

## REGULAR MONTHLY MEETING

The Spalding County Board of Commissioners held their Regular Monthly Meeting in Room 108 in the Courthouse Annex, Monday, July 7, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Eddie Freeman, Johnie McDaniel, Gwen Flowers-Taylor and David Phillips present. Also present were County Manager William P. Wilson, Jr., Stephanie Windham representing County Attorney James R. Fortune, Jr., Assistant to the County Manager Paul Van Haute, and Executive Secretary Teresa Watson.

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

**II. INVOCATION – Commissioner Johnie McDaniel**

**III. PLEDGE TO FLAG – Led by Commissioner Eddie Freeman**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – N/A**

**V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**

**VI. CITIZENS COMMENTS**

1. Nina Winters of Rover-Zetella Road desires to address the Board of Commissioners regarding noise levels of the Los Garanones Rodeo at 139 Rover-Zetella Road.

*Ms. Winters was not present.*

**VII. PUBLIC COMMENT**

Speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted 5 minutes to speak on topics pertinent to the Board's jurisdiction. No speaker will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

Donna Clay, 109 Railroad Drive, Griffin, Georgia

Ms. Clay was present to voice her objections to the noise levels at the rodeo. The Sheriff's Department personnel who responded to her 911 calls told her their hands were tied. The deputies have all echoed her sentiments that the music is played too loudly and is very disruptive to the neighbors. She has tried requesting the owners to turn down to no avail. She was not positive but assumed some of the patrons were drinking at these events, and her daughter was run off the road after a recent event.

Joel O'Quinn, 253 Rover-Zetella Road, Griffin, Georgia

Mr. O'Quinn lives ¼ mile from the rodeo's Rover-Zetella Road site. Noise is so loud at their events that you cannot carry on a conversation in the yard without yelling. He wears hearing aids but can hear this noise level perfectly clear without any aid. He has a sleep disorder, as well, and must retire early but cannot sleep for the noise levels that disrupt his peace and quiet. Homeowners pay considerably more in taxes than the rodeo property and he feels they should receive some relief.

William Sandler, 113 Railroad Drive, Griffin, Georgia

Noise is still an issue with the rodeo but is more concerned with the problem of patrons urinating in public at the last rodeo that he witnessed. Law enforcement needs to constantly monitor this problem.

Virginia Crowder, 68 Rover-Zetella Road, Griffin, Georgia

She requested that the Board rescind the permit given to the parties for the Los Garanones Rodeo. It disturbs the area tremendously and she was concerned that Code Enforcement Officer Michael Heath was not on call on Sundays to enforce reduction of the noise levels as they promised. She questioned how the permit could have been issued with only a portion of the commission voting for it, and the Board explained that the vote would have required the majority of those commissioners present and a full board was not present on the day that vote was taken. On Sunday, July 13 and Sunday, July 20, Mt. Zion Methodist Campground will hold worship services in the evening, and the rodeo that will be held simultaneously will disrupt it tremendously.

Kay Vickery, 155 Rover-Zetella Road, Griffin, Georgia

She has spoken with Commissioner Freeman many times over the last three years regarding the noise levels. The rodeo is within 100 feet of the house and she has to leave home when rodeos are held.

Bobbie S. Collins, 4106 Newnan Road, Griffin, Georgia

She was present with her friends to complain about the noise level of the music. At 72, she felt she should be able to enjoy her home and yard but is unable to do so. She felt it was ridiculous that Americans could not resolve this issue created by residents from another country that dictated to all the residents who have lived here for many years.

Commissioner Phillips felt this constituted noise pollution and hoped the County could establish a reasonable decibel range, much as they have on other issues.

Commissioner Freeman said he had numerous calls before and after the issue on a previous agenda, and even after the neighbors trying to work with the rodeo owners, the calls and the problems persist.

***Commissioner Freeman moved to amend the agenda to place as Item Number 1 under New Business: Consider revocation of the blanket outside amplification permit for Los Garanones Rodeo, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 5-0.***

#### **VIII. MINUTES**

1. Consider approval of Minutes of the following: June 16, 2008 Extraordinary Session; June 26, 2008 Special Called Meeting; June 26, 2008 Zoning Public Hearing; and the June 30, 2008 Special Called Meeting.

