these lots shall be permitted based upon dimensional requirements in effect before the date of enactment of this ordinance. Any lawful lot of record eligible for development prior to this date shall remain eligible for development.

Section 7: Existing Section 703(A)(1) of R-1 of the Zoning Ordinance shall be deleted in its entirety.

Section 8: A new Section 703(A)(1) of R-1 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Site-built, single-family detached dwelling with a heated floor area of at least 2,000 square feet.

Section 9: Existing Section 703(B)(3)(b) of R-1 of the Zoning Ordinance shall be deleted in its entirety.

Section 10: A new Section 703(B)(3)(b) of R-1 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Site-built, single-family detached dwelling with a heated floor area of at least 2,000 square feet.

Section 11: Existing Section 704(A) of R-1 of the Zoning Ordinance shall be deleted in its entirety.

Section 12: A new Section 704(A) of R-1 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Minimum Heated Floor

Area per Dwelling Unit: 2,000 square feet.

For lots situated within the R-1 district and that have been platted and recorded in the records of the Clerk of Court of Spalding County on or before June 30, 2004, but after October 31, 1997, minimum heated square footage shall be reduced to 1,750 square feet. Any lot that has been platted and recorded in the records of the Clerk of Court of Spalding County on or before October 31, 1997, minimum heated square footage shall be reduced to 1,500. Development of these lots shall be permitted based upon dimensional requirements in effect before the above stated date. Any lawful lot of record eligible for development prior to this date shall remain eligible for development.

Section 13: Existing Section 803(A)(1) of R-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 14: A new Section 803(A)(1) of R-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Site-built, single-family detached dwelling with a heated floor area of at least 1,750 square feet.

Section 15: Existing Section 803(A)(2) of R-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 16: A new Section 803(A)(2) of R-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Industrialized home, single family detached dwelling with a heated floor area of at least 1,750 square feet.

Section 17: Existing Section 803(B)(3)(b) of R-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 18: A new Section 803(B)(3)(b) of R-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Site-built, single-family detached dwelling with a heated floor area of at least 1,750 square feet.

Section 19: Existing Section 804(A) of R-2 of the Zoning Ordinance shall be deleted in its entirety.

Section 20: A new Section 804(A) of R-2 of the Zoning Ordinance of Spalding County shall be enacted as follows:

Minimum Heated Floor

Area per Dwelling Unit: 1,750 square feet

For lots situated within the R-2 district and that have been platted and recorded in the records of the Clerk of Court of Spalding County on or before June 30, 2004, but after November 29, 2001, minimum heated square footage shall be reduced to 1,400 square feet. Any lot that has been platted and recorded in the records of the Clerk of Court of Spalding County on or before November 29, 2001, but after October 31, 1997, minimum heated square footage shall be reduced to 1,250. Any lot that has been platted and recorded in the records of the Clerk of Court

of Spalding County on or before October 31, 1997, minimum heated square footage shall be reduced to 1,200. Development of these lots shall be permitted based upon dimensional requirements in effect before the above stated date. Any lawful lot of record eligible for development prior to this date shall remain eligible for development.

Section 21: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective June 30, 2004. The provisions of this ordinance shall not apply to any lot in any subdivision for which has been recorded or for which a preliminary plat has been filed with the Community Development Department which meets the requirements of Appendix A, Section 405 of the Unified Development Code for the approval of plats on or before June 30, 2004.

Section 22: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

4. Consider renewal of 2004 Alcoholic Beverage License of Dwight A. (Tony) Lavelle d/b/a Tony's One Stop, 4275 N. Expressway – Retail Sales - Beer & Wine.

The Board of Commissioners had tabled the renewal at the November 17th meeting in order for Mr. Lavelle to have his case heard in State Court; however, the case trial scheduled for December was postponed until March 1, 2004. The Board wanted to see what happened in this case before taking any action on the license renewal. The Clerk of Superior Court made known to the Board that the two (2) additional pending charges for selling alcoholic beverages to a minor did not reflect on her records. Mr. Lavelle's attorney, Scott Key from Stockbridge, GA was present to speak on behalf of Mr. Lavelle. He said that there are allegations of two (2) violations, neither of which have gone to trial. He said that he does not know why they were taken off the calendar for December and placed on the March 2004 calendar.

