

## REGULAR MONTHLY MEETING

The Spalding County Board of Commissioners held their Regular Monthly meeting in Room 108 in the Courthouse Annex, Monday, December 1, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Johnie McDaniel, Eddie L. Freeman and David Phillips present. Absent was Commissioner Gwen Flowers-Taylor. Also present were County Manager William P. Wilson, Jr. and County Attorney James R. Fortune, Jr.

- I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. INVOCATION – Commissioner McDaniel**
- III. PLEDGE TO FLAG – Led by County Attorney Jim Fortune**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**
- V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**
- VI. CITIZENS COMMENTS – NO REQUESTS**
- 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.

*Marilyn Kimbell, 1107 Maple Drive – praised Commissioner Johnie McDaniel for his service as County Commissioner and wished everyone a Merry Christmas*

*Grover Arline, 50 Camden Road – expressed his concern with renumbering of residences in the Camden Road Shamrock Circle area and asked them to reconsider the change*

*Harvey Booker Jr., 44 Shamrock Circle – expressed his support as President of the Camden Road Homeowners Association for the renumbering of the subdivision*

*Sinclair Hollberg, 3335 Jackson Road – Wished the Board a Merry Christmas and thanked Commissioner McDaniel for his service. He also asked that the Board reconsider their approval of the TAD Resolution adopted at the last meeting*

*Patsy Arline, 50 Camden Road – expressed her concern with the renumbering of residences on Camden Road*

*Eugene Reid, 91 Holly Lane – addressed the Board concerning a citation he received for failure to restrain his animal while in a restraint district*

*Commissioner Phillips left the meeting room at this time.*

## **VIII. MINUTES**

1. Consider approval of Minutes of the following: November 17, 2008 Extraordinary Session and the November 17, 2008 Zoning Public Hearing.

*Motion and second to approve the following Minutes: November 17, 2008 Extraordinary Session and the November 17, 2008 Zoning Public Hearing, by Commissioners McDaniel and Freeman, carried by a vote of 3-0.*

## **IX. CONSENT AGENDA**

1. Consider second reading of Amendment to the Official Zoning Map of the following:-  
**Application #08-11Z:** T.D. Baxter, Owner – 137 School Road – 0.72 acre, C-1 to C-1B, Conditional.

APPLICATION FOR T. D. BAXTER  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;  
REZONING APPLICATION #08-11Z

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

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled "C-1, Highway Commercial;"

WHEREAS, T. D. Baxter, applicant, applied for a change in zoning classification to be applied to the within described property to C-1B, Heavy Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on September 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 November 17, 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 107 of the 3<sup>rd</sup> Land District of Spalding County, Georgia and being more particularly described as follows:

BEGINNING at a one inch open top pipe found at the intersection of the R/W of School Road (60' R/W) and the R/W of U.S. Highway 19 and 41 (200' R/W), thence running S 02°32'12" W a distance of 177.50' along the R/W of U.S. Highway 19 and 41 to a paint mark on the curb; thence leaving said R/W and running S 88°56'25" W a distance of 174.15' to a one half inch rebar found; thence running N 00°00'58" W a distance of 176.94' to a one inch open top pipe found on the south R/W of School Road; thence running along said R/W N 88°51'49" E a distance of 182.06' to the POINT OF BEGINNING.

Said tract contains 0.72 acre.

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

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

- a. No car sales shall be allowed.
- b. No outside storage shall be allowed.
- c. Site lighting to be designed so as not to glare in adjacent residential areas or onto public streets.
- d. Structural engineers shall provide a favorable report on the accessory building.
- e. The smallest metal building shall be removed from the 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 December 1, 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 107 of the 3<sup>rd</sup> Land District of Spalding County, Georgia, containing 0.72 acre, 137 School Road, zoned C-1B, Conditional.

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

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

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

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

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*Motion to approve, on second reading, Amendment to the Official Zoning Map of the following:-Application #08-11Z: T.D. Baxter, Owner – 137 School Road – 0.72 acre, C-1 to C-1B, Conditional. by Commissioner McDaniel, seconded by Commissioner Freeman, carried 3-0.*

**X. OLD BUSINESS**

- 1. Consider, on second reading, Amendment to the Official Zoning Map of the following: Application #08-02Z: Fayette Environmental, LLC, Owner – Bucksnot Road – 28.428 acres – AR-1 to C-2, Conditional.