***Minutes of the June 16, June 26 Special Called Meeting, and the June 26 Zoning Public Hearing: Motion and second to approve by Commissioners Flowers-Taylor and Phillips carried 4-0-1, with one abstention by Commissioner McDaniel who was not present for the meetings.***

***Minutes of the June 30, 2008 Special Called Meeting: Motion and second by Commissioners McDaniel and Phillips carried by a vote of 5-0.***

#### **VIII. CONSENT AGENDA – N/A**

#### **X. OLD BUSINESS**

1. Consider, on second reading, Amendments to the Official Zoning map of the following:

-Application #08-04Z: Mubina Ahmed, Owner, Macon Road, 29.28 acres, R-1 to AR-1.

APPLICATION FOR MUBINA AHMED  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;  
REZONING APPLICATION #08-04Z

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

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

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

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

WHEREAS, Mubina Ahmed, applicant, applied for a change in zoning classification to be applied to the within described property to AR-1, Agricultural and Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on April 18, 2008;

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 June 26, 2008, 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 certain tract or parcel of land situate, lying and being in Land Lot 203 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia and being more particularly described as follows:

Commencing at a point where the east boundary of Land Lot 203 intersects the south right-of-way of Macon Road and running in a northwesterly direction a distance 1849 feet to an iron pin being the True Point of Beginning and running; thence South 38 degrees 20 minutes 01 seconds West a distance of 1,208.32 feet to a point for corner; thence South 38 degrees 20 minutes 01 seconds West a distance of 78.98 feet to a point in the centerline of Potato Creek and then following the centerline of the creek the following; thence North 30 degrees 50 minutes 07 seconds West a distance of 82.54 feet to a point in the creek for corner; thence North 20 degrees 09 minutes 14 seconds West a distance of 147.25 feet to a point in the creek for corner; thence North 20 degrees 51 minutes 48 seconds West a distance of 147.93 feet to a point in the creek for corner; thence North 20 degrees 51 minutes 57 seconds West a distance of 204.45 feet to a point in the creek for corner; thence North 22 degrees 41 minutes 42 seconds West a distance of 55.38 feet to a point in the creek for corner; thence North 32 degrees 19 minutes 57 seconds West a distance of 122.65 feet to a point in the creek for corner; thence North 17 degrees 33 minutes 42 seconds West a distance of 144.94 feet to a point in the creek for corner; thence North 27 degrees 17 minutes 11 seconds West a distance of 139.12 feet to a point in the creek for corner; thence North 23 degrees 46 minutes 00 seconds West a distance of 131.12 feet to a point in the creek for corner; thence North 24 degrees 33 minutes 42 seconds West a distance of 187.77 feet to a point in the creek where the northwest property if extended would intersect the creek for corner and leaving the creek; thence North 48 degrees 15 minutes 28 seconds East a distance of 60.04 feet to a point for corner; thence North 48 degrees 15 minutes 28 seconds East a distance of 902.46 feet to a point at the right-of-way of Macon Road for corner; thence South 35 degrees 25 minutes 30 seconds East a distance of 550.00 feet along the right-of-way of Macon Road to a point for corner; thence South 35 degrees 28 minutes 21 seconds East a distance of 526.23 feet along the right-of-way of Macon Road to the POINT OF BEGINNING, and containing 1,281,280 square feet or 29.28 acre(s) of land, more or less.

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

Section 2:

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

On July 7, 2008, 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 certain tract or parcel of land situate, lying and being in

Land Lot 203 of the 2<sup>nd</sup> Land District of originally Monroe, now Spalding County, Georgia, containing 29.28 acres, Macon Road, zoned AR-1.

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

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

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

-----

***Motion and second by Commissioners Phillips and Freeman to approve Application #08-04Z carried 5-0.***

2. Consider, on second reading, Amendments to the Official Zoning Ordinance for the following:

-Amendment to UDO #A-08-07: Article 7. R-1, Article 8. R-2, Article 10. R-4 and Article 11. R-5 – Amend to allow Child Care Placement Facility as a Special Exception use in single family residential district.

