



EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their Extraordinary Session on Monday, February 21, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Eddie Goss presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Eddie Freeman present. Also present were County Manager William Wilson, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

AGENDA TOPICS

- I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. INVOCATION – Commissioner Johnie McDaniel**
- III. PLEDGE TO FLAG – Led by Commissioner Flowers-Taylor**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

- 1. Consider Proclamation declaring February 23, 2005 “*Rotary International Day.*”

Rotary International Day

WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is the world’s first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 31,000 clubs in more than 165 countries; and

WHEREAS, the Rotary motto “Service Above Self” inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched Polio Plus and spearheaded efforts with the World Health Organization, U.S Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, Rotary is the world’s largest privately-funded source of international scholarships and promotes international understanding through scholarships, exchange programs and humanitarian grants; and

WHEREAS, more than 35,000 students from 110 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary’s Group Study Exchange program has helped more than 46,000 young professionals explore their career fields in other countries; and

WHEREAS, 8,000 secondary-school students each year experience life in another country through Rotary’s Youth Exchange Program; and

WHEREAS, there are over 200 Rotary club members in the two clubs in this county sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that Wednesday, February 23, 2005 is hereby proclaimed as

“Rotary International Day”

in Spalding County, and encourage all citizens to join me in recognizing Rotary International for 100 years of service to improving the human condition in local communities around the world.

This the 21st day of February 2005.

Edward Goss, Jr., (L.S.)
Chairman, Board of Commissioners

Attest:
William P. Wilson, Jr., County Manager (L.S.)

On a motion to proclaim February 23, 2005 as “Rotary International Day” by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statement for seven months ended January 31, 2005.

On a motion to approve by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0.

VI. CITIZENS COMMENTS – N/A

VII. PUBLIC COMMENT

Tom Ross, Ideal Homes of Griffin, Moreland Road and Bypass, Griffin, GA 30224
Mr. Ross spoke in favor of allowing manufactured homes in the R-5 zoning district, particularly in areas such as Buck Creek Estates, which is a community of manufactured homes. He is in favor of making the process to upgrade from one manufactured home to a newer one, in AR-1 zoning districts, less burdensome and more expeditious and fair, perhaps by relating the process to an administrative function of the Community Development Office rather than requiring Board of Commissioners’ approval. He presented commissioners with a DVD and information on manufactured housing versus industrialized housing.

Raymond Ray, Jr., 1000 Springer Drive, Griffin, GA 30224
He stated he was present to request that his father, Raymond Ray, Sr., 536 Brookwood Terrace, Griffin, be allowed to replace two older, smaller manufactured Class A homes in Buck Creek Estates with two newer, larger manufactured homes. The manufactured home development called Buck Creek Estates was approved in 1985 as a single-family, fabricated housing mobile home subdivision in the R-5 zoning district. Zoning required 2 acres of land, 200 feet of road frontage, roads paved to County specifications with well and septic tank per lot. All requirements were fulfilled. Then the Code was amended in 2000 with no notice, a move that struck manufactured homes from all R districts and required a Special Exception in AR-1. He and his father only recently discovered that this change had occurred, and his father just wants the right to replace an older manufactured home with a newer manufactured home on property that was originally intended and zoned for manufactured homes. The lot sizes are two acres.

Dr. James Barlow, 2000 S. Sixth Street, Griffin, GA 30224
Dr. Barlow spoke on behalf of the Swim and Dive Team. They participate in two swim sessions per day throughout the summer at City Pool. Team parents administer the program. His concern was that facilities at City Pool are becoming inadequate, not just aesthetically

but also operationally, to the point of possibly being dangerous. Bacterial outbreaks are a distinct possibility and the number of swimmers is dropping off. The condition of the facility reflects poorly on the community. Other cities where the teams participate, such as LaGrange, Carrollton, and Macon have much superior facilities, and it does not showcase our community well when its Griffin hosts visiting teams at the City Pool facility. Water quality needs improvement and maintenance on an ongoing basis. If there is a possibility the County can assume responsibility for the facility, Dr. Barlow requested favorable consideration.

John Dugdale, 1985-C North Walkers Mill Road, Griffin, GA 30223

Mr. Dugdale wondered why, if there is such a big surplus as was noted in the financial statement, assistance could not be provided with sewer in the northern part of County.

Walter Cliff Futral, 4953 Jackson Road, Griffin, GA 30223

Mr. Futral spoke in favor of officially requesting the rezoning of the Wallace Road property back to its original AR-1 and R-2 zoning districts that were in effect prior to the C-2 conditional rezoning done in preparation for the 2004 SPLOST referendum.

VIII. CLOSED SESSION

1. County Attorney requests a Closed Meeting to discuss pending litigation.

On a motion by Commissioner McDaniel, seconded by Commissioner Freeman, and approved by a unanimous 5-0 vote, the Board adjourned to Closed Session at 6:26 p.m.

On a motion by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor and approved by a unanimous vote of 5-0, the Board reconvened to Open Session at 7:19 p.m.

Commissioner McDaniel made a motion to amend the agenda to include consideration of a Settlement Offer for MRD, LLC, being styled: MRD v. Spalding County, Georgia, et.al.; in the Superior Court of Spalding County; Civil Action File No.: 04V-888 and to place it on the agenda before consideration of minutes as Item IX. The motion was seconded by Commissioner Flowers-Taylor and approved by a unanimous 5-0 vote.

