

## **REGULAR MONTHLY MEETING**

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, April 3, 2006 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 Eddie Freeman presiding and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss and Johnie McDaniel present. Also present were James Fortune, County Attorney; William Wilson, County Manager; Community Development Director Chuck Taylor; and Teresa Watson to record the minutes.

**I. OPENING (CALL TO ORDER) – Chairman Eddie L. Freeman**

**II. INVOCATION – Commissioner Johnie McDaniel**

**III. PLEDGE TO FLAG – Led by Commissioner Edward Goss, Jr.**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Announcement of Recipient for the Bain Proctor Award for Volunteerism

William Wilson read the press release designating this year's recipient of the Bain Proctor Award for Volunteerism: Mr. L. V. Skipper. Chairman Freeman presented Mr. Skipper with a plaque and the thanks of Spalding County for all his dedication and service.

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

**VII. CITIZENS COMMENTS – N/A**

## VIII. PUBLIC COMMENT

Mike Statham, 539 South Hill Street, Griffin, GA

Health Fair will be held in May, and Mr. Statham said they would be open to the residents of Griffin and Spalding County. There were 3000 participants last year and the goal this year is 10,000. There will be many services provided, including cholesterol and glucose screenings, blood pressure checks, nutrition counseling, diabetic counseling/meters. Involved in the event are Christian Ministries Hospice, Social Security Administration, local funeral homes, AARP, the Insurance Commissioner's Office, Spalding Regional Hospital and the American Red Cross who will man a blood drive, also. Mr. Statham asked if they might place posters/banners at recycling centers, 18" x 24" road signs to advertise the event on rights-of-way and perhaps in parks, and insert flyers in employees' pay envelopes. He requested the County help promote the event as much as possible. One way to accomplish this is to issue a Resolution Proclaiming Saturday, May 20, 2006 as Christian Ministries Hospice Health Fair Day. The event will be held at GTO's, 551 North Expressway. Booth cost will be \$150 to \$200 for vendors. All proceeds go back into the community via different venues. Christian Ministries Hospice is a not-for-profit organization.

Mr. Wilson instructed Mr. Statham to contact him in the morning for details on what the County could provide in the way of promotion for the event.

## IX. MINUTES

1. Consider approval of the minutes of the March 20, 2006 Extraordinary Session and the March 23, 2006 Zoning Public Hearing.

*Commissioner McDaniel moved to approve the minutes of the March 20, 2006 Extraordinary Session, seconded by Commissioner Goss. Vote was 4-0-1 with Commissioner Davis abstaining since he was not present for the entire meeting.*

*Commissioner McDaniel moved to approve the March 23, 2006 Zoning Public Hearing, seconded by Commissioner Davis. Vote was 5-0 in favor of the motion.*

## X. CONSENT AGENDA

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

a) Application #06-01Z: Cole Tract Associates, L.P., Owner – The Villas at Heron Bay – Highway Court and Court Crossing (11.318 acres located in Land Lot 145 of the 2<sup>nd</sup> Land District) – requesting a rezoning from PDD, Planned Development District, Conditional, to PDD, Planned Development District.

APPLICATION OF COLE TRACT ASSOCIATES, L.P.  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 06-01Z

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 “PDD, Planned Development District, Conditional;”

WHEREAS, Cole Tract Associates, L.P., applicant, applied for a change in zoning classification to be applied to the within described property to “PDD, Planned Development District, Conditional;”

WHEREAS, such application was filed with Spalding County, Georgia on February 26, 2006;

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 March 23, 2006, 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 or being in Land Lot 145 of the 2<sup>nd</sup> Land District, Spalding County, Georgia, and being more particularly described as follows:

Commence from the point of intersection of the southerly right-of-way line of Heron Bay Boulevard (having a variable width right-of-way) and the proposed westerly right-of-way line of High Court Way (having a 50 foot wide proposed right-of-way) if the right-of-way lines were extended to form a point of intersection rather than a curve and along said proposed westerly right-of-way line of High Court Way the following three courses and distances: South 07 degree 16 minutes 48 seconds West a distance of 35.06 feet to a point; thence along a curve to the left having a radius of 315.00 feet, an arc length of 65.14 feet, being subtended by a chord bearing of South 01 degrees 21 minutes 22 seconds West and a chord distance of 65.02 feet to a point; thence South 04 degrees 34 minutes 04 seconds East a distance of 20.31 feet to a point on the County line and Land Lot line common to Land Lot 176 of the 2<sup>nd</sup> Land District of Henry County and Land Lot 145 of the 2<sup>nd</sup> Land District of Spalding County and the **TRUE POINT OF**

