

REGULAR MONTHLY MEETING

The Spalding County Board of Commissioners held their Regular Monthly Meeting in Room 108 in the Courthouse Annex, Monday, October 6, 2008 beginning at 6:00 o'clock p.m. with Commission Vice Chairperson Gwen Flowers-Taylor presiding and Commissioners Eddie Freeman, Johnie McDaniel, and David Phillips present. Also present were County Manager William P. Wilson, Jr., County Attorney James R. Fortune, Jr., and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER) – Vice Chairman Gwen Flowers-Taylor**
- II. INVOCATION – Commissioner Johnie McDaniel**
- III. PLEDGE TO FLAG – Led by Commissioner David Phillips**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – N/A**
- V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**
- VI. CITIZENS COMMENTS**
- VII. PUBLIC COMMENT – N/A**

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.

VIII. MINUTES

1. Consider approval of Minutes of the following: September 22, 2008 Extraordinary Session and the September 25, 2008 Zoning Public Hearing.

Motion to approve Minutes of the following: September 22, 2008 Extraordinary Session and the September 25, 2008 Zoning Public Hearing with one correction to the September 22, 2008 Extraordinary Session, Item #8 under New Business, to add: "Motion to approve" shall replace "This is a small," by Commissioner Phillips, seconded by Commissioner Freeman.

VIII. CONSENT AGENDA – N/A

IX. OLD BUSINESS

1. Consider second reading of Amendment to the Official Zoning Map of the following:
 - Application #08-08Z: Paul W. Bell and Nicole R. Bell, Owners, 238 Airport Road, .66 acres, R-1 to O&I Conditional.

APPLICATION FOR PAUL W. BELL AND NICOLE R. BELL
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION #08-08Z

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, Paul W. Bell and Nicole R. Bell, applicants, applied for a change in zoning classification to be applied to the within described property to O & I, Office & Institutional;”

WHEREAS, such application was filed with Spalding County, Georgia on July 21, 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 September 25, 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 tract or parcel of land lying and being in Land Lot 117 of the 2nd Land District, Lot 8 of the Mathis S/D of Spalding County, Georgia, containing 28,781 SF or 0.66 acre as shown on a plat of survey by Southern Surveying, Inc., Mike Gaskins, GRLS #1620, dated 07/17/2008, said plat being incorporated herein by reference, recorded in PB 3, PG 419 in Spalding County records and being more particularly described as follows:

Commencing at a point on the South right-of-way of Airport Road, said point being located a distance of 406.9 feet East from the East right-of-way line of Everee Inn Road on the South right-of-way line of Airport Road (having a 60 foot right-of-way), the Point of Beginning: thence continuing North 88 degrees 53 minutes 00 seconds East a distance of 100.21 feet to a point on the South right-of-way line of Airport Road; thence South 02 degrees 57 minutes 52 seconds East a distance of 287.01 feet; thence South 88 degrees 10 minutes 42 seconds West a distance of 100.0 feet; thence North 02 degrees 59 minutes 57 seconds West a distance of 288.24 feet to the Point of Beginning.

From “R-1, Single Family Residential Low Density” to “O & I, Office & Institutional” District.

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

- a. No chemicals shall be stored in any structures on site but will be allowed to remain in vehicles on the property.
- b. Inspections shall routinely be performed by the Fire Marshal.
- c. A front-yard setback variance shall be applied for and approved.
- d. No additional curb cuts shall be allowed for the subject property.
- e. The pool shall be removed.
- f. A privacy fence of wood or masonry shall be installed between this property and that of Mr. Michael Talley at 236 Airport Road.
- g. Three trucks shall be allowed, with only one left overnight at the business and the remaining to be taken home at night by the operators or otherwise removed from the property.
- h. No truck parking shall be allowed in the front area of the property.
- i. No site lighting shall glare into adjacent property.

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 October 6, 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 tract or parcel of land lying and being in Land Lot 117 of the 2nd Land District, Lot 8 of the Mathis S/D of Spalding County, Georgia, containing 0.66 acre, 238 Airport Road, zoned O & I, 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.

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- Application #08-09Z: Allen W. Marshall III, Et al; G. Niles Murray III, Et al; James R. Fortune, Jr., Et al; Louise Cole Parham; Richard R, Jr. and Kathryn Kleinkauf; and Kelly A. and Adam J. Bence, Owners, 205/209/213/215/219 Birdie Road, 14.405 acres, C-1 and AR-1 to C-1, Conditional.

