

REGULAR MONTHLY MEETING

The Board of Commissioners of Spalding County, Georgia, held their Regular Monthly Meeting on Monday, September 11, 2006 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 p.m. Chairman Eddie Freeman presided and Commissioners Gwen Flowers-Taylor, Edward Goss and Johnie McDaniel were present. Absent was Commissioner Cecil Davis. Also present were County Attorney James Fortune, Zoning Attorney Newton Galloway, County Manager William Wilson, Assistant to the County Manager Paul Van Haute, 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 County Manager William P. Wilson, Jr.
- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider Proclamation declaring week of September 17-23, 2006 as Constitution Week.

Commissioner McDaniel moved to Proclaim the week of September 17-23, 2006 as Constitution Week, seconded by Commissioner Flowers-Taylor, and motion carried unanimously at 4-0.

Proclamation

Declaring Constitution Week

WHEREAS, We the People, in order to form a more perfect Union, did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, It is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

WHEREAS, We must always remember those who risked and sacrificed their lives to protect our freedoms and honor those who stand ready to take action every day to defend our nation, both here and abroad; and

WHEREAS, The two hundred nineteenth commemoration of the adoption of the U.S. Constitution on September 17, 1787 provides an historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United State of America designating September 17 through 23 as Constitution Week to commemorate the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, The people of Spalding County, Georgia do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it;

NOW THEREFORE, We, the Board of Commissioners of Spalding County, join our state and nation in hereby proclaiming the week of September 17 through 23 as Constitution Week, and we invite every citizen and institution to join in the national commemoration.

IN WITNESS THEREOF, BE IT NOW RESOLVED THAT We, the Board of Commissioners of Spalding County do hereby declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, reflecting that I have hereunto set my hand in these free United States and caused the seal of Spalding County, Georgia to be affixed, declaring this week of the seventeenth day of September, in the year of our Lord two thousand and six as Constitution Week. *This 11th day of September 2006.*

William P. Wilson, Jr., County Clerk (L.S.)

Eddie L. Freeman, Chairman (L.S.)

Ms. Helen Grayson was present to accept the Proclamation, presented by Chairman Freeman.

Additionally, Brody Harding, in attendance for his Boy Scouts of America Merit Badge, was presented a Spalding County pin by Chairman Freeman.

VI. PRESENTATION OF FINANCIAL STATEMENTS – N/A

VII. CITIZENS COMMENTS – N/A

VIII. PUBLIC COMMENT

Roger Harris, Beacon Security

Mr. Harris advised that Beacon Security was not invited to bid for the security system recently changed for Spalding County, and he asked for the Board's consideration.

Elton Rosser, Roosevelt Railroad

Mr. Rosser noted that the Roosevelt Railroad bears the responsibility to upgrade railroad crossings, so they would appreciate being kept abreast of developments in process that can impact his railroad and its crossing upgrades. He felt that for large developments, perhaps those developers could help defray the cost of railroad crossing upgrades. His railroad crosses Smoak Road and would be impacted by the Big Pines Farm agenda item tonight, for example, although he understood this particular issue would be requested to be tabled.

Kelly Palmatier, 450 Malier Road, Griffin, Georgia

Ms. Palmatier brought the handouts mentioned at last meeting and wanted to update Commissioners on the proposed spay/neuter differential licensing program. The proposed cost of registrations would be \$12 for altered dogs and cats and \$65 for unaltered animals. Profits could go toward helping those needing financial assistance with getting pets spayed or neutered.

IX. MINUTES

1. Consider approval of the minutes of the August 21, 2006 Extraordinary Session and the August 24, 2006 Zoning Public Hearing.

Commissioner McDaniel moved to approve the minutes of the August 21, 2006 Extraordinary Session, seconded by Commissioner Flowers-Taylor and motion carried unanimously at 4-0.

Commissioner McDaniel moved to approve the August 24, 2006 Zoning Public Hearing minutes, seconded by Commissioner Goss, and the motion carried by a 3-0 vote with Commissioner Flowers-Taylor abstaining since she was absent from that meeting.

X. CONSENT AGENDA – N/A

XI. OLD BUSINESS

1. Consider second reading of Amendment to the Official Zoning Ordinance of the following:
-Amendment to UDO #A-06-10: Appendix A. Subdivision Ordinance – Section 501:I – Amend provision for Architectural Criteria for Single Family Dwellings located within a subdivision.