**BEGINNING**; thence from the True Point of Beginning as thus established, departing the proposed westerly right-of-way line of High Court Way and along the said County line and Land Lot line common to Land Lot 176 of the 2<sup>nd</sup> Land District of Henry County and the Land Lot 145 of the 2<sup>nd</sup> Land District of Spalding County South 89 degrees 29 minutes 19 seconds East a distance of 872.10 feet to a point; thence departing the said Land Lot line common to Land Lot 176 of the 2<sup>nd</sup> Land District of Henry County and Land Lot 145 of the 2<sup>nd</sup> Land District of Spalding County South 00 degrees 30 minutes 41 seconds a distance of 55.85 feet to a point; thence South 21 degrees 23 minutes 00 seconds West a distance of 120.33 feet to a point; thence South 27 degrees 46 minutes 27 seconds West a distance of 60.03 feet to a point; thence South 36 degrees 49 minutes 45 seconds West a distance of 50.00 feet to a point; thence South 36 degrees 10 minutes 34 seconds West a distance of 51.09 feet to a point; thence South 36 degrees 21 minutes 34 seconds West a distance of 52.89 feet to a point; thence South 42 degrees 13 minutes 18 seconds West a distance of 69.29 feet to a point; thence South 51 degrees 09 minutes 10 seconds West a distance of 69.29 feet to a point; thence South 60 degrees 05 minutes 01 seconds West a distance of 69.29 feet to a point; thence South 66 degrees 25 minutes 37 seconds West a distance of 57.04 feet to a point; thence South 66 degrees 45 minutes 34 seconds West a distance of 250.00 feet to a point; thence South 55 degrees 26 minutes 59 seconds West a distance of 50.99 feet to a point; thence South 51 degrees 34 minutes 49 seconds West a distance of 51.81 feet to a point; thence South 54 degrees 09 minutes 32 seconds West a distance of 71.86 feet to a point; thence North 18 degrees 02 minutes 56 seconds West a distance of 125.00 feet to a point; thence along a curve to the right having a radius of 60.00 feet, and arc length of 46.05 feet, being subtended by a chord bearing of North 86 degrees 03 minutes 36 seconds West and a chord distance of 44.93 feet to a point; thence South 25 degrees 55 minutes 44 seconds West a distance of 125.00 feet to a point; thence North 43 degrees 36 minutes 30 seconds West a distance of 129.35 feet to a point; thence North 06 degrees 51 minutes 10 seconds West a distance of 85.62 feet to a point; thence North 16 degrees 00 minutes 43 seconds East a distance of 53.41 feet to a point; thence North 12 degrees 07 minutes 53 seconds East a distance of 52.20 feet to a point; thence North 04 degrees 34 minutes 04 seconds West a distance of 418.48 feet to a point on the said County line and Land Lot line common to Land Lot 176 of the 2<sup>nd</sup> Land District of Henry County and Land Lot 145 of the 2<sup>nd</sup> Land District of Spalding County; thence along the said County line and Land Lot line common to Land Lot 176 of the 2<sup>nd</sup> Land District of Henry County and Land Lot 145 of the 2<sup>nd</sup> Land District of Spalding County South 89 degrees 29 minutes 19 seconds East a distance of 120.47 feet to the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 11.318 acres (being 493,020 square feet), including all easements.

From "PDD, Planned Development District, Conditional" to "PDD, Planned Development, Conditional" 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. Sufficient space shall remain between the garage and the right of way to allow a vehicle to completely park without encroaching into said right of way.
- b. The following conditions as previously approved shall remain:

A. Zoning by Pod (Pods as defined by developer's concept plan/conceptual plan):

1. Section AA shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
2. Section BB shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.
3. Section CC shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within the development ordinance may apply to that pod subject to the satisfaction of these development incentive requirements.
4. Section DD shall be developed consistent with the requirements of the R-1 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within the development ordinance may apply to that pod subject to the satisfaction of these development incentive requirements.
5. Section EE shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within the development ordinance may apply to that pod subject to the satisfaction of these development incentive requirements.
6. Section FF shall be developed consistent with the requirements of the R-1 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within the development ordinance may apply to that pod subject to the satisfaction of these development incentive requirements.
7. Section GG shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within the development ordinance may apply to that pod subject to the satisfaction of these development incentive requirements.