IX. PENDING LITIGATION

Commissioner McDaniel made a motion to approve the settlement agreement between Spalding County and MRD, LLC pertinent to the pending litigation being styled: MRD v. Spalding County, Georgia, et.al.; in the Superior Court of Spalding County; Civil Action File No.: 04V-888. The motion was seconded by Commissioner Davis, and approved by a unanimous 5-0 vote.

X. MINUTES

1. Consider approval of the minutes of the Regular Monthly Meeting of February 7, 2005.

Commissioner Flowers-Taylor's motion to approve the minutes of the February 7, 2005 meeting as presented, seconded by Commissioner Freeman, passed by a unanimous vote of 5-0.

XI. CONSENT AGENDA

1. Consider approval on second reading an Ordinance amending the FY 2005 Budget Ordinance to record the receipt of a donation from Griffin Young Life.

AN ORDINANCE AMENDING THE FISCAL YEAR 2005 BUDGET ORDINANCE

**FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2005 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, 2004, be amended as follows:

Section I. General Fund

A. Revenues

Contributions and Donations	From	\$ 0	to	\$250
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B. Expenditures

Parks	From	\$ 1,711,436	to	\$ 1,711,686
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Approved on first reading this 7th day February 2005.

Approved, adopted and enacted on second reading this 21st day February 2005.

Edward Goss, Jr., Chairman (L.S.)

William P. Wilson, Jr., County Manager (L.S.)

2. Consider approval on second reading an Ordinance amending the FY 2005 Budget Ordinance to provide for repairs at the Public Works Garage.

**AN ORDINANCE AMENDING THE
FISCAL YEAR 2005 BUDGET ORDINANCE
FOR
SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2005 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, 2004, be amended as follows:

Section I. General Fund

A. Public Works	From	\$ 2,784,896	to	\$ 2,783,341
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B. Garage	From	\$ 201,210	to	\$ 202,465
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Approved on first reading this 7th day February 2005.

Approved, adopted and enacted on second reading this 21st day February 2005.

Edward Goss, Jr., Chairman (L.S.)

William P. Wilson, Jr., County Manager (L.S.)

3. Consider on second reading Amendments to the Official Zoning Ordinance as follows:
 - A. Amendment to UDO #A-04-22: Development Standards – Add provision to allow for the re-subdivision of previously combined lots of record in platted subdivisions.

RE: *Text Amendment #A-04-22*

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 January 27, 2005, 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 7, "R-1 Single-Family Residential Low Density" to appear as Section 704(N)(3):

Section 704: Development Standards for R-1 Districts.

N. Reduction of Yards or Lot Area: Except as otherwise provided in this Ordinance, no lot existing on or before the date of the adoption of this Ordinance may be reduced, divided or changed in any way which does not comply with the area, width or yard requirement of this Ordinance, provided, however that:

3. A lot within a platted subdivision which has been previously combined with another lot (or other combination thereof) within the subdivision prior to the date of adoption of this Ordinance may be split to allow for development as such lot was originally platted.

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 7A, "R-1A Single-Family Residential District" to appear as Section 704A(N)(3):

Section 704A: Development Standards for R-1A Districts.

N. Reduction of Yards or Lot Area: Except as otherwise provided in this Ordinance, no lot existing on or before the date of the adoption of this Ordinance may be reduced, divided or changed in any way which does not comply with the area, width or yard requirement of this Ordinance, provided, however that:

3. A lot within a platted subdivision which has been previously combined with another lot (or other combination thereof) within the subdivision prior to the date of adoption of this Ordinance may be split to allow for development as such lot was originally platted.

Section 3: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 8, "R-2 Single-Family Residential District" to appear as Section 804(N)(3):

Section 804: Development Standards for R-2 Districts.

N. Reduction of Yards or Lot Area: Except as otherwise provided in this Ordinance, no lot existing on or before the date of the adoption of this Ordinance may be reduced, divided or changed in any way which does not comply with the area, width or yard requirement of this Ordinance, provided, however that:

3. A lot within a platted subdivision which has been previously combined with another lot (or other combination thereof) within the subdivision prior to the date of adoption of this Ordinance may be split to allow for development as such lot was originally platted.

Section 4: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 10, "R-4 Single-Family District" to appear as Section 1004(N)(3):

Section 1004: Development Standards for R-4 Districts.

N. Reduction of Yards or Lot Area: Except as otherwise provided in this Ordinance, no lot existing on or before the date of the adoption of this Ordinance may be reduced, divided or changed in any way which does not comply with the area, width or yard requirement of this Ordinance, provided, however that:

3. A lot within a platted subdivision which has been previously combined with another lot (or other combination thereof) within the subdivision prior to the date of adoption of this Ordinance may be split to allow for development as such lot was originally platted.

Section 5: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 11, "R-5 Single-Family District" to appear as Section 104(N)(3):

Section 1104: Development Standards for R-5 Districts.

N. **Reduction of Yards or Lot Area:** Except as otherwise provided in this Ordinance, no lot existing on or before the date of the adoption of this Ordinance may be reduced, divided or changed in any way which does not comply with the area, width or yard requirement of this Ordinance, provided, however that:

3. A lot within a platted subdivision which has been previously combined with another lot (or other combination thereof) within the subdivision prior to the date of adoption of this Ordinance may be split to allow for development as such lot was originally platted.