IN RE: Text Amendment #A-06-10

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 August 24, 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: That Appendix A, Section 501I be deleted in its entirety and replaced with the following:

I. Architectural Criteria for Single Family Dwellings located within a Subdivision and/or Minor Subdivision: Single Family dwellings constructed within a subdivision located within **AR-1 (Agricultural and Residential)**, AR-2 (Rural Reserve), R-1A, (Single Family Residential), R-1 (Single-Family Residential Low Density), R-2(Single Family Residential), R-4 (Single Family), and R-5 (Single Family) zoning districts shall comply with the following architectural criteria:

1. The pitch of the roof of each residential dwelling shall have a minimum vertical rise of six (6) feet for each twelve (12) feet of horizontal run, provided this requirement shall not apply to roof structures covering porches, gables, bay windows, dormer windows, and garages;
2. Each residential dwelling shall be constructed with a garage with minimum dimensions of twenty (20) feet width by twenty (20) feet length;
3. The façade of each residential dwelling shall include accents of brick, stone, cemplank shakes, or wood shakes which shall cover at least 25% of the surface area thereof.
4. Alternatively, on houses with a crawlspace or built-up slab of at least 18 inches, the façade may be full faced stucco or cemplank siding, however all other exterior walls shall be required to be faced with cemplank siding as well.
5. The provision of this Ordinance shall apply to any subdivision platted on or after 3/17/03.

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.

Commissioner McDaniel moved to approve, on second reading, Amendment to UDO #A-06-10: Appendix A. Subdivision Ordinance – Section 501:I – Amend provision for Architectural Criteria for Single Family Dwellings located within a subdivision, seconded by Commissioner Flowers-Taylor. Motion carried unanimously at 4-0.

2. Consider District 3 appointment for Parks and Recreation Advisory Commission member Penny Wise, who resigned July 13, 2006, for a term to expire December 31, 2006.

Commissioner McDaniel appointed Kimberley Goldberg to the District 3 post for Parks and Recreation Advisory Commission, and Ms. Goldberg will attend her first meeting this Thursday.

XII. NEW BUSINESS

1. Consider approval of Sketch Plan for a proposed Conservation Subdivision with 247 lots for Big Pines Farm, LLLP, located off Smoak Road.

Zoning Attorney Newton Galloway requested tabling of this issue for two reasons: The applicant's attorney was called to go to the hospital with his son who had to be rushed for treatment. Secondly,

the private sewer system must be approved and the trust indenture in place which has not yet occurred. For this reason and out of courtesy to Attorney Welch, Mr. Galloway requested tabling.

Commissioner McDaniel moved to table this request until next month's Zoning Public Hearing on October 26, seconded by Commissioner Flowers-Taylor. Motion carried unanimously at 4-0.

2. Consider approval of Sketch Plan for a proposed Conservation Subdivision with 18 lots for Alan R. Mobley, located off Minter Road.

Mr. Taylor advised the Board that staff recommended tabling this issue as well, pending the outcome of Mr. Mobley's request for rezoning and special exception currently in process. He suggested not making the table request date specific so that the matter will be on next agenda after the disposition of the current rezoning and special exception requests. The outcome won't prejudice the plan and the plan will still be on file in the Community Development office. If the other two requests (AR-1 to residential R-2 and receiving the Special Exception to allow for one-acre lots) are approved, then this request will simply go away.

Commissioner McDaniel moved to table consideration of the Sketch Plan for a proposed Conservation Subdivision off Minter Road, pending disposition of Mr. Mobley's zoning application and special exception application on the same property currently in process, seconded by Commissioner Flowers-Taylor. Motion carried by a unanimous vote of 4-0.

3. Conduct Public Hearing to establish a street lighting district for The Villas at Heron Bay.

Commissioner McDaniel moved to open the Public Hearing to establish a street lighting district for The Villas at Heron Bay, seconded by Commissioner Goss. Motion carried by a vote of 4-0.

There were no public comments forthcoming.

Commissioner McDaniel moved to close the Public Hearing to establish a street lighting district for The Villas at Heron Bay, seconded by Flowers-Taylor. Motion carried unanimously at 4-0.

4. Consider request to approve street lighting district for The Villas at Heron Bay Subdivision.

Mr. Wilson advised this amounted to a total cost of \$220 per month, and would add around \$45-\$48 per parcel to resident year-end tax bills.

Commissioner McDaniel move to approve a street lighting district for The Villas at Heron Bay, seconded by Commissioner Flowers-Taylor. Motion carried by a unanimous 4-0 vote.

5. Consider agreement with Georgia Department of Transportation for replacement of bridge on Jordan Hill Road over Cabin Creek.