The development incentives referred to in Section A, Nos. 1-7, pertain to development incentives stated within the Planned Development District.

B. General conditions applied to all property within property subject to this rezoning:

1. All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.
2. Architectural shingles shall be required.
3. Cantilevered chimneys are not permitted.
4. Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.
5. Wooden decks shall be painted or stained if they back onto the golf course or open space.
6. Mailboxes shall be coordinated and uniform within neighborhoods.
7. No chain link fencing permitted unless it is vinyl coated.
8. Freestanding dog pens shall not be permitted.
9. Accessory structures shall match the style and materials of the home.
10. Recreational vehicles shall not be stored between the street and the front building line of any home.

C. Sections AA, BB, CC, DD, FF and GG: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.

The minimum standard for vinyl use on all siding construction dwellings within the property subject to rezoning shall be the standard of a Georgia Pacific Vision Pro 5-inch width wood grain texture or comparable or higher-grade product.

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 April 3, 2006, 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 or being in Land Lot 145 of the 2<sup>nd</sup> Land District, Spalding County, Georgia, containing 11.318 acres on, zoned PDD, Conditional.

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

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

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

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

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b) Amendment to UDO #A-06-01: Article 2. Definitions – Section 202:III' & III' – add definition for firsts story and half story.

IN RE: Text Amendment #A-06-01

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 March 23, 2006 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 provision shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions" to appear as Section 202(III)':

**Section 202: General Definitions.**

III'. **Story, First:** the lowest story of any dwelling that is not a basement or half story.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions" to appear as Section 202(III)'':

**Section 202: General Definitions.**

III''. **Story, Half:** any portion of a story of a dwelling with a heated floor area less than two-thirds of the square footage of the entire footprint of the dwelling.

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

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

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c) Amendment to UDO #A-06-02: Article 12. C-1 Highway Commercial – Section 1203:A – add provision to allow BMX Track as a principle use.

IN RE: Text Amendment #A-06-02

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 March 23, 2006, 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 12, Section 1203 the following:

69. Non-Motorized Vehicle Spectator Sports:

- a. Must have a minimum lot size of 5 acres.
- b. Facilities used for such purpose shall be located a minimum 100 feet of any adjacent property line
- c. A continuous undisturbed buffer of no less than 50 feet shall be provided along all side and rear property lines
- d. Hours of operation for competition or practice shall be limited to a period from 8:00 A.M. to 10:00 P.M.
- e. Lighting for such facilities and all associated parking shall be designed not to reflect off-site.
- f. The site shall be accessible to public water and water shall be made available to track users.

Section 3: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

Section 6: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 7: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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d) Amendment to UDO #A-06-03: Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

IN RE: Text Amendment #A-06-03

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 March 23, 2006, 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: A new paragraph shall be added to Section 2302(E) of “Official Zoning Map Spalding County, Georgia (Official Map)” of the Zoning Ordinance of Spalding County as follows:

A new Official Map was adopted on April 3, 2006, which will replace the previous Official Map.

Section 2: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

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

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

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e) Amendment to UDO #A-06-04: Article 2. Definitions – Section 202:FFF – amend definitions for public sewer.

IN RE: *Text Amendment #A-06-04*  
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 March 23, 2006 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 deleted from the Zoning Ordinance of Spalding County, Article 2, "Definitions," Section 202(FFF).

Section 2: The following provisions shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions" to appear as Section 202(FFF):

**Section 202: General Definitions.**

FFF. Public Sewer: Sanitary sewer service provided or approved by Spalding County or the City of Griffin and which does not constitute an "on-site sewage management system" as defined in O.C.G.A. § 31-2-7 and the Rules and Regulations of the Georgia Department of Human Resources, Public Health Division Section 290-5-26.02(gg).

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

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

2. Consider on second reading an Ordinance Amending the FY 2006 Budget Ordinance to provide for donation from Griffin Youth Soccer.

