



EXTRAORDINARY SESSION

The Board of Commissioners of Spalding County, Georgia, held their Extraordinary Session on Monday, May 16, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Edward Goss presiding and Commissioners Cecil Davis, Gwen Flowers-Taylor, Eddie Freeman and Johnie McDaniel present. Also present were County Manager William Wilson, County Attorney Jim Fortune and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.**
- II. INVOCATION – Commissioner Gwen Flowers-Taylor**
- III. PLEDGE TO FLAG – Led by Commissioner Johnie McDaniel**
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

On a motion by Commissioner Davis, seconded by Commissioner McDaniel, the vote was unanimous at 5-0 to proclaim May 21, 2005 Spalding County Blue Star Salute Day.

Proclamation

WHEREAS throughout the history of the United States of America the sacrifices necessary to secure and maintain our liberty and freedom have consistently been borne by citizen soldiers; and

WHEREAS countless men and women of our great city have proudly worn and continue to wear the uniform of the United States Armed Forces; and

WHEREAS many of our fellow citizens are serving today in the war on terror as members of the active military, National Guard or Reserves; and

WHEREAS on Armed Forces Day 2005, it is appropriate for individuals and families to reflect upon the sacrifices of our citizens, and to pay homage to and celebrate their dedication; and

WHEREAS the citizens of Spalding County desire to honor and acknowledge those who serve in uniform for their sacrifice and preservation of our American way of life;

NOW, THEREFORE we, the Spalding County Board of Commissioners, do hereby declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, and that on this, the sixteenth day of May, in the year of our Lord, two thousand and five, we do hereby proclaim Saturday, May 21, 2005, as

Spalding County Blue Star Salute Day

FURTHER be it resolved that we, the Spalding County Board of Commissioners, do hereby urge all citizens of this community to honor our men and women who serve today and express our gratitude for their dedication and their love of country.

IN WITNESS WEHEREOF, I have hereunto set my hand this, the sixteenth day of May, in the year of our Lord, two thousand five.

Chairman Goss read the proclamation and presented it to Spalding County Fire Chief, Chipper Gardner. Fire Chief Gardner expressed appreciation on behalf of the *Sons of the American Revolution*, for whom he was accepting the proclamation.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statement for ten months ended April 30, 2005.

On a motion by Commissioner Davis, seconded by Commissioner McDaniel, the vote was unanimous at 5-0 to approve the Financial Statement for the period ending April 30, 2005 as presented.

VI. CITIZENS COMMENTS

1. Doug Krepps of Griffin, Georgia addressed the Board of Commissioners concerning The Georgia Civil War Heritage Trails and asked Spalding County to consider setting aside monies in the upcoming budget to help the area become part of The Georgia Civil War Heritage Trail system. The system exists to promote, educate and preserve the heritage of Civil War historical locations with markers that are listed on tour sites. The requirement to become part of the Georgia Civil War Heritage Trails system is to purchase a minimum of two sign markers at \$5000 per sign, then allocate \$500 per year per sign afterward to maintain the sign. Mr. Krepps will approach the City about joining the effort equally.

Commissioner Davis said he would support the effort, but hotel/motel tax funds are committed now. Commissioner Flowers-Taylor said she was interested in historic preservation, as well, and would like to see the County develop a program but it would have to be in the next budget development process in the spring of 2006 for FY 2007.

Mr. Krepps said the matter was not urgent in nature, and he urged Commissioners to give the issue consideration when preparing for the next budget cycle.

VII. PUBLIC COMMENT

John Kelley, 2500 West Ellis Road, Griffin, Georgia

Mr. Kelley urged Commissioners not to keep going against the Comprehensive Land Use Plan in granting exemptions that are not consistent with that long-term plan's stated uses.

VIII. MINUTES

1. Consider approval of the minutes of the Regular Monthly Meeting of May 2, 2005.

On a motion by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, the minutes were approved as presented by a 4-0-1 vote, with Commissioner Davis abstaining since he was not present at the May 2, 2005 meeting.

IX. CONSENT AGENDA

1. Consider approval on second reading the following Amendments to the Official Zoning Ordinance:
 - a) **Amendment to UDO #A-05-07:** R-5 Single Family Residential – Section 1103:B – amendment to allow for Class A Manufactured Home as a special exception use.

RE: Text Amendment #A-05-07

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;

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, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on April 28, 2005 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 provisions shall be added to the Zoning Ordinance of Spalding County, Article 11, "R-5 Single-Family District" to appear as Section 1103(B)(3):

Section 1103: Permitted Uses.

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

3. Class A Manufactured Home with a heated floor area of at least 1,250 square feet.

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

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

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- b) **Amendment to UDO #A-05-08:** C-1 Highway Commercial – Section 1203, C01A Neighborhood Commercial – Section 1303, and C-1B Heavy Commercial – Section 1403 – amendment to allow street vendors as a principal use; Definitions of Terms Used – Section 202 – amend provision to allow street vendors.

IN RE: Text Amendment #A-05-08
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 April 28, 2005 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

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

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

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

Section 1:

Add to Article 2, Section 202 General Definitions the following:

LLL'. Street Vendor: Retail businesses licensed to operate without permanent facilities which include roadside stands, tents, carts and tables, or vehicle used for the purpose of retail sales of goods.