IN RE: Text Amendment #A-08-07

RESOLUTION AMENDING THE ZONING ORDINANCE OF  
SPALDING COUNTY, GEORGIA TO ALLOW FOR THE LOCATION AND  
PLACEMENT OF FOSTER CARE CHILD FACILITIES

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 regulations pertinent thereto;

WHEREAS, the Board of Commissioners of Spalding County, Georgia has determined that it is in the best interests of the citizens of the Spalding County for certain text revisions and amendment to be made to the Spalding County, Georgia Code of Ordinances;

WHEREAS, the Board of Commissioners has determined that it is desirable to allow foster care child facilities within certain zoning districts and developments in Spalding County;

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to allow foster care child facilities to the Spalding County, Georgia Code of Ordinances is of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

WHEREAS, the Board of Commissioners desires to allow foster care child facilities within certain zoning districts and developments within Spalding County in compliance with the requirements of the Rules and Regulations of the Georgia Department of Human Resources, specifically Georgia Rules and Regulations, Chapter 290-2-5, et. seq.;

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 June 26, 2008, 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

NOW THEREFORE, it shall be and is hereby RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Spalding County, Georgia Code of Ordinances shall be and is hereby amended, as follows:

Section 1: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 2 “Definitions of Terms Used:” Section 202(KK’’) )

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2 “Definitions of Terms Used” to appear as Section 202(HH’):

**Section 202: General Definitions.**

HH’. **Foster Care Child Facilities:** A building or group of buildings, a facility or place in which is provided one (1) or more beds and other facilities and services – including rooms, meals and personal care for minors under the age of nineteen (19) years which complies with the rules and regulations contained in Chapter 290-2-5 (Rules and Regulations for Child Caring Institutions, Georgia Department of Human Resources). For the purposes of this Ordinance, Foster Care Child Facilities are classified as follows:

1. **Foster Home:** A private home where the foster parent(s) live which has been approved by the Georgia Department of Human Resources to provide 24 hour care, lodging, supervision and maintenance for no more than six (6) children under the age of nineteen (19).

2. **Child Caring Institution:** A child-welfare agency that is any institution, society, agency or facility (whether incorporated or not) which either primarily or incidentally provides full-time care for children through eighteen (18) years of age outside of their own homes which has been approved by the Georgia Department of Human Resources to provide room, board, lodging, supervision and maintenance for six (6) or more children.

Section 3: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 5, AR-1 Agricultural and Residential: Section 503(B)(22).

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5, AR-1 Agricultural and Residential to appear as Section 503(B)(22):

**Section 503: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in AR-1 districts:

22. Child Caring Institution as defined in Section 202(HH’)(2) that meets the following criteria:
- a. minimum lot area: As required by Section 504(B);
  - b. minimum heated floor area: As required by Section 504(A);
  - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
  - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
  - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 5: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5, AR-1 Agricultural and Residential to appear as Section 503(C)(16):

**Section 503: Permitted Uses.**

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

16. Foster home

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 6, AR-2 Rural Reserve to appear as Section 603(B)(15):

**Section 603: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in AR-2 districts:

15. Child Caring Institution as defined in Section 202(HH')(2) that meets the following criteria:

- a. minimum lot area: As required by Section 604(B);
- b. minimum heated floor area: As required by Section 604(A);
- c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
- d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
- e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 7: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 6, AR-2 Rural Reserve to appear as Section 603(C)(14):

**Section 603: Permitted Uses.**

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

14. Foster home

Section 8: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7, R-1 Single-Family Residential Low Density to appear as Section 703(B)(6):

**Section 703: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-1 districts:

6. Child Caring Institution as defined in Section 202(HH')(2) that meets the following criteria:

- a. minimum lot area: As required by Section 704(B);
- b. minimum heated floor area: As required by Section 704(A);
- c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
- d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
- e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 9: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7, R-1 Single-Family Residential Low Density to appear as Section 703(C)(15):

**Section 703: Permitted Uses.**

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

15. Foster home

Section 10: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7A, R-1A Single-Family Residential District to appear as Section 703A(B)(6):

**Section 703A: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-1A districts:

6. Child Caring Institution as defined in Section 202(HH')(2) that meets the following criteria:
  - a. minimum lot area: As required by Section 704A(B);
  - b. minimum heated floor area: As required by Section 704A(A);
  - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
  - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
  - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 11: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7A, R-1A Single-Family Residential District to appear as Section 703A(C)(15):

**Section 703A: Permitted Uses.**

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

15. Foster home

Section 12: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 8, R-2 Single-Family Residential District to appear as Section 803(B)(6):