Commissioner Morrow went over the incidents with Mr. Key. Mr. Morrow stated there was an infraction that was adjudicated by an employee found guilty, which is in the past and there is one by Mr. Lavelle that is going to court in March. The hearing in front of the State Revenue Commission is now under appeal. Subsequent to this there are two more violations that have not been placed on the State Court calendar according to Tony Ranieri. The pattern is illegal sales but the reality is one the appeal hasn't been tried and the other one has not been filed. Under the law Mr. Lavelle is innocent until proven guilty.

Mr. Key commented that he was not aware of a violation against Mr. Lavelle in June 2003; however, Sgt. Ranieri stated in his letter to County Manager that Mr. Lavelle had violations of March 2002, June 2003 and October 2003.

Commissioner Kendall asked Mr. Key why he hasn't filed for a speedy trial knowing that Mr. Lavelle's license was in question. Mr. Key said that they couldn't even file until the State had filed an accusation so even though there was an offense in March 2002, Mr. Lavelle was not aware of it until July 2002. He said if you don't file it in the original term of the accusation is filed in, then you lose the right to file a demand for a speedy trial. He said even if he does not file for a speedy trial, he can subsequently move to dismiss the case because they were not given a speedy trial, which he intends to do the next time they have a court date.

Commissioner Kendall commented to Mr. Lavelle that we can help you get this case adjudicated if that is what you want and he asked County Attorney Fortune what we could do legally.

Mr. Fortune commented that the code does not allow for the Board to issue a conditional license; however, the Board could issue Mr. Lavelle a renewal license conditioned on having a revocation hearing on his alcoholic beverage violations and the Board can decide whether or not to suspend his license based on the hearing.

Motion made by Commissioner Davis to renew Mr. Lavelle's license with a revocation hearing to be held by the Spalding County Board of Commissioners on Tuesday, January 20, 2004 at 5:00 P.M. at the Courthouse Annex Meeting Room, Room 108. Commissioner Kendall seconded the motion and motion passed by a vote of 4-1 with Commissioner McDaniel voting in opposition.

XI. NEW BUSINESS

1. Receive a report from Bill Ross with Ross & Associates, regarding the policy direction for the Spalding County Impact Fee Program. Mr. Bill Ross was present and addressed the Board. Mr. Ross stated that the Policy Directions Report represents the completion of Phase I of the Impact Fee Study. Those facility categories to be included in the impact fee program are: Parks, Open Space and Recreation

Areas, Libraries and related facilities, Sheriff's Office and Jail, Fire Protection, E911 Communications and Emergency Management. Mr. Ross commented that Phase II is to prepare the Impact Fee Methodology Report, which will calculate the maximum fee that can be charged for each of the public facility categories and to prepare the Capital Improvements Element (CIE), which will establish the basis for adoption of the impact fee program.

2. Conduct a Public Hearing to receive comment on the Abandonment of a Portion of Henry Jackson Road.

Chairman Morrow opened up the floor for comments on this Abandonment of a Portion of Henry Jackson Road. There was no one present who wished to speak on this issue. County Manager Wilson also stated that we had not received any opposition from the Postmaster, School System, etc.

Chairman Morrow closed the Public Hearing.

3. Consider adoption of a Resolution to Abandon a Portion of Henry Jackson Road. *Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the following Resolution was approved by a vote of 4-0 (Commissioner Davis absent from room at time of vote).*

**RESOLUTION TO ABANDON
A PORTION OF HENRY JACKSON ROAD**

WHEREAS, landowners contiguous to Henry Jackson Road contend that a portion of Henry Jackson Road has ceased to be used by the public to the extent that no substantial public purpose is served by said road and have requested the Board of Commissioners of Spalding County as the governing authority of said county, to abandon said portion of road as a part of the county road system; and

WHEREAS, on November 17, 2003 the Board of Commissioners adopted a resolution of intent to consider the abandonment of a portion of Henry Jackson Road; and

