



Spalding County online

Board of Commissioners

EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their extraordinary session on Monday, December 16, 2002 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 5:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Dick Morrow, Johnie McDaniel and Michael Kendall present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Agenda Topics

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

1. Chairman Johnie McDaniel will make several special presentations. Chairman McDaniel recognized Commissioner Merrill Massengale and Commissioner Martha McDaniel, whose terms expire December 31, 2002 and presented Mr. Massengale with a plaque for his years of service from 1999-2002 and Chairman 2001 and presented Mrs. McDaniel with a framed portrait of the Spalding County Courthouse for years of service 1991-2002, Chairman 1993; 1998.

2. Consider approval of a Proclamation “Nunc Pro Tunc” declaring Thursday, December 5, 2002 as “Parks and Recreation Day in Spalding County” honoring the Department’s accomplishments for Year 2002. This Proclamation was presented to Mr. Greene at the Parks and Recreation Reception held Thursday, December 5, 2002. *Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel the following Proclamation was unanimously approved by a vote of 5-0.*

Proclamation

**HONORING THE DESIGNATION OF SPALDING COUNTY PARKS AND
RECREATION AS AGENCY OF THE YEAR**

WHEREAS, the Spalding County Parks and Recreation Department has served our community since its creation in 1991 as the successor to the Griffin-Spalding County Recreation Commission; and

WHEREAS, the Parks and Recreation Department has strived to provide quality parks and recreation opportunities to all citizens of Spalding County, regardless of where they may live; and

WHEREAS, the Parks and Recreation Department was previously honored as Agency of the Year for communities with a population between 30,000 and 80,000 in 1997 in recognition of outstanding efforts to provide attractive parks and numerous recreational activities; and

WHEREAS, the Parks and Recreation Department was also accorded Agency of the Year status again in 2002 by the Georgia Recreation and Parks Association (GRPA), in recognition of Parks and Recreation's continued commitment to quality parks and meaningful programming, such as the Summer Dance Explosion, the Vietnam Wall Experience, and Kiwanis Kids Baseball; and

WHEREAS, Parks and Recreation Director Louis Greene was also honored in 2002 by his peers as GRPA Professional of the Year in District 4, in appreciation for his commitment to his capable administration of parks and recreation efforts in Spalding County.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County, Georgia that the Board hereby declares Thursday, December 5, 2002 as

“PARKS AND RECREATION DAY IN SPALDING COUNTY”

and encourages all citizens of Spalding County to reflect upon the importance of the Spalding County Parks and Recreation program in their lives, as well as take part in the activities offered by Parks and Recreation on a regular basis.

This the 5th day of December 2002.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Five Months Ended November 30, 2002. Ms. Jinna Garrison was present to answer any questions. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Financial Statements were unanimously approved by a vote of 5-0.*

VI. CITIZENS COMMENTS

1. Rev. Clay Padgett of the Watch & Pray Committee is present to discuss their intent to begin a city and countywide neighborhood watch program called "Watch & Pray". *Rev. Padgett was not present for the meeting.*

2. Mr. John Carlisle would like to address the Board concerning the paving of Westmoreland Road. Mr. Carlisle stated that he had had three (3) contracts fall through in part on the 100 acres jointly owned on Westmoreland Road because of the uncertainty over what Spalding County will require insofar as paving the road. He said that one proposal has been to pave the road ditch to ditch using the existing right of way and existing base. Another proposal is that the right of way needs to be expanded to 80 feet and a new road built from scratch between Highway 92 and McIntosh Road. He said this proposal is not feasible economically nor practically because the buyers do not have the ability to obtain right of way. He said that they presently have a contract on the property and also have under contract a parcel of land that would give access from this property directly to Highway 92 bypassing Westmoreland Road all together; however, this is more expensive and not as desirable for the buyer and will cause more traffic directly on Highway 92.