**Section 803: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-2 districts:

6. Child Caring Institution as defined in Section 202(HH')(2) that meets the following criteria:
  - a. minimum lot area: As required by Section 804(B);
  - b. minimum heated floor area: As required by Section 804(A);
  - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
  - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
  - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 13: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 8, R-2 Single-Family Residential District to appear as Section 803(C)(16):

**Section 803: Permitted Uses.**

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

16. Foster home

Section 14: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 10, R-4 Single-Family District to appear as Section 1003(B)(6):

**Section 1003: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-4 districts:

6. Child Caring Institution as defined in Section 202(HH')(2) that meets the following criteria:
  - a. minimum lot area: As required by Section 1004(B);
  - b. minimum heated floor area: As required by Section 1004(A);
  - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
  - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
  - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 15: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 10, R-4 Single-Family District to appear as Section 1003(C)(15):

**Section 1003: Permitted Uses.**

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

15. Foster home

Section 16: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11, R-5 Single-Family District to appear as Section 1103(B)(6):

**Section 1103: Permitted Uses.**

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-5 districts:

6. Child Caring Institution as defined in Section 202(HH')(2) that meets the following criteria:
  - a. minimum lot area: As required by Section 1104(B);
  - b. minimum heated floor area: As required by Section 1104(A);
  - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
  - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a child caring institution;
  - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 17: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11, R-5 Agricultural and Residential to appear as Section 1103(C)(15):

**Section 1103: Permitted Uses.**

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

15. Foster home

Section 18: The within and foregoing amendments to the Spalding County, Georgia Code of Ordinances shall become effective immediately upon adoption of this Ordinance.

Section 19: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

-----  
--

-Amendment to UDO #A-08-08: Article 12. C-1 Highway Commercial – Amend to allow remote control motorized vehicles as a principal use.

RE: Text Amendment #A-08-08

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 June 26, 2008, 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: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 12, "C-1 Highway Commercial:" to appear as Section 1203.B.1

1. Motorized Vehicle Spectator Sports
  - a. All vehicles shall be remote control, non-occupant vehicles with a maximum vehicle size of 2 feet long by 2 feet wide by 1 foot tall.
  - b. Must have a minimum lot size of 5 acres.

- c. Facilities used for such purpose shall be located a minimum of 100 feet for any adjacent property line.
- d. A continuous undisturbed buffer of no less than 50 feet shall be provided along all side and rear property lines.
- e. Hours of operation for competition or practice shall be limited to a period of 8:00 A.M. to 10:00 P.M.
- f. Lighting for such facilities and all associated parking shall be designed not to reflect off-site.
- g. The site shall be accessible to public water and water shall be made available to tract users.

Section 2: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

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

-----  
--

-Amendment to UDO #A-08-09: Article 17A. VN Village Node – Section 1705A:D(3) – Amend maximum units per building.

IN RE: Text Amendment #A-08-09

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 June 26, 2008, 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: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 17A, “VN Village Node District:” to appear as Section 1705A.D.3

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 17A, “VN Village Node District:” to appear as Section 1705A.D.3

3. Maximum units per building: 24

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

-----  
--

-Amendment to UDO #A-08-10: Article 17A. VN Village Node – Section 1705A:A(9) – Amend to allow Schools – elementary, middle, high-public or private.

IN RE: Text Amendment #A-08-10

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 June 26, 2008, 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: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 17A, “VN Village Node District:” to appear as Section 1705A.A.9

9. School-elementary, middle, high-public or private.

Section 2: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

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

-----  
--

-Amendment to UDO #A-08-12: Article 2. Definitions of Terms Used – Section 203:H’ – Amend definition of Dwelling, Infill.

IN RE: Text Amendment #A-08-12

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 June 26, 2008, 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: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 2, "Definitions of Terms Used:" to appear as Section 203(H').

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions of Terms Used:" to appear as Section 203(H'):

H'. A single family residential dwelling of conventional construction located on a lot of record within a platted subdivision constructed with a minimum heated floor area which equals or exceeds the average heated floor area of existing single family residential dwellings located within the platted subdivision, provided each dwelling, infill shall have a minimum heated square footage of 1250 square feet. The dwelling shall utilize the setbacks consisting of the average of the adjoining lots.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

-----  
--

-Amendment to UDO #A-08-13: Appendix A. Subdivision Ordinance – Article 4 – Section 403:F – Amend exception for minor subdivisions.