APPLICATION FOR ALLEN W. MARSHALL III, Et al; G. NILES MURRAY III, Et al; JAMES R. FORTUNE, JR., Et al; LOUISE COLE PARHAM, RICHARD R. JR. AND KATHRYN KLEINKAUFF; AND KELLY A. AND ADAM J. BENCE FOR REZONING CERTAIN PROPERTY LOCATED WITHIN SPALDING COUNTY, GEORGIA; REZONING APPLICATION #08-09Z

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, and AR-1, Agricultural and Residential;”

WHEREAS, Allen W. Marshall III, Et al; G. Niles Murray III, Et al; James R. Fortune, Jr., Etal; Louise Cole Parham; Richard R. Jr. and Kathy Kleinkauf, and Kelly A. and Adam Jr. Bence, applicants, applied for a change in zoning classification to be applied to the within described property to C-1, Highway Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on July 22, 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 September 25, 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 tract or parcel of land lying and being in Land Lot 105 of the 3rd Land District, Spalding County, Georgia, and being more particularly described as follows:

Beginning at a 5/8” rebar set at the point of intersection of the Northerly right-of-way line of Birdie Road (having a variable right-of-way) with the North Westerly right-of-way line of U.S. Highway 19 and U.S. Highway 41 (having a 200-foot right-of-way) thence in a Westerly direction along the said Northern right-of-way line of Birdie Road the following courses and distances: North 89 degrees 45 minutes 03 seconds West, a distance of 399.15 feet to a 5/8” rebar set; thence South 00 degrees 38 minutes 34 seconds West, a distance of 10.02 feet to a ¾: crimped top pipe found; thence North 89 degrees 44 minutes 09 seconds West, a distance of 95.23 feet to a 1” open top pipe found; thence North 89 degrees 45 minutes 10 seconds West, a distance of 124.98 feet to a 5/8 rebar set; thence North 89 degrees 45 minutes 03 seconds West, a distance of 124.58 feet to a ½” rebar found; thence leaving said right-of-way line of Birdie Road (along the property line of the land of the now or formerly owned by Michael R. Lamb, Deed Book 2110, Page 59, Plat Book 21, Page 242) North 09 degrees 06 minutes 39 seconds West, a distance of 173.35 feet to a 5/8” rebar set; thence along said property line North 00 degrees 01 minutes 06 seconds West, a distance of 70.15 feet to a ½” rebar found; thence along said property line North 09 degrees 44 minutes 41 seconds East, a distance of 162.08 feet to a ½” rebar found; thence (along the property line of the land now or formerly owned by Lawrence Properties at Timbercreek, LLC., Deed Book 2724, Page 200) South 89 degrees 47 minutes 08 seconds East, a distance of 125.03 feet to a ½” rebar found; thence along said property line South 89 degrees 47 minutes 08

seconds East, a distance of 124.97 feet to a 1/2" rebar found; thence along said property line North 00 degrees 03 minutes 27 seconds East, a distance of 592.68 feet to a 5/8" rebar set; thence (along the property line of the land now or formerly owned by Steve Morris, Deed Book 2432, Page 120) South 85 degrees 11 minutes 00 seconds East, a distance of 219.53 feet to a 1" open top pipe found; thence North 85 degrees 03 minutes 06 seconds East, a distance of 255.34 feet to a 1" open top pipe found on the Westerly right-of-way line of U.S. Highway 19 and U.S. Highway 41 (having a 200-foot right-of-way); thence in a Southerly direction along the said Westerly right-of-way line of U.S. Highway 19 and U.S. Highway 41 the following courses and distances: along a curve to the right having a radius of 2485.58 feet, and an arc length of 848.82 feet, being subtended by a chord bearing South 02 degrees 52 minutes 07 seconds East, a chord distance of 844.71 feet to a 5/8" rebar set; thence South 06 degrees 48 minutes 32 seconds West, a distance of 184.13 feet to a 5/8" rebar set, said 5/8" rebar set being the True Point of Beginning.

Said tract of landing containing 14.405 acres (627,460 sq. ft.)