He asked for some direction from the Board on this piece of property. He said they agree that Westmoreland Road should be paved but do have alternatives that are not as attractive. He said that he understands that this road does not rate very high on the County's priority list of unpaved roads and probably would not be paved any time in the near future.

Chairman McDaniel stated that staff had asked Public Works Director Jake Garner to look into your request and his recommendation was that the road be paved at 22 ft. with 3 ft. shoulder on each side, which would require an 80 ft. right of way. There was no interest from the Board in allowing the paving from shoulder to shoulder but would look into the alternatives.

VII. PUBLIC COMMENT

Mr. Bob Burke, 122 King Richard Drive, which is just off Westmoreland Road, addressed the Board concerning the paving of Westmoreland Road for the development of a subdivision. The group of citizens he represents is against any subdivision plan with a large amount of homes on small acreage, and that is what it will take to make any money on this subdivision if you have to also pave the road.

VIII. MINUTES

1. Consider approval of the minutes of the Regular Monthly Meeting of December 2, 2002 and Special Joint Cities/County Meeting of December 5, 2002. Commissioner Morrow requested that his comments (Paragraph #9) on the Joint Meeting be deleted in its entirety. *Motion made by Commissioner Martha McDaniel to approve the minutes*

with the deletion of Paragraph 9 on page 193. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

IX. CONSENT AGENDA

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

1. Consider at second reading an ordinance amending the Fiscal Year 2003 Budget Ordinance to provide for the GEFA Grant awarded to Parks and Recreation Department.

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

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

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

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

Section I. General Fund

A. Revenues

Intergovernmental Revenue	From	\$	855,816	to	\$	886,816
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B. Expenditures

Parks	From	\$	1,581,974	to	\$	1,612,974
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Approved on first reading this 2nd day of December 2002.

Approved, adopted and enacted on second reading this 16th of December 2002.

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

- **Rezoning Application #02-21Z:** Matthew J. Yates, Owner—Northwest corner of Manley Road and Sandy Flat, Road, 4.231 acres, AR-1 to R-1, conditional.

**APPLICATION OF MATTHEW J. YATES
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-21Z

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

WHEREAS, Matthew J. Yates, applicant, applied for a change in zoning classification to be applied to the within described property to “R-1, Single Family Residential Low Density;”

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

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on November 21, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to

the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 72 of the 3rd Land District originally Henry, now Spalding County, Georgia containing 4.231 acres and may be more particularly described as follows:

BEGINNING at the intersection of the northwest right-of-way of Sandy Flat Road and the north right-of-way of Manley Road thence running South 88°59'31" West along said right-of-way of Manley Road a distance of 227.95' to a ½" re-bar; thence North 00°27'07" East a distance of 611.55' to a ½" re-bar; thence South 89°29'00" East a distance of 415.77' to a ½" re-bar located on the northwest right-of-way of Sandy Flat Road; thence continuing along said right-of-way South 24°44'00" West a distance of 156.45' to a point; thence South 21°15'05" West a chord distance of 107.86' (arc 107.89', rad 1387.33') to a point; thence South 17°03'53" West a chord distance of 94.84' (arc 94.86', rad 1387.33') to a point; thence South 12°30'08" West a distance of 278.48' to a point and **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:

- a. All homes shall have a minimum heated area of 2,000 square feet.
- b. The lot layout is approved as shown on the concept plan submitted as a part of the application.

- c. If the existing house, on the 1.25-acre tract, ever has to be replaced, it will be replaced with a house with a minimum of 2,000 minimum heated square feet.

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 2, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that lot, tract or parcel of land situate, lying and being Land Lot 72 of the 3rd Land District originally Henry, now Spalding County, Georgia, containing 4.231 acres located on the northwest corner of Manley Road and Sandy Flat 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.

- **Rezoning Application #02—22Z:** Wayne H. and Nancy L. Brown, Owner—176 Sandy Flat Road, 4.333 acres, AR-1 to R-1, conditional.