Section 6: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 7: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

- B. Amendment to UDO #A-05-01: General Procedures – Section 414: A, B & C, and Official Zoning Map – Sections 2302:B and 2306:B – Provision added to require an amendment to the Comprehensive Plan and Future Land Use Map for rezoning applications not consistent therewith.

RE: ***Text Amendment #A-05-01***

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 January 27, 2005 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 provision shall be deleted from the Zoning Ordinance of Spalding County, Article 4, "General Procedures:" Section 414(A).

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 4, "General Procedures" to appear as Section 414(A):

Section 414: Amendments.

A. If a developer or landowner finds that a proposed new use of his land does not meet the requirements of this Ordinance, he may request that the Official Map be amended to permit his proposed use pursuant to the procedures set forth herein:

1. The developer or owner requesting an Amendment of the Official Map must have at least fifty-one (51) per cent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing under the owner's signature.
2. The Administrative officer shall review the request for Amendment of the Official Map to determine whether it is consistent with and complies with the requirements of the Future Land Use Map contained within the Spalding County Comprehensive Plan.
3. In the event the request for Amendment of the Official Map does not so comply, the developer or owner shall be required to file a separate request for Amendment to the Future Land Use Map contained within the Spalding County Comprehensive Plan. The application for Amendment to the Future Land Use Map contained within the Spalding County Comprehensive Plan shall be considered simultaneously with the request for an Amendment to the Official Map, and both shall be considered pursuant to the procedures set forth in Section 414(E - J) of this Ordinance, provided however, that the request for Amendment to the Future Land Use Map contained in the Spalding County Comprehensive Plan shall be approved prior to consideration the Amendment to the Official Map.

B. The Planning Commission or the Board of Commissioners may also propose an Amendment. However, any proposed Amendment to the Official Map shall comply with the provisions of Section A(3).

C. The power to approve and enact an Amendment to the Future Land Use Map contained in the Spalding County Comprehensive Plan and an Amendment to the Official Map rests within the legislative discretion of the Board of Commissioners.

Section 3: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 23, "Official Zoning Map, Spalding County, Georgia (Official Map):" Section 2302(B).

Section 4: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 23, "Official Zoning Map, Spalding County, Georgia (Official Map)" to appear as Section 2302(B):

Section 2302: Identification, Alteration and Replacement of the Official Map.

B. Any alteration of the Official Map is an amendment to the Ordinance. The procedure by which amendments are proposed and approved is set forth in Section 414. Any amendment involving a change of a zoning district must be entered on the Official

Map as soon as the amendment has been approved by the Board of Commissioners. The entry must be as follows: "On (date) by Official action of the Board of Commissioners of Spalding County, the following change(s) were made in the Official Zoning Map, Spalding County, Georgia: (Brief Description of Change). It must be signed by the Commission Chairman. No amendment to portions of this Ordinance that are illustrated on the Official Map becomes effective until after the change has been entered as described above on the Official Map.

Section 5: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 23, "Official Zoning Map, Spalding County, Georgia (Official Map):" Section 2306(B).

Section 6: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 23, "Official Zoning Map, Spalding County, Georgia (Official Map)" to appear as Section 2306(B):

Section 2306: Identification, Alteration and Replacement of the Official Map.

B. The zoning districts contained on the Official Map set forth standards with which all new construction and development in Spalding County must comply. The application of zoning districts to property located within Spalding County is based on land use information contained and shown on the Spalding County Future Land Use Map which is a part of the Spalding County Comprehensive Plan. Amendment of zoning district boundaries must conform to the Spalding County Future Land Use Map.

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

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

C. Amendment to UDO #A-05-02: General Procedures – Section 414:J – Amendment to revise requirements to continue a zoning public hearing.

IN RE: Text Amendment #A-05-02

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 to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on January 27, 2005, 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 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: That Section 414(J) be deleted in its entirety and replaced with the following:

Section 414: Amendment

J. Hearing before the Board of Commissioners.

1. The Board of Commissioners must then conduct a public hearing on the Amendment. Notice of the hearing must be published in a newspaper of general circulation in Spalding County at least fifteen (15) days but not more than forty-five (45) days before the hearing. The location of the property, present zoning classification, and proposed zoning classification must be indicated in the newspaper notice. Additionally, notice of the hearing shall be provided by United States mail to the owners of each and every parcel abutting the property which is the subject of the proposed amendment, such notice shall be deemed delivered upon mailing.
2. The public hearing before the Board of Commissioners may be continued twice by action of the Board of Commissioners.
3. The applicant or property owner shall be entitled to continue the consideration of the application to the next Board of Commissioners hearing date once, as a matter of right.
4. The applicant or property owner shall also be entitled to continue the consideration of the application to the next Board of Commissioners hearing date in the event the hearing date on which the application is heard is attended by less than all members of the Board of Commissioners, provided such application has not been previously continued.
5. Should the applicant or property owner desire to further continue the public hearing the applicant or property owner shall be required to submit a written request at least 48 hours prior to the scheduled date of hearing to continue to the Administrative Officer giving specific reasons as to why the public hearing should be continued. In such event, the continuation of the application from the public hearing is at the sole discretion of the Board of Commissioners.
6. The applicant shall be responsible for the payment of all costs incurred by Spalding County when an application is tabled. No subsequent hearing or proceeding shall be conducted unless all costs have been paid.

