

REGULAR MONTHLY MEETING

The Regular Monthly Meeting was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, January 8, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., Johnie McDaniel, and David Phillips were present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor, County Attorney James R. Fortune, Jr. and Executive Secretary Teresa Watson.

- I. OPENING (CALL TO ORDER) – Chairman Eddie Freeman**
- II. INVOCATION - Commissioner Edward Goss, Jr.**
- III. PLEDGE TO FLAG – Led by Commissioner Gwen Flowers-Taylor**
- IV. ELECTION OF CHAIRMAN AND VICE CHAIRMAN - CALENDAR YEAR 2007**

Commissioner Phillips nominated Eddie Freeman as Chairman for 2007. No other nominations for Chairman were received. Commissioner Freeman was elected as Chairman by a vote of 4-0-1 with Commissioner Flowers-Taylor abstaining in personal protest.

Commissioner Goss nominated Commissioner Flowers-Taylor as Vice Chairman, and Commissioner Phillips nominated Commissioner McDaniel. Commissioner McDaniel was elected Vice Chairman by a 3-2 vote with Commissioners Phillips, McDaniel and Freeman voting in favor.

APPOINTMENTS – CALENDAR YEAR 2007:

County Manager – William P. Wilson, Jr.

Commissioner McDaniel moved to appoint Mr. Wilson, seconded by Commissioner Phillips.

Extensive discussion followed regarding the Board's desire for a performance evaluation mechanism in Mr. Wilson's contract, which is currently in place and has a automatic renewal clause unless prior notification is provided that stipulates renegotiation.

Commissioner Phillips withdrew his second. Commissioners stated they have nothing against Mr. Wilson but felt it was not unfair to ask for an evaluation of his job performance. Several commissioners felt it should not be up to commissioners to request a renegotiation of his contract and they noted that Mr. Wilson and Human Resources Director Bill Gay both get the opportunity to evaluate and hire/fire County employees accordingly. Just as Mr. Wilson gets to evaluate or review evaluations, they felt it only fitting that commissioners be allowed to conduct a performance evaluation on Mr. Wilson. This might need to be addressed in a Closed Meeting. Commissioner Phillips said every other governmental body he knew of required performance evaluations, and the voters provided an effective means of evaluating commissioners.

Commissioner Phillips then reinstated his second to the motion. More discussion followed. Commissioner McDaniel called the question, and the motion carried by a unanimous 5-0 vote.

County Clerk – William P. Wilson, Jr.

Commissioner McDaniel moved to appoint William P. Wilson, Jr. Motion was seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 5-0.

County Attorney – James R. Fortune, Jr.

Commissioner McDaniel moved to appoint Mr. Fortune, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 5-0.

Ex-Officio County Clerk – Teresa A. Watson

Commissioner Phillips moved to approve. Commissioner Flowers-Taylor seconded the motion which carried by a vote of 5-0.

V. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Todd Terwilliger, from Pulte Homes, to provide an update on Sun City Peachtree.

Mr. Terwilliger noted a few milestones for the Sun City Peachtree development and provided an overview of Del Webb who is a leader in Active Adult living for over 44 years. He noted demographics on their anticipated clientele and the development's economic impact. Entrance completion should be in March 2007; lifestyle seminars in May 2007; selling seminars in June 2007; first closings in the 4th quarter of 2007; amenities center opening in the summer of 2008; and golf course opening in the spring/summer of 2008. Slide presentations showing the master plan, earth moving stages, community layout, transportation issues, and other aspects of the project were provided for the Board.

VI. PRESENTATION OF FINANCIAL STATEMENTS – N/A

VII. CITIZENS COMMENTS

1. Mrs. Betty Gephardt would like to address the Board regarding no parking violations on Richardson Road.

Mrs. Gephardt continues to encounter problems at 79 Richardson Street. Pictures she provided showed cars parked around no parking signs. This an ongoing problem with neighbors on Richardson Street and she was concerned for safety. Sheriff deputies have not visited when violations were taking place, but there have been many infractions. Law enforcement made them all move just the other Sunday when they visited, and neighbors erroneously thought she called them. Even when she has called, the Sheriff's Department does nothing about the problem.