Section 2:

Add to Article 12, Section 1203 the following:

68. Street Vendors provided that:

- a. Parking must be available for customers and no street vendor shall occupy parking spaces as otherwise required by this Ordinance or amendments thereto.
- b. No structures signs, or goods associated with the street vendor business shall be located closer than 20 feet from any street right-of-way.
- c. Shall not block or otherwise hinder ingress into or egress from a site or impede traffic circulation within the site.

- d. Shall not block or otherwise hinder pedestrian traffic. All advertising signs shall be in compliance with this ordinance and shall not be in excess of the allowed signage for the zoning district. Where such street vendor is on the same premises as another regular business, street vendor signage shall be considered temporary signs under this ordinance and must meet the requirements thereof.
- e. All advertising signs shall be in compliance with this ordinance and shall not be in excess of the allowed signage for the zoning district. Where such street vendor is on the same premises as another regular business, street vendor signage shall be considered temporary signs under this ordinance and must meet the requirements thereof.

Section 3:

Add to Article 13, Section 1303 the following:

54. Street Vendors provided that:

- a. Parking must be available for customers and no street vendor shall occupy parking spaces as otherwise required by this Ordinance or amendments thereto.
- b. No structures signs, or goods associated with the street vendor business shall be located closer than 20 feet from any street right-of-way.
- c. Shall not block or otherwise hinder ingress into or egress from a site or impede traffic circulation within the site.
- d. Shall not block or otherwise hinder pedestrian traffic.
- e. All advertising signs shall be in compliance with this ordinance and shall not be in excess of the allowed signage for the zoning district. Where such street vendor is on the same premises as another regular business, street vendor signage shall be considered temporary signs under this ordinance and must meet the requirements thereof.

Section 4:

Add to Article 14, Section 1403 the following:

79. Street Vendors provided that:

- a. Parking must be available for customers and no street vendor shall occupy parking spaces as otherwise required by this Ordinance or amendments thereto.
- b. No structures signs, or goods associated with the street vendor business shall be located closer than 20 feet from any street right-of-way.
- c. Shall not block or otherwise hinder ingress into or egress from a site or impede traffic circulation within the site.
- d. Shall not block or otherwise hinder pedestrian traffic.
- e. All advertising signs shall be in compliance with this ordinance and shall not be in excess of the allowed signage for the zoning district. Where such street vendor is on the same premises as another regular business, street vendor signage shall be considered temporary signs under this ordinance and must meet the requirements thereof.

Section 5: 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 6: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 7: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

2. Consider approval on second reading the following Amendments to the Official Zoning Map:

a) **Application #05-02Z:** Durward Smith, Owner – Highway 155 – 1 acre – C-1 and AR-1 to C-1B.

APPLICATION OF DURWARD SMITH
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-02Z

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 “C-1, Highway Commercial and AR-1, Agricultural and Residential;”

WHEREAS, Durward Smith, 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 January 20, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 112 of the 2nd Land District of originally Henry, now Spalding County, Georgia, consisting of 1 acre located on Highway 155.

Beginning at a point on the west right-of-way of GA. State Highway No. 155 at station No. 139+44.924 of GA. D.O.T. Widening Project No. STP-0000-00(862), said point being the Northeast corner of proposed re-zoning parcel; thence South 00°23'19" West, a distance of 237.89 feet; thence North 89°57'51" West, a distance of 183.11 feet; thence North 00°23'19" East, a distance of 237.90 feet; thence South 89°57'39" East, a distance of 183.11 feet to the Point of Beginning. Containing 1.00 acres, more or less.

From "C-1, Highway Commercial, and AR-1, Agricultural and Residential" 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) Staff is authorized to amend the future land use map and review potential impact of the revision of the lot to commercial.
- b) Only a landscape supply business shall be allowed back as a use of this site.
- c) The business must be conducted in a permanent structure with no temporary buildings on the property.
- d) Outside storage shall be limited to the sides and rear of the property.
- e) Lighting shall be limited so it will not glare into the neighboring residential property or the street.
- f) In addition to a landscaping business, a seed and feed business, including small farm implements sold as accessory items, rain suite and clothing be allowed.

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 May 16, 2005, 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 112 of the 2nd Land District of originally Henry, now Spalding County, Georgia, consisting of 1.00 acre located on Highway 155, 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.

b) **Application #05-05Z:** Jesse Michael Riegel and Mary Lona Mohan, Owners – 1750 Dixie Highway (Old Atlanta Road) – 10.5 acres – AR-1 to C-1B, Conditional.

County Manager Wilson noted that with regard to Application #05-05Z: Jesse Michael Riegel and Mary Lona Mohan, Owners, attorney Dick Mullins had requested clarification on one of the conditions of the zoning approval as follows. Item g) in Section 2 shall be deleted and replaced with:

“g) All work vans will be parked behind the front building setback line.”

APPLICATION OF JESSE MICHAEL RIEGEL AND MARY LONA MOHAN
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-05Z

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, Jesse Michael Riegel and Mary Lona Mohan, applicants, 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 February 24, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 126 of the Third Land District of originally Henry, now Spalding County, Georgia, containing 11.20 acres as show on plat of survey entitled, "Zoning Plat for Mark Martin", dated February 18, 2005, prepared by Conkle-Lane and Associates, which said plat with metes, bounds, courses, and distances as shown thereon is incorporated herein and made a part hereof.