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.

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- D. Amendment to UDO #A-05-05: Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

IN RE: Text Amendment #A-05-05

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 to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on January 27, 2005, 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 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: 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 February 21, 2005, 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.

4. Consider on second reading an Amendment to the Official Zoning Map for: Application #04-28Z: Cynthia M. Hoffman, Owner – 3320 North Expressway - .863 acre – C-1 to C-1B.

APPLICATION OF CYNTHIA M. HOFFMAN
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 04-28Z

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 “C-1, Highway Commercial;”

WHEREAS, Cynthia M. Hoffman, applicant, applied for a change in zoning classification to be applied to the within described property to “C-1B, Heavy Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on November 4, 2004;

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 January 27, 2005, 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 105 of the Third Land District of originally Henry, now Spalding County, Georgia containing 0.86 acre as shown on plat of survey entitled "Zoning Plat for Cynthia Hoffman", dated October 26, 2004, prepared by Conkle-Lane and Associates, which said plat with the metes, bounds, courses and distances as shown thereon is incorporated herein and made a part hereof.

Said property may be more particularly described as follows:

Beginning at a point on the east right-of-way line of Highway 19/41, which is located a distance of 1029.40 feet from the intersection of the east right-of-way line of Highway 19/41 and the north right-of-way line of Birdie Road as measured in a northerly direction along the east right-of-way line of Highway 19/41, and running thence the following courses and distances:

North 13 degrees 12 minutes 20 seconds West a distance of 180.79 feet; thence South 89 degrees 51 minutes 59 seconds East a distance of 235.22 feet to a point; thence South 00 degrees 10 minutes 43 seconds East a distance of 160.01 feet to a point; thence South 89 degrees 53 minutes 51 seconds West a distance of 194.07 feet to the Point Of Beginning.

Together with an easement for ingress and egress from the above-described property over and across that certain driveway and parking area located on the property of Byron Keith Kenney.

The above-described 0.86 acre tract is bounded now or formerly as follows:

North – Byron Keith Kenney
East – Crown Point Properties, LLC, and an old road
South – Annie Gene Mabbett
West – Highway 19/41

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

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

1. Presently provide six parking spaces; and
2. Increase parking appropriately for any future expansion at the stated one parking space for every 200 square feet of additional office space.

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 February 21, 2005, 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 105 of the Third Land District of originally Henry County, now Spalding County, Georgia, consisting of 0.86 acres located at 3320 North Expressway, zoned C-1B, Conditional.

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

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

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

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

A motion to approve all Consent Agenda collectively was made by Commissioner McDaniel, and seconded by Commissioner Davis. Commissioner Flowers-Taylor noted that the word "not" should be corrected to the word "no" in Paragraphs N of Sections 704, 704A, 804, 1004, and 1104 of Text Amendment #A-04-22 (Item #3-A on the Consent Agenda). The motion passed by a unanimous vote of 5-0.

XII. OLD BUSINESS

1. Consider request of Public Defender for an additional investigator position.

Mr. Arthur English, Public Defender, spoke on behalf of the request. He reiterated the constraints of his caseload, noting that his office has taken in 572 felony and juvenile cases so far in Spalding County. Trial calendars are upcoming in Fayette County in March, Upson in April, and Pike in May before returning to Spalding in June. Some of his staff will have to follow the trial calendars and the 491 cases remaining in Spalding that have not been disposed of will continue to sit. All the resources have been committed to handling the trial calendars, and this situation will not get any better. Mr. English said his office was absolutely desperate for relief. This request for the additional investigator position is for the remainder of FY2005, and the request for FY2006 for this position will not be for Spalding County solely but rather will be incorporated in the circuit-wide budget request.

Mr. English noted the jail log in Spalding County reflected his office's efforts to process inmates in a timely fashion, although this is very time consuming. However, resources that had been dedicated to these efforts will now have to be used to prepare for trial calendars elsewhere in the circuit, and this additional position would continue to provide such assistance in Spalding County. To add to the already overtaxed staff problem, one of the office lawyers has been in the hospital for three weeks and one of his secretaries passed away this past week. This request is not a fix for the problem, but rather a crutch to allow him to limp through the remainder of this fiscal year until the FY2006 budget can be developed. Mr. English asked the Board to please help.

He answered questions and general discussion followed regarding responsibilities of his office and how personnel are allocated to handle those responsibilities. Mr. English noted that his office handles everything in the circuit short of State Court and Juvenile Depravation with eight fewer people than the District Attorney's office, who handles just Superior Court and Juvenile Delinquencies.

Commissioner Freeman said Mr. Mike Meirs, Director of the Indigent Fund, spoke at the recent ACCG Legislative Conference in Atlanta and used Spalding County as an example. Mr. Meirs stated he was proud the Public Defender's Office had the number of people needing processing down to 50 as of last Tuesday.

Mr. English said it was actually 64 now and they were trying to work out the most expedient way to process people in the Spalding County Jail. They are there every weekday and are making great strides in this area.

Commissioner Freeman stated he felt there was no immediate need for another investigator when the Public Defender's Office already has reduced the number of cases at the Jail, and he was not worried about the other three counties in the circuit.