**AN ORDINANCE AMENDING THE  
FISCAL YEAR 2006 BUDGET ORDINANCE FOR  
SPALDING COUNTY, GEORGIA**

**WHEREAS**, the Board of Commissioners of Spalding County have duly adopted an annual budget ordinance for the 2006 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, 2005, be amended as follows:

**Section I. General Fund**

**A. Revenues**

Contributions and Donations	From	\$	0	to \$	1,536
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**B. Expenditures**

Parks	From	\$	2,046,676	to \$	2,048,212
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Approved on first reading this 20<sup>th</sup> day of March 2006.

Approved, adopted and enacted on second reading this 3<sup>rd</sup> day of April 2006.

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*Commissioner McDaniel moved to approve all items on Consent Agenda, seconded by Commissioner Davis, and motion carried by a unanimous vote of 5-0.*

**XI. OLD BUSINESS**

1. Consider on second reading an Amendment to the Official Zoning Map of the following:
  - a) Amendment to UDO #A-05-17: Article 5. AR-1, Agricultural and Residential – Section 503:A(1), Article 6. AR-2. Rural Reserve – Section 603:A(1), Article 7, R-1 Single Family Residential Low Density – Section 703:A(1), Article 7A. R-1A Single Family Residential – Section 703A:A(1), Article 8. R-2 Single Family Residential – Section 803:A(1), Article 8A. R-2A Single Family Residential and Two Family Residential, Article 10. R-4 Single Family Residential – Section 1003:A(1), and Article 11. R-5 Single Family Residential – Section 1103:A(1) – add provision for minimum size of first floor of any single family dwelling.

Commissioner Flowers-Taylor said she wanted to see this issue addressed was her concern with putting small footprints for homes on small lots. Their vote was to have this amendment apply to lots one-half acre or more in area. She wondered if they could better address this ordinance with regard to lots smaller than one-half acre.

*Commission Flowers-Taylor moved to table this matter indefinitely until the amendment can be revised and presented again for first reading, perhaps at the next zoning hearing. Commissioner McDaniel seconded the motion which carried by a unanimous 5-0 vote.*

2. Consider approval of settlement agreement dated August 26, 2004 to allow development with the R-3 and C-1 zoning districts for property located on Highway 19/41 (10.87 acres located in Land Lot 101 of the 3<sup>rd</sup> Land District).

*Commissioner Davis moved to approve the August 26, 2004 settlement agreement, seconded by Commissioner Davis, and the motion carried by a 4-1 vote with Commissioner Goss voting in opposition.*

3. Consider requiring the placement of a fire hydrant by the developer in the Ingram Hills Subdivision.

*Commissioner McDaniel moved to table this item, per request of the developer, until the April 17 meeting, seconded by Commissioner Davis, and motion carried by a vote of 4-1 with Commissioner Goss voting in opposition.*

## **XII. NEW BUSINESS**

1. Conduct Public Hearing to consider the establishment of a street lighting district for Autumn Ridge Subdivision Phase I.

*Commissioner Davis moved to open a Public Hearing to consider the establishment of a street lighting district for Autumn Ridge Subdivision Phase I, seconded by Commissioner McDaniel. Motion carried by a unanimous 5-0 vote.*

No one desired to speak.

*Commissioner Davis moved to close the hearing, seconded by Commissioner Flowers-Taylor, and motion carried by a unanimous vote of 5-0.*

2. Consider approval of establishment of street light district for Autumn Ridge Subdivision Phase I.

*Commissioner Davis moved to approve establishment of a street light district for Autumn Ridge Subdivision, Phase I, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 5-0.*

Commissioner McDaniel asked if Chuck Taylor had explored the dark skies type of street lighting as requested at a previous meeting. Mr. Taylor had exited the meeting, but Mr. Wilson will follow up with Mr. Taylor on the matter.

3. Consider displaying the Bill of Rights and the Ten Commandments in the Spalding County Courthouse.

Mr. Fortune said he prepared a memo at commissioners' request detailing the ramifications of posting the Ten Commandments. The Establishment Clause holds that such a display cannot advance, advocate or inhibit any religion. He offered to answer questions. If anything has a religious connotation, the litmus test questions the purpose of displaying the document. It cannot be used to advance religion, according to the Lemon test. Questions to determine the merit of the display include: 1) Does it have valid non-religious purpose? 2) Does it advance or inhibit a religion? 3) Does it foster government entanglement with religion?