**APPLICATION OF WAYNE H. AND NANCY L. BROWN
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-22Z

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power

to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

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

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

WHEREAS, Wayne H. and Nancy L. Brown, applicants, applied for a change in zoning classification to be applied to the within described property to “R-1, Single Family Residential Low Density;”

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

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on November 21, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 72, of the 3rd Land District originally Henry now Spalding County, Georgia containing 4.333 acres and may be more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the intersection of the south right-of-way of Birdie Road and the east right-of-way of Sandy Flat Road; thence running in a southwesterly direction a distance of 566.52' to a ½" re-bar and **TRUE POINT OF BEGINNING**; thence South 01°34'15" East a distance of 751.47' to a ½" re-bar; thence West a distance of 629.87' to a ½" re-bar located on the southeast right-of-way of Sandy Flat Road; thence North 41°38'23" East a chord distance of 154.47' (arc 154.98', rad 550.60') to a point; thence North 49°11'19" East a distance of 134.67' to a point; thence North 55°06'52" East a distance of 160.67" to a point; thence North 35°56'02" East a chord distance of 221.14' (arc 223.88', rad 412.44') to a point; thence North 20°02'34" East a distance of 252.65' to a ½' re-bar and **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:

- a. All homes shall have a minimum heated area of 2,000 square feet.
- b. The lot layout is approved as shown on the concept plan submitted as a part of the application.
- c. If the existing house, on the 1.25-acre tract, ever has to be replaced, it will be replaced with a house with a minimum of 2,000 minimum heated square feet.

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 2, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that lot, tract or parcel of land situate, lying and being Land Lot 72 of the 3rd Land District originally Henry, now Spalding County, Georgia, containing 4.333 acres located on Sandy Flat 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.

- **Rezoning Application #02-25Z:** Roy Franklin Crane and David Anthony Crane, Executor for the Estate of Douglas Spruce Crane, Owner—2640 East McIntosh Road, 1.76 acres, R-2 to C-1, conditional.

**APPLICATION OF ROY FRANKLIN CRANE AND
DAVID ANTHONY CRANE, EXECUTORS FOR
DOUGLAS SPRUCE CRANE
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-25Z

**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;”

WHEREAS, Roy Franklin Crane and David Anthony Crane, Executors for Douglas Spruce Crane, applicants, applied for a change in zoning classification to be applied to the within described property to “C-1, Highway Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on September 16, 2002;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on November 21, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land situate, lying and being in Land Lot 80 of the Second Land District of originally Henry, now Spalding County, Georgia, and being more particularly described as beginning at the intersection of the Northwesterly margin Georgia Hwy. 155 (Jackson Road) and the Southeasterly margin of East McIntosh Road and running thence South 51 degrees 01 minutes 31 seconds West and along the Northwest margin of Hwy. 155 272.57 feet to a point; thence continuing along said Northwesterly margin South 48 degrees 57 minutes 48 seconds West a chord distance of 306.18 feet to an iron stake; thence South 66 degrees 20 minutes 0 seconds West 169.72 feet to an iron stake; thence North 23 degrees 23 minutes 0 seconds West 182.99 feet to an iron stake on the Southeasterly margin of East McIntosh Road; thence North 68 degrees 13 minutes 09 seconds East and along the Southeasterly margin of East McIntosh Road, 392.01 feet; thence continuing along said Southeasterly margin North 67 degrees 29 minutes 32 seconds East 332.20 feet back to Point of Beginning.

From “R-2, Single Family Residential” to “C-1, Highway Commercial” District.

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

- a. North, east and south façade of the building shall consist of brick, stone, or masonry/stucco façade.
- b. The lighting will be designed in such a manner as not to be intrusive on the residential uses that abut the property.
- c. The lighting design will be approved by the administrative officer before the permit is issued.

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 2, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being Land Lot 80 of the 2nd Land District originally Henry, now Spalding County, Georgia, containing 1.76 acres located at 2640 East McIntosh Road, zoned C-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.