Mr. Wilson said the Sheriff has recommended no additional measures be taken on this matter.

VIII. PUBLIC COMMENT

IX. MINUTES

1. Consider approval of the minutes of the December 18, 2006 Extraordinary Session and the December 21, 2006 Zoning Public Hearing.

Commissioner McDaniel moved to approve the minutes of the December 18, 2006 Extraordinary Session and the December 21, 2006 Zoning Public Hearing, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 5-0.

X. CONSENT AGENDA

1. Consider, on second reading, Ordinance 2006-07, to amend Street Use Ordinance, Part VI, Chapter 2, Section 6-2004, Route of Travel – Through Trucks to provide for No Thru Trucks for East McIntosh Road in its entirety from Old Atlanta Road to Highway 155 (Jackson Road).

**SPALDING COUNTY, GEORGIA
STREET USE ORDINANCE
ORDINANCE NO. 2006-07**

**AN ORDINANCE
TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO
THROUGH TRUCKS ON CERTAIN COUNTY ROADS.**

BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Spalding County, Georgia, as the governing authority of said County, as follows:

Section 1. That the Code of Spalding County, Georgia be amended in Part VI, Chapter 2, Section 6-2004, relating to no through trucks on streets, by adding paragraph (53) as follows:

“(53) East McIntosh Road in its entirety, from Old Atlanta Road to Highway 155 (Jackson Road).”

Section 2. The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia, present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia; and upon the erection of signs as required herein by the public works forces of Spalding County, Georgia.

Section 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Approved on first reading, this eighteenth day of December 2006.

Approved on second reading, this eighth day of January 2007.

Commissioner McDaniel moved to approve on second reading Ordinance #2006-07, seconded by Commissioner Goss. Motion carried by a vote of 5-0.

2. Consider second reading of Amendment to the Official Zoning Map of the following:

-Application #06-05Z: Alan R. Mobley, Owner, Minter Road, 39.96 acres, AR-1 to R-2.

Commissioner McDaniel moved to approve, on second reading, Application #06-05Z, seconded by Commissioner Freeman. Commissioner Phillips said he would like to table until he has more time to study the application. Motion to approve failed by a vote of 2-3 with Commissioners Goss, Flowers-Taylor and Phillips opposing.

Commissioner Phillips moved to table second reading of Application #06-05Z until the next meeting, 1-22-07, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 3-2 with Commissioners Freeman and McDaniel opposing.

-Application #06-10Z: Holly Allison Tharpe, Owner, 232 Airport Road, 0.71 acre, R-1 to O & I Conditional.

APPLICATION HOLLY ALLISON THARPE
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 06-10Z

**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, Holly Allison Tharpe, applicant, applied for a change in zoning classification to be applied to the within described property to C-1, Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on October 10, 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 December 21, 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 lot, tract or parcel of land located in Land Lot 117 of the 2nd Land District of originally Monroe, then Pike, now Spalding County, Georgia, described as follows:

To reach the POINT OF BEGINNING, proceed along the southernmost right-of-way of Airport Road in an easterly direction from the east right-of-way of Everee Inn Road 446.90 feet to an iron pin depicted on a plat of survey entitled “Survey of: 232 Airport Road” dated September 19, 2006 prepared by S.J. Reeves & Associates, Inc., GA RLS No. 2765. From said POINT OF BEGINNING proceed as follows: North 88 degrees, 15 minutes, 00 seconds East a distance of 110.00 feet to a point; thence proceed South 03 degrees, 16 minutes, 43 seconds East a distance of 296.64 feet to a point; thence proceed South 88 degrees, 31 minutes, 33 seconds West a distance of 109.66 feet to a point; thence proceed North 03 degrees, 20 minutes, 49 seconds West a distance of 296.12 feet to the POINT OF BEGINNING.

From “R-1, Single Family Residential Low Density” to “O & I, Office & Institutional” 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. Connection to the City sewer system shall be required to avoid necessity for multiple variances.
- b. The site will limit all lighting so any neighboring residential properties or rights-of-way will not be affected from glare.

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 January 8, 2007, 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 117 of the 2nd Land District of originally Monroe, then Pike, now Spalding County, Georgia, containing 0.71 acre, 232 Airport Road, zoned O & I, 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.