WHEREAS, a copy of such resolution along with a copy of said plat and sketch was sent to each of the contiguous property owners and to the local Postmaster for review with the rural mail carrier and to the Superintendent of the Griffin-Spalding County School System for review with the person in charge of the bus transportation for students in the local school system, and in addition thereto copies of such resolution were posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex; and

WHEREAS, no objections to such abandonment have been received;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that a portion of Henry Jackson Road lying and being in the Union Militia District, running north from its intersection with the right of way of the relocated Henry Jackson Road a distance of 835 feet more or less to the right of way of State Route 92, as more particularly shown and designated on the plat or sketch attached hereto, has ceased to be used by the public to the extent that no substantial public purpose is served by it, accordingly, said road is hereby considered, ordered and declared abandoned, and it is further ordered that said this portion of Henry Jackson Road shall hereafter cease to be a part of the county road system; and

IT IS FURTHER RESOLVED that a copy of the within resolution shall be transmitted to the Georgia Department of Transportation and to the Spalding County Board of Tax Assessors, so as to record the deletion of a portion of Henry Jackson Road as a part of the Spalding County road system; and

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

4. Consider authorizing Spalding County Fire Department to apply for GEMA FY 04 Homeland Security Grant Program. Samuel C. Gardner, Fire Chief, was present to address this request. He commented that there were no matching funds to this grant and is asking for a total of approximately \$280,000.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis authorization for the Fire Department to apply for the grant was unanimously approved by a vote of 5-0.

5. Consider contract for Emergency Pharmacy Services with Wynn's Pharmacy, Inc. for the Spalding County Sheriff's Department. County Attorney Fortune stated that this was on an as-call basis for

emergency situations. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the following Contract was unanimously approved by a vote of 5-0.*

CONTRACT FOR EMERGENCY PHARMACY SERVICES

This contract is entered into between Spalding County, a Political Subdivision of the State of Georgia, hereinafter referred to as “the County” and Wynn’s Pharmacy, Inc., hereinafter referred to as “contractor”.

In consideration for the mutual benefits flowing to the parties hereto, the receipt and sufficiency of which is hereby acknowledged by all parties, the parties agree to enter into a contract for the provision and receipt of pharmacy services.

-1-

TERM OF CONTRACT

This contract shall become effective on December 1, 2003 and shall terminate at midnight December 31, 2004. If neither party serves notice to the other of its intent to terminate this contract prior to October 1, 2004, then the contract will automatically renew at midnight on January 1, 2005 terminating on December 31, 2005. If neither party serves notice to the other of its intent to terminate this contract prior to October 1, 2005, then it will renew for one final year at midnight on January 1, 2006 terminating absolutely on December 31, 2006. The contract may be terminated at any time under the provision set out herein.

-2-

CONTRACTOR AND DEPARTMENT AGREEMENTS

- (a) The contractor agrees that they shall provide all prescription drugs and over-the counter medicine for the term of this contract, but only as requested by the County.
- (b) The contractor shall charge the average wholesale price (AWP) minus 10% plus \$4.00 per prescription for all prescription medication.
- (c) The contractor shall charge normal retail price less 10% for any over-the-counter medicine purchased by the County.
- (d) The contractor agrees that he shall provide emergency “on call” delivery service to the County as needed. The contractor agrees to provide prescription medicine in the “punch card” unit dose delivery system at no additional cost to the County.
- (e) The contractor will label and prepare all medications to meet state and federal labeling requirements.
- (f) The contractor shall designate a contact person who shall be available 24 hours a day to receive emergency calls.

-3-

DRUG FREE WORKPLACE

The contractor agrees that they will not engage in the unlawful manufacturing, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of this contract.

-4-

MODIFICATION OF CONTRACT

If during the term of this contract, the County is required to comply with new requirements in state or federal regulations or organizational changes, then the County has a right to renegotiate this contract with the Contractor if the level of services rendered by the Contractor is affected. The parties agree that they will bargain in good faith in an attempt to adjust to any new requirements. No changes, modifications, amendments or alteration of this contract will be valid unless they are in writing and signed by both parties.

