



REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their regular monthly meeting on Monday, December 6, 2004 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

AGENDA TOPICS

Those present were Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow, County Manager William Wilson, County Attorney Jim Fortune, and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER)**
- II. INVOCATION – Commissioner Johnie McDaniel**
- III. PLEDGE TO FLAG**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION – N/A**
- V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**
- VI. CITIZENS COMMENTS – N/A**
- VII. PUBLIC COMMENT – N/A**
- VIII. MINUTES**

- 1. Consider approval of the minutes of the Extraordinary Session of November 15, 2004.

On a motion by Commissioner Morrow to approve, and a second by Commissioner Davis, the vote was unanimous at 5-0 in favor of the motion to approve the minutes of the Extraordinary Session of November 15, 2005 as presented.

- 2. Consider approval of the minutes of the Zoning Public Hearing of November 23, 2004.

On a motion by Commissioner Morrow to approve, and a second by Commissioner McDaniel, the vote was unanimous at 5-0 in favor of the motion to approve the minutes of the Zoning Public Hearing of November 23, 2004 as presented.

IX. CONSENT AGENDA

- 1. Consider second reading of Ordinance amending the FY 2005 Budget Ordinance to provide for demolition of the former Hill's Tire Store building and the roofing of the Spalding County Health Department.

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

WHEREAS, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2005 Fiscal Year pursuant to the requirements of Title

36, Chapter 81 of the Official Code of Georgia, and Section 2-5003 of the Code of Spalding County; and

WHEREAS, the Official Code of Georgia, specifically Title 36, Chapter 81-3, provides that said Board might amend its annual budget ordinance so as to adapt to changing governmental needs during the fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that the annual budget ordinance as approved, adopted and enacted on second reading on July 1, 2004, be amended as follows:

Section I. General Fund

A. Revenues

Fund Balance Appropriated From \$ 874,775 to \$ 1,024,775

B. General Appropriations From \$2,867,212 to \$ 2,917,212

Health From \$ 492,437 to \$ 592,437

Approved on first reading this 15th day November 2004.

Approved, adopted and enacted on second reading this 6th day December 2004.

M. Michael Kendall (Seal)
Chairman

William P. Wilson, Jr. (Seal)
County Manager

2. Consider second reading of Amendment to the Official Zoning Map of the following: Application #04-27Z: James S. Wade, Jr., Owner – 1206 Enterprise Way – 2.50 acres – C-1 to C-1B, Conditional.

APPLICATION OF JAMES S. WADE, JR.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 04-27Z

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, James S. Wade, Jr., 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 October 6, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on November 23, 2004, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia shall be and are hereby amended as follows:

Section 1: The Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia designating the boundaries of the several types or classes of zoning districts shall be, and is hereby amended so as to change the zoning classification applicable to the following described property:

All that lot, tract or parcel of land situate, lying and being in Land Lot 117 of the Second Land District of originally Monroe, now Spalding County, Georgia, consisting of 2.50 acres, as shown on a plat of survey entitled "Survey for Kerry St Clair" dated August 15, 1991, prepared by Robert S. Mitchell, RLS, a copy of which is recorded in Plat Book 19, page 459, of the records of the Clerk of the Superior Court of Spalding County, Georgia.

From the plat, said property is more particularly described as beginning at an iron stake located on the East right-of-way of Enterprise Way (formerly known as Ann Street) (50 foot right-of-way), which iron stake may be located by beginning at the intersection of the East right-of-way of Enterprise Way with the South right-of-way of Kalamazoo Drive and running in a southerly direction along said East right-of-way of Enterprise Way 147.57 feet, and from **SAID POINT OF BEGINNING** running thence South 0 degrees 49 minutes 14 seconds West 147.00 feet along the East right-of-way of Enterprise Way to an iron stake; running then North 88 degrees 46 minutes 28 seconds 892.65 feet to an iron stake; running thence North 0 degrees 54 minutes East 97.21 feet to an iron stake; running thence North 88 degrees 05 minutes 35 seconds West 71.28 feet to an iron stake; and running thence North 88 degrees 01 minutes 24 seconds West 821.11 feet to an iron stake which marks the **POINT OF BEGINNING**.

Said property is bounded, now or formerly, on the North by property of Kimsey B. Willis, Marshall R. Sims, and Robert H. Glover; on the East by property of Robert H. Glover; on the South by property of Robert E. Crownover; and on the West by Enterprise Way (formerly Ann Street).

