

## **REGULAR MONTHLY MEETING**

The Regular Monthly Meeting was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, April 2, 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, County Attorney James R. Fortune, Jr., and Executive Secretary Teresa Watson.

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

**II. INVOCATION - Commissioner Gwen Flowers-Taylor**

**III. PLEDGE TO FLAG – Led by Commissioner Phillips**

**IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

1. Consider Proclamation declaring the week of April 9-15, 2007 as National Public Safety Telecommunicators Week.

*Motion and second to declare the week of April 9-15, 2007 as National Public Safety Telecommunicators Week by Commissioners McDaniel and Phillips, carried by a vote of 5-0.*

### **Proclamation**

**WHEREAS:** Thousands of dedicated Telecommunicators daily serve the citizens of the United States by answering their telephone calls for police, fire and emergency medical services and by dispatching the appropriate assistance as quickly as possible; and

**WHEREAS:** The critical functions performed by professional Telecommunicators also include those related to forestry and conservation operations, highway safety and maintenance activities, and many operations performed by federal, state and local government agencies; and

**WHEREAS:** Professional Telecommunicators work to improve the emergency response capabilities of these communications systems through their leadership and participation in training programs and other activities provided by the Associated Public-Safety Communications Officers, Inc.; and

**WHEREAS:** The Associated Public-Safety Communications Officers, Inc., an organization of nearly 10,000 people engaged in the design, installation and operation of emergency response communications, has set aside the second week in April to recognize.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Commissioners of Spalding County do hereby proclaim the week of April 9 - 15, 2007, as

**National Public Safety Telecommunicators Week**

in Spalding County, Georgia, and urge all citizens to join them in honoring and recognizing our area's Telecommunicators and the vital contributions they make to the safety and well being of our citizenry.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the County to be affixed this, the second day of April, in the year of our Lord, two thousand and seven.

Eddie L. Freeman, Chairman (LS)  
William P. Wilson, Jr., County Clerk (LS)

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Chairman Freeman read the Proclamation which was presented to Trudy McDevitt, 911 Center Director. Also in attendance were the following employees of the 911 Center: Barbara Leonard, Yolanda Keys, Mindy Helms, and Sherry White.

2. Consider Proclamation declaring the week of April 22-28, 2007 as National County Government Week.

*Motion to declare the week of April 22-28, 2007 as National County Government Week, made and seconded by Commissioners McDaniel and Flowers-Taylor, carried by a vote of 5-0.*

## **Proclamation**

### **Declaring April 22-28, 2007 as National County Government Week**

**WHEREAS**, The nation's 3066 counties provide a variety of essential public services to communities serving 300 million Americans; and

**WHEREAS**, Counties take seriously their responsibility to protect and enhance the health, welfare and safety of their citizens in sensible and cost-effective ways; and

**WHEREAS**, Many county government initiatives involve the protection of valuable and vulnerable environmental resources in communities; and

**WHEREAS**, The National Association of Counties is the only national organization that represents county governments in the United States, provides essential services to the nation's counties, advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money; and

**WHEREAS**, The National Association of Counties first celebrated National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation's counties to meet the needs of the community; and

**WHEREAS**, In recognition of the leadership, innovation and valuable service provided by the nation's counties;

**NOW THEREFORE**, Be it 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 on this date, reflecting that I have hereunto set my hand and caused the seal of Spalding County, Georgia to be affixed, declaring this week of the twenty-second through the twenty-eighth of April, in the year of our Lord two thousand and seven as National County Government Week.

*This, the 2<sup>nd</sup> day of April 2007.*  
Eddie L. Freeman, Chairman (LS)  
William P. Wilson, Jr., County Clerk (LS)

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*Commissioner Phillips made a motion to amend the agenda tonight to add to Closed Meeting discussion of pending litigation and personnel issues, in addition to the advertised potential litigation, seconded by Commissioner Flowers-Taylor, and motion carried 5-0.*

- V. PRESENTATION OF FINANCIAL STATEMENTS – N/A**
- VI. CITIZENS COMMENTS – N/A**
- VII. PUBLIC COMMENT**
- VIII. MINUTES**

1. Consider approval of the minutes of the March 19, 2007 Extraordinary Session and the March 22, 2007 Zoning Public Hearing.

*Motion to approve the minutes of the March 19, 2007 Extraordinary Session was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.*

*Motion to approve the minutes of the March 22, 2007 Zoning Public Hearing was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor and motion carried by a vote of 4-1 with Chairman Freeman abstaining.*

#### **IX. CONSENT AGENDA**

1. Consider, on second reading, Ordinance to Amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to provide for No Parking on both sides of Emanuel Way in its entirety, as recommended by Sheriff's Department.

