



REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, October 3, 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 Edward Goss presiding and Commissioners Cecil Davis, Gwen Flowers-Taylor, Eddie Freeman and Johnie McDaniel present. Also present were County Manager William Wilson, County Attorney Jim Fortune, Community Development Director Chuck Taylor and Executive Secretary Teresa Watson.

I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.

II. INVOCATION – Commissioner Flowers-Taylor

III. PLEDGE TO FLAG – Led by Commissioner McDaniel

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Introduction of new Griffin-Spalding County Airport Manager.

Barry Griffith, coming to the Griffin-Spalding County Airport from Palm Springs Airport, California, thanked the Board for its support and said he was very much looking forward to working as Airport Manager.

2. Wildlife Biologist, Doug Hoffman, Department of Natural Resources, to make a presentation on possible solutions to the geese problem at Wyomia Tyus Olympic Park and Dundee Lake Park.

Louis Greene, Director of Parks and Recreation, introduced Mr. Hoffman and voiced his concern over the geese problem. The animals and their droppings create havoc for maintenance personnel, and the geese have become very aggressive, chasing senior citizens and others. Besides the constant goose droppings on the walking track, the aerator in the lake gets clogged which harms the fish, there is an ongoing transfer of weeds and unwanted grasses into the expensive sod, and there is a fear of some of the walkers getting hurt in an effort to get away from the geese. The money being allocated to maintenance might very well exceed the cost of the Department of Natural Resources' services if left unchecked.

Doug Hoffman, with fifteen years' experience between the U.S. Department of Agriculture and the DNR, said there are many ways to proceed. Pyrotechnic devices, paintball guns and other types of harassment are sometimes used to make geese less acclimated to areas where humans are present. The crews at Parks and Recreation, to whom he has already made suggestions, have pretty much run most of the geese off already with harassment methods. Some dogs, i.e. Labrador retrievers, are used but not recommended in this instance. Nest destruction is another method permitted by DNR and he suggested the County perhaps obtain a permit for this option in advance of spring to get a head start. Lethal methods, not recommended in this instance, must be permitted through DNR and should be a last resort at a public park. People must be discouraged from feeding geese. Signs, education, and public awareness of the problem will help. Park personnel are managing well already from a non-lethal standpoint. There are legal hunting seasons in winter months, but this area too urban for that option. Capture and relocation can be done in the summertime as they molt in June and July. Wildlife specialists capture during this time for a fee of about \$1500 to \$2000. Other entities such as the nearby school and First Assembly of God facilities might be persuaded to join in this effort and its cost to eliminate the geese simply moving to the next closest location.

Louis Greene said he would like to get permission for the permit ahead of spring and to post signs and educate the public about feeding the geese. Commissioners gave general consensus of approval for the permit and signs.

V. PRESENTATION OF FINANCIAL STATEMENTS – N/A

VI. CITIZENS COMMENTS

1. James Bevil, 1844 Carver Road, would like to address the Board regarding animal control.

Mr. Bevil was not present.

2. Dimitri Phillipou, Pole Position Bar and Grill, would like to address the Board regarding Sunday sales of alcohol.

Mr. Phillipou, 2700 North Expressway, Griffin, Georgia, presented a copy of the menu from Pole Position Bar and Grill for commissioners. County Manager Wilson had informed him about the previous referendum for Sunday sales that failed. With 55% of his business in food sales, his is one of the area's most competitively priced restaurants.

Mr. Fortune cited failure of the referendum last year which passed in the City but failed in County. He didn't think a restriction would apply here to prohibit bringing it forward again. More than 50% of the people would have to vote yes on the next referendum. There is not time to get it placed on the November 2005 referendum which Commissioners from Spalding County would have to approve. A 60 day notice is required for Justice Department, he thought, so the November 2005 date is improbable. Special elections could be called but they are very expensive and would not be a viable option, he felt. About 300 votes made the difference in the failed referendum last year in the County. Mr. Phillipou expressed a desire to explore options and said he might be willing to fund a possible effort. Chairman Goss said he would look into the matter.

3. Greg Pruitt would like to address the Board concerning the requirement to place fire hydrants on existing water lines.

Mr. Pruitt was not present.

VII. PUBLIC COMMENT

VIII. MINUTES

1. Consider approval of Minutes for the September 19, 2005 Extraordinary Session, the September 22, 2005 Special Called Closed Meeting and the September 22, 2005 Zoning Public Hearing.