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. Only new product can be displayed in front of the building.

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 6, 2004, by official action of the Board of Commissioners of Spalding County, Georgia the following change was made in the Official Zoning Map, Spalding County: All that lot, tract or parcel of land situate lying and being in Land Lot 117 of the Second Land District of originally Monroe, now Spalding County, Georgia, consisting of 2.50 acres located at 1206 Enterprise Way, 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.

On a motion by Commissioner Morrow to approve , and a second by Commissioner McDaniel, the vote was unanimous at 5-0 in favor of the motion to approve the Consent Agenda as presented.

X. OLD BUSINESS

1. Consider second reading of Amendment to the Official Zoning Map of the following: Application #04-22Z: Lee Wall, Kenneth D. Dorsey, John Wall and Tammy Wall, Owners – Jackson Road and North McDonough Road – 91.14 acres – R-2 and AR-1 to R-2, Conditional.

APPLICATION OF LEE WALL, KENNETH D.
DORSEY, JOHN WALL AND TAMMY WALL
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 04-22Z

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-2, Single Family Residential and AR-1, Agricultural and Residential;”

WHEREAS, Lee Wall, Kenneth D. Dorsey, John Wall and Tammy Wall, applicants, applied for a change in zoning classification to be applied to the within described property to “R-2, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on September 23, 2004;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on November 23, 2004, 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 and land lying and being in Land Lot 80 of the 2nd Land District of Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin located at the intersection of the South Land Lot line of said Land Lot 80 with the easterly right-of-way line of State Highway No. 155; run thence northeasterly along said State Highway No. 155 the following courses and distances:

North 08 degrees 18 minutes 16 seconds East 652.52 feet to a point; thence along the curve to the right 312.57 feet (the preceding call may be run on a chord bearing North 16 degrees 45 minutes 38 seconds East a chord distance of 310.92 feet with a radius of 876.48 feet); thence North 27 degrees 21 minutes 20 seconds East 230.36 feet to a point; thence along the curve to the right 475.00 feet to a point (the preceding call may be run on a chord bearing North 40 degrees 32 minutes 43 seconds East a chord distance of 473.91 feet with a radius of 2020.62 feet); thence North 50 degrees 52 minutes 35 seconds East 636.96 feet to a point; thence in a curve to the right 241.36 feet to a point (the preceding call may be run on a chord bearing North 59 degrees 15 minutes 00 seconds East a chord distance of 240.80 feet with a radius of 1022.30 feet); thence North 64 degrees 33 minutes 36 seconds East 272.50 feet to a point; thence along the curve to the right 252.85 feet (the preceding call may be run on a chord bearing North 70 degrees 02 minutes 12 seconds East a chord distance of 251.94 feet with a radius of 859.57 feet); thence South 84 degrees 02 minutes 00 seconds East 71.08 feet to an iron pin; thence leaving the southeasterly right-of-way line of State Highway No. 155 run South 02 degrees 41 minutes 18 seconds West 903.54 feet to an iron pin; run thence South 31 degrees 31 minutes 59 seconds East 88.91 feet to an iron pin; run thence South 40 degrees 08 minutes 22 seconds East 62.02 feet to an iron pin; run thence South 37 degrees 04 minutes 28 seconds East 77.94 feet to an iron pin; run thence South 33 degrees 08 minutes 53 seconds East 162.23 feet to an iron pin; thence South 45 degrees 19 minutes 04 seconds East 49.13 feet to an iron pin; run thence South 62 degrees 22 minutes 44 seconds East 72.18 feet to an iron pin; run thence South 82 degrees 06 minutes 54 seconds East 74.96 feet to an iron pin; run thence South 63 degrees 27 minutes 10 seconds East 61.17 feet to an iron pin; run thence South 88 degrees 18 minutes 48 seconds East 341.32 feet to an iron pin located on the westerly right-of-way line of North McDonough Road (having a 60 foot right-of-way); run thence South 22 degrees 15 minutes 33 seconds West along North McDonough Road a distance of 1038.18 feet to an iron pin; thence leaving North McDonough Road run North 86 degrees 42 minutes 41 seconds West 411.11 feet to an iron pin; run thence North 86 degrees 43 minutes 43 seconds West 718.50 feet to an iron pin; run thence North 86 degrees 43 minutes 18 seconds West 1470.64 feet to an iron pin located on the easterly right-of-way line of State Highway No. 155 which is the point of beginning; all as shown on Survey for Ken Dorsey, dated May 27, 2004, Revised June 10, 2004, by Conkle-Lane & Associates (G. Tim Conkle, R.L.A. 2001) which Survey indicates the tract contains 91.14 acres.