From "C-1, Highway Commercial and 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:

- a. The Future Land Use Map for the subject property shall be amended to Commercial.
- b. All site lighting shall be designed so as not to glare onto adjacent residential properties.
- c. The development shall be served by a sewer system.
- d. The developer will meet with County staff to resolve the maneuvering and stacking problems at the drive-through window on the east side of the grocery store. This shall be accomplished through a combination of a striping signage and raised medians.
- e. The developer will meet with County staff and, if needed, Georgia Department of Transportation Staff to resolve the median striping issue at the first, eastern most, entrance of Birdie Road.
- f. The Developer agrees to work with the Georgia Department of Transportation to modify the left-turn median on southbound U.S. 19/41. Such modifications shall be designed to prevent traffic making a right turn out of the southern most exit from the shopping center site and then turn left onto eastbound Birdie Road.
- g. The curved access road from the north entrance into the shopping center shall be eliminated in favor of a driveway that runs south from the entrance road, parallel to U.S. 19/41, to the east side of the parking field at the shops. (Note this item has been addressed on the revised site plan. This condition can be discarded.)
- h. Strongly worded signage at the driveway to the delivery area behind the shops shall be used to limit access for vehicles that are not loading or unloading.
- i. Out-parcel design shall maximize cross parcel access with the main shopping center.
- j. Curb cuts shall be limited to two per frontage.

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 October 6, 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 tract or parcel of land lying and being in Land Lot 105 of the 3rd Land District, Spalding County, Georgia, containing 14.405 acres (627,460 sq. ft.), 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road, zoned C-1, Conditional.

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

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

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

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

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2. Consider second reading of Amendment to the Official Zoning Ordinance of the following:
 - Amendment to UDO #A-08-19: Article 19, O&I Office & Institutional, Section 1902:A(4) – delete two-family dwelling (site built, industrialized, or Class A Manufactured Home) with a heated floor area of at least 1400 square feet and amend to allow animal hospital.

IN RE: Text Amendment #A-08-19
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 25, 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 19, "Office and Institutional District:" Section 1902.A.4:

Two-family dwelling (site built, industrialized, or Class A manufactured home) with a heated floor area of at least 1,400 square feet.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 19, "Office and Institutional District:" to appear as Section 1902.A.4:

Animal hospital

Section 3: 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 4: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 5: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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- Amendment to UDO #A-08-20: Article 19, O&I Office & Institutional, Section 1902:A(3) – amend to delete Class A manufactured home with heated floor area of at least 1,000 square feet.

IN RE: Text Amendment #A-08-20
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 25, 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 19, "Office and Institutional District:" Section 1902.A.3:

Class A manufactured home with a heated floor area of at least 1,000 square 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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- Amendment to UDO #A-08-21: Appendix A. Subdivision Ordinance, Section 301:F and Appendix J. Commercial/Industrial Development – Article 3 – amend fee schedules.

IN RE: Text Amendment #A-08-21

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 25, 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, Appendix A, Article 3, "Fees:" Section 301. F:

F. Resubmittal of Construction Plans Set by Board of Commissioners

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Appendix J, Article 3, "Fees:"

8. Resubmittal of construction plans Set by Board of Commissioners

Section 3: 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 4: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 5: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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Motion to approve all items under Old Business, Application #08-08Z, Application #08-09Z, Amendment to UDO #A-08-19, Amendment to UDO #A-08-20, and Amendment to UDO #A-08-21, by Commissioner McDaniel, seconded by Commissioner Freeman, carried 4-0.

XI. NEW BUSINESS

1. Consider appointment to the Griffin-Spalding Airport Advisory Board to fulfill the unexpired term of James Westbury, for a term to expire December 31, 2008.

No nominations have been received. Commissioner Freeman noted he currently served as a non-voting member and would like to serve in a voting capacity for the balance of the year.

Motion by Commissioner Phillips to have Commissioner Freeman serve as the voting appointee to the Griffin-Spalding Airport Advisory Board to fulfill the unexpired term of James Westbury, for a term to expire December 31, 2008, seconded by McDaniel, carried by a vote of 4-0.

2. Consider approval of Contract for the Provision of Indigent Defense for the State Court of Spalding County and Juvenile Deprivation Actions in the Juvenile Court for Calendar Years 2009, 2010 and 2011 with Sullivan & Ogletree, PC.

Mr. Wilson advised the contract represented an increase in the amount of \$40,000, the first since 2005. The increased cost will remain unchanged for the next three contract years. Several letters of endorsement have been received from the Sheriff's Department and the judges who work closely with Sullivan & Ogletree.

Motion to approve the Contract for the Provision of Indigent Defense for the State Court of Spalding County and Juvenile Deprivation Actions in the Juvenile Court for Calendar Years 2009, 2010 and 2011 with Sullivan & Ogletree, PC, by Commissioner Freeman, seconded by Commissioner McDaniel, carried 4-0.