X. OLD BUSINESS

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

- **Rezoning Application #02-28Z:** Markland Management, LLC, Owner— Georgia State Route 16 East, 20.724 acres, AR-1 to C-1.

Upon motion by Commissioner Morrow, seconded by Commissioner Massengale the following Resolution was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion.

**APPLICATION OF MARKLAND MANAGEMENT, LLC
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY,
GEORGIA;**

REZONING APPLICATION 02-28Z

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

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

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

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

WHEREAS, Markland Management, LLC, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1, Highway Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on September 27, 2002;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on November 21, 2002, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land situate, lying and being in Land Lot 206 of the Second Land District of originally Monroe, now Spalding County, Georgia, containing 20.724 acres, as shown on plat of survey entitle "Property Survey for Mark Moody & Mark McCullough", dated July 25, 2002, prepared by Bernhard, Harper & Associates, Inc., and, by reference, said plat of survey is incorporated herein and made a part of this description, and according to said plat of survey, said property is more particularly described as follows:

BEGINNING at a point at the intersection of the South right of way line of Georgia State Route 16 and the East right of way line of Wilson Road; and running thence along the South right of way line of Georgia State Route No. 16, North 82 degrees 02 minutes 18 seconds East 1008.70 feet to a point; thence South 01 degree 40 minutes 34 seconds West 224.07 feet to a point; thence South 01 degree 38 minutes 50 seconds West 985.66 feet to the North right of way line of Hudson Road; running thence along the North right of way line of Hudson Road North 89 degrees 48 minutes 26 seconds West 598.26 feet to a point; thence North 03 degrees 02 minutes 30 seconds East 233.46 feet to a point; thence North 86 degrees 14 minutes 26 seconds West 149.17 feet to a point; thence North 04 degrees 36 minutes 34 seconds East 100.40 feet to a point; thence North 4 degrees 36 minutes 59 seconds East 99.93 feet to a point; thence North 9 degrees 45 minutes 46 seconds West 19.80 feet to a point; thence North 9 degrees 13 minutes 22 seconds West 110.10 feet to a point; thence North 14 degrees 42 minutes 35 seconds West 94.13 feet to a point; thence North 24 degrees 05 minutes 56 seconds West 95.10 feet to a point; thence North 27 degrees 29 minutes 26 seconds West 71.54 feet to a point; thence North 89 degrees 11 minutes 44 seconds West 112.33 feet to a point on the East right of way line of Wilson Road; thence along the East right of way line of Wilson Road an arc distance of 85.64 feet (subtended by a chord of North 05 degrees 48 minutes 23 seconds West a distance of 85.63 feet); and continuing along the East right of way line of Wilson

Road North 04 degrees 00 minutes 43 seconds West 152.09 feet to a point; thence 09 degrees 45 minutes 22 seconds East 17.16 feet to the point of beginning.

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

Section 2

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

On December 2, 2002, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land situate, lying and being Land Lot 206 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, containing 20.724 acres located on Georgia Route 16 East (Arthur K. Bolton Parkway), zoned C-1.

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

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

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

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

XI. NEW BUSINESS

1. Consider approval for renewal of 2003 Alcoholic Beverage Licenses - Retail Package Store, Beer and Wine License for the following:

- Prakash I. Patel d/b/a 19/41 Package Store, 2004 North Expressway – Beer, Wine, and Liquor
- Raymond J. Beaugrand d/b/a Fatzo’s Bottle Shop – 3931 North Expressway – Beer, Wine, and Liquor
- Mayank D. Desai d/b/a Max’s Liquor, 1600A Williamson Road – Beer, Wine, and Liquor
- Jong Se Kim d/b/a The Liquor Gate, 1740 Zebulon Road – Beer, Wine, and Liquor
- Mesfin A. Mengesha d/b/a Carver Package Store, 1557D Williamson Road – Beer, Wine, and Liquor
- Young Jin Moon, YJ Enterprises, Inc. d/b/a Sam’s Package Store – 1301 North Hill Street – Beer and Wine