From “R-2, Single Family Residential and AR-1, Agricultural and Residential” to “R-2, Single Family Residential” 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. Applicant will revise house plan 1867 with additional design elements to be approved by staff.

- b. Applicant will redesign the streetscape per county specifications indicating type and size of trees proposed.
- c. Walking trail shall be redesigned so as not to encroach onto individual lots.
- d. Applicant will provide staff plans for the commercial playground.
- e. Applicant will revise the elevation for the club house indicating the use of brick, stone or stucco.
- f. All lots with 50' setbacks will be sodded.
- g. Front porches of decks shall be finished in character with the homes.
- h. The six lots on North McDonough Road (identified as developer's lots numbered 48 – 53) shall share driveways, resulting in three curb cuts rather than six.
- i. Porches shall be underpinned.
- j. Lots 6 through 10 and Lots on North McDonough Rd. shall not encroach into lake area.

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 6, 2004, 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 and land lying and being in Land Lot 80 of the 2nd Land District of Spalding County, Georgia, consisting of 91.14 acres located on Jackson Road and North McDonough Road, zoned R-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.

On a motion by Commissioner Morrow to approve on second reading the Amendment to the Official Zoning Map of Application #04-22Z: Lee Wall, Kenneth D. Dorsey, John Wall and Tammy Wall, Owners, Conditional, and a second by Commissioner Davis, the vote was 4-1 in favor of the motion, with Commissioner Goss voting in opposition.

XI. NEW BUSINESS

1. Conduct Public Hearing to consider the establishment of a street lighting district for Vineyard Ridge Subdivision and The Cottages at Heron Bay Subdivision.

Chairman Kendall called the Public Hearing to order. No public comment was forthcoming, and Chairman Kendall declared the Public Hearing to consider the establishment of a street lighting district for Vineyard Ridge Subdivision and The Cottages at Heron Bay Subdivision closed.

2. Consider request to approve street lighting district for Vineyard Ridge Subdivision and The Cottages at Heron Bay Subdivision.

On a motion by Commissioner Morrow to approve, and a second by Commissioner Davis, the vote was unanimous at 5-0 in favor of the motion to approve street lighting districts for both Vineyard Ridge Subdivision and The Cottages at Heron Bay Subdivision.

3. Consider approval of name change of Sunshine Ridge Subdivision to Emerald Forest Subdivision, located on Highway 155 (Jackson Road).

County Manager Wilson said this approval was necessitated because the subdivision was already platted. The name for the subdivision only would change; the interior street names would remain the same.

Commissioner Morrow recused himself from the vote at this point because of a conflict.

On a motion by Commissioner Davis to approve, and a second by Commissioner McDaniel, the vote was 4-0-1 in favor of the motion to change the name of Sunshine Ridge Subdivision to Emerald Forest Subdivision, with Commissioner Morrow abstaining.

4. Consider resolution to adopt ACCG 401(a) Defined Contribution Program.

County Manager Wilson said under his employment contract, the Board of Commissioners makes contributions. This resolution will create a 401(a) plan with GEBCorp, where pension plans for all other participating County employees currently reside. Mr. Wilson's pension plan was originally with Best of America, and this vehicle will allow him to move his old plan from Best of America to GEBCorp. This will place everyone's pension plan with the same agent.

On a motion by Commissioner Davis to approve, and a second by Commissioner McDaniel, the vote was unanimous at 5-0 in favor of the motion to adopt the ACCG 401(a) Defined Contribution Program as noted.

5. Consider declaring various vehicles and equipment surplus.

County Manager Wilson said Pike County Board of Commissioners had expressed an interest in acquiring some of these. Generally, the Board of Commissioners authorizes these to be declared surplus and allows for sealed bids, with County employees prohibited from the bidding process. It was County Attorney Fortune's opinion that Pike County should submit sealed bids just as anyone else. Mr. Wilson said this was the manner in which it had been handled in the past. The County is making a concentrated effort toward declaring vehicles and equipment surplus before they sit unused for extended lengths of time, becoming unusable and getting robbed of parts. In this manner, they will bring a better value for the County.