-5-

TERMINATION

This contract may be canceled by either party with or without cause upon thirty (30) days written notice to the other of the intent to terminate.

-6-

PAYMENT TO THE CONTRACTOR

Contractor shall prepare an invoice monthly which shall be mailed to the Spalding County Sheriff's Office, 401 Justice Boulevard, P.O. Box 1349, Griffin, Georgia 30224. The Sheriff's Office shall review the invoice and, upon approval of the invoice, will forward same to the Spalding County Commissioners for payment.

-7-

CONTACT PERSONS

The contact persons for this contract are:
For Spalding County:

Sheriff
Spalding County Sheriff's Office
Telephone Number (770) 467-4282

County Manager
Spalding County Commissioner's Office
Telephone Number (770) 467-4233

Contractor
Charles Wynn, R.Ph.
Drew Miller, R.Ph.
Wynn's Pharmacy
566 South 8th Street
Griffin, Georgia 30224
Telephone Number (770) 227-9432

-8-

COMPLIANCE WITH STATUTES

The contractor shall comply with all laws, ordinances and regulations of any state or federal government or agency.

-9-

APPLICABLE LAW

This contract shall be interpreted and enforced under the laws of State of Georgia.

-10-

TRADING WITH STATE EMPLOYEES

All parties to this contract agree that it does not nor will it violate any provision of O.C.G.A. 45-10-20, et seq.

-11-

INDEMNIFICATION

The Contractor agrees that is shall indemnify and hold the County harmless against the claims of any and all persons for any cause of action that may arise out of the performance of this contract.

-12-

ADDITIONAL TERMS

This contract contains the entire agreement of the parties. No additional terms or agreements shall be binding shall be binding on the parties hereto unless same are reduced to writing and executed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal, by their duly authorized officers as of this 15th day December 2003.

Chairman Morrow asked for a motion to recess this Meeting to go into the Zoning Public Hearing, which was to begin at 7:00 P.M.

Commissioner Kendall made a motion to recess this Meeting temporarily to have the Zoning Hearing. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex on Monday, December 15, 2003 beginning at 7:07 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, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Chairman Morrow

B. New Business:

- 1. Application #03-32S:** Girl Scouts of Pine Valley Council, Inc., Owner – Cecil Jackson Road (38.09 acres located in Land Lot 251 of the 3rd Land District) – requesting a Special Exception to allow a private club or lodge in the AR-1 District.

Chuck Taylor gave the Staff Report. The Girl Scouts of Pine Valley Council are seeking approval of a special exception to allow the addition of Camp related buildings to their property. Currently the property is legally nonconforming and a nonconforming use cannot be expanded without bringing the property into compliance. Please note that the site plan requested in the staff report was submitted and is in your packets.

Approval of the special exception will allow The Girl Scout Council to apply for a permit to build the additional camp buildings.

Both the Planning Commission and the staff recommend approval.

There was no one signed up to speak for or against this Application.

*Upon motion by Commissioner Morrow, seconded by Commissioner Davis **Application #03-32S** was unanimously approved by a vote of 5-0.*

- 2. #S/D 03-07:** The Highlands – Harp-Jones Development, Owner – 101.186 acres on Westmoreland Road located in Land Lot 36 of the 3rd Land District – 99 lots.

Chuck Taylor gave the Staff Report. He stated that Harp Jones has submitted a preliminary plat for the development of the highlands subdivision on Westmoreland Road. The plat submitted after the Planning Commission Meeting in November meets the minimum requirements of the Ordinance. However, since this development is being proposed as a conservation subdivision, staff recommends that the following conditions be included should the Board of Commissioners vote to approve the plat:

- In the common area that has been cut for timber, landscaping shall consist of hardwood trees such as Oaks and Maples. Pine trees need to be avoided because they tend to lose limbs.
- When designing the detention area, consult with staff on how to design a safe and attractive detention area.
- The construction plan submittal is to include plans for the developments of the open space areas, including the depiction of playground equipment and proposed structures.
- The large green space in the center of the development is to be developed landscaping and play areas to encourage the use of this area as a place of congregation by residents.