Said property may be more particularly described as follows:

Beginning at the point of intersection of the West right-of-way line of Central of Georgia Railroad and the South right-of-way line of East McIntosh Road, and running thence along the South right-of-way line of East McIntosh Road, South 77 degrees 20 minutes 59 seconds West 81.29 feet; thence South 65 degrees 47 minutes 50 seconds West a distance of 62.12 feet; thence South 56 degrees 25 minutes 48 seconds West a distance of 93.60 feet to the intersection of the South right-of-way line of East McIntosh Road and the East right-of-way line of Old Dixie Highway; thence along the East right-of-way line of Old Dixie Highway South 17 degrees 28 minutes 19 seconds West a distance of 512.44 feet; thence continuing along said East right-of-way line, South 24 degrees 14 minutes 57 seconds West a distance of 581.06 feet; thence South 80 degrees 03 minutes 31 seconds East a distance of 278.49 feet; thence South 20 degrees 37 minutes 24 seconds West a distance of 29.14 feet; thence North 88 degrees 17 minutes 52 seconds East a distance of 330.85 feet to the West right-of-way line of the Central of Georgia Railroad; thence an arc distance (subtended by chord of North 00 degrees 34 minutes 09 seconds East with length of 1179.20 feet) of 1188.95 feet in a northerly direction along the West right-of-way line of said railroad to the point of beginning.

From "AR-1, Agricultural and Residential" 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) Requests authorization to amend the Future Land Use Map.
- b) A permanent structure must be constructed with no temporary buildings.
- c) Staff requests that the structure be built with stone or brick façade on the front.
- d) Site will limit all lighting so neighboring residential properties will not be affected.
- e) Ingress/egress point should be moved south 150' for safety concerns with respect to the close proximity of East McIntosh Road.
- f) Property shall be limited to only three ingress/egress points.

- g) All work vans will be parked behind the front building setback line.
- h) Any outdoor storage will be screened from the public's view.
- i) Designated design criteria shall be applicable to any future subdivision of the tract.

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 May 16, 2005, 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 126 of the Third Land District of originally Henry, now Spalding County, Georgia, containing of 11.20 acres located at 1750 Dixie Highway (Old Atlanta 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.

On a motion by Commissioner McDaniel to approve all items on Consent Agenda with the revision to Item g) for Application #05-05Z, seconded by Commissioner Davis, the motion carried by a unanimous 5-0 vote.

X. OLD BUSINESS

1. Consider approval on second reading the following Amendments to the Official Zoning Map:

- a) **Application #05-04Z:** William R. King, Jr., Gayle Taylor and Comerica, Trustee for Oshlag-Stuckey, Owners – North Expressway (Hwy. 19/41) – 10.03 acres – R-2 to R-3.

APPLICATION OF WILLIAM R. KING, JR., GAYLE TAYLOR
AND COMERICA, TRUSTEE FOR OSHLAG-STUCKEY
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-04Z

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

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

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

WHEREAS, under the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia the within described property is currently classified under the zoning classification entitled “R-2, Single Family Residential;”

WHEREAS, William R. King, Jr., Gayle Taylor and Comerica, Trustee for Oshlag-Stuckey, applicants, applied for a change in zoning classification to be applied to the within described property to “R-3, Multiple Family;”

WHEREAS, such application was filed with Spalding County, Georgia on February 23, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 92 and 101 of the Third Land District of originally Henry County, now Spalding County, Georgia, and being more particularly described as follows:

Beginning at an 1 ¾” open top pipe found along the right-of-way to the North right-of-way of Laprade Drive; thence along said western right-of-way of U.S. Highway 41 South 02 degrees 11 minutes 58 seconds East a distance of 1210.21 feet to a point; thence South 89 degrees 55 minutes 31 seconds West a distance of 399.62 feet to a 1 ¼” open top pipe found; thence South 89 degrees 54 minutes 00 seconds West a distance of 874.77 feet to a point; said point being the POINT OF BEGINNING; thence South 89 degrees 54 minutes 00 seconds West a distance of 39.49 feet to a point; thence North 03 degrees 38 minutes 30 seconds West a distance of 25.75 feet to a point; thence North 33 degrees 14 minutes 25 seconds West a distance of 29.69 feet to a point; thence North 61 degrees 56 minutes 26 seconds West a distance of 12.14 feet to a point; thence North 73 degrees 49 minutes 34 seconds West a distance of 20.09 feet to a point; thence North 23 degrees 48 minutes 58 seconds West a distance of 134.80 feet to a point; thence North 76 degrees 23 minutes 02 seconds West a distance of 43.27 feet to a point; thence South 24 degrees 07 minutes 14 seconds East a distance of 33.83 feet to a point; thence North 78 degrees 16 minutes 46 seconds West a distance of 40.93 feet to a point; thence South 81 degrees 06 minutes 06 seconds West a distance of 67.01 feet to a point; thence North 86 degrees 30 minutes 51 seconds West a distance of 59.50 feet to a point; thence North 08 degrees 55