**SPALDING COUNTY, GEORGIA  
NO PARKING ZONE  
ORDINANCE NO. 2007-01  
AN ORDINANCE**

**TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR NO PARKING ZONES ON CERTAIN COUNTY ROADS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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 VII, Chapter 1, Section 7-1004, relating to no parking zones on streets by inserting new paragraph (41), said new paragraph to read as follows:

“(41) *Emanuel Way.* Upon any portion of the roadway or public right-of-way of Emanuel Way in its entirety.”

**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 nineteenth day of March 2007.

Approved on second reading this second day of April 2007.

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*Motion to approve Consent Agenda was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 5-0.*

#### **X. OLD BUSINESS**

1. Consider, on second reading, Amendment to the Official Zoning Ordinance the following: Amendment to UDO #A-07-02: Quarterly Adoption of the Official Zoning Map in revised Geographic Information System (GIS) platform as applicable to unincorporated Spalding County.

IN RE: Text Amendment #A-07-02

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 22, 2007, 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 2, 2007, 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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*Motion to approve, on second reading, Amendment to the Official Zoning Ordinance the following: Amendment to UDO #A-07-02: Quarterly Adoption of the Official Zoning Map in revised Geographic Information System (GIS) platform as applicable to unincorporated Spalding County was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 5-0.*

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

- Application #06-13Z: Cindy M. Hoffman, Owner, 3635 Old Atlanta Road, .61 acre, C-1 to C-1B, Conditional.

APPLICATION FOR CINDY M. HOFFMAN  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;  
REZONING APPLICATION 06-13Z

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

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

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

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

WHEREAS, Cindy M. Hoffman, applicant, applied for a change in zoning classification to be applied to the within described property to C-1B, Heavy Commercial;"

WHEREAS, such application was filed with Spalding County, Georgia on December 27, 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 22, 2007, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 104 of the Third Land District, originally Henry, now Spalding County, Georgia and being Tract C (0.61 acres) as shown on plat of survey entitled, "Zoning Plat for Tony Wayne Thompkins and Suzanne B. Thompkins", prepared by Tim Conkle which said plat with metes, bounds, courses and distances as shown thereon is incorporated herein and made a part hereof.

Said property may be more particularly described as follows:

Beginning at a point on the west right-of-way line of Georgia State Route No. 3 which is located a distance of 925 feet, more or less, from the intersection of the north right-of-way line of Manley Road and the west right-of-way line of Georgia State Route No. 3 as measured in a northerly direction along the west right-of-way line of Georgia State Route No. 3 and running thence in a northerly direction along the west right-of-way line of Georgia State Route No. 3 North 24 degrees 40 minutes 45 seconds West a distance of 86.92 feet; thence North 25 degrees 05 minutes 40 seconds West a distance of 46.00 feet; thence North 74 degrees 28 minutes 47 seconds West a distance of 210.68 feet; thence South 01 degree 38 minutes 30 seconds West a distance of 172.72 feet; and thence South 88 degrees 21 minutes 30 seconds East a distance of 152.21 feet to the Point of Beginning.

Said property is bounded as follows: North by Tract A-2, East by Georgia State Route No. 3, South by Tract D and West by Tract B.

From "C-1, Commercial" to "C-1B, Heavy Commercial" District.

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

imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. Access shall be gained from Old Atlanta Road.
- b. No site lighting shall glare into adjacent properties.

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 2, 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 lot, tract or parcel of land situate, lying and being in Land Lot 104 of the Third Land District, originally Henry, now Spalding County, Georgia, containing 0.61 acre, 3635 Old Atlanta Road, zoned C-1B, Conditional.

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

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

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

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

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*Motion to approve Application #06-13Z: Cindy M. Hoffman, Owner, 3635 Old Atlanta Road, .61 acre, C-1 to C-1B, Conditional was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 5-0.*

-Application #07-02Z: Dennis Parks and Debra Parks, Owners, 860 Musgrove Road, 8 acres, R-2 to AR-1.