Mr. Tom Hardy came forward to speak for this and gave his address as 665 Highway 74 South, Peachtree City, GA. Mr. Hardy stated he was present to state that he agreed with all the conditions that Staff recommended and to answer any questions the Board might have.

There was no one present who wished to speak in opposition to the Preliminary Plat.

Motion made by Commissioner McDaniel to approve **#S/D 03-07** with conditions as recommended by Staff stated above in report. Commissioner Davis seconded the motion and motion was approved by a vote of 4-1 with Commissioner Goss voting in opposition.

2. **Amendment to UDO #A-03-33:** Appendix A. Subdivision Ordinance – Section 408:A(4) – amend additional charge of the final plat fee.

Chuck Taylor stated that this amendment is needed to help cover the cost to the County for maintaining an up to date parcel layer as new subdivisions are added.

Currently, if a developer chooses not to submit a copy of the final plat in digital form, a flat \$100 Dollar fee is charged. The amendment would allow us to charge a \$100 dollars or \$10.00 per lot whichever is greater. The amendment also clarifies that the digital map orientation must be Georgia State Plane Coordinates WEST NAD 1983.

There was no one signed up to speak for or against this Amendment to the UDO.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Amendment to UDO #A-03-33 was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

Chairman Morrow stated that this takes care of our Zoning Hearing except for the Closed Meeting and he suggested that we resume our Regular Meeting and then go back into Zoning Hearing to go into the Closed Meeting.

Motion made by Commissioner Morrow that we recess the Zoning Public Hearing at this time and return to the regular business calendar. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

*Chairman Morrow called the **Extraordinary Session** back to order to resume the regular agenda.*

6. Consider recommendation from Parks and Recreation Advisory Commission to include in pavilion rental agreement a stipulation to prohibit the use of amplification devices. Commissioner McDaniel addressed this item. He said that there were some concerns from the Director with the concurrence of the Advisory Commission to restrict or prohibit the use of amplification devices in the parks mainly for potential conflict with other activities.

Motion made by Commissioner McDaniel to include the stipulation to prohibit the use of amplification devices in pavilion rental agreement. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

7. Consider authorizing Parks and Recreation Advisory Commission to work with Spalding County Collaborative regarding submission of grant request to the Atlanta Falcons.

Upon motion by Commissioner McDaniel to authorize Parks and Recreation Advisory Commission to work with Spalding County Collaborative to request this grant for Year 2004. Commissioner Davis seconded the motion.

County Manager Wilson stated also part of this grant, if it is awarded, will be used to construct a new football concession building at Volunteer Park. Since the City owns this Park, we will need to get permission from the City of Griffin to demolish the existing concession building and reconstruct a new one.

Commissioner McDaniel made Mr. Wilson's request to obtain permission from the City of Griffin to demolish and reconstruct a new football concession building at Volunteer Park part of his previous motion. Commissioner Davis seconded the amended motion and motion and amendment to motion passed by a unanimous vote of 5-0.

8. Consider reappointment of Vickie Massengale to the Griffin-Spalding Community Collaboration Council. Term to expire 12-31-05. *Upon motion by Commissioner Davis, seconded by Commissioner Goss the reappointment of Vickie Massengale was unanimously approved by a vote of 5-0.*

9. Consider adoption of a Resolution in Support of the Jenkinsburg Road and I-75 Interchange. *Upon motion by Commissioner Morrow, seconded by Commissioner Goss the following Resolution was unanimously approved by a vote of 5-0.*

A RESOLUTION IN SUPPORT OF THE JENKINSBURG ROAD AND I-75 INTERCHANGE

WHEREAS, the Spalding County Board of Commissioners does hereby realize the projected growth that spreads between both Spalding and Henry Counties; and

WHEREAS, Interstate 75 does not have an interchange in Spalding County but it is the origin and destination of a large volume of traffic along the roadways in the eastern part of the county; and

WHEREAS, the Spalding County Board of Commissioners acknowledges that it is aware that literally tens of thousands of new trips will be added with new economic development over the next decade and without the proposed Jenkinsburg Road Interchange this would affect the ability to move goods and services to Interstate 75 as well as hinder freely moving people across our respective communities; and

WHEREAS, the proposed Jenkinsburg Road Interchange has been made a part of the Spalding County 2020 Comprehensive Plan as a transportation goal to improve access to and from the county.