Mr. Wilson reminded commissioners of the similar circumstance a few months back which they approved for the bridge over Troublesome Creek with Georgia Department of Transportation. This is for a second bridge on Jordan Hill Road, over Cabin Creek. GDOT will assume 100% of the engineering and construction costs with Spalding County paying for utility relocation and right-of-way acquisition. This process will affect the Sun City Peachtree development, and Mr. Wilson requested authorization to work with the Department of Transportation and Minerva on this bridge realignment much as they did with the other bridge over Troublesome Creek.

Commissioner Flowers-Taylor moved to approve the agreement with Georgia Department of Transportation for replacement of the bridge on Jordan Hill Road over Cabin Creek, amended to authorize Mr. Wilson to work with the Georgia Department of Transportation and Minerva Properties in the same manner as previously requested for the bridge over Troublesome Creek. Motion was seconded by Commissioner McDaniel and carried by a unanimous 4-0 vote.

6. Consider approval of Contract for Fire Protection Services for City of Orchard Hill for October 1, 2006 to October 1, 2007.

Mr. Wilson said this was an annual, standard contract for fire protection services, and it mirrors the contract for the City of Sunny Side, approved by the Board of Commissioners last month.

AGENCY CONTRACT FOR FIRE PROTECTION SERVICES

**STATE OF Georgia
COUNTY OF Spalding**

THIS AGREEMENT made and entered into on this the first day of October, 2006 by and between the City of Sunny Side, hereafter sometimes referred to as the "Municipality", a municipal corporation of the State of Georgia, and the "COUNTY OF Spalding", hereinafter sometimes referred to as the "County". a political subdivision of the State of Georgia,

WITNESSETH:

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

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

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

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

-1-

Beginning at 12:00 o'clock Noon on October 1, 2006 the County shall serve as an agent of the Municipality in providing fire protection services within the fire district of the Municipality, being within the corporate limits of the Municipality, for a term of twelve (12) months ending at 12:00 o'clock Noon on October 1, 2007 which such fire protection services furnished hereunder shall be comparable to the fire protection services that the County is now furnishing its aforesaid Fire Protection District, being the unincorporated area of Spalding County, and all such services furnished hereunder shall be done and furnished by the County as the agent of the Municipality, who shall be the principal furnishing such fire protection services to the people and property, residing and located, within the corporate limits of the Municipality in the Municipality's exercises of a governmental function, and not a ministerial function, and at no time shall the County be acting hereunder in the capacity or role of an independent contractor.

-2-

During the term of the within contract the Municipality shall pay the County the sum of One Thousand One Hundred Eighty-Nine Dollars and seventy cents (\$1,189.70) per month for providing such fire protection services, which sum shall be due and payable by the Municipality to the County on the 10th day of each calendar month, beginning October 10, 2006, and continuing in monthly succession thereafter on the 10th day of each successive month with the last such payment being due and payable on September 10, 2007, or until this contract is sooner terminated as hereinafter provided.

-3-

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

-4-

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

-5-

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

If to the Municipality, address to:
City of Sunny Side
P. O. Box 100
Sunny Side, Georgia 30284

If to the County, address to:
County of Spalding
P. O. Box 1087
Griffin, Georgia 30224-1087

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

Commissioner McDaniel moved to approve the Contract for Fire Protection Services for City of Orchard Hill for October 1, 2006 to October 1, 2007, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 4-0.

7. Consider scheduling a Work Session to discuss Conservation Subdivision regulations.

After discussion, the consensus of the Board was to schedule a Work Session to discuss Conservation Subdivision regulations at 5 p.m. on September 28, 2006, prior to the Zoning Public Hearing and to direct Mr. Taylor to invite Planning Commission members, as well.

8. Consider requesting Georgia Department of Transportation funding for upgrading that portion of McDonough Road from SR 155 to SR 16 and requesting redesignation of SR155 to that section of roadway.

Mr. Wilson said this was discussed at the last Griffin-Spalding Area Transportation Committee (G-SATC) meeting. The City has requested that GDOT study the feasibility of making McDonough Road from the Jackson Road intersection down to SR 16 (Arthur K. Bolton Parkway) SR 155, and they asked that Mr. Wilson bring it before the County Board of Commissioners to determine its interest. Mr. Wilson advised the State would do considerable upgrading to the road per state standards in order to provide state route capability if the project were to proceed, including widening and beefing up the base. Substantial right-of-way acquisition would have to be accomplished. Should this project occur, the current SR 155 section of Jackson Road into downtown Griffin would revert to a County road. This same issue arose 13 years ago but, because of extreme local opposition, never came to fruition. The concept is fully supported by the City of Griffin and G-SATC, and GDOT officials have stated the concept is a sensible approach to the current situation and would alleviate the truck traffic entering the downtown Griffin area via Jackson Road and trying to negotiate tight turns onto Hill Street at Broadway. Truck traffic is presently doing considerable damage to curbs and radiuses in the downtown area, not to mention the havoc it creates with vehicle parking along Hill Street.