minutes 42 seconds West a distance of 36.96 feet to a point; thence North 18 degrees 31 minutes 48 seconds West a distance of 79.13 feet to a point; thence North 45 degrees 08 minutes 54 seconds West a distance of 31.92 feet to a point; thence South 86 degrees 27 minutes 22 seconds West a distance of 35.41 feet to a point; thence North 60 degrees 51 minutes 37 seconds West a distance of 28.29 feet to a point; thence North 33 degrees 24 minutes 50 seconds West a distance of 25.51 feet to a point; thence South 82 degrees 57 minutes 38 seconds West a distance of 102.67 feet to a point; thence North 74 degrees 29 minutes 23 seconds West a distance of 27.71 feet to a point; thence North 59 degrees 01 minutes 49 seconds West a distance of 20.61 feet to a point; thence North 75 degrees 03 minutes 52 seconds West a distance of 25.86 feet to a point; thence North 82 degrees 44 minutes 24 seconds West a distance of 172.22 feet to a point; thence North 50 degrees 13 minutes 52 seconds East a distance of 115.31 feet to point; thence North 23 degrees 36 minutes 17 seconds East a distance of 123.10 feet to an iron pin found; thence South 89 degrees 58 minutes 26 seconds East a distance of 685.44 feet to an iron pin found; thence South 89 degrees 38 minutes 57 seconds East a distance of 440.08 feet to an iron pin found; thence North 89 degrees 33 minutes 25 seconds East a distance of 157.53 feet to a point; thence South 05 degrees 21 minutes 22 seconds West a distance of 150.26 feet to a point; thence along the arc of a curve to the left (said curve having a radius of 3,439.21 feet and being subtended by a chord with a bearing of South 65 degrees 18 minutes 27 seconds West and a length of 182.33 feet) an arc distance of 180.58 feet to a point; thence along the arc of a curve to the left (said curve having a radius of 3,439.25 feet and being subtended by a chord with a bearing of South 62 degrees 17 minutes 04 seconds West and a length of 180.56 feet) an arc distance of 180.58 feet to a point; thence along the arc of a curve to the left (said curve having a radius of 618.65 feet and being subtended by a chord with a bearing of South 51 degrees 36 minutes 45 seconds West and a length of 132.78 feet) an arc distance of 133.04 feet to a point; thence along the arc of a curve to the left (said curve having a radius of 618.50 feet and being subtended by a chord with a bearing of South 39 degrees 17 minutes 25 seconds West and a length of 132.77 feet) an arc distance of 133.03 feet to a point; thence along the arc of a curve to the left (said curve having a radius of 618.24 feet and being subtended by a chord with a bearing of South 26 degrees 51 minutes 55 seconds West and a length of 132.75 feet) an arc distance of 133.01 feet to a point, said point being the POINT OF BEGINNING.

Said above described tract containing 10.03 acres.

From "R-2, Single Family Residential" to "R-3, Multiple Family" District.

Section 2:

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

On May 16, 2005, 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 92 and 101 of the Third Land District of originally Henry County, now Spalding County, Georgia, consisting of 10.03 acres located on North Expressway, zoned R-3.

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

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

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

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

On a motion by Commissioner Davis, seconded by Commissioner Freeman, the application was approved as presented by a vote of 4-1, with Chairman Goss voting in opposition.

- b) **Application #05-06Z:** Thomas J. and Susan P. Hunt, Owners, - Macon Road – 11.20 acres – R-1 to R-2, Conditional.

APPLICATION OF THOMAS J. AND SUAN P. HUNT
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-06Z

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, Thomas J. and Susan P. Hunt, 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 February 24, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 lying and being located in Land Lot(s) 181, 203 and 204 of the 2nd Land District of Spalding County, Georgia. Being more in particularly described as follows:

To reach the true point of beginning commence at a point located on the Land Lot Line of 204 and 203 thence N 32°22'24" W a distance of 549.93 feet to a ¾" open top found at the point of beginning: thence S 51°18'34" W a distance of 964.88 feet; thence N 26°26'23" W a distance of 211.28 feet; thence N 88°15'26" W a distance of 30.67 feet; thence S 88°15'26" E a distance of 126.09 feet; thence N 57°12'20" E a distance of 92.07 feet; thence N 17°35'36" W a distance of 589.95 feet; thence N 57°34'00" E a distance of 245.09 feet; thence N 57°34'00" E a distance of 313.89 feet; thence S 32°55'27" E a distance of 587.77 feet to a ¾" open top found and the point of beginning.

Said tract being described as having 10.004 acres same as being shown on Plat of Survey by Piedmont Land Surveyors dated August 19, 2004 for Brent Scarbrough.

From "R-1, Single Family Residential Low Density" 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:

- g) Six of the lots will be developed at 2000 square feet and the remaining lots to be developed at 1800 square foot heated minimums.

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 May 16, 2005, 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(s) 181, 203 and 204 of the 2nd Land District of Spalding County, Georgia, containing of 10.004 acres located on Macon 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 Davis, seconded by Commissioner Freeman, the application was approved as presented by a vote of 3-2, with Chairman Goss and Commissioner Flowers-Taylor voting in opposition.

- c) **Application #05-07Z:** GTW Properties, Inc., Owner – North Pomona Road – 3.70 acres, more or less – AR-1 to R-2, Conditional.