APPLICATION FOR DENNIS AND DEBRA PARKS  
FOR REZONING CERTAIN PROPERTY  
LOCATED WITHIN SPALDING COUNTY, GEORGIA;  
REZONING APPLICATION 07-02Z

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

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

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

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

WHEREAS, Dennis and Debra Parks, applicant, applied for a change in zoning classification to be applied to the within described property to AR-1, Agricultural and Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on January 17, 2007;

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 22, 2007, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being located in Land Lot 255 of the 3<sup>rd</sup> Land District, originally Henry County, now Spalding County, Georgia, designated as Tract B containing 8 acres as shown on a zoning plat for Dennis Parks and Debra Parks prepared by Conkle-Lane and Associates dated September 1, 2006 and may be more particularly described as follows:

Beginning at a point at the intersection of the projected East right-of-way of Sapelo Road and the North right-of-way of Musgrove Road; thence proceed Easterly along the North right-of-way of Musgrove Road a distance of 1154.21 feet; thence N 00°24'22" W a distance of 1547.94 feet to an iron stake placed; thence S 71°46'00" E a distance of 243.16 feet to an iron stake found; thence S 00°24'22" E a distance of 1131.90 feet to an iron stake found; thence S 00°59'47" E a distance of 339.95 feet to a fence corner on the North right-of-way of Musgrove Road; thence S 89°59'20" W along the North right-of-way of said road a distance of 233.91 feet to an iron stake placed and Point of Beginning.

From "R-2, Single Family Residential" to "AR-1, Agricultural and Residential" District.

Section 2:

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

On April 2, 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 lot, tract or parcel of land situate, lying and being in Land Lot 255 of the 3<sup>rd</sup> Land District, originally Henry, now Spalding County, Georgia, containing 8 acres, 860 Musgrove Road, zoned AR-1.

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

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

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

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

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***Motion to approve Application #07-02Z: Dennis Parks and Debra Parks, Owners, 860 Musgrove Road, 8 acres, R-2 to AR-1 was made by Commissioner Phillips, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.***

-Application #07-03Z: Buck Nekkid, LLC, Owner, 441 Bucksnot Road, 10 acres, AR-1 to C-1C, Conditional.

APPLICATION FOR BUCK NEKKID, LLC  
FOR REZONING CERTAIN PROPERTY

LOCATED WITHIN SPALDING COUNTY, GEORGIA;  
REZONING APPLICATION 07-03Z

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

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

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

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

WHEREAS, Buck Nekkid, LLC, applicant, applied for a change in zoning classification to be applied to the within described property to AR-1, Agricultural and Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on January 23, 2007;

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 22, 2007, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that lot, tract or parcel of land situate, lying and being in Land Lot 115 of the 3<sup>rd</sup> Land District of originally Monroe, now Spalding County, Georgia, containing 10.000 acres and may be more particularly described as follows:

Beginning at a one-half inch re-bar set on the East boundary of Land Lot 115 said re-bar being located North 00 degrees 54 minutes 18 seconds West a distance of 1047.16 feet from the Southeast corner of said Land Lot 115; thence from said re-bar North 85 degrees 02 minutes 42 seconds West a distance of 872.43 feet to a one-half inch re-bar set; thence South 86 degrees 20 minutes 27 seconds West a distance of 650.99 feet to a one-half inch re-bar set on the East right-of-way of Bucksnot Road (60' R/W); thence along the East right-of-way of Bucksnot Road North 01 degrees 59 minutes 05 seconds West a distance of 119.40 feet to a point at the intersection of the East right-of-way of Bucksnot Road and the Southeast right-of-way of Bailey Jester Road (80' R/W); thence along the Southeast right-of-way of Bailey Jester Road North 23 degrees 07 minutes 55 seconds East a distance of 285.43 feet to a one-half inch re-bar set on the Southeast right-of-way of Bailey Jester Road; thence South 79 degrees 26 minutes 16 seconds East a distance of 391.90 feet to a one-half inch re-bar set; thence South 49 degrees 47 minutes 57 seconds East a distance of 109.61 feet to a one-half inch re-bar set; thence North 84 degrees 00 minutes 39

seconds East a distance of 931.11 feet to a one-half inch re-bar set on the East boundary of Land Lot 115; thence South 00 degrees 54 minutes 18 seconds East along the East boundary of Land Lot 115 a distance of 370.87 feet to a one-half inch re-bar set and Point of Beginning.

From "AR-1, Agricultural and Residential" to "C-1C, Manufacturing-Light" 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. Amendment to the Future Land Use Map shall be approved from Agricultural to Industrial.
- b. Close driveway that is located immediately within the sharp curve of High Falls Road.
- c. No site lighting shall glare into adjacent properties.
- d. Use of the tract shall be limited to the manufacture of erosion control products.