Commissioner McDaniel made a motion to approve minutes of the September 19 Extraordinary Session, the September 22 Special Called Closed Meeting and the September 22 Zoning Public Hearing. Commissioner Freeman seconded. Commissioner Davis said he had not been present for the September 22 Special Called Closed Meeting and would abstain from that vote. Motion for approval of the September 19 Extraordinary Session and the September 22 Zoning Public Hearing passed 5-0, and motion for approval of the September 22 Closed Meeting passed 4-0-1 with Commissioner Davis abstaining.

IX. CONSENT AGENDA

1. Consider on second reading Amendment to the Official Zoning Ordinance: Amendment to UDO #A-05-22: General Procedures – Section 413:G'(2)(c) – amend Estate Life Neighborhood development criteria.

IN RE: Text Amendment #A-05-22

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; 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 September 22, 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 413G":2(c) be deleted in its entirety and replaced with the following:

- c. Estate Life Neighborhood: This neighborhood has a rural theme where disturbance of the property during the construction process is minimized. The design calls for large lots, narrow streets, significant effort to preserve trees and other natural features. A country estate architectural design for the homes is required. Commonly owned open space is prominent in the subdivision, but is largely unimproved. An example of this subdivision design is Oakley Estates, located on Highway 92 just north of Woolsey in Fayette County, Georgia.
 - i. Architectural Design Criteria: A large, country estate home where brick or stone is used on at least 50% of all facades. is required, with outbuildings generally designed to look like farm buildings.
 - ii. Common Space Design Criteria:
 1. common space shall meet the requirements of Section 413(G")(1), above, but shall require a minimum of 30% greenspace.
 2. at least one (1) of the following design criteria must be included:
 - a. improved walking trails; or
 - b. large open space areas, largely unimproved.

iii. Streets Design Criteria:

Subdivision streets may, with approval by the Spalding County Board of Commissioners, be developed without curb and gutter, in compliance with the Spalding County Subdivision Ordinance, Section 502(Q)(2).

iv. Other Design Criteria:

1. Low density, with a maximum density of one dwelling per 1.5 acres.
2. A minimum of two (2) of the following design criteria must be included:
 - a. minimal grading on lots;
 - b. development emphasis on tree preservation;
 - c. preservation of property in its natural state; and
 - d. setbacks exceeding 100 feet.

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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2. Consider approval on second reading an Ordinance amending the FY 2006 Budget Ordinance to appropriate 2003 LLEBG Funds.

AN ORDINANCE AMENDING THE
FISCAL YEAR 2006 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, 2005, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance	From	\$	1,918,582	to	\$	1,924,777
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B. Expenditures

Sheriff	From	\$	968,197	to	\$	974,392
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Approved on first reading this 19th day September 2005.

Approved, adopted and enacted on second reading this 3rd day of October 2005.

3. Consider approval on second reading an Ordinance amending the FY 2006 Budget Ordinance to add lower courts to Circuit Budget for Office of Public Defender and reimbursement from counties within the circuit.

AN ORDINANCE AMENDING THE
FISCAL YEAR 2006 BUDGET ORDINANCE
FOR SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2006 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, 2005, be amended as follows:

Section I. General Fund

A. Revenues

Intergovernmental Revenue	From	\$	539,607	to	\$	816,108
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B. Expenditures

Public Defender	From	\$	923,984	to	\$	1,200,485
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Approved on first reading this 19th day September 2005

Approved, adopted and enacted on second reading this 3rd day October 2005.

Commissioner McDaniel motioned to approve Consent Agenda, seconded by Commissioner Davis and approved by a unanimous 5-0 vote.

X. OLD BUSINESS

1. Consider approval of revised final plat for Rocky Creek Estates (minor subdivision).

Community Development Director Chuck Taylor said after the previous meeting, he had explored alternatives with the developer of this project. Given the site limitations, this developer, Mr. David Standard, cannot put in a road and implement a conservation subdivision. However, the number of driveways was reduced from 22 to 7 by utilizing shared paved driveways for the flag lots in Henry County fronting on Rocky Creek Road. The driveways would be maintained by the homeowners.

Commissioner Flowers-Taylor asked about the curb cuts for Lots 1-8 on Boynton Road.

Chuck Taylor said these lots actually meet the minimum frontage requirements of Spalding County ordinance. He was unsure as to whether or not Mr. Standard would be open to incorporating shared driveways on Hillview and Boynton Roads. The lots on Hillview particularly meet the lot widths required, as well, so these probably would not be good candidates for shared drives. AR-1 zoning currently applies to the property.