- Young Jin Moon, YJ Enterprises, Inc. d/b/a Young's Liquor Store – 1301 North Hill Street – Liquor

The Board of Commissioners had concerns regarding Young Jin Moon d/b/a Sam's Package Store. Sheriff Stewart was present and made the following comments: He said that they were getting a lot of complaints about the lot not being cleaned and cleared of customers. He said Mr. Moon is not complying with anything they were asking him to keep the lot clean and clear. He said that there is drinking and loitering going on and is interfering with every business out in this area. He said that something needs to be done to make Mr. Moon understand that he needs to keep that lot clean and cleared. Sheriff Stewart said that he needs to employ someone to patrol and police that lot to keep it clean and stop the loitering.

Commissioner Morrow noted also that the owner and one employee were arrested on September 5, 2002 for selling alcohol to a person under 21 years of age, not once, but twice to the same person that was under 21 years of age.

The Board discussed the renewal of this license. Before the Board can take the license away, the owner is entitled to a hearing to defend himself against the charges.

Commissioner Kendall discussed this place of business at length and recommended that the Board renew Mr. Moon's license and send a letter to him addressing the problems with his establishment. Also request him to be at the January 6, 2003 meeting to advise him of all the problems and that we are putting him on notice that if the problems are not corrected, he is in jeopardy of losing his license.

Upon motion by Commissioner Kendall, seconded by Commissioner Martha McDaniel all of the above Retail Package Store Alcoholic Beverage Licenses were renewed by a vote of 4-1 with Commissioner Johnie McDaniel voting against the motion.

2. Consider approval for renewal of 2003 Alcoholic Beverage Licenses -Consumption on Premises for the following:

- Jimmy R. Allen d/b/a/ Big Jim's Wing Shack – 1557 Williamson Road – Beer and Wine
- Ronald Milton Turner d/b/a/ Country Rock Café, 2700 North Expressway – Beer, Wine & Liquor
- Robert Miron Atchison d/b/a Griffin Moose Lodge #1503, 1435 Zebulon Road – Beer, Wine, and Liquor
- Joe Lee Mathis d/b/a JJ's Restaurant & Lounge, 2043 Highway 16 West – Beer and Liquor

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale all the above Consumption on Premises Alcoholic Beverage Licenses were renewed by a vote of 4-1 with Commissioner Johnie McDaniel voting against the motion.

3. Consider approval of renewal of 2003 Alcoholic Beverage License for:

- Robert H. Glover d/b/a Jackson Beverage, 915 S. Pine Hill Road – Wholesale Distributor – Beer

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the above Alcoholic Beverage License was renewed by a vote of 4-1 with Commissioner Johnie McDaniel voting against the motion.

4. Consider request from Sheriff Department to amend contract for inmate medical services to extend weekend services to a twelve-hour shift at an increase of \$1100 per month. County Manager Wilson stated that staff is now dispensing medicine on weekends and this would alleviate this problem. The present contract is with Dr. Robert Hall.

Upon motion by Commissioner Morrow, seconded by Commissioner Massengale contract amendment was approved by a unanimous vote of 5-0.

AMENDMENT TO CONTRACT FOR INMATE MEDICAL SERVICES FOR SPALDING COUNTY INMATES

WHEREAS, the parties hereto had previously entered into a Contract for Inmate Medical Services for the Spalding County Jail and;

WHEREAS, the parties deem it in the best interest of all parties that said Contract be amended;

NOW THEREFORE, the parties agree that the aforementioned Contract dated October 2001 is hereby amended as follows:

-1-

By striking in its entirety paragraph 3, Description of Services, sub-paragraph (2) sub-paragraph (b), which presently reads as follows: "On Saturday, Sunday and holidays, there shall be only one (1) EMT present during the hours of 8:00 a.m. to 4:00 p.m." and inserting in lieu thereof a new sub-paragraph (b) to read as follows:

(b) On Saturday, Sunday and holidays, there shall be only one (1) EMT present during the hours of 8:00 a.m. to 8:00 p.m.