APPLICATION FOR FAYETTE ENVIRONMENTAL, LLC  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;  
REZONING APPLICATION #08-02Z

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

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

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

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

WHEREAS, Fayette Environmental, LLC, applicant, applied for a change in zoning classification to be applied to the within described property to C-2, Manufacturing;"

WHEREAS, such application was filed with Spalding County, Georgia on February 19, 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 November 17, 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 situated, lying and being in Land Lot 115 of the 3<sup>rd</sup> Land District of Spalding County, Georgia, per a plat of survey prepared by Presley, Bernhard, Harper and Associates, certified by Gerald H. Bernhard, GA RLS, dated 08/13/97, being more particularly described according to said plat of survey as follows:

BEGINNING at a point that is the common land lot corner for Land Lots 115, 116, 141 and 142 of the 3<sup>rd</sup> Land District at a 5/8" rebar found; thence N 88°35'29" W for a distance of 467.28' to a 1/2" rebar found; thence N 65°24'36" W for a distance of 180.33' to a 1/2" rebar found; thence N 48°30'57" W for a distance of 655.91' to a 1/2" rebar found; thence N 09°58'40" W for a distance of 110.42' to a 1/2" rebar found; thence 86°40'26" W for a distance of 379.53' to a 1/2" rebar found; thence along the right of way (80' R/W) of Bucksnot Road along a bearing N 02°31'07" W for a distance of 429.22' to a 1/2" rebar found; thence N 86°20'21" E for a distance of 654.99' to a 1/2" rebar found; thence S 85°02'42" E for a distance of 872.43' to a 1/2" rebar found; thence S 00°54'18" E for a distance of 1047.16' to a 5/8" rebar found thus returning to the POINT OF BEGINNING.

From “AR-1, Agricultural and Residential” to “C-2, Manufacturing” 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. A minimum 100’ natural vegetated buffers shall be provided along the property lines of Lot 5.
- b. If a single detention pond is used for the development a reciprocal maintenance agreement will be provided to Community Development at the time of final plat.
- c. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.
- d. Acceleration/deceleration lane will be provided along Bucksnot Road.
- e. The Development Agreement between Spalding County and Fayette Environment, LLC shall be incorporated with all its conditions and provisions.

Section 3:

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

On December 1, 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 115 of the 3<sup>rd</sup> Land District of Spalding County, Georgia, containing 28.428 acres, Bucksnot Road, zoned C-2, 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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***Motion to approve, on second reading, Amendment to the Official Zoning Map of the following:-Application #08-02Z: Fayette Environmental, LLC, Owner – Bucksnot Road – 28.428 acres – AR-1 to C-2, Conditional.. by Commissioner McDaniel, seconded by Commissioner Freeman, carried 2-1 with Commissioner Goss opposing.***

***Commissioner Phillips returned to the meeting.***

- 2. Lift from the Table: Consider approval of 2009 renewal Alcohol Beverage License – Retail Package Store as follows:

-Prakash I. Patel, d/b/a 19/41 Package Store, 2004 N. Expressway – Beer, Wine and Liquor

***Motion to lift from the table was unanimously approved upon a motion by Commissioner McDaniel, seconded by Commissioner Phillips.***

***No action was taken on renewal of 2009 Alcohol Beverage License – Retail Package Store for -Prakash I. Patel, d/b/a 19/41 Package Store, 2004 N. Expressway – Beer, Wine and Liquor upon motion for approval by Commissioner Phillips, seconded by Commissioner***

*Freeman since a vote of 2-2, with Commissioners Goss and McDaniel opposing, resulted in no action. Item will be continued.*

**XI. NEW BUSINESS**

1. Conduct Public Hearing for a street lighting district for Lakeview Avenue.

*Motion and second by Commissioners McDaniel and Freeman to open Public Hearing carried by a vote of 4-0. No public comment was forthcoming.*

*Motion and second to close Public Hearing by Commissioners McDaniel and Freeman carried by a vote of 4-0.*

2. Consider request to approve street lighting district for Lakeview Avenue.

*Motion and second to approve establishment of a Street Lighting District for Lakeview Avenue, by Commissioners Phillips and Freeman, carried 4-0.*

3. Consider approval of new Agency Contract for Fire Protection Services for the City of Sunny Side for FY 2009.

**AGENCY CONTRACT FOR FIRE PROTECTION SERVICES**

STATE OF Georgia  
COUNTY OF Spalding

THIS AGREEMENT made and entered into on this the first day of October, 2008 by and between the City of Sunny Side, hereafter sometimes referred to as the "Municipality", a municipal corporation of the State of Georgia, and the "COUNTY OF Spalding", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