WHEREAS, the Griffin-Spalding County Development Authority, the Griffin-Spalding Area Chamber of Commerce, the Griffin-Spalding Area Transportation Committee and the Board of Commissioners of the City of Griffin have also adopted Resolutions in support of the Jenkinsburg Road Interchange.

NOW, THEREFORE, BE IT RESOLVED that the Spalding County Board of Commissioners does hereby authorize the Chairman to execute on their behalf this Resolution supporting the Interchange at Jenkinsburg Road and Interstate 75 which is vital to this area.

This the 15th day of December 2003.

10. Consider approval of final plat for Autumn Ridge Subdivision Phase IA, located off Wilson Road. Rocky Creek Drive has been accepted with Phase I so there are no deeds or maintenance bonds included with this request. County Manager Wilson stated that sewer had been completed and lots have been platted out. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis final plat for Autumn Ridge Subdivision Phase IA was unanimously approved by a vote of 5-0.*

11. Consider Commercial Lease Agreement for Jan's Used Furniture for a two year period. The term of lease is from January 1, 2004 to December 31, 2005 with monthly rent of \$700. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Lease Agreement for Jan's Used Furniture was unanimously approved by a vote of 5-0.*

12. Consider renewal of a Commercial Lease Agreement with Fashion Industries for the old Food Depot building for a six month period. The term of lease is from January 1, 2004 to June 30, 2004 with monthly rent of \$2,000. This lease is on a month to month basis with a thirty day notice. *Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Lease Agreement with Fashion Industries was unanimously approved by a vote of 5-0.*

XII. REPORT OF COUNTY MANAGER

County Manager Wilson made the Board aware that because of New Years holiday on January 1st, the Agenda Packets for the January 5th meeting would not be distributed to them until after 12:00 noon on Friday, January 2, 2004.

County Manager Wilson made the Board aware that there was a duplicate road name on the Autumn Ridge Phase III final plat and that has been corrected and a new plat was submitted, executed and recorded. The duplicate road was Timber Ridge and has been changed to Stone Wood.

County Manager Wilson informed the Board they were invited to a Quick Start Signing Celebration on Friday, December 19, 2003 at Griffin Technical College at 10:00 A.M. in the new Technology facility, Lab Room 108. This is to celebrate with Perkins-Shibaura Engines, a Caterpillar partner. Chairman

Morrow added that this is a fine new industry that is coming into our industrial park and taking the original Caterpillar building. This new addition will create approximately one hundred jobs.

County Manager Wilson announced that the County offices would be closed for Christmas holidays, Wednesday, Thursday and Friday, December 24-26, 2003. The news media would be notified of this holiday closing.

County Manager Wilson stated that two valuable county employees had succumbed to cancer since the last meeting and they were our Personnel Director, Loretta Hays, and long time Sheriff Employee, Barbara Woodle. He said they were both fine people and would be missed sorely. Mr. Wilson said he would be working on filling Mrs. Hays' position hopefully in the next month or so.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall addressed the airport situation regarding the threat of a lawsuit by a group from the airport. He feels that it is time that the County Commissioners, Mr. Wilson and whomever else engage in this airport matter. He is not sure what is happening out at the Airport but it is troubling to him. He said that he feels that we have been silent partners but feels that it is time for us to engage instead of turning it cart blanc over to the City. He said that the County is half responsible for what is going on at the Airport. He said he feels that we as a Board need to have a meeting with the City or send the Chairman and Mr. Wilson and express our concerns about things spiraling out of control.

Commissioner Morrow commented that he has extreme concerns over the Airport. He said he feels the proposed Airport Master Plan needs to be approved as we have identified serious noise and safety issues that need to be addressed irrespectively of the runway issue. Mr. Morrow said that if we vote it down then we become liable as the City for not addressing safety issues.