Commissioner McDaniel moved to approve on second reading Application #06-10Z, seconded by Commissioner Phillips. Motion carried by a vote of 5-0.

XI. OLD BUSINESS

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

-Application #06-11Z: David A. and Deborah Trice, Owner, 41 Crystal Creek Drive, 2.02 acres, AR-1 to C-2, Conditional.

APPLICATION DAVID A. AND DEBORAH TRICE
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;

REZONING APPLICATION 06-11Z

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

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

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

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

WHEREAS, David A. and Deborah Trice, applicant, applied for a change in zoning classification to be applied to the within described property to C-2, Manufacturing;"

WHEREAS, such application was filed with Spalding County, Georgia on October 25, 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 December 21, 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 and being in Land Lot 93 of the 1st Land District, originally Monroe, now Spalding County, Georgia and consisting of 2.02 acres, and being more particularly described as follows:

Beginning at the intersection of the eastern right-of-way of Rivers Road and the southern right-of-way of Crystal Creek Drive (60' ROW) a distance of 1050 feet to POINT OF BEGINNING; thence North 88 degrees 19 minutes East a distance of 420 feet; thence South 0 degrees 57 minutes East a distance of 210 feet; thence North 88 degrees 19 minutes East a distance of 420 feet; thence South 0 degrees 57 minutes East a distance of 210 feet to the POINT OF BEGINNING.

From "AR-1, Agricultural and Residential" to "C-2, Manufacturing" District.

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

- c. Zoning is limited to use as a trucking company and residence.

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 January 8, 2007, 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 93 of the 1st Land District, originally Monroe, now Spalding County, Georgia, containing 2.02 acre, 41 Crystal Creek Drive, zoned C-2, Conditional.

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

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

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

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

Commissioner Phillips moved to approve on second reading Application #06-11Z. Motion was seconded by Commissioner Goss and carried by a vote of 3-2 with Commissioners Flowers-Taylor and McDaniel opposing.

2. Consider on second reading, Amendment to the Official Zoning Ordinance of the following:

-Amendment to UDO #A-06-16: Appendix A. Subdivision Ordinance, Section 505:B and Appendix J, Commercial/Industrial Development Ordinance, Section 408:B – Amend stormwater management requirements.

IN RE: Text Amendment #A-06-16

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 December 21, 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 505:B be deleted in its entirety and replaced with the following:

B. Compliance with the Spalding County Stormwater Manual: All subdivision development must comply with the Spalding County Stormwater Manual as amended from time to time.

Section 2: That Appendix J, Section 408:B be deleted in its entirety and replaced with the following:

B. Compliance with the Spalding County Stormwater Manual: All subdivision development must comply with the Spalding County Stormwater Manual as amended from time to time.

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

Section 5: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 6: 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-06-16, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 4-0-1 with Commissioner Phillips abstaining because he was not educated on the issue.

3. Consider Resolution to Enact a Moratorium on Receipt, Acceptance, Consideration and Approval of any Request to Subdivide Property for Development of a Conservation Subdivision.

**RESOLUTION TO ENACT A MORATORIUM ON THE
RECEIPT, ACCEPTANCE, CONSIDERATION AND APPROVAL
OF ANY REQUEST TO SUBDIVIDE PROPERTY FOR
DEVELOPMENT OF A CONSERVATION SUBDIVISION
WITHIN 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, Spalding County desires to review the standards and criteria required for development of Conservation Subdivisions within Spalding County;

WHEREAS, Spalding County desires to briefly control and restrict residential development as a Conservation Subdivision until such time as it may consider, implement and adopt Zoning Ordinance and Subdivision Ordinance text amendments required to carry out its goals, stated above;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that a moratorium restricting certain development and subdivision of property as a Conservation Subdivision shall be enacted, as follows:

Section 1: Enactment of a Moratorium on Receipt and Acceptance of Any Documents to Subdivide Property into a Conservation Subdivision: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on the receipt, acceptance, consideration and approval of any documents seeking approval of Spalding County to subdivide property into a Conservation Subdivision, as defined in Article 7, A Conservation Subdivision, @ Unified Development Ordinance of Spalding County, Appendix A, including but not limited to the submission of a Resource and Site Analysis Plan (Appendix A, Section 708(A)), Yield Plan (Appendix A, Section 708(B)) and Sketch Plan Overlay Sheet (Appendix A, Section 708(C)). This moratorium shall not include any Conservation Subdivision for which a Resource and Site Analysis Plan was submitted to the Community Development Department office on or before Friday, August 25, 2006 at 5:00 p.m.