3. Consider request of Humane Society of Griffin-Spalding County for letter stating no objection to State issuance of one-day alcoholic beverage license for a fundraiser to be held November 8, 2008 from 11 a.m. to 2 p.m. at The Pavilion.

Motion to approve request of Humane Society of Griffin-Spalding County for letter stating no objection to State issuance of one-day alcoholic beverage license for a fundraiser to be held November 8, 2008 from 11 a.m. to 2 p.m. at The Pavilion, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 3-1 with Commissioner McDaniel opposing.

4. Consider joint resolution declaring the desirability and commitment to establish and participate in recurring joint meetings with the City of Griffin and Griffin-Spalding County Board of Education.

A JOINT RESOLUTION BY
THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA,
THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA
AND
THE GRIFFIN-SPALDING COUNTY BOARD OF EDUCATION
DECLARING THE DESIRABILITY OF AND COMMITMENT TO ESTABLISH AND
PARTICIPATE IN RECURRING JOINT MEETINGS

WHEREAS, the Board of Commissioners of the City of Griffin, Georgia (hereinafter "City"), the Board of Commissioners of Spalding County, Georgia (hereinafter "County"), and the Griffin-Spalding County Board of Education (hereinafter "School Board" each independently agree that local government can help affect and improve various issues within its community for the betterment of its citizens;

WHEREAS, the City, the County and the School Board each independently believe that these issues include transportation, infrastructure, and community redevelopment, among others;

WHEREAS, the City realizes that there are other local governmental entities in Griffin and Spalding County, specifically the Spalding County Board of Commissioners (hereinafter "County") and the Griffin-Spalding County Board of Education (hereinafter "School Board") which are also working to improve the Griffin-Spalding County community;

WHEREAS, the City, the County and the School Board each independently believe that they are separately striving to accomplish common or similar tasks for the betterment of the Griffin-Spalding County community;

WHEREAS, the City, the County and the School Board each independently understand that more can be accomplished when they work together to reach common goals;

WHEREAS, the City, the County and the School Board each independently desire to cooperate with the other entities to set and reach common goals;

WHEREAS, the City is committed to understanding and appreciating the goals and obligations of the County and the School Board as it seeks to have its goals and obligations understood and appreciated by the other Boards;

WHEREAS, the County is committed to understanding and appreciating the goals and obligations of the City and the School Board as it seeks to have its goals and obligations understood and appreciated by the other Boards;

WHEREAS, the School Board is committed to understanding and appreciating the goals and obligations of the County and the City as it seeks to have its goals and obligations understood and appreciated by the other Boards;

WHEREAS, the City, the County and the School Board each independently believe that joint meetings of the three Boards where all entities can communicate openly and where common goals can be discussed and agreed upon will provide the best opportunity for the three Boards to lay the groundwork to determine and work towards their common goals; and

WHEREAS, the City, the County and the School Board each independently desire that such joint meetings occur on a regular basis, the first of which is scheduled for September 29, 2009;

THEREFORE, WE, the Board of Commissioners of the City of Griffin, Georgia, WE the Board of Commissioners of Spalding County, and WE the Griffin-Spalding County Board of Education do each hereby resolve that joint meetings of the City, the County and the School Board should be scheduled on a regularly occurring basis as agreed among the Boards to discuss issues and goals shared among them, that each governmental entity will actively participate in such meetings, and that the three Boards should work together for the betterment of the Griffin-Spalding County community as a whole.

This the sixth day of October 2009.

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Motion to approve joint resolution declaring the desirability and commitment to establish and participate in recurring joint meetings with the City of Griffin and Griffin-Spalding County Board of Education, by Commissioner McDaniel, seconded by Commissioner Phillips, carried 4-0.

5. Consider bids for construction of Moreland Road Elementary School Pavilion and authorize Chairman to execute documents necessary for same.

Motion to award bid for construction of Moreland Road Elementary School Pavilion to Lucon, Inc. at a cost of \$23,832 and authorize Chairman to execute documents necessary for same, by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 4-0.

6. Consider bids for mobile data terminals (laptop computers) for 800 MHz Communications System.

Mr. Wilson advised these have been tested in Clayton, Cobb, Gwinnett and Newton counties. Spalding County will accept delivery of six laptops initially for testing with the remainder being ordered and delivered at a later date. This price will be held until the entire order is placed. This laptop is the one most geared toward this type market.

Motion to award bid for mobile data terminals (laptop computers) for 800 MHz Communications System to CDW Government, Inc. for the Itronix GB VR-2 at a cost of \$577,530, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.