IN RE: Text Amendment #A-08-13

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 June 26, 2008, 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: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Appendix A, Article 4, "Exception for Minor Subdivision:" to appear as Section 403.F.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Appendix A, Article 4, "Exception for Minor Subdivision:" to appear as Section 403.F:

- F. Exception for Minor Subdivisions: Subdivisions which do not involve the platting, construction, or opening of new streets, sewers, or water facilities, or subdivisions which do not involve improvement to existing streets are defined as minor subdivisions. They are subject only to the requirements of the Final Plat Stage and the Recording and Dedication Stage. Subdivisions so defined will be accepted by the Spalding County Board of Commissioners in the form of a Final Plat, and the Final Plat must comply in all respects to the requirements of this Ordinance.

Section 3: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

-----  
--

*Motion and second by Commissioners Flowers-Taylor and Phillips to approve Amendments to UDO #A-08-07, A-08-08, A-08-09, A-08-10, A-08-12 and A-08-13 carried by a vote of 5-0.*

-Amendment to UDO #A-08-11: Article 5. AR-1, Article 6. AR-2, Article 7. R-1, Article 8. R-2, Article 10. R-4 and Article 11. R-5 – Amend to allow a mother-in-law suite as a principal use.

*Motion and second to table indefinitely Amendment to UDO #A-08-11 by Commissioners Flowers-Taylor and McDaniel carried by a vote of 5-0.*

## **XI. NEW BUSINESS**

1. Consider revocation of the blanket outside amplification permit for Los Garanones Rodeo.

*After much discussion and on advice by counsel, the Board directed staff to serve notice to Los Garanones, and advertise a public hearing for Friday, July 11, at 6:15 p.m. with a Special Called Meeting to follow at 6:45 p.m., that the blanket outside amplification permit will be considered for revocation by the Board of Commissioners.*

2. Consider, on first reading, Ordinance #2008-08 to amend Part VI, Licensing and Regulation, Chapter 1, Businesses and Occupations, Article A. Sales of Malt Beverages and Wine, Section 6-1003.1, Location of Business, to add new subparagraph (4) relating to distance of any place used exclusively for religious services.

*Motion and second to approve Ordinance #2008-08, on first reading, by Commissioners McDaniel and Freeman, carried by a vote of 5-0.*

3. Consider, on first reading, Ordinance #2008-09 to declare Sandy Flat Road in its entirety as “No Thru Trucks.”

*Motion and second by Commissioners Phillips and Freeman to approve, on first reading, Ordinance #2008-09 carried by a vote of 5-0.*

4. Consider request of Debbie Frost, Wynsong Art & Design, to display the mosaic mural entitled “Memory Lane” at the Spalding County Courthouse from August 15 to October 15, 2008.

*Motion and second to approve the request of Debbie Frost to display the mosaic mural was made by Commissioners Phillips and Flowers-Taylor, and motion carried 5-0.*

5. Consider rescheduling September 1 and September 15, 2008 Board of Commissioners meetings to September 8 and September 22, 2008 due to the observance of Labor Day holiday.

*Motion and second to approve rescheduling September 1 and September 15, 2008 Board of Commissioners meetings to September 8 and September 22, 2008 due to the observance of Labor Day holiday by Commissioners Phillips and Freeman, carried by a vote of 5-0.*

6. Consider rescheduling, due to Thanksgiving and Christmas holiday season observances, the November 27, 2008 Zoning Public Hearing and the December 25, 2008 Zoning Public Hearing.

*Motion and second by Commissioners Phillips and Freeman to either: 1) combine the November 27, 2008 Zoning Public Hearing and the December 25, 2008 Zoning Public Hearing meetings with the immediately preceding regular meeting days, or 2) cancel if there is minimal or no applications to be heard, carried by a vote of 5-0.*

7. Chairman Goss desires the Board’s consideration of additional County holidays.

*Chairman Goss has suggested giving December 26, 2008 and January 2, 2009 as paid holidays since the holidays for Christmas and New Year’s Day are on Thursdays. Motion and second by Commissioners Phillips and Freeman carried 5-0.*

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

- The Macon Road/Bucksnot Road FLUM amendments will be considered at a workshop on July 15 at 6 p.m.