APPLICATION OF GTW PROPERTIES, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-07Z

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, GTW Properties, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-4, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on March 8, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia and being more particularly described as follows:

Commencing at the intersection of the East right-of-way of Kilgore Road and the South right-of-way of North Pomona Road, said point being the Point of Beginning; thence North 70°19'33" East, a distance of 779.38 feet; thence South 04°12'49" West, a distance of 350.97 feet; thence South 88°46'24" West, a distance of 698.87 feet; thence North 05°14'18" West, a distance of 102.91 feet to the Point of Beginning. Containing 3.70 acres, more or less.

From "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) R-5 zoning for Lots 1, 2, 14 and 15 at 1250 square foot; R-2 zoning for Lots 7, 8, and 9 at 1750 square foot; and R-4 zoning for the middle Lots 3, 4, 5, 6, 10, 11, 12, and 13 shall be in place.
- b) Front and side porches shall be underpinned and finished in character with the design of the homes.
- c) No exposed concrete block on front and sides.
- d) A minimum thickness of .430 vinyl siding shall be used.
- e) Side entry garages shall be used on 50% of lots.

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 May 16, 2005, 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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia, containing of 3.70 acres, more or less, located on North Pomona 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.

A motion was made by Commissioner McDaniel to approve the application, seconded by Commissioner Davis. The motion carried by a vote of 3-2, with Chairman Goss and Commissioner Freeman voting in opposition.

- d) **Application #05-07Z:** GTW Properties, Inc., Owner – Kilgore Road and Pomona Road – 17.83 acres, more or less – AR-1 to R-4, Conditional.

FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-07Z

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, GTW Properties, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-4, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on March 8, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia and being more particularly described as follows:

Commencing at the intersection of the South right-of-way of North Pomona Road and the West right-of-way of Pomona Road, said point being the Point of Beginning; thence South 53°03'04" East, a distance of 145.80 feet; thence South 12°43'00" East, a distance of 118.27 feet; thence South 30°12'01" East, a distance of 81.27 feet; thence South 39°41'36" East, a distance of 191.38 feet; thence South 52°42'06" East, a distance of 74.63 feet; thence South 62°14'27" East, a distance 114.63 feet; thence South 59°17'55" East, a distance of 82.14 feet; thence South 52°03'41" East, a distance of 165.88 feet; thence South 48°15'31" East, a distance of 62.12 feet; thence South 51°13'13" West, a distance of 627.79 feet; thence South 88°46'24" West, a distance of 282.23 feet; thence North 06°24'02" East, a distance of 253.44 feet; thence South 88°46'24" West, a distance of 693.03 feet to a point of cusp on a curve concave to the west having a radius of 2820.79 feet and a central angle of 10°09'35" and being subtended by a chord which bears North 00°09'31" West 499.52 feet; thence northerly along said curve, a distance of 500.18 feet; thence North 05°14'18" West tangent to said curve, a distance of 2.27 feet; thence North 88°46'24" East, a distance of 698.87 feet; thence North 04°12'49" East, a distance of 350.86 feet to the Point of Beginning. Containing 17.83 acres, more or less.

From "AR-1, Agricultural and Residential" to "R-4, 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) R-5 zoning for Lots 1, 2, 14 and 15 at 1250 square foot; R-2 zoning for Lots 7, 8, and 9 at 1750 square foot; and R-4 zoning for the middle Lots 3, 4, 5, 6, 10, 11, 12, and 13 shall be in place.
- b) Front and side porches shall be underpinned and finished in character with the design of the homes.
- c) No exposed concrete block on front and sides.
- d) A minimum thickness of .430 vinyl siding shall be used.
- e) Side entry garages shall be used on 50% of lots.

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 May 16, 2005, 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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia, containing of 17.83 acres, more or less, located on Kilgore Road and Pomona Road, zoned R-4, 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 Davis, seconded by Commissioner McDaniel, the application was approved as presented by a vote of 3-2, with Chairman Goss and Commissioner Freeman voting in opposition.

- e) **Application #05-07Z:** GTW Properties, Inc., Owner – Pomona Road – 4.19 acres, more or less – AR-1 to R-5, Conditional.

APPLICATION OF GTW PROPERTIES, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-07Z

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, GTW Properties, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-4, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on March 8, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia and being more particularly described as follows:

Commencing at the intersection of the South right-of-way of North Pomona Road and the West right-of-way of Pomona Road; thence South along the West right-of-way of Pomona Road a distance of 1036.12 feet to the Point of Beginning; thence South 48°15'31" East, a distance of 158.72 feet; thence South 51°18'10" East, a distance of 429.01 feet; thence South 86°28'44" West, a distance of 209.76 feet; thence South 89°40'42" West, a distance of 586.80 feet; thence South 88°46'24" West a distance of 146.54 feet; thence North 51°13'13" East, a distance of 627.79 feet to the Point of Beginning. Containing 4.19 acres, more or less.

From "AR-1, Agricultural and Residential" to "R-5, 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) R-5 zoning for Lots 1, 2, 14 and 15 at 1250 square foot; R-2 zoning for Lots 7, 8, and 9 at 1750 square foot; and R-4 zoning for the middle Lots 3, 4, 5, 6, 10, 11, 12, and 13 shall be in place.
- b) Front and side porches shall be underpinned and finished in character with the design of the homes.
- c) No exposed concrete block on front and sides.
- d) A minimum thickness of .430 vinyl siding shall be used.
- e) Side entry garages shall be used on 50% of lots.