Commissioner Davis commented that he was under the understanding that all the safety and noise issues could be addressed with the existing Master Airport Plan, which is still in effect. Mr. Morrow stated that he doesn't feel this is correct; however, some people do feel this is correct. Mr. Morrow stated that the new Master Plan addresses safety issues.

Commissioner Kendall commented that we can solve this question by pulling out the Old Master Plan and the New Master Plan and compare them. He asked County Manager Wilson to provide the Commissioners with copies of the Old Master Plan.

County Manager Wilson suggested that he try to contact Ms. Hutcheson and set up a meeting with County representatives the first week after Christmas with possibly reporting to this Board in January regarding the results of the meeting. Commissioner Kendall showed an interest in attending this meeting.

Commissioner Kendall addressed sales tax. He said that we have been waiting again for the Development Authority to determine what it is going to be asking for in regards to economic development. He said that we need to start working on a sales tax agenda now. Commissioner Morrow said the Development Authority has been negotiating contracts and hopefully would be finalizing them soon. Commissioner Kendall said he wanted to start this sales tax process in January 2004. County Manager Wilson stated that July 2004 is the first voting time we could have; however, November election is the target date.

Commissioner Kendall asked the County to draft a resolution and send to the Griffin-Spalding County School Board in support of a local decision as to the relocation of the A.Z. Kelsey Middle School, which is to keep the school in the existing district. This will be an item on the January 5, 2004 agenda.

Commissioner Goss wished Happy Holidays and Merry Christmas to all County employees and everyone present.

Commissioner Davis had no comments.

Commissioner McDaniel gave a report of the Griffin-Spalding Hospital Authority grant disbursements. He said as of November the total assets for the Hospital Authority were in excess of \$37 Million. They have made their recommendations and approved the grant requests. For the sectarian grants, which are faith based organizations, the committee recommended a total of \$480,000 in grants and was approved. For the non-sectarian grants there were requests in excess of \$1 Million and they approved \$626,000, which included the Health Department dental program, flu shots and for the Spalding County Fire Department for equipment purchase. According to hospital records, the hospital administers amounts in excess of \$12 Million for indigent health care in Spalding County with the County allotting \$500,000 to the hospital for indigent care a year.

Commissioner Morrow stated that we won, at first round, the City's lawsuit against us over their Capacity Recovery Fee. The judge agreed that this is an impact fee and the City did not lawfully follow the statute for setting up impact fees. The City will more than likely appeal the decision to the Supreme Court.

Commissioner Morrow addressed the present four way stop at Birdie Road. He said that Representative Yates has presented him information on this and we did not abide by the protocol the State DOT uses for four way stops. Mr. Morrow has told Mr. Yates that this will be brought back up at the January 5, 2004 to reconsider the four way stop and return this to a two way stop. Commissioner McDaniel stated that the only way he would be willing to revisit this four way stop is that this Board adopt the DOT criteria going forward. Commissioner Morrow commented that he was going to recommend that this Board set some procedure that is in harmony with the DOT procedure for doing multiway stops.

XIV. CLOSED MEETING – n/a

XV. ADJOURNMENT

Chairman Morrow asked for a motion to adjourn this meeting to go into a Closed Meeting that was set on our Zoning Public Hearing agenda.

*Motion made by Commissioner McDaniel to adjourn the Regular Meeting and resume the **Public Hearing** and enter into Closed Meeting to discuss potential and pending litigation. Commissioner Goss seconded the motion and motion was unanimously approved by a vote of 5-0.*

C. Other Business:

1. The Zoning Attorney desires a Closed Meeting to discuss pending and potential litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, County Attorney Jim Fortune, Community Development Director Chuck Taylor 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 December 15, 2003.

2.

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

3.

The executive session was called to order at 8:00 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)_____.

Spalding County Board of Commissioners

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

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

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Board voted 4-0 (Commissioner Kendall absent) to come out of the Closed Meeting and go back into the Zoning Public Hearing.

No business was transacted at this time.

D. Adjournment.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meetings were adjourned by a vote of 4-0 (Commissioner Kendall absent) at 8:45 P.M.

County Clerk

Chairman

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Please send comments to webmaster@spaldingcounty.com
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