- A Press Release for the 4-H Mounted Drill Team wins at the recent National Competition in Texas has been issued. The 4-H Shooting Range will be hosting this month's Business After Hours at the Ole Mill Range on July 15, from 5-7 p.m. This group has won many awards in their shooting competitions as well, including the national competition in Iowa recently.
- A job description developed in conjunction with M/A-COM and Loudon Communications for the Communications System Specialist has been completed. This will be for a pay grade 19 and will receive \$33,250 in starting salary. Mr. Wilson hopes to hire within next three months this person who would oversee the 800 MHz project under Paul Van Haute's direction. He will program radios and other duties, but will report technical issues to M/A-COM.
- Most commissioners, when polled, were in favor of the new senior center's geothermal system instead of a conventional HVAC. More information will follow as the project progresses.

### **XIII. REPORT OF COMMISSIONERS**

#### **Freeman**

Commissioner Freeman commended the 4-H groups; they are very motivated and instructors and volunteers spend great deal of time on the program. He also advised he needs an additional paycheck for this month since he is now two Eddies, according to Commissioner Phillips.

#### **Flowers-Taylor**

She was concerned about campaign signs in the rights of way, particularly on Old Atlanta Road and Highway 19/41 just feet from the side of the road, and she urged Code Enforcement to monitor. She was still concerned about contract services for the Jail from Spalding Regional Medical Center with reduced rates; Mr. Wilson advised he had some information on that topic which he would get to her. Mr. Wilson will also get her a copy of the contract with Internal Medicine for Dr. Hall which should have been emailed. Commissioner Flowers-Taylor talked with Chairman Goss about the clinic at the Health Department. She wants to find out what's going on with the loss of the physician there and the clinic no longer operating.

#### **Phillips**

Commissioner Phillips commended the residents at Runaway Lakes and he has listened to their concerns. They have been very gracious and Code Enforcement said the area looks its best in six years. He apologized to the Rover-Zetella Road neighbors for the rodeo's noise levels. The comment he made last week about the two Mr. Freemans were a result of an invitation to speak on WKEU. He stated he cannot speak for the Board, but it seemed to him that Mr. Freeman particularly wanted to peacefully coexist with the City one week after wanting to go to war with them the previous week. As for Animal Control, he was concerned over a problem with a resident who wanted to adopt four German Shepherd puppies but an animal rescue group already arranged to pull the animals, faxing in their request to do so. Animal Shelter would not let this individual adopt and an employee stated they had an adoption agreement with this rescue group. He felt citizens should take precedence over outside animal rescue groups. Further, he was not sure of the motivation, but these animals have appeared on Craig's list, and he would like to discover how that came about. Finally, in defense of Commissioner Flowers-Taylor, who was erroneously written about in the newspaper editorial, he did not think the writer understood her comments but rather really misconstrued them in that article.

#### **McDaniel**

He noted that the Board has heard loud and clear the objections of the residents of the Rover-Zetella Road area. However, they want and need to do what is legally fair and avoid litigation. This procedure of a public hearing will ensure that it gets done right. He directed staff to look into some housekeeping issues on the noise nuisance ordinance, too. Additionally, there appears to be a growing problem with property maintenance on foreclosed properties. People who foreclose are not keeping the properties maintained and, according to Clark Howard and confirmed by Attorney Windham, they must comply with any nuisance ordinances in place just as any other property owner. He requested that staff review these, as well, and Mr. Wilson reminded all that these are issues that can be dealt with at the workshop scheduled for July 21, from 10 am to Noon. He concluded by reminding all that the Ernie's Trail dedication at Wyomia Tyus Olympic Park will be held at 6 p.m. on Thursday, July 10.

#### **Goss**

Chairman Goss assured Commissioner Flowers-Taylor that the Health Department doesn't want to shut down the clinic for one minute because of a loss of the physician, and they are looking at a

nurse practitioner in the interim. He added that the Board of Commissioners ever envisioned these type problems with the rodeo's outside amplification, but he noted that none want to incur a lawsuit which would actually further hurt the neighborhood and waste taxpayer dollars in the process.

**XIV. ADJOURNMENT**

*Motion/second to adjourn at 7:15 p.m. by Commissioners Freeman and Phillips carried 5-0.*

\_\_\_\_\_  
Chairman

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

.....