7. Consider approval of consultant selection team recommendation for a qualified consultant to update the Spalding County Comprehensive Plan, due by June 2009, and authorize Chairman to execute contract for same.

Mr. Wilson explained that \$50,000 has been set aside in this year's budget to update the Spalding County Comprehensive Plan, and the team has reached a unanimous recommendation after evaluating the RFPs that were received.

Motion to approve consultant selection team recommendation of Pond and Company as a qualified consultant to update the Spalding County Comprehensive Plan, due by June 2009, and authorize Chairman to execute contract for same at a cost of \$35,200, by Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 4-0.

8. Consider request of City of Griffin to utilize Memorial Drive Plaza parking lot area for the purpose of conducting driving tests for City employees using government vehicles October 13-16, 2008.

Motion to approve request of City of Griffin to utilize Memorial Drive Plaza parking lot area for the purpose of conducting driving tests for City employees using government vehicles October 13-16, 2008, provided testing does not interfere with parking area utilized by early voting participants, by Commissioner Phillips, seconded by Commissioner Freeman, carried 4-0.

9. Set a date for the L.B. Norton Fire Station Groundbreaking Ceremony.

Commissioners agreed on October 24, 2008 at 9:30 a.m. as the scheduled time for the ceremony.

XII. REPORT OF COUNTY MANAGER

- GRPA 4th District Awards Ceremony will be held October 22 at 6:30 p.m. in Jonesboro at the J. Charley Griswell Senior Center, and our own Spalding County Parks and Recreation Department has garnered three awards: Volunteer of the Year - for the tax program at the Senior Center, Athletic Agency, and Project of the Year for Ernie's Trail. Commissioners are invited to attend.
- The GRPA State Awards Ceremony will be held in November in Athens where our Parks and Recreation Department will be honored as Agency of the Year. Vice Chairman Flowers-Taylor felt it would be an appropriate expenditure from contingency as originally planned, and for all those who were initially involved, even though some commissioners had expressed reservations about the costs. Reconsideration of the issue resulted in a direction to Mr. Wilson to accommodate the initial request.
- The Tri-County LCI charrette will be held October 14, 15, 16 Harvest Temple on the 19/41 Bypass from 9 to 5 each day for all interested parties.
- Chairman Goss relayed that he wanted to have a **final** personal care home workshop scheduled. The Board needs to decide exactly what zoning classifications will be included and fine tune other issues so that Zoning Attorney Newton Galloway can complete his redraft of the ordinance. Commissioner Phillips requested that the County waive any future additional fees incurred by Ms. Martha Cheeves who plans to appeal her previous denial. A date of Monday, November 10, at 9 a.m. was set.
- Performance evaluations for the County Manager, provided to commissioners earlier, need to be returned to Chairman Goss by Monday, October 13, so that compilation can proceed before final review, set for Closed Session on October 20 with Mr. Wilson, after the Extraordinary Session's regular agenda.
- International Paper (formerly Weyerhaeuser) is terminating their lease at Memorial Drive Plaza, effective December 31, 2008. This will leave a very large void in rental fees realized from this complex.

XIII. REPORT OF COMMISSIONERS

Freeman

No comments.

Phillips

Commissioner Phillips commended all the agencies who assisted when the Sheriff's Department helicopter was fired on last week.

McDaniel

Last Monday, there was a Fairmont Forum held here and he asked Commissioner Flowers-Taylor to share. She relayed there were about 35 in attendance and Brian Upson of Paragon Consulting laid out the master plan for demolition of buildings, establishing relationships with nearby schools, walking trails, community room, stage area renovations, African-American History Museum, etc. Mr. Bill Beck, it was noted, would donate pertinent memorabilia he had for the museum. It was exciting to see that the public agreed with the concept and overall plan. Alumni will work to do fundraising and the meeting had a positive impact.

Flowers-Taylor

She felt there needed to be physical evidence of past SPLOST projects in place before this upcoming SPLOST comes to a vote, particularly for the Senior Center. She expressed a need for signs off the 19/41 Bypass and even on Carver Road. She strongly suggested advertisements and media events to promote these projects and educate the public about the status of these former SPLOST projects. A groundbreaking ceremony with participating seniors would be beneficial. Commissioner Phillips concurred and noted that a collage of past SPLOST projects, as evidence of how SPLOST money is spent, might be helpful.

XIV. ADJOURNMENT

Motion to Adjourn at 6:45 p.m., by Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 4-0.

Chairman

County Clerk

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