*Commissioner Goss moved to allow the display of the Ten Commandments in the Spalding County Courthouse, seconded by Commissioner Flowers-Taylor.*

Commissioner McDaniel said he did not really want to see Spalding County use religion and what he considered the sacred word of God as a political and legal pawn. Laws are obviously built on it, but he did not want to see this step taken as a line drawn in the sand when the attorney was so certain after his research that the issue should not be tested. Commissioner Davis concurred.

Commissioner Freeman said he wanted to see the display posted.

Commissioner McDaniel said he wanted to establish the reason that commissioners would like to see the display done. He asked to define the purpose of the request.

Commissioner Flowers-Taylor said the fact that it was a historical document was her reason. Commissioner Goss agreed, saying people would take away other rights if the commissioners back down from this request.

*Motion carried by a vote of 3-1-1 with Commissioner Davis voting against and Commissioner McDaniel abstained because he was neither for nor against.*

4. Consider recommendation from the Parks and Recreation Advisory Commission for the following:

- a) Christian Women's Center Annual Walk-A-Thon.

This event will be Saturday, June 3, from 9 am to Noon at Wyomia Tyus Olympic Park. This is an annual event.

***Commissioner Davis moved to approve the request of the Christian Women's Center, seconded by Commissioner McDaniel, and the motion carried by a 5-0 vote.***

- b) Dundee Lake Park Master Plan.

Questions were answered by representatives from JB&A Park Design Studio, the landscape architects working on the Dundee Lake Park Master Plan. Parking will accommodate 515 spaces, where there are presently only 34 marked spaces. Wyomia Tyus Olympic Park (WTOP) has a great many more parking spaces than 515. During soccer at WTOP now there are not enough parking spaces. Parking is less than 5% of the park area in the Dundee Lake Park Master Plan. Some shelters will be positioned so that steep hills won't have to be negotiated by patrons to help with ADA compliance. Most of the work will be funded by development impact fees. These amenities will be added over multiple years and in several phases. Three playground areas will be included, two large pavilions, one medium and one smaller pavilion with picnic tables and benches throughout, also. New restrooms will be constructed to accommodate the layout of the picnic shelters and to comply with ADA requirements.

***Commissioner Davis made a motion to approve the plan, seconded by Commissioner McDaniel. The motion carried by a unanimous 5-0 vote.***

5. Consider approval of amendment to the Personnel Ordinance to provide for a leave sharing policy.

Mr. Bill Gay said this was a policy that would allow an employee out of annual leave, sick leave, offset time, and advance sick leave to request that any interested employees donate hours willingly to the recipient of donated leave. He detailed the plan and parameters for donating and receiving.

***Commissioner McDaniel moved to approve the Personnel Ordinance amendment to provide for a leave sharing policy, seconded by Commissioner Davis, and motion carried by a unanimous 5-0 vote.***

6. Consider authorizing letter of support for City of Griffin's CDBG grant application for projects for the thirteen-block area of the City bounded by Thomaston Mills property and Quilly Street.

***Commissioner Davis moved to authorize a letter of support, seconded by Commissioner Flowers-Taylor, and the motion carried by a vote of 5-0.***

7. Consider request from the City of Griffin to participate in funding of the Annual Fourth of July fireworks display.

***Commissioner Davis moved to approve the request to participate equally with the City in funding of the Annual Fourth of July fireworks display, seconded by Commissioner Flowers-Taylor. Some discussion followed, and the motion carried by a vote of 5-0.***

8. Consider approval on first reading Ordinance 2006-03 to Amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to Provide for No Parking on First Street, Second Street and Lakeview Avenue.

Mr. Wilson said Major Wendell Beam of the Sheriff's Department recommended these.

***Commissioner McDaniel moved to approve on first reading Ordinance 2006-03 to Amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to Provide for No Parking on First Street, Second Street and Lakeview Avenue, seconded by Commissioner Davis, and the motion carried by a vote of 5-0.***

9. Conduct Public Hearing regarding Resolution to Abandon the unused portion of Amelia Road.

***Commissioner Davis moved to open the Public Hearing, seconded by Commissioner McDaniel, and the motion carried by a vote of 5-0.***

No one desired to speak.