-2-

Paragraph 6, Cost of Services, is hereby amended as follows: By striking wherever it appears the sum of \$420,000 and inserting in lieu thereof the sum of \$433,200, and by striking the sum of \$35,000 wherever same appears in said paragraph and inserting in lieu thereof the sum of \$36,100.

-3-

This amendment shall become effective on the 21st day of December, 2002 at 4:00 p.m.

All of the terms and conditions of the aforementioned Contract remain unaffected by this amendment and remain in full force and effect.

INMATE PHYSICIAN SERVICES, INC.

SPALDING COUNTY

BY: (L.S.) Robert Hall, President
Chairman

BY: (L.S.) Johnie A. McDaniel,

ATTEST:

5. Consider Joint City/County Resolution renewing the Service Delivery Strategy pursuant to House Bill 489. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Resolution was unanimously approved by a vote of 5-0.*

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

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

WHEREAS, the existing Service Delivery Strategy between the City of Griffin and Spalding County is scheduled to expire on December 31, 2002; and

WHEREAS, the Board of Commissioners for the City of Griffin and the Board of Commissioners for Spalding County mutually desire to renew the Service Delivery Strategy between Griffin and Spalding County in order to satisfy State of Georgia mandates relative to the maintenance of an approved Strategy;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the City of Griffin and the Board of Commissioners for Spalding County that the Service Delivery Strategy adopted by the governing boards of Griffin and Spalding County in 1999, as amended in September 2000 and October 2001, shall be ratified and maintained until 12:00 midnight December 31, 2004, subject to any and all future amendments mutually agreed upon.

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

- (1) In conjunction with updates of the comprehensive plan as required by O.C.G.A 36-70-1, et seq.;
- (2) Whenever necessary due to changes in service delivery arrangements;

- (3) Whenever necessary due to changes in revenue distribution arrangements;
- (4) In the event of the creation, abolition, or consolidation of local governments;
- (5) Whenever the county and affected municipalities agree to revise the strategy.

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

RESOLVED this the 10th day of December, 2002

RESOLVED this the 16th day of

December, 2002

By the City of Griffin

By Spalding County

Joanne Todd, Mayor

Johnie A. McDaniel, Chairman

6. Consider authorizing Chairman to execute GA DOT Right of Way deed for intersection improvements @ SR 362 and US Hwy 19/41. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale execution of Right of Way Deed was unanimously approved by a vote of 5-0.*

7. Consider designation of consulting engineer and secondary (back-up) consulting engineer. County Manager Wilson stated that RFQ's were sent out and recommendation to the Board was Integrated Science and Engineering (ISE) for consulting engineer and Southern (now Southern/Clough Harbor) as secondary engineer. *Motion made by Commissioner Martha McDaniel to approve ISE and Southern as recommended. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

8. Consider Intergovernmental Contract between Spalding County and the Henry County Water & Sewerage Facilities Authority regarding the exchange of right of way to extend Amelia Road across the Towaliga River. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the following Intergovernmental Contract was unanimously approved by a vote of 5-0.*

INTERGOVERNMENTAL CONTRACT
BETWEEN SPALDING COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF GEORGIA AND THE HENRY COUNTY
WATER AND SEWERAGE AUTHORITY

This agreement is made and entered into this 16th day of December, 2002, by and between the COUNTY OF SPALDING, a political subdivision of the State of Georgia, (hereinafter referred to as the "SPALDING COUNTY") and the HENRY COUNTY

WATER AND SEWERAGE AUTHORITY, an authority created under the laws of the State of Georgia (hereinafter referred to as "AUTHORITY").