Mr. English said the problem was that when he removed all the people he had assigned to work on the trial calendar here and sent them to Fayette, Upson, etc., there would not be enough people left here to meaningfully work on the remaining 491 cases in Spalding County. Additionally, Spalding County will be paying \$50 each per day for all the people who must sit in the Jail because there are not enough people to work on their bond motions. Investigators are used in this area, primarily because it's not fiscally responsible to use higher paid attorneys to process at the Jail, but the inherited caseload was so heavy they have not been able to do the investigative work they should. The attorneys are preparing their cases for trial. There will most certainly be a worse problem when the June trial calendar arrives because this situation will not improve. New cases are coming into the office at a rate of about 10 per day. The office has about 100 more cases than when Mr. English last addressed the Board. To compound matters, the employees currently working overtime are accumulating large amounts of state comp time and overtime.

Mr. English said the difference between Mr. Mostiler's office staff previously, the firm of Sullivan, Sturdivant and Ogletree, and the office of Public Defender was primarily caseload, which is significantly larger than any of theirs previously. Sullivan, Sturdivant and Ogletree have increased their contract prices each year because the caseload has grown exponentially. The new relaxed guidelines for qualifying for indigent defense representation accounts for much of the major increase this year. Another factor is that none of the others was required to handle the amount of paperwork required for the State of Georgia as this Public Defender System is implemented throughout the state. He referenced all the paperwork listed in the exhibit he had passed out to commissioners. The others also had no statutory requirement to meet with all individuals arrested within 72 hours as his office is mandated to do. House Bill 770 has changed the entire structure of Public Defender work.

Commissioner McDaniel worried that the Public Defender Office was simply feeling the effects of a transition period that should level off after an initial settling period. He was hesitant to favor creating a bureaucracy where one might not be needed. He was concerned that current staffing levels were set on conversations rather than hard data and

only six weeks into the system, they are still not being based on hard data if such statistics were available for the six week period. He felt that bond reductions might not require so much of his office's time if bonds could perhaps be set lower at the outset.

Mr. English said judges will usually lower the bond after about a 30-day period. They try to see if the person can make the higher bond first and ensure they return for hearing dates. He said he would support having judges set lower bonds but did not feel this was a viable concept since the judges are traditional and conservation in approaches. Mr. English said unfortunately the original staffing requests were based on conversations with no reliable data to back up the requests, and conversations with County personnel and with Sullivan, Sturdivant and Ogletree, in particular, led him to expect a great many fewer cases than what was encountered, particularly in light of the new reduced federal poverty guidelines which led to an increase in the number of persons who can qualify. He got his original case count from Mr. Fred Roney's office, then estimates of the "pipeline" cases came from County personnel, the County Attorney and Sullivan, Sturdivant and Ogletree. Mr. Fortune stated he had no idea of the number of cases but, in a meeting, that estimated number of 50-100 cases was provided by Sullivan, Sturdivant and Ogletree. This number underestimated the actual cases inherited by the Public Defender's Office by about 250 to 300 cases.

Mr. English responded to Commissioner Flowers-Taylor that his office, given the limitations placed on staff, did not have time to verify that all the information provided by persons who qualify for indigent defense was true and correct. His staff observed their behavior and accoutrements when they visited the office, but nothing beyond that.

Commissioner Flowers-Taylor said more time needed to transpire before making this request, and she challenged Mr. English to do the best he could with what he had requested initially and then come back at a later date.

Mr. English answered Commissioner McDaniel that the effect of waiting until the new FY2006 budget is prepared to request this position would be that nothing meaningful would be done to get most of the people out of the Spalding County Jail over the next four months since much of the staff will be occupied in Fayette County, then in Upson. Each of these counties constitute 25% of the caseload and Spalding, 40%. They have made some progress whittling down the numbers at the Jail but that will probably change as staff is reassigned to other counties. The two layers, one investigator and two secretaries left in the Spalding County will not be sufficient to take care of business.

Commissioner Davis made a motion to approve the additional investigator position for the balance of FY2005. The motion failed for lack of a second.

2. Consider on second reading an Amendment to the Official Zoning Map for: Application #04-19Z: Sara Kathleen Smejkal, Owner – Fayetteville Highway – 1.9 acres – AR-1 to C-1, Conditional.

APPLICATION OF SARA KATHLEEN SMEJKAL
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 04-19Z

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

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

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

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

WHEREAS, Sara Kathleen Smejkal, 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 August 25, 2004;

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 January 27, 2005, 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 lying and being located in Land Lot 110 of the 4th Land District, originally Henry, now Spalding County, Georgia, containing 1.900 acres of land and may be more particularly described as follows:

Beginning at a ½” RBS at the intersection of the East right-of-way of David Elder Road and the North right-of-way of Georgia State Route No. 92; thence proceeding N 01°40’46” W along the East right-of-way of David Elder Road a distance of 183.44’ to a ½” RBS; thence leaving said right-of-way S 89°59’32” E a distance of 208.70’ to a ½” RBS; thence N 01°30’52” W a distance of 208.70’ to a ½” RBS; thence S 89°59’32” E a distance of 113.17’ to a ½” RBS; thence S 01°18’37” W a distance of 419.73’ to a spindle found on the North right-of-way of Georgia State Route No. 92; thence westerly along said right-of-way in a curve to the left and arc distance

of 133.94' having a radius of 6098.84' being subtended by a bearing of N 84°19'17" W and a chord distance of 133.93' to a point; thence continuing along said right-of-way N 85°05'53" W a distance of 168.71' to a ½" RBS at the intersection of the East right-of-way of David Elder Road and the North right-of-way of Georgia State Route No. 92 and Point of Beginning.