Questions were asked of Mr. Taylor and the developer regarding configuration, driveways, flag lots, minimum lot widths, and road frontages. The flag lots in question in Henry County just don't meet Spalding County frontage requirements. Zoning Attorney said the properties do meet Henry County requirements, and a letter from Henry County had been received, stating they have no problem with the lots' configuration.

Commissioner McDaniel said he felt it was just an instance of the developer trying to wrangle everything he could out of the road frontage. Several issues pointed up the fact that the ordinance needed more work. Driveways were not as expensive as building a street.

Mr. Taylor said he could do nothing more than relay that it met the technical requirements, so he had to recommend approval of this 33-lot subdivision.

David Standard, 2428 South Ola Road, Locust Grove, Georgia

Mr. Standard, as developer, stated all these homes would be stick built, on site, with square footages in the 2200 to 2500 range with restrictive covenants. Homes will be a combination of brick, stacked rock, and siding with all having masonry accents of some sort. Most of the lots are so large the homes won't be visible from the road.

Commissioner McDaniel motioned to approve final plat of Rocky Creek Estates, seconded by Commissioner Davis, and motion carried by a vote of 4-1 with Chairman Goss opposing.

XI. NEW BUSINESS

1. Consider approval of final plat for O'Dell Road Subdivision, located off O'Dell Road.

Chuck Taylor said this was the final plat for this commercial subdivision, and it did meet all the necessary requirements for approval. Mr. Taylor answered questions and advised that Staff recommends approval.

Commissioner Davis made a motion to approve the final plat for O'Dell Road Subdivision, seconded by Commissioner Freeman, and motion carried by a unanimous vote of 5-0.

2. Consider acceptance of right-of-way (ROW) deed for O'Dell Industrial Way located in O'Dell Road Subdivision, off O'Dell Road.

Commissioner Davis made a motion to accept the right of way deed for O'Dell Industrial Way seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.

3. Consider approval of Commercial Lease Agreement between Spalding County and Bill and Jim Murray for Activity Center at 830 East Broadway, Griffin, Georgia.

County Manager Wilson said this basement is used by the Cooperative Extension Service 4-H program for the firearm range, gun safety courses and competitions. Already in use, this has proven to be an excellent facility with ample parking, leased for only \$1 per year.

Commissioner Davis made a motion to approve the Commercial Lease Agreement for 830 East Broadway, seconded by Commissioner McDaniel, and motion carried by a 4-1 vote with Chairman Goss opposing.

4. Consider approval of the Addendum to the Memorandum of Agreement for Summer Academic Enrichment Program with the Spalding County Board of Health, Adolescent Health & Youth Development Program.

County Manager Wilson said this program provides for structured activities for 20 middle school students and is the product of grant money from District Four.

Commissioner McDaniel motioned to approve the Addendum to the Memorandum of Agreement for the Summer Enrichment Program, seconded by Commissioner Davis and motion carried by unanimous 5-0 vote.

5. Consider approval of the First Amendment to the Intergovernmental Agreement with the Office of Secretary of State.

County Manager Wilson said the Secretary of State's Office would provide 40 of the electronic polling machines for the first two years at no cost, then maintenance transfers to Spalding County for costs after that, which is the same situation as with the Diebold voting machines. He said the machines would make check in quicker and provide for easier, more uniform checking in of voters with fewer personnel required. These electronic polling

machines would also provide for uniformity throughout the state. Maintenance was estimated to be cheaper than for the voting machines. Mr. Wilson said he would ask about maintenance costs, but he supported getting them ahead of a mandate. If Spalding County does not elect to do this, it will be the only county doing so and will be required to pay when the machines are mandated later. This simply provides an opportunity to get the machines at no cost with maintenance provided for two years.

Commissioner Davis motioned to approve this First Amendment to the Intergovernmental Agreement, seconded by Commissioner Freeman and motion carried by a vote of 3-2 with Chairman Goss and Commissioner Flowers-Taylor opposing.

6. Consider petition for residents of Hosannah Road for water services.

A petition was received earlier this year from residents on Hosannah Road for water service. Of the residents on Hosannah Road, 66% of those in Spalding County and 100% of those in Henry County signed the petition. Henry County has no plans to serve water to the Hosannah Road residents on the 400' portion located in Henry County, because it would not be economically feasible to cross the reservoir to do so. Henry County has no objection to Spalding County providing same. There is ample right of way (80') for installation of water lines and fire hydrants. Completion of the backflow prevention project is expected by year-end, and personnel could be allocated to this project. A cost of \$50,000 has been budgeted for line extensions. This project will approximate \$60,000; Spalding County could use the \$50,000 budgeted and try to make up the \$10,000 elsewhere. Permitting by EPD (6-12 weeks), design (6-8 weeks) and engineering need to be accomplished before construction could begin. Construction would not begin before the first of the year. Costs for design and engineering are not included. This road already ranks near the top of the County's priority list for water line extension project.