Section 2: Impact on Other Development Ordinances. The provisions of this resolution shall not restrict or prohibit any other development of any real property except that specifically stated herein.

Section 3: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on August 25, 2006 at 5:01 p.m. or upon its passage and adoption, whichever shall later occur and shall terminate on March 31, 2007 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Commissioner Phillips move to approve Resolution to Enact a Moratorium on Receipt, Acceptance, Consideration and Approval of any Request to Subdivide Property for Development of a Conservation Subdivision, seconded by Commissioner McDaniel. Motion carried 5-0.

XII. NEW BUSINESS

1. Provide direction to County Attorney in Case #2006R-284, styled State of Georgia vs. Antonio Faniel, to determine indigence.

Mr. Fortune said this order from Judge Edwards came with no prior notice. Mr. Faniel was charged with a murder that took place in 2000 and has been jailed since May 2006. He previously retained his own attorney but now asks that Spalding County provide him with \$1359.84 so his attorney can go to Arizona and interview an inmate in state prison there because this person has written 13 letters to state prosecutors claiming he was perpetrator of the crime for which Mr. Faniel has been charged. He's expended all his money on his lawyer and this additional amount is needed for an adequate

defense. January 26 will be the date of the hearing to determine indigence to see why this should not be granted. Mr. Fortune asked if commissioners wanted to state they resist, and he noted this was the first experience of this kind for him. The Court will most likely grant if the County doesn't resist. Approximately \$637 is for airfare to Florence, Arizona with the balance in charges for a rental car and witness location expenses.

The Board's consensus was to instruct Mr. Fortune to officially resist the order in this matter and have Judge Edwards decide the issue.

2. Consider declaring surplus and authorizing disposition by sealed bids the following:
 - a. Three (3) vehicles used by Animal Control
 - b. Seven (7) vehicles used by Public Works
 - c. Three (3) buses used by Parks and Recreation
 - d. One (1) vehicle used by Correctional Institute

Commissioner Phillips moved to declare as surplus all vehicles as stated collectively, amended to include Mr. Fortune's scrutiny and Mr. Bill Taylor's recommendation as follows, seconded by Commissioner McDaniel. Mr. Bill Taylor said the group Youth Challenge could utilize the vehicles in their program, and they are organized under the auspices of the state National Guard Bureau who runs the camp. They can inspect the vehicles and assess the feasibility of use for their organization, rather than selling them via sealed bid process. Discussion followed. Commissioners Phillips and McDaniel withdrew their motion and second respectively.

Commissioner Flowers-Taylor then moved to table the matter until a subsequent meeting so that the group Youth Challenge can have time to inspect the vehicles, seconded by Commissioner McDaniel. Motion carried by a vote of 5-0.

3. Consider appointments to various Boards, Authorities and Commissions for terms which expire 12-31-06 or previous.

Commissioner Flowers-Taylor said several task forces shown were inactive, and she would like to see commissions dispensed if they have not actively met. Some, depending on how they were created and their purpose, need to remain, stated Mr. Fortune. Mr. Fortune suggested the Board go ahead with appointments and then considering disbanding the task forces at a later time.