On a motion by Commissioner Morrow to approve, and a second by Commissioner McDaniel, the vote was unanimous at 5-0 in favor of the motion to declare various vehicles and equipment surplus, provided sealed bids are solicited/accepted and Spalding County employees are prohibited from the bidding process.

6. Consider recommendation from Parks and Recreation Advisory Commission for resurfacing of Airport Road Walking Track.

County Manager Wilson reported that the company who put down the experimental surface on this particular walking track in 1997 was no longer in business. The County has been patching with left-over material, but that patching material is almost gone. People really like this rubberized track surface, done entirely with state funds as an experimental use with recycled tires, because it is more flexible but the maintenance cost is prohibitive. Water has seeped under the surface of the walking track, causing voids in the flexible substance used and resulting in a broken and crumbling track surface as people walk on it. The Parks and Recreation Advisory Committee recommend that the surface be paved and the rubberized surface applied over the asphalt at an estimated cost of \$100,000 to \$125,000. This is the same process as was used at the Wyomia Tyus Park walking track. The cracking and breaking open of the track surface has almost become a hazard.

Mr. Wilson noted that Mr. David Luckie, Executive Director of the Griffin-Spalding Industrial Development Authority has agreed to bring before his board a recommendation to contribute approximately \$100,000 of the \$130,000 they have remaining in their 1997 SPLOST bond account to this effort. The Development Authority had no plans for this money, and this recreational application would be an excellent way to utilize the remainder of that bonded money.

Commissioner Morrow agreed this would be a great way to give back those SPLOST funds. They still have one small project to complete with one of the entrances to the Industrial Park, which should utilize the remainder of this bonded money.

County Manager Wilson simply wanted an authorization from the Board of Commissioners to proceed with getting bids for this project, contingent on getting the

money appropriated from the Development Authority. He reiterated this would change the actual surface of the walking track and cautioned commissioners that calls would probably be received from citizens in that regard.

On a motion by Commissioner McDaniel to approve, and a second by Commissioner Morrow, the vote was unanimous at 5-0 in favor of the motion to authorize the County Manager and the Parks and Recreation Department Director proceed with the Parks and Recreation Advisory Commission recommendation to resurface the Airport Road Walking Track, completing the preliminary work and soliciting bids before returning for final approval from the Board of Commissioners.

7. Discuss letter from Butts County Industrial Development Authority.

County Manager William Wilson asked if any commissioner would be willing to attend the meeting mentioned in the letter on Monday, December 13, at 7 p.m.

Commissioner Morrow will attend a meeting on Monday, December 13, at 7 p.m. of the Development Authority of Butts County to discuss the issue of a Regional Airport and report back at a later date to Commissioners.

XII. REPORT OF COUNTY MANAGER

Mr. Wilson reminded Commissioner that the regular monthly Zoning Public Hearing had been rescheduled for December 16, 2004 due to the holiday schedule.

Mr. Bob Stapleton, Griffin-Spalding County Airport Manager, issued an invitation to Commissioners to attend a dedication of *Butch Oliver Way* at the Airport at 10 a.m. on December 7, 2004 in memory of Mr. Oliver. Mr. Butch Oliver was a hometown hero who lost his life while flying an aircraft in support of U.S. government operations in South America last year.

The Spalding County Sheriff's Department has cited for a third time the licensee for Cole's Corner, a convenience store on Highway 16 West, for selling alcoholic beverages to minors. Mr. Wilson was not sure about the disposition of the first citation for this convenience store in October 2003. A letter was sent to Cole's Corner in March 2004 as a result of the second citation in February 2004, telling him that the Board of Commissioners reserved the right to suspend or revoke his license to sell alcoholic beverages. Mr. Wilson did not recall that any of the citations had yet been adjudicated, but since the end of the year was approaching, he needed some direction as to whether or not he should renew the license for 2005. Mr. Wilson needed to either renew the license for which the owner applied in September 2004 or start a suspension hearing. Discussion followed, and the general consensus was that revocation of a license to sell alcoholic beverages was not dependent upon convictions by a court of law but rather can be done exclusive of any adjudicated convictions since it involves a license granted by the County at its discretion. Spalding County can convene its own evidentiary hearing to determine the facts of this licensing issue and plan a course of action. Mr. Fortune referenced the Spalding County Code Book, Section 6-1012, which required three days notice to the licensee in advance of such hearing and stated the license could be revoked or suspended for good cause shown after the hearing, pending the outcome of the criminal trial and any charge. A hearing could be held while criminal charges are pending. Chairman Kendall noted these were privileged licenses granted by each political jurisdiction. A political jurisdiction does not have to wait until a criminal case has been adjudicated primarily because of the sometime lengthy delays in getting criminal cases to disposition.