Commissioner Davis made a motion to approve the petition for water service to the residents of Hosannah Road, seconded by Chairman Goss.

Commissioner Flowers-Taylor asked where Blanton Mill Road fit on this projected priority list. Cost per customer for Blanton Mill Road exceeds \$5000, and Mr. Wilson retrieved a project listing book to verify.

Ethel Wilson, 500 Hosannah Road, Griffin, Georgia
Hosannah Road is growing rapidly and residents would greatly appreciate water service. Many nice homes are being built in the community, and she urged approval of the project. Besides no water service, there is limited fire protection with no fire hydrants.

Mr. Wilson confirmed that the cost per customer for Blanton Mill Road's 22,000 feet was \$6884 and it was #28 on the priority list. Hosannah Road, at 6400', is #10 on the list with a cost per customer of \$3698.

Commissioner Freeman noted Blanton Mill Road was a paved County thoroughfare and Hosannah Road was a dead-end road.

The motion carried by a unanimous 5-0 vote.

7. Consider Resolution of Intent to Abandon a Portion of West Williamson Road.

Over the past couple of years, Florida Rock Industries has worked to relocate a portion of the roadway of West Williamson Road. They have graded, based and paved the new portion to County specifications and will deed the new road to the County. Their operations over the years have expanded, and Florida Rock has bought up most of the neighbors' properties. This involves 3300' of roadway, and the deed will be ready for the County to accept at the same time of the public hearing on October 17, 2005, and the decision making process will occur on October 17, as well. Florida Rock owns both sides of the roadbed to be abandoned, so no other landowners will be the beneficiary of additional footage as a result of the road abandonment. Florida Rock will deed the property for the new road with 80' right of way. Mr. Ronnie Cain will have driveway access on West Williamson Road, but no paved road frontage access on the new paved road. The new road was built off the property line on the west side and the north side.

Commissioner McDaniel motioned to approve the Resolution of Intent to Abandon a Portion of West Williamson Road, seconded by Commissioner Freeman, and motion carried by a vote of 5-0.

8. Consider declaring surplus and authorizing for sale on the Courthouse steps .21 acres off Green Valley Road and The By-Way Road.

County Manager Wilson said Tim Whalen of the Tax Assessors' Office, placed a value of \$3,150 on the .21 acre triangle discussed at last meeting off Green Valley Road and The By-Way Road. He stated he had contacted the adjacent property owner, and Mr. Dick Morrow with two other partners, Stan Bishop and Michael Jackson, are interested in purchasing the property. If declared surplus, the property will be sold on the courthouse steps to the highest bidder.

Commissioner Davis motioned to declare surplus and authorize for sale on the Courthouse steps the .21 acres off Green Valley Road and The By-Way Road, seconded by Commissioner Freeman. The motion carried by unanimous 5-0 vote.

XII. REPORT OF COUNTY MANAGER

County Manager Wilson:

- Reminded commissioners of the school tour and lunch planned for October 21.
- Noted that the Democratic Party wants to use the meeting room the third Saturday of each month. He recommended approval, and commissioners concurred.
- Advised that hand-delivered this afternoon was a request for a one-day special fundraiser for the Humane Society, a Chili Cook-Off, which would serve alcoholic beverages at The Pavilion. Spalding County doesn't issue one-day licenses but can issue a letter saying the County has no problem with the State issuing same. Humane Society tickets for the event will be \$8.00 which gives patrons access to all the chili, and alcoholic beverages are donated by a local beverage company for the non-profit group. This is a new state requirement in effect for about two years for one-day events where donated alcoholic beverages are consumed. Board members expressed approval and authorized issuance of the letter.

XIII. REPORT OF COMMISSIONERS

Commissioner Freeman – no report.

Commissioner Flowers-Taylor – She was still concerned about an issue she brought up at the last meeting where no support was forthcoming. She knew the Water and Sewerage Facilities Authority and Board of Commissioners were directing Brian Upson of Paragon Consulting regarding the Sewer Master Plan. She wanted to pursue helping sewer customers in close proximity to City, particularly on the north and east quadrants.