Name of Appointee		Board	Expires/Term
Edwards	Fred	Board of Appeals & Adjustments Unsafe Bldg. Abatement Code <i>Fred Edwards was reappointed by a 5-0 vote.</i>	12-31-06 (4 year)
Penny	Charles	Board of Appeals & Adjustments Unsafe Bldg. Abatement Code <i>Charles Penny was reappointed by a 5-0 vote.</i>	12-31-06 (4 year)
Knight	Alton	Butts, Henry, Lamar & Spalding County Development Authority <i>Appointment tabled on motion by Flowers-Taylor, seconded by Phillips, and approved by a 5-0 vote, until Development Authority elects a chair, since this appointment is by position.</i>	12-31-06 (3-year/by position)
Beam	Wendell	Griffin-Spalding Area Transportation Committee <i>Major Beam will remain as Sheriff Department designee.</i>	12-31-06 Annual/SO designee
Gardner	Chipper	Griffin-Spalding Area Transportation Committee <i>Chief Gardner will remain as Fire Department designee.</i>	12-31-06 Annual/Fire Dept designee
Owens	Bennie	Griffin-Spalding Area Transportation Committee <i>Bennie Owens was reappointed by a vote of 5-0.</i>	12-31-06 Annual/At-Large
Taylor	Chuck	Griffin-Spalding Area Transportation Committee <i>Chuck Taylor will remain as Staff appointee.</i>	12-31-06 Annual/Staff
Westmoreland	Bill	Griffin-Spalding Area Transportation Committee <i>Bill Westmoreland, on motion and second by Flowers-Taylor and McDaniel, was reappointed by a 5-0 vote.</i>	12-31-06 Annual/At-Large
Thacker	Louis	Griffin-Spalding County Airport Advisory Commission <i>Louis Thacker, on motion and second by McDaniel and Philips, was reappointed by a vote of 5-0.</i>	12-31-06 3-year
King	Don	Griffin-Spalding County Development Authority <i>Walter Cliff Futral, on motion and second by Phillips and Goss, was appointed with 3 votes by Phillips, Goss and Freeman.</i>	12-31-06 3-year

Mouchet	Phil	Griffin-Spalding County Hospital Authority <i>Jean Clark, on motion and second by Flowers-Taylor and Goss, was appointed by a vote of 5-0.</i>	12-31-06 4-year
Ballard	Scott	Local Law Enforcement Block Grant Advisory Commission <i>Scott Ballard will remain by Position</i>	12-31-06 Annual/Prosecutor's Office
Brooks	Marvin	Local Law Enforcement Block Grant Advisory Commission <i>Marvin Brooks, on motion and second by Flowers-Taylor and McDaniel, was reappointed by a vote of 5-0.</i>	12-31-06 Annual/Private Sector Rep
		New Member Appointment per By-Laws Change for: McIntosh Trail RDC Board of Directors <i>Appointment tabled until 1-22-07, on motion and second by Goss and McDaniel by a vote of 5-0.</i>	Third Elected Official
McClairan	Virginia	McIntosh Trail Community Service Board (Resigned 7-1-06) <i>No nominations were received, so continue to 1-22-07 meeting.</i>	6-30-07 Balance of 3-year term
Howell	Lee	Sewer Task Force (As Health Department representative) <i>Lee Howell will remain by position.</i>	12-31-06 Annual
McDaniel	Billy	Spalding County Board of Elections and Registration (Normal Democratic Party appointment not made by 12-1-06) <i>Billy McDaniel, on motion and second by Flowers-Taylor and McDaniel, was reappointed by a vote of 5-0.</i>	12-31-06 4-year
Baird	Jon	Spalding County Board of Zoning Appeals <i>Shawn Cain was appointed by Phillips for District 2.</i>	12-31-06 4-year (Post 2)
Ingram	Richard	Spalding County Board of Zoning Appeals <i>Richard Ingram was reappointed by Goss for District 5.</i>	12-31-06 4-year (Post 5)
Jacobs	Reginald	Spalding Co. Collaborative Auth. for Families & Children, Inc. <i>No nominations were received, so on motion and second by Flowers-Taylor and Phillips, appointment was tabled until 1-22-07 by a vote of 5-0.</i>	12-31-06 2-year/At-Large
Overstreet	S.J.	Spalding County Library Board of Trustees <i>William Wilson, on motion and second by McDaniel and Flowers-Taylor, was appointed by a vote of 5-0.</i>	12-31-06 4-year
Abbott	Regina	Spalding County Parks & Recreation Advisory Commission <i>Regina Abbott was reappointed by Goss for District 5.</i>	12-31-06 3-year (District 5)
Bailey	Wilbur	Spalding County Parks & Recreation Advisory Commission <i>Wilbur Bailey was reappointed by Flowers-Taylor for Dist. 1.</i>	12-31-06 3-year (District 1)
McLean	Dan	Spalding County Parks & Recreation Advisory Commission <i>Dan McLean was reappointed by Phillips for District 2.</i>	12-31-06 3-year (District 2)
Perdue	Ronnie	Spalding County Parks & Recreation Advisory Commission <i>Ronnie Perdue was reappointed by Freeman for District 4.</i>	12-31-06 3-year (District 4)
Goldberg	Kimberley	Spalding County Parks & Recreation Advisory Commission <i>Kimberley Goldberg was reappointed by McDaniel for Dist. 3.</i>	12-31-06 3-year (District 3)
Lowe	Ronnie	Spalding County Personnel Appeals Board <i>Ronnie Lowe, on motion and second by Freeman and Phillips, was reappointed by a vote of 5-0.</i>	12-31-06 3-year
Green	Ronnie	Spalding County Planning Commission <i>David Trayer was appointed by Phillips for District 2.</i>	12-31-06 4-year (Post 2)
Mathiak	Karen	Spalding County Planning Commission <i>Ed Johnson was appointed by Goss for District 5.</i>	12-31-06 4-year (Post 5)
Reeves	Merrilea	West Central Georgia Regional MDHHD Board (Res. 8-11-06) <i>No nominations were received so, on motion and second by McDaniel and Phillips, appointment was tabled to 1-22-07, by a 5-0 vote.</i>	6-30-08 Balance of 3-year term