From "AR-1, Agricultural and 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:

1. An entrance onto Georgia Highway 92 utilizing required accel/decel lanes;
2. Site lighting shall be designed so as to not reflect into residential or traffic areas;
3. Architectural character of the gas station shall reflect the residential character of the general area; and
4. Canopy of the gas station shall be compatible with the residential character.

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 February 21, 2005, 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 110 of the 4th Land District, originally Henry County, now Spalding County, Georgia, consisting of 1.900 acres located on Fayetteville Highway, 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.

Commissioner McDaniel made a motion to approve, seconded by Commissioner Freeman, and the motion passed by a 4-1 vote with Commissioner Davis opposing.

3. Consider on second reading Amendments to the Official Zoning Map as follows:
 - A. Application #04-24Z: E. Marshall Pape, Owner – Pinelea Road – 25.09 acres – AR-1 to R-4.
 - B. Application #04-24Z: E. Marshall Pape, Owner – Pinelea Road – 7.82 acres – AR-1 to R-5.

Commissioner McDaniel made a motion to approve, seconded by Commissioner Flowers-Taylor for purposes of discussion.

Commissioner Flowers-Taylor said neither she nor Commissioner Freeman voted on this application which was carried over from December 2004 since Mr. Pape had to obtain a revised legal description, and the metes and bounds had only recently been received. She voiced concern over the split zoning request, saying she didn't like the R-5 zoning district. She wondered why the previous board felt it was acceptable to allow the 1250 square foot houses in this instance.

Commissioner McDaniel explained the split zoning reflected two different situations on the parcel.

Commissioner Flowers-Taylor said she understood the reasoning but felt this zoning would not make the situation better, nor would it improve the neighborhood. She urged commissioners not to perpetuate what was already there and to adhere to the direction they had taken as a board to encourage homes with larger square footage.

Commissioner McDaniel wondered what would happen if the Board chose to deny only that portion of the application that would rezone to R-5.

County Manager Wilson said it had been the opinion of Zoning Attorney Newton Galloway in the past that first reading approval of zoning issues constituted the affirmative action, even though the County Ordinance states it requires two readings. He feels the second reading is merely cursory approval based on the local ordinance.

Commissioner Davis said it was initially split because the 1250 square foot requirement was actually larger than most homes in the area and larger than anything adjacent.

Commissioner Flowers-Taylor asked why they were required to waste time and money on second readings if they didn't count. She felt it was misleading, not only to the Board of Commissioners but to the applicants. This property is in her district and, according to the Future Land Use Plan, is slated for increased residential development with lower densities. So, consider putting something there that is worthwhile and desirable and that will provide more support to the tax base.

Mr. Wilson said it was Mr. Galloway's opinion that if the issue was challenged in court, second readings would not be required, but that challenge has yet to occur.

After discussion, the motion by Commissioner McDaniel and the second by Commissioner Flowers-Taylor were withdrawn.

Commissioner Flowers-Taylor made a motion to table approval on second reading Application #04-24Z until a clarification can be obtained from Zoning Attorney Newton Galloway regarding actions on second reading, seconded by Commissioner McDaniel, and the motion passed by a unanimous vote of 5-0.

4. Consider request from the City of Griffin for right-of-way encroachment for regional water transmission pipeline.

This is the City's request to open cut, rather than to bore and case certain roads as required by the Spalding County Code. Savings can be realized by the City that are significant. Other roads will be bored and cased.

Commissioner Flowers-Taylor made a motion to approve the City's request for right-of-way encroachment, seconded by Commissioner Freeman, and the motion passed by a unanimous 5-0 vote.

XIII. NEW BUSINESS

1. Consider approval for new alcoholic license for 2005 – Retail Sales Convenience Store – Beer & Wine for the following: Roger W. Bailes, d/b/a Rebel's, 2903 North Expressway, Griffin, Georgia (Bailes is proposed new owner for existing business he will purchase on Feb. 28, 2005).

Commissioner Davis made a motion to approve, seconded by Commissioner Freeman, and the motion passed by a vote of 4-1, with Commissioner McDaniel opposing.

2. Consider approval of final plat of Kamla Place (Minor Subdivision), located off Highway 16 West, Hickory Hill Road and Tri-County Road.

County Manager Wilson said everything was in order for this minor subdivision and all requirements had been met. A minor subdivision is for four or fewer lots and only has to come before the Board of Commissioners for platting only. The creative lot configurations were primarily due to soil conditions.

On a motion by Commissioner Davis, seconded by Commissioner McDaniel to approve, the vote was unanimous at 5-0.

3. Consider recommendation from Parks and Recreation Advisory Commission for additions to the Parks and Recreation Design Guideline Manual.

This provision would allow for a more reasonably priced alternative to Parks and Recreation facility signs, such as those at the County's Parks. The cost is estimated at \$6,500 as opposed to the current \$16,000, and a new smaller sign would be priced at \$4,250. These will be utilized at Fairmont Park and Thomaston Mills Park, as well as Dundee Park that was donated by Springs Industries last year.