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 2, 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 lot, tract or parcel of land situate, lying and being in Land Lot 115 of the 3<sup>rd</sup> Land District, originally Monroe, now Spalding County, Georgia, containing 10 acres, 441 Bucksnot Road, zoned C-1C, 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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*Motion to approve Application #07-03Z: Buck Nekkid, LLC, Owner, 441 Bucksnot Road, 10 acres, AR-1 to C-1C, Conditional was made by Commissioner McDaniel, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.*

## **XI. NEW BUSINESS**

1. Consider request of Nadine Graham to utilize Courthouse steps for a half hour program in observance of the National Day of Prayer on May 3, 2007.

*Motion to approve request of Nadine Graham to utilize Courthouse steps for a half hour program in observance of the National Day of Prayer on May 3, 2007 was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, and motion carried 5-0.*

2. Consider request of Henry County Shrine Club for letter of support for a one-day alcohol license for fundraising event at Math Field on Saturday, May 19, 2007.

*Motion to approve request of Henry County Shrine Club for letter of support for a one-day alcohol license for fundraising event at Math Field on Saturday, May 19, 2007 was made by Commissioner Phillips, seconded by Commissioner Goss, and motion carried by a vote of 4-1 with Commissioner McDaniel opposing.*

3. Consider establishing 800 MHz Project Management Team.

M/A-COM will be coming on April 11 to meet with the Project Management Team. The recommended members of the Project Management Team are: Paul Van Haute, Director; Steve Macke; David Phillips; Wendell Beam; Trudy McDevitt; Chipper Garner; Frank Strickland; and Tommy Jones.

*Motion to approve as presented the 800 MHz Project Management Team was made by Commissioner McDaniel, seconded by Commissioner Freeman, and motion carried 5-0.*

4. Consider revisions to Animal Restraint District Map in Commission District 2, as requested by Commissioner Phillips.

*Motion to approve revisions as noted with County Manager, deleting all recently added Animal Restraint Districts except for Massengale's Mobile Home Park and Scott Avenue, was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 4-1 with Commissioner Flowers-Taylor opposing.*

5. Consider, on first reading, Ordinance to Amend Part VI, Chapter 2, Section 6-2004, Route of Travel – Through Trucks – No Thru Trucks for Bethany Road.

*Motion to approve, on first reading, Ordinance to Amend Part VI, Chapter 2, Section 6-2004, Route of Travel – Through Trucks – No Thru Trucks for Bethany Road was made by Commissioner McDaniel, seconded by Commissioner Phillips, and motion carried 5-0.*

6. Consider, on first reading, Ordinance to Amend Part VII, Chapter 1, Motor Vehicles and Traffic, Section 7-1007 to provide for Four-Way Stop Intersection Designation at Rawls Road and Bethany Road.

*Motion to approve, on first reading, Ordinance to Amend Part VII, Chapter 1, Motor Vehicles and Traffic, Section 7-1007 to provide for Four-Way Stop Intersection Designation at Rawls Road and Bethany Road was made by Commissioner Phillips, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0*

7. Consider authorizing purchase of a Mini Hydraulic Excavator for the Public Works Department.

*Motion to approve Yancey/Caterpillar for purchase of a Mini Hydraulic Excavator for Public Works Department for an amount not to exceed \$55,134 (including buyback of the old excavator in the amount of \$18,265) was made by Commissioner McDaniel, seconded by Commissioner Freeman, and carried 3-2, with Commissioners Goss and Phillips opposing.*

## **XII. REPORT OF COUNTY MANAGER**

- City Stormwater drought restrictions are in place for odd/even days.
- Tax Allocation District training session will be held on April 24 at ARC.
- Louis Greene and William Wilson will attend the City Commissioner meeting on April 10 at 9 a.m. to discuss the acquisition of the Fairmont School property.
- The County/City Blood Drive netted 77 units.
- Two Rivers RC&D Council meeting will be held on April 19 at 10 a.m. Commissioner Flowers-Taylor is appointee and Mr. Wilson the alternate should she not be available.
- Telecommunicators Week barbecue will be April 12 from 11:30 to 1:30.
- Increases have been proposed for the Base Business Registration and Occupational Tax and Late Fee. There is a huge number of delinquent business licenses and the \$2 late fee is not a deterrent. Some discussion followed.

## **XIII. REPORT OF COMMISSIONERS**

### **Goss:**

Kilgore Road where Public Works did patching is rough and he received several calls over the weekend. A pulpwood company damaged the road initially, but the road is worse now than before the patching. He wanted the department to completely tear up the patchwork and do it again.