Name of Commissioner/Staff		Board	Expires/Term
McDaniel	Johnie	Chamber of Commerce Board of Directors <i>McDaniel reappointed.</i>	12-31-06 Annual
Wilson	William	Chamber of Commerce Board of Directors <i>Wilson reappointed by Position.</i>	12-31-06 Annual
Davis	Cecil	Griffin Downtown Council-Main Street Advisory Board <i>Phillips appointed.</i>	12-31-06 Annual
Freeman	Eddie	Griffin-Spalding Area Transportation Committee <i>Freeman reappointed.</i>	12-31-06 Annual
McDaniel	Johnie	Griffin-Spalding Area Transportation Committee <i>McDaniel reappointed.</i>	12-31-06 Annual
William	Wilson	Griffin-Spalding Area Transportation Committee <i>Wilson by position will remain.</i>	12-31-06 Annual
Goss	Edward	Spalding Co. Collaborative Auth. for Families & Children Inc. <i>Goss reappointed.</i>	12-31-06 Annual
Freeman	Eddie	Griffin-Spalding County Airport Advisory Commission <i>Freeman reappointed.</i>	12-31-06 Annual
Freeman	Eddie	Griffin-Spalding County Development Authority <i>Freeman reappointed.</i>	12-31-06 Annual
Flowers-Taylor	Gwen	Griffin-Spalding County Hospital Authority <i>McDaniel appointed.</i>	12-31-06 Annual
Freeman	Eddie	Local Law Enforcement Block Grant Advisory Commission <i>Freeman by position reappointed.</i>	12-31-06 Annual
Wilson	William	Local Law Enforcement Block Grant Advisory Commission <i>Wilson by position reappointed.</i>	12-31-06 Annual/By Position
Goss	Edward	McIntosh Trail RDC Board of Directors <i>Goss reappointed.</i>	12-31-06 Annual
Flowers-Taylor	Gwen	Sewer Task Force <i>On motion and second by Phillips and McDaniel, all three Sewer Task Force commissioner appointments were tabled until the 1-22-07 meeting. Motion carried by a 5-0 vote.</i>	12-31-06 Annual
McDaniel	Johnie	Sewer Task Force <i>On motion and second by Phillips and McDaniel, tabled until the 1-22-07 meeting. Motion carried by a 5-0 vote.</i>	12-31-06 Annual
Goss	Edward	Sewer Task Force <i>On motion and second by Phillips and McDaniel, tabled until the 1-22-07 meeting. Motion carried by a 5-0 vote.</i>	12-31-06 Annual
Goss	Edward	Spalding County Board of Health <i>Goss reappointed.</i>	12-31-06 Annual
McDaniel	Johnie	Spalding County Parks & Recreation Advisory Commission <i>McDaniel reappointed.</i>	12-31-06 Annual
Flowers-Taylor	Gwen	Spalding County Water & Sewerage Facilities Authority <i>Flowers-Taylor reappointed.</i>	12-31-06 Annual
Flowers-	Gwen	Two Rivers R C & D Council	12-31-06