**WITNESSETH:**

THAT WHEREAS, the Municipality now deems it in the best interest of the City of Sunny Side and its citizens for the Municipality to furnish fire protection services in the exercises of a governmental function of the Municipality, and has requested the County to aid and assist it in furnishing such fire protection services within the corporate limits of the Municipality; and

WHEREAS, the County has now established a Fire Protection District comprising all of the unincorporated area of Spalding County and is presently furnishing fire protection services for such Fire Protection District and is willing to serve as an agent of the Municipality in providing the equipment, personnel and supplies for furnishing such fire protection services within the corporate limits of the Municipality for the consideration hereinafter set out; and

WHEREAS, the County deems it in the best interest of both parties hereto to enter into the within agency contract;

NOW, THEREFORE, for and in consideration of the premises and the respective benefits to be derived by each party hereto and in consideration of the covenants and agreements hereinafter set forth and payments of money by the Municipality to the County, as hereinafter set out, it is hereby mutually understood and agreed by and between the parties hereto, as follows:

-1-

Beginning at 12:00 o'clock Noon on October 1, 2008 the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2009 which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand One Hundred Thirty Eight dollars and twenty five cents (\$1,138.25) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2008, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2009, or until this contract is sooner terminated as hereinafter provided.

-3-

Time is of the essence of this contract and each of its provisions.

-4-

Notwithstanding anything herein contained to the contrary the within agreement may be terminated by either party hereto on the first day of any calendar month during the aforesaid twelve month term by giving notice in writing of such termination to the other party hereto at least thirty days in advance of the designated date of such termination, and thereafter this contract shall be terminated and neither party hereto shall be obligated to furnish fire protection services to the other party hereto, and no further monthly payments shall become due and payable thereafter by the Municipality.

-5-

Any notice contemplated or required by this contract shall be deemed effectively given when mailed by United States registered or certified mail, with the required postage prepaid, and addressed as follows:

If to the Municipality, address to:

City of Sunny Side  
P. O. Box 100  
Sunny Side, Georgia 30284

If to the County, address to:

County of Spalding  
P. O. Box 1087  
Griffin, Georgia 30224-1087

The parties hereto have respectively caused the within agreement to be duly executed in duplicate originals by and through their authorized officers and under their respective hands and seals on the day and year first above written.

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***Motion and second to approve the new Agency Contract for Fire Protection Services for the City of Sunny Side for FY 2009, by Commissioners McDaniel and Freeman, carried by a vote of 4-0.***

4. Consider approval of increase in Contract with Crown Castle, Inc. to provide for additional antenna that will be installed at this co-locate site.

***Motion and second to approve the increase in Contract with Crown Castle, Inc. to provide for additional antenna that will be installed at this co-locate site, by Commissioners Phillips and Freeman, carried by a vote of 4-0.***

5. Discuss and provide direction to Staff regarding modifications to the alcohol requirements as they pertain to zoning in the Village Node classification.

***General consensus was given for staff to prepare ordinance amendment for consideration that would modify alcoholic requirements as they pertain to the Village Node Zoning Classification.***

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

- 4H Mounted Drill Team will be participating in the Atlanta Christmas Parade.

- Christmas Parade is this Sunday, December 7 at 2:30 PM; Meet at Food Depot parking lot at 2:00 PM.
- Joint City/County/Development Authority meeting Monday December 1, 2008 at 10:00 AM to hear presentation from LPA Group and Airport Advisory Board.
- Festival of Lights is Thursday, December 4 at 6:00PM at Airport Road Park.
- City of Griffin would like to place a Christmas light display at the old Hill's Tire Store location – consensus received on request.
- We will need to have two Special Called Meetings for pending bond issues. The first meeting will be December 4, 2008 at 8:30 am for the Water Bonds and the second will be December 11, 2008 at 8:30 am for the SPLOST bonds.

**XIII. REPORT OF COMMISSIONERS**

**Freeman – None**

**Phillips**

Teresa should take time away from the office to fully recover from her hospital stay and the Board of Elections staff is to be commended on the great job they and all of the poll workers and volunteers did this year during early voting, the general election and the runoff. He has only received good comments on how smooth the election process was this year.

**McDaniel**

Commissioner McDaniel requested that Manager Wilson send an email to all Commissioners regarding all of the upcoming meetings and thanked Mr. and Mrs. Kimbell for their kind words concerning his service as a County Commissioner.

**Goss**

Chairman Goss echoed Commissioner Phillips' comments regarding Teresa and the Board of Elections staff and volunteers.

**XIV. ADJOURNMENT**

*Motion/second to adjourn at 7:16 p.m., by Commissioners McDaniel and Freeman, carried 4-0.*

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Chairman

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County Clerk

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