He inquired if the County's Personnel Ordinance addresses individual starting times for work. Mr. Wilson advised this is left to the Department Head and/or the County Manager. Discussion followed.

Commissioner Goss asked about Code Enforcement's warning to comply notation, and Mr. Wilson explained. Commissioner Goss said he wrote up a business on Pullin Road on a Commissioner Complaint Form and Community Development Director Chuck Taylor went there and reported the resident was in compliance. However, advised Commissioner Goss, the resident is still running a big garage operation there on residential property.

Commissioner Goss wants the Board to consider changing personnel ordinances to allow for County Commissioners to become more involved and have greater input in daily operations. Many employees

have problems with department heads and they know if they file a grievance there will be nothing done. One employee was told he could not come before this Board for his grievance. Commissioner Goss requested some investigation. Some department heads rule with iron fist and tell employees they can do things the department head's way or choose to get fired. He could bring quite a few employees in who will attest to this problem. If this option doesn't work, Commissioner Goss wanted to consider changing the form of government. He was determined to make sure County employees are treated with respect.

**Flowers-Taylor:**

She agreed with Commissioner Goss regarding employees, and she gets calls as well, particularly from the Correctional Institute. She had shared this with Mr. Van Haute and Mr. Gay and their response was, "Tell us who it is." Employees ask for anonymity, though, and she realized that Georgia is at-will state with no legal protection for whistle-blowers. She, too, wanted to look at some changes in policy but was not interested in running day-to-day operations. Some department employees feel they are held hostage and this affects productivity.

Commissioner Flowers-Taylor sent an email to Mr. Wilson and Mr. Van Haute regarding the UGA Griffin Campus partnering with Parks and Recreation on TEOYM program. With the Parks and Rec program at Fairmont last year it was very difficult for children in summer remedial programs to concentrate with all the athletic activity going on around them. She has received no response to her inquiry and would like to verify if we have partnered with UGA.

She asked that Retreat information be given out to Board as soon as possible.

If possible, Commissioner Flowers-Taylor would like to get a copy of costs for ambulance services broken down for no-transport calls vs. transport calls. Mr. Wilson advised the County has nothing to do with EMS and ambulance services.

She asked about the status of the Code Enforcement officer going to requalifying class.

At the Retreat she noted she would like to see some changes to the benefits package for County employees whereby they help to pay for their own dental services rather than the County paying for it in its entirety, and she would like to know the status of that inquiry.

**Phillips:**

He thanked fellow commissioners for their vote on his district's dog restraint issue. He respects the opinions of others and appreciated the same consideration. He is supportive of TEOYM and he is a partner in education with RESA and supports Odyssey of the Mind at Taylor Street Middle School, as well. He noted the Code Enforcement officer will requalify because he has been well instructed. Mr. Wilson advised the officer is scheduled to graduate on 4-13-07.

Commissioner Phillips' opinion of retreats in general is negative. He feels they are designed to do things away from public eyes. The School Board held their retreats locally and did change the atmosphere but not the venue, which might have made it difficult for some to attend.

He doesn't believe constitutional officers should be as answerable to appointed officials as they are led to believe. They should be given the respect they are due. We provide a budget to constitutional officers and we should allow them the latitude to spend it as they see fit.

**McDaniel:**

Commissioner McDaniel suggested that Commissioner Complaint Forms go through a process discussed at the retreat. They can be serialized with numbers and departments can be made responsible for tracking their disposition. The number will always be accounted for in the system. He was not in favor of changing our form of government. There are ways to approach this problem without going to extremes. All we can control are employees, not constitutional officers, he noted.

**Freeman:**

In the state, when a grievance or adverse action is filed, there is a definite protocol for follow-up. He felt the Board should get copies of all such grievances or adverse actions and be able to follow through on the process. It worked well in the State system.

**XIV. CLOSED MEETING**

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

*Motion to Adjourn to Closed Meeting at 7:04 p.m. was made by Commissioner McDaniel, seconded by Commissioner Freeman, and motion carried by a vote of 5-0.*

**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 2, 2007.

2.

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

3.

The executive session was called to order at 7:04 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);

Yes 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 2<sup>nd</sup> day of April 2007.

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*Motion to Adjourn Closed Meeting and reconvene to Open Meeting at 8:01p.m. was made by Commissioner McDaniel, seconded by Commissioner Phillips, and motion carried 5-0.*

**XV. ADJOURNMENT**

*Motion to Adjourn at 8:02 p.m. was made by Commissioner McDaniel, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.*

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

\_\_\_\_\_  
Chairman

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