Mr. Wilson summarized the direction given Mr. Upson, noting they decided the County was not going with conventional, large traditional sewer plants but rather utilizing public-private partnerships and package plants. The areas in close proximity to City were discussed but no firm commitment was expressed.

Chairman Goss said there is no money now to do sewer on north and east side, but commissioners can revisit it later with the Water Authority in the form of grants and assistance to customers who cannot pay their share in the way of hookups, disconnecting old systems and other costs involved. Mr. Wilson said he could ask Brian Upson to explore grant proposals, etc. in this area.

Commissioner McDaniel said the Sewer Master Plan rather than the Comprehensive Plan was the mechanism to address this issue. Commissioner Davis noted that a plan had been worked out before that did not proceed.

Commissioner Flowers-Taylor felt the County should address it rather than asking residents to do so. The north and east sides are some of the oldest neighborhoods and are in close proximity to City. Future planning should incorporate these issues.

Mr. Wilson said the overall septage plan discussed utilizing the Shoal Creek plant because it would be able to handle this issue better than other plants. Now at the Potato Creek plant, septage is discharged straight into plant whereas at Shoal Creek the discharge can be diluted in holding ponds.

Commissioner Flowers-Taylor asked about the decision commissioners made at their annual retreat in March to have two Code Enforcement officers.

Mr. Wilson responded that he had a policy of waiting until after first quarter of the fiscal year to implement additional hirings. The County has advertised and several applicants are being considered. A successful candidate probably will be hired in November or December.

She noted the meeting regarding impact fees with City personnel today was productive. Mr. Wilson said a draft response would be placed in commissioners' boxes, and a final response will be provided to them at such time as it is executed.

Commissioner Davis – no comment.

Commissioner McDaniel – At the last Zoning Public Hearing, he felt perhaps the Board might have been shortsighted regarding the Bana application at the Rover/Zetella/Vaughn Road Intersection. Mr. Bana will not take action to move the house without this rezoning. Now with this denial of the application, it looks as though a 12-18 month delay will occur. Department of Transportation was ready to let the contract but now must go back to the drawing board for new design and engineering. Twice the applicant stated this would occur, Chuck Taylor concurred once and once William Wilson said it as well during the meeting, but commissioners denied the application anyway. Had the application been approved with conditions, Mr. Bana had someone ready to move the house. Now, with the denial of the application, they have actually prolonged the time this dangerous intersection would remain unsafe. He asked if the Board desired to take another look at the issue with an eye for making the intersection ultimately safer.

Commissioner Freeman said he did not want to be held hostage by Mr. Bana. Nothing from the State had been seen yet detailing these concerns, and he wanted to see something in writing. He had requested Mr. Anthony Dukes, the Urban Transportation Planner, obtain this documentation for him.

Commissioner Davis said if the Board of Commissioners had indeed created a problem by their actions, he would be willing to take another look at the application.

Commissioner Flowers-Taylor agreed, saying she had realized this would probably be the result, making an unsafe situation unsafe even longer. The State will have to redesign and start engineering all over again, basically starting from scratch.

Commissioner McDaniel said they had conferred with Zoning Attorney Newton Galloway, and the only way to revisit it within a twelve-month period is for the Board of Commissioners to initiate reconsideration of the application itself.

Mr. Wilson said he would work with Anthony Dukes and get the information to Commissioner Freeman. Additionally, the Department of Transportation District Engineer can do an update on the project for the Board.

Chairman Goss – No comments.

XIV. CLOSED MEETING

1. County Manager requests a Closed Meeting to discuss acquisition of real estate.

Commissioner McDaniel motioned to go into Closed Meeting, seconded by Commissioner Davis and the motion carried by a unanimous vote at 7:56 p.m.

CLOSED MEETING AFFIDAVIT

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

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

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

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on October 3, 2005.

2.

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

3.

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

4.

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

No Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

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

Yes Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

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

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

This the 3rd day of October, 2005 .

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 3rd day of October, 2005 .

Notary Public – Teresa A. Watson (L.S.)

Edward Goss, Jr. (L.S.)

Cecil Davis (L.S.)

Gwen Flowers-Taylor (L.S.)

My commission expires:

March 3, 2007

Eddie L. Freeman (L.S.)

Johnie McDaniel (L.S.)

Commissioner McDaniel motioned to reconvene to Open Session, seconded by Commissioner Freeman and motion carried by a unanimous 5-0 vote at 8:10 p.m.

XV. ADJOURNMENT

Commissioner Davis motioned to adjourn, seconded by Commissioner McDaniel, and motion carried by a unanimous vote at 8:11 p.m.