On a motion to approve this addition to the Parks and Recreation Design Guideline Manual by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0 in favor.

4. Consider request from Christian Women's Center for use of Wyomia Tyus Park for walk-a-thon.

A motion to approve was made by Commissioner Davis and seconded by Commissioner McDaniel. The motion carried by a unanimous vote of 5-0.

5. Consider request from Engineering Strategies, Inc. for right-of-way encroachment permit along Hollonville and Line Creek Roads for construction of the regional water transmission pipeline.

County Manager Wilson noted this was for finished water going from Spalding County into Coweta County and has been recommended for approval by Public Works and the Water Department. Transmission fees, according to the water contract, will be appropriate for any water pipelines feeding from Spalding County into other counties, with the exception of the City of Williamson.

On a motion to approve the request as presented by Commissioner Davis, seconded by Commissioner Freeman, the vote was unanimous at 5-0.

6. Consider appointment to the Butts, Henry, Lamar and Spalding County Development Authority for a three-year term to expire 12-31-07.

Don King has now been reappointed as Chairman of the Griffin-Spalding Development Authority, and they have recommended Mr. King be reappointed to this position.

On a motion to appoint Don King by Commissioner Davis, seconded by Commissioner McDaniel, the vote to approve was 4-1, with Chairman Goss opposing.

7. Consider appointment to the Spalding County Personnel Appeals Board to fill the unexpired term of Wayne A. Smith.

Two nominations were proposed: Ivan Betz, of 1004 Skyline Drive, and Charles Ray Perdue, of 105 Magnolia Drive, for this position. Charles Perdue was approved by a vote of 3-2 with Commissioners McDaniel and Davis voting in opposition.

8. Consider appointment to the Spalding County Water and Sewerage Facilities Authority to fill the unexpired term of Roy O. Shuford, term to expire 12-31-05.

Nominations were submitted for Dick Morrow, of 263 Westchester Drive, and Gordon Donaldson, of 4184 Newnan Road. Dick Morrow was appointed by a vote of 3-2 with Commissioner Freeman and Chairman Goss voting in opposition.

9. Consider proposal from auditing service for the years ending June 30, 2005, 2006 and 2007.

A motion to approve the proposal of Mauldin & Jenkins, Certified Public Accountants, for the years ending June 30, 2005, 2006 and 2007 by Commissioner Davis, seconded by Commissioner Flowers-Taylor, carried by a unanimous 5-0 vote.

10. Consider authorizing Staff to initiate the process of rezoning 189.656 acres on Wallace Road from C-2, Conditional, to AR-1 and R-2.

Chairman Goss said, since this property was in his district, he wanted to address the issue. He wanted to see the tract rezoned back to its original zoning districts because he felt as long as this area was zoned commercial, any other SPLOST vote in Spalding County, if it includes the Wallace Road area, would be in trouble. He understood the Development Authority has some legal rights in this matter, but he felt in the long run the people of the area would be best served to have the property rezoned back to AR-1 and R-2 from its C-2 Commercial zoning district.

Commissioner Flowers-Taylor said she understood this was an emotional issue, and it is true the County is in some litigation concerning the property. She would like to see what the Court's ruling in March would be on the County's recently filed Motion to Dismiss. Then the Board will have a better idea as to what direction to take.

Commissioner Flowers-Taylor made a motion to table this request until after the Court rules on the Motion to Dismiss recently filed, which should occur on or about the March 16, 2005 hearing date. The motion was seconded by Commissioner Davis and passed by a vote of 4-1, with Chairman Goss opposing.

11. Commissioner Flowers-Taylor would like to discuss the Urban Proximity Special Exception theme.

After general discussion, Commissioner Flowers-Taylor made a motion to proceed with implementation of a moratorium on petitions for the Urban Proximity Special Exception. Commissioner McDaniel seconded the motion for purposes of discussion.

Commissioner Flowers-Taylor said she was concerned for areas of abuse that are possible with this particular zoning. She felt the concept needed to be revisited, particularly in the area of no greenspace requirement and its role as one of transition from dense city areas to zoning districts with larger acreage and footage requirements. Commissioner Flowers-Taylor wanted to see some movement toward making the zoning district more like other districts in greenspace requirements particularly.

County Manager Wilson responded that neither the County Zoning Attorney nor Community Development staff were available to discuss the issue at the upcoming March 5 commissioners' retreat. He suggested the Task Force Committee might review the issue.

County Attorney Jim Fortune noted for Commissioner McDaniel that a Moratorium prepared for adoption requires one reading after preparation. Newton Galloway, County Zoning Attorney, can hopefully have it ready for the Zoning Public Hearing on Thursday, February 24. Paperwork must be properly done and approved. It was determined the time of the moratorium shall be set at 120 days.

Commissioner McDaniel noted they should remember to include a review of the Urban Proximity map that identifies specific properties eligible for this type subdivision. The map may present a larger problem.

The vote for the motion was 4-1, with Commissioner Davis opposing.