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 May 16, 2005, 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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia, containing of 4.19 acres, more or less, located on Pomona Road, zoned R-5, 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 Davis, seconded by Commissioner McDaniel, the application was approved as presented by a vote of 3-2, with Chairman Goss and Commissioner Freeman voting in opposition.

- f) **Application #05-07Z:** GTW Properties, Inc., Owner – Kilgore Road – 4.00 acres, more or less – AR-1 to R-5, Conditional.

APPLICATION OF GTW PROPERTIES, INC.
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 05-07Z

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, GTW Properties, Inc., applicant, applied for a change in zoning classification to be applied to the within described property to “R-4, Single Family Residential;”

WHEREAS, such application was filed with Spalding County, Georgia on March 8, 2005;

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 April 28, 2005, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia and being more particularly described as follows:

Commencing at the intersection of the East right-of-way of Kilgore Road and the South right-of-way of East Pomona Road, thence south along the East right-of-way of Kilgore Road a distance of 605.36 feet to the Point of Beginning; thence North 88°46'24" East, a distance of 693.03 feet; thence South 06°24'02" West, a distance of 253.44 feet; thence South 88°46'24" West, a distance of 697.96 feet to a point of cusp on a curve concave to the west having a radius of 2820.79 feet and a central angle of 5°09'50" and being subtended by a chord which bears North 07°30'11" East 254.14 feet; thence northerly along said curve, a distance of 254.23 feet to the Point of Beginning. Containing 4.00 acres, more or less.

From "AR-1, Agricultural and Residential" to "R-5, 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) R-5 zoning for Lots 1, 2, 14 and 15 at 1250 square foot; R-2 zoning for Lots 7, 8, and 9 at 1750 square foot; and R-4 zoning for the middle Lots 3, 4, 5, 6, 10, 11, 12, and 13 shall be in place.
- b) Front and side porches shall be underpinned and finished in character with the design of the homes.
- c) No exposed concrete block on front and sides.
- d) A minimum thickness of .430 vinyl siding shall be used.
- e) Side entry garages shall be used on 50% of lots.

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 May 16, 2005, 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 120 of the 3rd Land District of originally Henry, now Spalding County, Georgia, containing of 4.00 acres, more or less, located on Kilgore Road, zoned R-5, 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 Davis, seconded by Commissioner McDaniel, the application was approved as presented by a vote of 3-2, with Chairman Goss and Commissioner Freeman voting in opposition.

2. Consider moving Zoning Application #04-13S: M.R.D. Realty, Inc., Owner – John G. Pruitt, Agent – Tract 84 West McIntosh Road (25.53 acres located in Land Lot 62 of the 3rd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling (Country Club Subdivision) in the R-1 District, tabled at the April 28, 2005 Zoning Public Hearing until the May 26, 2005 Zoning Public Hearing to the June 6, 2005 Regular Monthly Meeting of the Board of Commissioners.

Zoning Attorney Newton Galloway had advised that another Public Hearing is not required on this application; however, it has been the policy of Spalding County in the past to allow additional comments, but on an abbreviated basis.

On a motion by Commissioner Davis, seconded by Commissioner McDaniel, the vote was unanimous at 5-0 in favor of moving the tabled Application #04-13S to the June 6, 2005 Regular Monthly Meeting of the Board of Commissioners .

3. Consider amendment to Licensing and Regulation Section of the Spalding County Code of Ordinances, Section 6-012, to provide for penalties for first, second and third offenses and reapplication for alcoholic beverage license criteria.

Much discussion followed regarding the penalties and time constraints being proposed. Commissioner Freeman would like to remove the time parameters altogether. Commissioner McDaniel said he would like to see a time constraint element left in the amendment so as to deter license holder violators who might be identified as habitual, should the license holder be convicted of three offenses within three years. Commissioner Davis was concerned it might be unfair to hold a license holder, who might have made a good faith effort, responsible for the poor judgment or maybe even a retaliatory behavior of a disgruntled employee. Commissioner Flowers-Taylor felt these license holders should be held to a higher standard. She emphasized that alcohol is a drug, and one would never think of allowing a pharmacist to continue to practice after dispensing the wrong medication, so she surmised the alcoholic beverage license holder should be held to the same standard.

Mr. Fortune reminded Commissioners they were dealing with two different violations: criminal prosecution of the person actually making the sale and licensing penalties for the alcoholic beverage license holder. More discussion followed regarding whether or not probation actually had any effect, the pros and cons of punishing a business owner who may or may not be cognizant of the violating employee's actions, and the amounts of time tied to second and third offenses. It was pointed out that an alcoholic beverage license was a privilege and not a right. Based on discussion, recommendation was made that Items (1), (2) and (3) under Paragraph (b) of the Ordinance be redrafted to read,

“(1) For the first offense, a fine of \$1000.00.

(2) For the second offense within five (5) years of any other offense, the license holder shall be fined the sum of \$1500.00 and shall lose the privilege of selling alcohol in his establishment for a period of 90 days.

(3) For the third offense within five (5) years of any other offense, the license holder shall be fined the sum of \$2500.00 and his license shall be immediately suspended, and there shall be no further sales of alcohol by that licensee until the licensee has reapplied for and been granted a new license.”