***Commissioner Davis moved to close the Public Hearing, seconded by Commissioner Davis, and motion carried by a vote of 5-0.***

10. Consider Resolution to Abandon the unused portion of Amelia Road.

***Commissioner McDaniel moved to approve the Resolution, seconded by Commissioner Davis, and the motion carried by a unanimous 5-0 vote.***

11. Consider selection of an 800 MHz communication consultant.

Mr. Wilson said as a result of the RFP sent out to five consultants, the selection committee has recommended Georgia Tech Research Institution to be paid with 2005 SPLOST funds.

***Commissioner Davis moved to approve the selection of Georgia Tech as consultant on the 800 MHz Communications System project at a bid of \$99,915, seconded by Commissioner Goss. Motion carried by a vote of 5-0.***

Commissioners thanked members of the committee for their hard work and dedication.

12. Consider selection of firm to prepare a Comprehensive Transportation Plan for Spalding County.

Anthony Dukes was present to answer questions. The Selection Committee consisted of Eddie Freeman, Johnie McDaniel, Chipper Gardner, William Wilson and Anthony Dukes. The committee met several times and researched all the proposals but, in the end, went with the high bid because it was the only response that truly adhered to the request as it was sent out. To compete in the Atlanta region with larger metro areas, Mr. Dukes was convinced this selected company was the right choice. The \$125,000 from ARC will require a 20% match but the County is at liberty to overmatch to get the best consultant. This CTP will provide detailed cost estimates so they can be incorporated into impact fees. McDaniel said the selection committee was thorough and with so much at stake, he felt they were getting the best product and end result from the high bidder. This will allow for a plan more tailored for Spalding County and less of a cookie-cutter plan. This will be a master plan for twenty years for roads and transportation for Spalding County. It will include intersection and capacity improvements, bypasses, bike paths, public transportation, commuter rail, sidewalks, and many other issues relating to transportation.

***Commissioner Davis moved to approve the selection of Grice & Associates as the firm to prepare the Comprehensive Transportation Plan for Spalding County at a cost of \$162,000.00, seconded by Commissioner McDaniel. Motion carried by a vote of 5-0.***

Commissioner Freeman commended Mr. Dukes for tireless work on behalf of Spalding County.

13. Consider request from Spalding County Fire Department to apply for Assistance to Firefighters Grant (AFG) program for a pumper/tanker.

Mr. Wilson noted this would require a local match of 10% or \$21,400. Last year the same grant provided new breathing apparatus for the Fire Department.

***Commissioner Davis moved to approve the request of the Fire Department to apply for the AFG program grant, seconded by Commissioner McDaniel, and the motion carried by a vote of 5-0.***

14. Set a date for a Public Hearing to establish street lighting district for Serene Lake Subdivision.

The general consensus of commissioners was to set April 17, 2006 as the date for a Public Hearing to establish street lighting district for Serene Lake Subdivision.

### **XIII. REPORT OF COUNTY MANAGER**

- Reminder for commissioners to attend Elks Lodge Flag Day scheduled for June 12.
- Approached by Downtown Development Authority interested in working out an arrangement with the County for purchase of old Hills Tire Store property for parking lot.
- Saturday, April 8, 2006, is the date that, as part of the NPDES, the Rotary Club, City & County personnel will work to clean up the stream area around the old Goody's/Wal-Mart shopping center to Pine Hill Road.

- With regard to the escaped inmate this week, the State was down to review all policies and gave a clean bill to the Correctional Institution. The County will work with every work detail to ensure that all security measures are adhered to with no vehicle keys accessible to inmates. The new procedures will result in greater security measures for work details.
- A Keep Griffin-Spalding Beautiful tree dedication in honor of SFC Robert "Bobby" Hollar, will be held in conjunction with Crescent Elementary on April 13, at 2 p.m. at the school.

#### **XIV. REPORT OF COMMISSIONERS**

Goss – Commission Goss requested that Mr. Wilson contact the Tax Commissioner for a list of the top 100 residents still delinquent in taxes. Also, he was still very interested in opening up the old CI to relieve the overcrowding in the jail. Cost estimates were put in commissioners' boxes previously regarding this project. He felt the County needs to get this started as the jail is severely overpopulated with one inmate sustaining serious injuries recently. Rather than build the costs into the FY 2007 budget, he would prefer to move more quickly. The County may end up in litigation, which will be costly if the County continues to go down this path. Mr. Wilson said he would place it on the April 17 agenda. Additionally, at the commissioners' retreat they discussed hiring another Code Enforcement officer, and Mr. Wilson said they have hired this second officer who will start the first week in May. He must attend mandate school for 14 weeks, and they are trying to get available dates now for this training. He will be working with Officer Heath and will have staggered hours once he is certified. The two will rotate hours and do some weekend work, which is the ideal time to catch more road violations, such as no-through trucks, that occur more often on weekends than on weekdays.