WHEREAS, Spalding County desires to extend Amelia Road across the Towaliga River and requires 5.618 acres of additional road of right of way; and

WHEREAS, Authority is the owner of the aforementioned 5.618 acres; and

WHEREAS, Authority is willing to deed the 5.618 acres of required right of way to Spalding County and relocate Authority's walking trail under the new Amelia Road bridge; and

WHEREAS, in return for the aforementioned granting of the right of way and relocation of the walking trail, Spalding County, once the new Amelia Road is constructed, is willing to abandon to the Authority, the old portion of Amelia Road line within the property now belonging to Spalding County and adjacent to the Authority's property;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES HEREIN MADE, THE RECEIPT, ADEQUACY AND SUFFICIENCY OF WHICH ARE HEREBY MUTUALLY ACKNOWLEDGED, THE PARTIES AGREE TO BE BOUND, EACH UNTO THE OTHER, AS FOLLOWS:

ARTICLE I

LEGAL AUTHORITY

This instrument shall institute a binding, legal contract by and between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the function and do all things necessary, convenient

ARTICLE II

Authority agrees that it will execute the right of way deed in favor of Spalding County that is attached hereto as Exhibit "A". Authority further agrees that it shall relocate its walking trail to pass under the new bridge to be built on Amelia Road.

ARTICLE III

In return for the granting of the right of way and the relocation of the walking trail, Spalding County agrees that once the new Amelia Road is constructed, that it will abandon to the Authority, that old portion of Amelia Road which lies within the real property now belonging to Spalding County and adjacent to the Authority's property.

IN WITNESS WHEREOF, for the parties have hereunto set their hands and seals this 16th day of December, 2002.

Spalding County

Henry County Water and
Sewerage Authority

9. Consider authorizing condemnation of Parcel #8, Broadwing, Inc. for the Amelia Road Phase II project. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale condemnation was unanimously approved by a vote of 5-0.*

10. Consider at first reading an ordinance amending the Spalding County Code relative to the Logging and/or Pulpwood Ordinance Adopted November 4, 2002. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

11. Consider at first reading an ordinance amending the Spalding County Code, Part II, Chapter 11, Section 2-11006 regarding changes to the Smoking Policy. This ordinance amendment deletes the Conference Room at the Courthouse Annex and provides for designated smoking area at the Courthouse. *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow first reading was unanimously approved by a vote of 5-0. **The Ordinance will be incorporated into the minutes on second and final reading.***

XII. REPORT OF COUNTY MANAGER

County Manager Wilson announced to the Board that Narcotics Task Force would have open house on Tuesday, December 17, 2002 at their new offices on Cain Street between the hours of 5:00 P.M. and 7:00 P.M.

County Manager Wilson stated that there needed to be a SPLOST Workshop set up with the present Commissioners and the new Commissioners to discuss projects to be included on the bond referendum in March 2003. The consensus of the Board was to meet on Monday, December 30, 2002 at 4:30 P.M.

County Manager Wilson informed the Board that the CHIP (Community Housing Improvement Program) project would expire December 31, 2002. We have had this project for approximately eighteen months with very little participation from citizens from the community.

XIII. REPORT OF COMMISSIONERS

Commissioner Kendall had no comments.

Commissioner Massengale had no comments.

Commissioner Martha McDaniel had no comments.

Commissioner Morrow stated that he met with the Keep Griffin/Spalding Beautiful Committee and made the Board aware that they have appointment vacancies and need citizens appointed to help fill up their committee.

Commissioner Johnie McDaniel reminded the Board that there is to be a Public Hearing on Zoning immediately following the close of this meeting.

XIV. CLOSED MEETING

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

The Closed meeting was cancelled.

XV. ADJOURNMENT

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel the meeting was unanimously adjourned at 6:15 PM.

County Clerk

Chairman

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Please send comments to webmaster@spaldingcounty.com
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