On a motion by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, the amendment was tabled until the next meeting when County Attorney Jim Fortune will

present a redraft of the amendment with the suggested changes. The motion carried by a unanimous 5-0 vote.

XI. NEW BUSINESS

1. Consider request for Griffin-Spalding Chamber of Commerce for tourism funds.

Monies collected from the hotel/motel tax are used toward funding the UGA Griffin Campus, Downtown Development Authority, Chamber of Commerce, advertising such as was done in the Griffin Daily News' Progressive Edition and the Georgia Trend, website maintenance, and the County's contribution toward July 4th fireworks display.

On a motion by Commissioner Davis, seconded by Commissioner Freeman, the request for \$11,000.00 was approved as presented by a unanimous vote of 5-0.

Ms. Bonnie Pfrogner was present and thanked the Board.

2. Consider approval of final plat of Line Creek Farms (Minor Subdivision), located off Line Creek Road and Hollonville Road.

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, the final plat of Line Creek Farms was approved as presented by a vote of 5-0.

3. Consider setting date for Public Hearing for request to establish both a Street Lighting District and an Animal Restraint District for Glenview Estates Subdivision.

On a motion by Commissioner Davis, seconded by Commissioner McDaniel, the date of June 6, 2005 was set for a Public Hearing to establish a Street Lighting District, and to declare an Animal Restraint District for Glenview Estates Subdivision since it meets the criteria of a small-lot (one acre or less) cluster development, by a unanimous 5-0 vote.

4. Consider approval of the Local Emergency Operations Plan.

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, the Local Emergency Operations Plan was approved as presented by a vote of 5-0.

5. Consider Ordinance amending the FY 2005 Budget Ordinance to provide for capital lease proceeds, Hospital Authority Grant reimbursement, CSBG prior year carryover funds, Impact Fees, Public Defender and Confiscated Assets budget.

These are routine end-of-year budget amendments to accommodate lease-purchase financing and allocations of revenues and expenditures between funds, as well as the confiscated assets that are unknown in advance for projections. The CSBG fund had some carryover funds from previous year. Impact Fees, of course, is a brand new fund since January and administration had to wait to set up its revenues and expenditures. These normal end-of-year adjustments must be made from an accounting standpoint to ensure there are no problems with the audit.

On a motion by Commissioner Davis, seconded by Commissioner McDaniel, the Budget Ordinance request was approved as presented by a vote of 5-0.

6. Discuss letter from the City of Griffin with regard to the collection of Impact Fees.

Extensive discussion was held regarding the letter from the City of Griffin and the response from Mr. Bill Ross of Ross and Associates. It was felt the City perhaps still did not understand the overall concept of Impact Fees that could exempt the payer but not the payment. When an exemption is allowed, the impact fee still must be paid from some funding source. Additionally, by law the County cannot allow exemptions to be made by any means or entity other than that stipulated in the Development Impact Fee Ordinance which is clearly defined.

Commissioner Flowers-Taylor stated she had discussed the issue with City Manager Kenny Smith. She stated that should a business meet the criteria for exemption as defined in the Ordinance and be recommended by the Development Authority as required, they could be

granted same regardless of whether they are located in the City or County. Surely, such prospects would come into the area through efforts on behalf of the Development Authority anyway. An exemption or partial exemption does not have to be borne by the City of Griffin if the business being exempted is located in the City of Griffin, although the City could compensate should they desire to do so. The exempted amount still has to be paid and if it is not reimbursed by the City, it will come from the County's general fund.

Mr. Wilson agreed City Manager Kenny Smith and City Commissioners had mistakenly thought the exemption meant the amount was totally written off and never collected from any other source. He contended that if the City wanted such a fee waived for a prospect, then perhaps they would be willing to pay the fee. Otherwise, it must be placed in the County's budget and taxes must be collected in order to pay it into the impact fee fund.

Commissioner McDaniel said the bottom line was that an impact fee cannot truly be exempted ... someone has to pay. It doesn't seem fair that the County should have to bear the brunt of all the impact fee exempted for a qualifying business within the City, but that can be a topic for the future. For now, the final decision rests with the Board of Commissioners as to an exemption. A recommendation is required from the Development Authority, but this Board has the responsibility of a final decision. State law does not allow the County to delegate the right the exempt to any other body. Finally, he did not want to see a competitive attitude since there really is no desire to attract business from inside the City to unincorporated Spalding County. Perhaps the City views the process of exemption from Impact Fees as a tool the County might use to attract businesses away from the City, but the use of such a tool would mean the County would have to pay the fees and thereby probably increase taxes, so that thought process is flawed.

County Manager Wilson recommended that Chairman Goss, Mr. Fortune, Mr. Bill Ross and he meet with Mayor Todd, City Manager Kenny Smith, and City Attorney Drew Whalen to see if a compromise can be reached to present to both Boards.

A motion to authorize such a meeting was made by Commissioner Davis, seconded by Commissioner Freeman. The motion carried by a unanimous 5-0 vote.

As far as the last item in the City's letter, to agree to house the City's inmates free of charge could bankrupt the County quickly. The portion of the Impact Fee allocated for jail is to build additional pods in future years, 2017 and 2020 he thought, for added capacity. There is a history as to why inmates for the City are not housed in the County, on which he could brief the Board at a later date.