Taylor		<i>Freeman will serve.</i>	Annual
Wilson	William	Two Rivers R C & D Council <i>Wilson will remain as alternate.</i>	12-31-06 Annual (Alternate)
Goss	Edward	West Central Georgia Private Industry Council, Inc. (PIC-Workforce Investment) <i>Goss reappointed.</i>	12-31-06 Annual

2. Consider approval of revised Animal Restraint District Map.

After extensive discussion, Mr. Wilson and Mr. Van Haute will obtain a revised map, incorporating commissioner suggestions from tonight and over the next two weeks, with a completed revision ready for action at the first Board of Commissioners meeting in February.

Commissioner Flowers-Taylor said what was being discussed tonight was enacting a current law on the books for these areas identified in the maps, not to address the spay/neuter proposal nor to change the animal restraint ordinance. Changes to the ordinance can be explored by the task force that will be created, and further discussion ensued regarding the composition of the task force and the County's charge to the group.

XIII. REPORT OF COUNTY MANAGER

- 1-24-07 will be 800 MHz Phase II meetings for Motorola (9-11 am) and M/A-Com (1-3 pm).
- 1-23-07 will be the CTP Second Public Meeting at the Annex at 6:30 p.m. The Board can go on record with their recommendations, and he urged their attendance.
- The Parks & Recreation Master Plan Meetings, all at 7 p.m., will be held on 1-16-07 at Orchard Hill City Hall, on 1-18-07 at Sunny Side City Hall, and on 1-29-07 at Spalding County Annex.
- The MLK, Jr. Parade will be held on 1-15-07 at 4 p.m. Participants need to be identified (line up at 3:45 at 17th & Taylor), so let him Mr. Wilson know of attendance by tomorrow. Chairman Freeman noted he would participate.
- Mauldin & Jenkins will present the FY 2006 annual financial report at the 1-22-07 Board of Commissioners meeting.
- A Bus Tour is scheduled for 1-18-07 for the ARC study team for the multimodal corridor study. Lunch will hopefully be scheduled at UGA campus with the Chamber/County/City sponsoring.
- The Board of Commissioners' annual retreat, held last year on 3-5-06 at Clayton State, needs to be scheduled. Mr. Wilson will get available dates for this year in February and March and get back with recommendations.
- Mr. Frederick Gardiner and the LPA group will ask for approval at the next meeting of LPA as consultant to perform the airport relocation study and authorize contract for same.
- Regarding the \$500,000 grant for emergency communications, via Homeland Security through GEMA, Mr. Wilson said they would request another 180-day extension if acceptable. The Board agreed.
- Regarding appointment and performance appraisal of his position, Mr. Wilson noted he will contact other agencies to see what mechanisms they utilize for similar evaluations. He felt a performance appraisal was, in essence, done daily on his work, but he will formalize the process. Information will be placed in boxes.

XIV. REPORT OF COMMISSIONERS

Goss

The redesignation of State Route 155 to N. McDonough Road will carry a minimum \$11 million price tag to improve it, as well as matching County funds. The County would have to come up with a sizable amount. Mr. Wilson urged commissioner attendance at the G-SATC meeting scheduled for 1-17-07. Commissioner Goss said he knows there are traffic problems

downtown, but he never saw truck traffic as heavy as has been described downtown. Further, this alternative would simply shift the problem from downtown to residents on McDonough Road. Commissioner Phillips stated he doesn't agree with this plan either. Commissioner Flowers-Taylor stated she can see the reasoning behind the City's request to use McDonough Road for a straighter shot to Hwy. 16 for truck traffic, and no one really wants truck traffic in their own back yard, but it has to be somewhere.

Commissioner Goss noted the Homeland Security website on 800 MHz says the \$500,000 grant will still be available if using a system comparable to APCO even if it is not APCO strictly speaking.