XIV. REPORT OF COUNTY MANAGER

- Bain Proctor Award nominations are still being accepted by the Parks and Recreation Department.
- Equipment in the Parks & Recreation budget to purchase this spring will include a comparison test between Snapper, who has met the State price, and Toro, whose products the County has primarily used in the past. One crew will test Snapper and another crew, Toro equipment.
- A new feature is on the website – From the Spalding County home page, one can access Tax Assessor records and aerial photos with full property and dwelling descriptions. Realtors find it most helpful.
- There has been some interest in purchasing the old Zetella Courthouse on Leach Road. If given direction to do so, Mr. Wilson said he would ask for the research necessary to obtain an appraisal, declare the property surplus and make it available on the Courthouse steps by bid. Commissioners so directed.
- The Griffin-Spalding County Area Transportation Committee recommended adding ex-officio representation from the City and County from the areas of fire and law enforcement. These appointments will appear on a future agenda.
- Buck Creek Estates – Community Development Staff and the County's Zoning Attorney have recommended, should the Board of Commissioners desire to allow Class A manufactured homes in this R-5 district, they be made a Special Exception for Class A Manufactured Homes with a Text Amendment rather than allowing them by right. Currently, mobile homes are only allowed in AR-1 by Special Exception and must conform to certain criteria. There are only two site built homes in the subdivision; the remainder is mobile homes, both single- and double-wide. The manufactured home development called Buck Creek Estates was approved in 1985 as a single-family, fabricated housing mobile home subdivision in the R-5 zoning district. The Board of Commissioners changed the Ordinance by Text Amendment to exclude manufactured homes in 2003. Some discussion followed. Commissioner McDaniel said he would like to resolve this particular situation without painting the issue with too broad a brush. The concern was that undesirable actions might be opened up, even though the Board has discretion with Special Exceptions. The general consensus was to get Attorney Galloway to discuss the issue further at the Zoning Public Hearing on Thursday, February 24, 2005.
- City Park Pool – The County has determined it will take about \$120,000 to bring the City Pool facility up to par. Mr. Wilson said the City Manager has not engaged the Board of Commissioners formally to consider this concept, but previous discussions have occurred on the topic. The City doesn't have budgeted monies to pay the County to take over operations or make the needed repairs. Commissioner Flowers-Taylor was concerned that a large segment of the community won't be able to use the pool if an admission charge is implemented as discussed by the swim and dive team associations who have expressed some interest in day-to-day operation of facility. The Board directed the County Manager to request that the City Manager take the matter to his

Board of Commissioners for consideration and then make a formal request to the County, if they so desire. Development impact fees could not be utilized presently to improve the pool since there is no existing aquatic facility currently for the County and impact fees are based on the expansion of current levels of service. If the County does assume responsibility for the pool, they could revisit the issue of impact fees later.

- The County Ordinance requires that salaries be paid as accrued in monthly installments or other periodic installments at the discretion of the majority of the Board of Commissioners. Commissioner Freeman has asked that Spalding County defer his compensation as commissioner until after October 2005, which requires Board approval. Some special budgeting will be required to accommodate the request. All Commissioners indicated approval.
- Street vendors – This issue was also deferred to Zoning Attorney Galloway who will brief commissioners at Thursday night's Zoning Public Hearing.
- 5311 Public Transportation -- McIntosh Trail RDC operates a 5311 system and wants to know if Spalding County would be interested in participating. The County may have to get back into the public transportation arena because of clean air requirements and non-attainment. It may be more economically feasible to do a 5311 plan than to do a GRTA bus -- \$25,000 to \$50,000 per year versus a possible \$800,000 respectively. McIntosh Trail will make a presentation to the Griffin-Spalding Area Transportation Committee at its next scheduled meeting. This service will provide both scheduled and on-demand service; previously Spalding County made over 2000 trips a month with 4 vans before and many were scheduled with some on-demand.

XV. REPORT OF COMMISSIONERS

Commissioner Freeman hoped Public Defender Arthur English understood the Board of Commissioners was simply doing its job and demonstrating fiscal responsibility. He felt Mr. English could maintain his level of service.

Commissioner Flowers-Taylor mentioned the Land Bank Authority meeting at 4:30 p.m. on Tuesday, February 22, at City offices. She commented regarding the email from McIntosh Trail for the CDBG grant for sewer proposal. She wondered if they had looked at data from two years ago on the other side of Hill Street. They have reviewed only the Pinetree Circle area. This effort was spearheaded by a committee at the request of the Board of Commissioners. People north on Hill Street from the City limits all the way to McIntosh Road have needed sewer badly and requested help for probably twenty years.

County Manager Wilson said sewer in this area is not competitive because the cost of units served was prohibitively high. The maximum for a CDBG grant is \$500,000 to pay for the entire project. The larger the area considered, the less cost-effective it would be.

Commissioner Flowers-Taylor suggested topics for consideration at the Commissioners' Retreat on March 5: reworking the County's mission statement as suggested at ACCG training, including readdressing the motto; customer service or employee incentive programs; feasibility of including stormwater in impact fees; consideration of identifying additional property on the future land use map for the Development Authority for industrial growth (perhaps dedicating more properties along Georgia 16 for such use); and a possible subdivision leash law.

Commissioner Davis said he was sorry to see it take 46 minutes to discuss Mr. English's request for relief at the Public Defender's Office with no assistance provided.

Commissioners McDaniel and Goss had no comments.

XVI. ADJOURNMENT

Chairman Goss made a motion to adjourn at 9:32 p.m., seconded by Commissioner Davis and approved by a unanimous 5-0 vote.