Flowers-Taylor – On a regular basis she gets call from someone who has visited or has relatives at the Jail regarding the deplorable conditions, mostly from overpopulation. She knew the County was looking at the cost of brining the old CI up to standard to house 65-70 inmates, per Michael Ray, which will reduce overcrowding problem now. She agreed with Commissioner Goss that the County needs to do something now. Secondly, she asked about the new defined benefit program and said she would feel more comfortable if employees were allowed to meet with GEBCorp so that concerns can be adequately described and addressed for everyone. Additionally, she has submitted a request to attend training, a Watch and Pray seminar, on crime in the black community and gang intervention. Her district is densely populated with a great deal of gang activity, and she hoped to come away from the seminar with some fresh ideas. Commissioner Flowers-Taylor was also very concerned about the situation with 10-12 pit bulls in a yard two blocks away from her residence. Recently one of the dogs was killed by others and then eaten, and there was blood everywhere. Neighbors cannot rest because of the noise and the concern for safety. She wondered if perhaps the County could limit the number of dogs on small lots such as this one to eliminate such dangerous situations. Finally, with regard to work details, she stated she was very annoyed when Henry County printed in their newsletter how much they are saving by using Spalding County work details. Mr. Wilson pointed out that Henry County provides transportation and all other associated costs with inmate labor and reimburses Spalding County for the cost of the officer in charge of the work detail. He noted that Spalding County was reimbursed by the state for the inmates, and the County could not legitimately charge anything for their labor. There is no cost to the County other than that of the inmates themselves. Commissioner Flowers-Taylor wanted to explore the possibility of charging them more, noting that they can afford it.

Davis – He stated he was a certified counselor for retirement benefits. When the County obtains all the figures and facts on the new blended plan, then they can sit down with anyone to better explain. The explanation won't take long; as there are only two kinds of pension plans (defined benefit and money purchase), and this is a blended plan.

McDaniel – Regarding Commissioners Goss and Flowers-Taylor comments concerning the jail, a small part of the County's Capital Improvement Element (CIE) calls for jail expansion and can utilize development impact fees. He felt the old CI could be categorized as a jail expansion project and take advantage of the funds. On limiting the number of dogs, he thought there was already something in the ordinance to prohibit the number of dogs without being considered a kennel. As long as the dogs are caged individually, there is no limit on the number of dogs allowed, but perhaps there is a distinction of kennel versus private residence in the zoning ordinance, and

Mr. Wilson will check on that possibility. Commissioner McDaniel agreed there should be some reasonable limit to the number of dogs on small lots.

Freeman – The Chairman concurred with Commissioner Goss on the jail problem. The most expedient and cost-effective solution appears to be the old CI, and most inmates placed there will be minimal security, work release participants. He, too, felt this overcrowding will only worsen. The Pit Bull (dangerous dog) bill in the House sponsored by David Knight didn't reach a vote in this session of legislature. With regard to the second Code Enforcement officer, he understood the position would be full time but expressed concern that an officer would not be scheduled every weekend.

## XV. CLOSED MEETING

1. County Attorney desires a Closed Meeting to discuss pending litigation.

*Commissioner McDaniel moved to go into Closed Meeting, seconded by Commissioner Davis at 7:46 p.m. and motion carried by a unanimous 5-0 vote.*

### 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 on April 3, 2006.

2.

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

3.

The executive session was called to order at 7:46 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);

No 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 3<sup>rd</sup> day of April 2006.

Spalding County Board of Commissioners

Sworn to and subscribed  
Before me this 3<sup>rd</sup> day of April 2006.

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

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

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*Commissioner McDaniel moved to adjourn Closed Meeting and reconvene to Open Meeting, seconded by Commissioner Davis at 7:58 p.m. and motion carried by a unanimous 5-0 vote.*

**XVI. ADJOURNMENT**

*Commissioner McDaniel moved to adjourn, seconded by Commissioner Davis at 8:00 p.m. and motion carried by a unanimous 5-0 vote.*

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

\_\_\_\_\_  
Chairman

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