Flowers-Taylor

She wanted to bring other commissioners up to speed on the school board meeting regarding Fairmont Vocational High School for a potential Parks & Recreation program area. One concern of school board members and Dr. Bradley was allayed, and there seemed to be consensus this would be good partnership. She wanted an official proposal offered to the City to see if they will partner with us for inclusion in park area (where the swimming pool was located). Perhaps we could draft a letter to the City to gauge their participation. She asked that Messrs. Wilson and Van Haute attend to this request to make sure the intent is good. Mr. Wilson said he will prepare a letter for the Board of Commissioners to look at and sign at a subsequent meeting to ensure all are happy with document.

Commissioner Flowers-Taylor apologized to Mr. Wilson for having left the building earlier today with the horrible feeling of not knowing what to say to him. She was sorry for all the confusion over his appointment and can truthfully say the rumors were not started with Board. Hopefully, whoever started the rumors will try to work to become part of the solution now instead of the problem. She was sorry for his anguish and stated she has enjoyed working with him.

Phillips

Commissioner Phillips apologized for not calling Mr. Wilson, stating he had never had any problems with him. He did not start the rumor but had tried to squelch it many times. He, too, hoped a clean slate could be begun tonight. He has, he stated, sent his biography to Mr. Wilson for posting to the website. He has a journalism degree from Georgia State University, and he wanted to note that nothing of this rumor appeared on the WKEU website or on the broadcasts for WKEU and WHIE. He wanted to state, though, that the Griffin Daily News is only 1/3 true ... they are daily. Otherwise, you just have to put up with these things, and he is fine if they want to be upset with that fact.

Commissioner Phillips continued that he has spent most of the weekend being productive researching this radio communications system decision, particularly since he was an assistant engineer for a television station for several years. He stated he is one of the reasons this radio system has been drawn out possibly, so he could be involved. He does understand the issues more than most people do, and he talked with engineers over the weekend during his research. Basically, no one in the rest of the world is buying these systems. They are buying TETRA and Open Sky systems, TETRA being roughly the equivalent of Open Sky. M/A-Com markets Open Sky and Motorola TETRA. He didn't know the reason one doesn't hear of more Motorola items being sold, such as with other TETRA systems, in the United States, but what Mr. Goss says is true. Homeland grants are all about interoperability. A system called VITA with the M-A/COM is even more interoperable at this point. If we were to go with one of these systems, and he has no preference at this point, the main objective is to get a radio system that works. He could detail a long list of reasons but didn't want to keep everyone in a lengthy discussion. This could be a topic for conversation among individual commissioners, but either would serve Spalding County well. We are one of twenty counties in the state of Georgia, out of the 159 counties, who are going to an 800 MHz system. The gradual plan is that the federal government desires us all to be able to communicate and be interchangeable. However, if the rest of the world, and TETRA seems to selling predominantly in Europe and Open Sky in Asia and South America, seems to be going in this direction he felt we ought to offer the vendors an opportunity to give us a bid on these, as well. He knew for a fact it would save the County money, and he knew for a fact (if the specs he has read are true and they generally are), the County will have better coverage than expected, interchangeability and no proprietary problems at all. If the County offered an incentive bonus to the vendors for completion, Spalding County could possibly be operational on this system by end of this year rather than next year. He has

done this before with the School Board, with different buildings. This is as important as anything he could say.

McDaniel

He looks forward to having a good, progressive year and invited participation and discourse.

Freeman

He appreciated the vote for Chairman and felt it would provide good continuity for the Board. He anticipated many great things for Spalding County in the near future with a real boom in economic development, and he is proud to be a part of that growth. Chairman Freeman said he looked forward to working with commissioners who were a vital part of this future. He told Mr. Wilson that he has done his part by saying he did not know where the rumors came from regarding his potential firing, and he had tried to dispel them whenever possible.

XV. CLOSED MEETING

- 1. County Manager requests a Closed Meeting to discuss potential litigation and acquisition of real estate.

On motion and second by Commissioners McDaniel and Phillips, the Board adjourned to Closed Meeting at 8:48 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 on January 8, 2007.

2.

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

3.

The executive session was called to order at 8:48 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 8th day of January 2007

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 8th day of January 2007

Eddie L. Freeman, Chairman (L.S.)
David Phillips (L.S.)
Gwen Flowers-Taylor (L.S.)