Commissioner McDaniel moved to request Georgia Department of Transportation funding for the upgrading of McDonough Road from SR 155 to SR 16 (Arthur K. Bolton Parkway) and request redesignation of SR155 to that section of roadway, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 3-1 with Commissioner Goss opposing.

9. Consider rescheduling upcoming meetings due to holiday conflicts.

Due to holiday conflicts, November 23 was rescheduled to November 30, 2006 for the Zoning Public Hearing, December 28 was rescheduled to December 21, 2006 for the Zoning Public Hearing, January 1 was rescheduled to January 8, 2007 for the Regular Monthly Meeting, and January 15 was rescheduled to January 22, 2007 for the Extraordinary Session on a motion by Commissioner McDaniel, seconded by Commissioner Goss and approved unanimously at 4-0.

XIII. REPORT OF COUNTY MANAGER

-The Joint County/City Blood Drive was held today and a total of 77 donors participated.

-NIMS training will be held on September 21, 2006 from 10 a.m. to 12:30 p.m.

-Mr. Wilson said he had received a request for a parking spot in the Imperial Theatre Parking Lot for Mill Towne Gourmet, and the County has authorized such rentals in the past for others. Permission to establish a rental spot for Mill Towne Gourmet, at a cost of \$15 per month, was unanimously acceptable to commissioners.

-Rayfield Wright will be visiting in late October and the County will work in conjunction with the City to hold a reception in his honor with appropriate means of honoring the native Griffinite.

-Spalding Regional Hospital will have a formal grand opening of its new Women's Center on September 25, 2006. They have requested the Chairman speak but he will be out of town, so Vice Chairman Flowers-Taylor said she will fill in his stead.

-At the last meeting, Mr. Wilson informed everyone he had hired Paul Van Haute as Assistant to the County Manager, and he introduced him to all in attendance, noting he had just completed his first week with Spalding County. Mr. Wilson invited everyone to stop by to meet Mr. Van Haute.

XIV. REPORT OF COMMISSIONERS

Goss: He welcomed Mr. Van Haute and looked forward to working with him.

Flowers-Taylor: She inquired about the status of the traffic calming stop sign on Northside Drive at Spalding Heights. Mr. Wilson said he had requested a recommendation from Major Beam of the Sheriff's Department and would follow up on the request.

McDaniel: No Comments.

Freeman: The Chairman welcomed Mr. Van Haute, as well.

XV. CLOSED SESSION

1. Zoning Attorney requests Closed Session to discuss pending litigation, and County Manager requests Closed Session to discuss acquisition of real estate.

Commissioner McDaniel moved to adjourn to Closed Session at 6:52 p.m., seconded by Commissioner Goss, and motion carried by a unanimous 4-0 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.

Spalding County Board of Commissioners met in a duly advertised meeting on September 11, 2006.

2.

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

3.

The executive session was called to order at 6:52 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 11th day of September 2006

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 11th day of September 2006

Eddie L. Freeman, Chairman (L.S.)

Gwen Flowers-Taylor (L.S.)

Notary Public – Teresa A. Watson (L.S.)

Edward Goss, Jr. (L.S.)

My commission expires: March 3, 2007

Johnie A. McDaniel (L.S.)

Commissioner McDaniel moved to adjourn Closed Session and reconvene to Open Session, seconded by Commissioner Flowers-Taylor, and motion carried unanimously at 4-0 at 7:28 p.m.

Commissioner McDaniel moved to amend the agenda to consider disposition of the Capacity Recovery Fee issue discussed in Closed Session, second by Commissioner Flowers-Taylor. Motion carried by a vote of 4-0.

Commissioner McDaniel moved to authorize County Attorney Fortune to negotiate with the City Attorney to resolve the Capacity Recovery Fee litigation, based on direction received in Closed Session, seconded by Commissioner Flowers-Taylor. Motion carried by a 4-0 vote.

XVI. ADJOURNMENT

Commissioner McDaniel moved to adjourn, seconded by Commissioner Flowers-Taylor, at 7:30 p.m. Motion carried by a unanimous 4-0 vote.

County Clerk

Chairman

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