XII. REPORT OF COUNTY MANAGER

-The Peachtree Dive Center would like to offer a cleanup of Dundee Lake as a training exercise and practice session, as well as a community assistance program. They travel around to lakes in the area and clean and remove debris from lakes and ponds at no cost to the property owners and will be happy to sign a release form to hold the County harmless. This is beneficial to the area and provides good training for divers. Commissioners felt this would be a good idea.

-Mr. Wilson urged commissioners to see the new signs erected at Dundee Lake Park, Thomaston Mills Park, Fairmont Park, and Dundee Ball Park. They not only look great but are easily maintained.

-As this year is a digest review year required by the State, the Tax Assessors Office will mail change of assessment notices the first week of June. The appeal process period will be 45 days from the date of issuance.

-Budget hearings will be held at 4:30 p.m. each day, May 23-26, 2005. A Public Zoning Hearing will be held on May 26, also. The Budget Public Hearing will be June 6 at 5:00 p.m.

-Mr. Wilson said the County had received a letter from the Governor's Office awarding a \$500,000 grant to the Fire Department to purchase terrorism response equipment. The application for a Homeland Security Grant for \$1,000,000 was to be used toward the purchase of an 800 MHz radio system.

-Public Works notified today that large grass crews are beginning 10-hour work days, five days per week. Overtime for this much needed maintenance to the four outlying County districts is authorized and budgeted. This is a practice done during the summer growing season.

-At a speech earlier this week Mr. Wilson learned that a newly formed UGA Griffin Campus Field of Dreams committee will present their request for a proposed SPLOST to the Board at their June 6 meeting.

XIII. REPORT OF COMMISSIONERS

Commissioner Freeman said a few members of the Board of Equalization feel their compensation should be raised and that their positions during this busy time are really full-time status. During this time of year, and particularly during this digest review process, they are occupied all day rather than having just a short meeting time like many other boards. The three member board had their per diem and/or training rate increased within the past couple of years, but County Manager Wilson said he will review this request.

Commissioner Flowers-Taylor wanted to discuss several items originally approached at the Commissioners' Retreat in March. She would like to see a follow-up retreat per the advice of the facilitator, possibly around a six-month period. She was glad to have gotten the noise abatement ordinance completed but also would like to determine where the County is with personnel items discussed, i.e. employee incentives, 10-year retirement window adjustments, SPLOST items, urban proximity review status, signage she would still like to see enhanced in front of the Annex building, and an overall review of progress made in the three months since the retreat. She also has concerns over problems at the Correctional Institution and would like time to go over those concerns when more time can be allocated for discussion. The caretaker for Dundee Lake was an issue for her, as well, and she wondered if maybe the County could reconsider the matter of his vacating the premises. She suggested an extension for him to remain on the property beyond that period extended in the letter sent to him because she felt the Commissioners had been misinformed regarding his willingness to obtain a GED to become eligible to apply for County employment. He had made an effort to get a GED, but not through an officially recognized venue. It was obvious to her the County would need a caretaker at this park location which is rather isolated. Ms. Flowers-Taylor was also concerned about the Sheriff's Department policy pertaining to off-duty law enforcement personnel using County vehicles and equipment, questioning the issue of liability for the County.

Commissioner Davis had no comment.

Commissioner McDaniel said he had identified a replacement for Mr. J.D. Smith who had resigned from the Board of Appeals. Commissioner McDaniel desired to appoint Mr. Keith Dryden, 795 Lakeside Drive, Griffin, GA 30224, 770-412-6297. Mr. Dryden has served previously in this capacity and has demonstrated experienced leadership on this Board.

Chairman Goss wanted to discuss ball seasons at Parks and Recreation facilities. He felt that just when school is out and children need something to occupy their time, the season is over except for tournament play. The focus of the program appears to be toward accommodating tournaments. Commissioner McDaniel, who is a member of the Parks and Recreation Advisory Commission, said all the youth associations are geared to facilitate winners who make it to the tournaments, as unfortunate as this might be for others. He was not sure how they could alter that focus, but they could explore some options.

Chairman Goss also wanted to request that Major Wendell Beam of the Sheriff's Department look into getting Sapelo Road declared a "No Through Trucks" zone. Mr. Wilson said he would request that Major Beam explore this possibility.

XIV. CLOSED MEETING

1. County Attorney requests a Closed Meeting to discuss pending litigation.
2. County Manager requests a Closed Meeting to discuss acquisition of real estate.

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0 to enter Closed Meeting to discuss pending litigation and acquisition of real estate at 7:42 p.m.

CLOSED MEETING AFFIDAVIT

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

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

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

1.

The Spalding County Board of Commissioners met in a duly advertised meeting May 16, 2005.

2.

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

3.

The executive session was called to order at 7:42 p.m.

4.

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

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

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

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

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

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

This the 16th day of May, 2005 .

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 16th day of May, 2005

Edward Goss, Jr. (L.S.)
Cecil L. Davis (L.S.)
Eddie L. Freeman (L.S.)
Gwen Flowers-Taylor (L.S.)
Johnie McDaniel (L.S.)

Teresa A. Watson (L.S.)
Notary Public
My commission expires:
March 3, 2007

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0 to reconvene to Open Meeting at 8:13 p.m.

XV. ADJOURNMENT

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0 to adjourn at 8:14 p.m.

County Clerk
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Chairman
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