In summary, Commissioners instructed the County Manager to send a letter to the owner immediately, reiterating the pending charges, informing the owner that Spalding County does not intend to renew the license for 2005 based on the information at hand, and suggesting he schedule an evidentiary hearing with the Board of Commissioners prior to year-end, at the December 20, 2004 meeting. The owner can notify the County of his desire for a hearing; otherwise, his license to sell alcohol will lapse with the expiration of his 2004 license on December 31, 2004.

MEAG Georgia has expressed an interest in purchasing three acres for a substation at Wyomia Tyus Park; they will pay for the acreage and an easement across the rear of the property. Monies realized from this sale would allow for expansion of the walking trail at the park and other improvements and is recommended by the Parks and Recreation Director. Commissioner Morrow noted this could be the impetus for a trail system in Spalding County, and he felt it had real potential. County Manager Wilson confirmed that loss of this land would do the County no harm and, since MEAG is a quasi-governmental body, Spalding County can legally sell to the entity.

Commissioners instructed the County Manager to pursue this matter with interest and request that, as a condition of the sale, MEAG also be required to purchase a small tract left over from this sale on the back side that would virtually be useless after the sale of the property. It would do Spalding County no good to keep this isolated sliver of land.

XIII. REPORT OF COMMISSIONERS

Commissioner Morrow reported he had, in fact, voted on the \$53 billion plan at the most recent ARC meeting and the 2035 Mobility Plan is underway for 2005, in which Spalding County is included. Commissioner Morrow noted that the Task Force charged with completion of a new sign ordinance would meet on Friday at 9 am in the Conference Room.

Commissioner Goss reported that the Spalding County Health Department Board had voted to explore the possibility of becoming an autonomous district, separate from and dissolving its relationship with District Four Health Service. He stated he had done much research and this move would cost the County a substantial amount of money. Commissioner Goss wanted the County Manager to be aware of the department's inclination.

Commissioner McDaniel reported that the Griffin-Spalding County Hospital Authority is doing well and funds are receiving a better return since they made United Bank custodians of the account. Commissioner McDaniel also requested that the Board give serious consideration to tightening control and/or enforcing the intent of the provision better with regard to PDD. He did not feel the ordinance was created for the type situations that seem to be trying to utilize it ... basically just to get more housing units in a subdivision development. The Task Force needs to attack this issue and enforce the required commercial component.

Chairman Kendall stated that he would very much like to see Spalding County more thoroughly address the matter of homeowners' associations in subdivisions should they become inviable, such as was done in the conservation subdivision ordinance. County Attorney Jim Fortune and County Manager William Wilson said that could be accomplished through ordinance amendments but, in the meantime, the Board of Commissioners can continue to approve such applications with conditions that would address the problem until a more permanent fix can make its way through the system.

County Manager William Wilson noted, also, that the City of Griffin has approved its portion of the funding for the 50/50 Joint Transportation Planner position, so the process for locating that individual will begin. Additionally, he wanted Commissioners to give thought to mandating animal restraint districts for all new dense subdivision developments that are approved in Spalding County as a matter of routine.

Commissioner Goss made a motion to amend the agenda to allow a Closed Session for the purpose of discussing personnel matters. Chairman Kendall seconded the motion which passed by a unanimous vote of 5-0.

Commissioner Goss made a motion at 6:52 p.m. to go into Closed Session for the purpose of discussing personnel matters. The motion, seconded by Chairman Kendall, passed by a unanimous vote of 5-0.

XIV. CLOSED SESSION

Commissioner McDaniel made a motion to adjourn Closed Session and reconvene in Open Meeting. The motion, seconded by Commissioner Davis, passed by a unanimous vote of 5-0 at 7:03 pm.

XV. ADJOURNMENT

On a motion by Commissioner Davis and a second by Commissioner McDaniel, the meeting was adjourned on a unanimous vote of 5-0.