

REGULAR MONTHLY MEETING

The Regular Monthly Meeting was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, May 7, 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., Community Development Director Chuck Taylor and Executive Secretary Teresa Watson.

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

II. INVOCATION - Reverend Randy Valimont

III. PLEDGE TO FLAG – Led by Commissioner McDaniel

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Introduction of new Griffin-Spalding County Airport Manager, Robert Mohl.

Mr. Wilson introduced Robert Mohl, who comes to Griffin from the airport in Albany. He has assumed the position of Airport Manager and is looking forward to relocating to Griffin with his family.

2. Bonnie Pfrogner, Executive Director of the Griffin-Spalding Chamber of Commerce, to make a presentation to the Board regarding Spalding County's recent "Entrepreneur Friendly" designation.

Otis Blake and Daniel Searcy, co-chairs of the committee, made a presentation detailing the circumstances of Spalding County's recent "Entrepreneur Friendly" designation. Chairman Freeman stated he was proud to have been part of the process, as well.

V. PRESENTATION OF FINANCIAL STATEMENTS – N/A

VI. CITIZENS COMMENTS – N/A

VII. PUBLIC COMMENT

Chairman Freeman read the rules of conduct for the meeting.

Reverend Randy Valimont, First Assembly of God, West McIntosh Road, Griffin, Georgia
Otis and Ellen Blake, 1011 East College, Griffin, Georgia
Reverend Tom Summers, Carver Road Baptist Church, 3591 Newnan Road, Griffin, Georgia
Bishop Andrew Delee, Voice to the Nations, 108 Pecan Point, Griffin, Georgia
John Gray, Voice to the Nations, 311 Claredon Court, Griffin, Georgia
Alec Tate, Voice to the Nations, 813 Lavista Circle, Griffin, Georgia

All the above spoke regarding the recent federal court ruling relating to Spalding County's Adult Entertainment Ordinance and urged the Board to utilize any legal avenues at their disposal to eradicate this element from the County. Speakers felt this activity invites a strong presence of organized crime and secondary crime which will bring undesired elements to the area. A real concern was voiced for the decline of family values, as well as a negative impact to property values and the perception of the community as visitors enter the area on the 19/41 corridor into the area. They all expressed their appreciation to the Board and urged continued, prayerful diligence on the matter. Some urged that the Board take a look at Gwinnett County since they have withstood constitutional scrutiny of their adult entertainment ordinance.

Paulette Raper, 1351 Jordan Hill Road, Griffin, Georgia
Ms. Raper was concerned about heavy equipment and traffic for the Sun City project, and she was specifically interested in any mechanism that would prohibit jake brakes in this residential area during the construction process.

Larry Frank Parham, 120 Deerwood Circle, Griffin, Georgia
A victim of stroke, Mr. Parham detailed that Spalding County has, since 1987, given a break to people in his circumstance, requiring no property tax payments for income totaling \$12,500 or less. Ten years have gone by and increased money each month has put him past the threshold. His income level went to \$12,512 in 2006, so had to pay \$1053 in tax. This year they were given a \$34 raise which makes his income level be \$12,912 which means he'll also have to pay tax this year. He loves his home and wants to remain there and not in a hospital or asylum, but he cannot afford to pay a full 10% of his yearly income to tax. The reason he cannot obtain Medicaid is too high an income level with his Social Security, and Medicare won't pay as he is not yet 62. He has no assets left as they have been taken by medical care providers of various natures. He urged the Board to consider taking a 10-year old statement and updating the \$12,500 ceiling done in 1987. This would benefit him greatly so he could truly afford food. He thanked the Board for help and urged favorable consideration.

Kelly Palmatier, 450 Malier Road, Griffin, Georgia
Ms. Palmatier stated she was appreciative of the effort to establish the Animal Care and Control Advisory Team. She commended the Board for not letting the issue sit on back burner but it needs to move forward. This team can consider many aspects that will be involved in this broad area, such as euthanasia and the methods of disposal, extended tethering, spay/neutering, etc.

VIII. MINUTES

1. Consider approval of the minutes of the April 16, 2007 Extraordinary Session, the April 26, 2007 Zoning Public Hearing and the April 30, 2007 Special Called Meeting.

Commissioner McDaniel moved to approve minutes of the April 16, 2007 and the April 30, 2007 meetings, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.

Commissioner McDaniel moved to approve the April 26, 2007 meeting, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 4-0-1 with Commissioner Goss abstaining due to his absence from the meeting.

IX. CONSENT AGENDA

X. OLD BUSINESS

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

-Application #07-05Z: Christopher L. Hill, Owner, 2273 South Walkers Mill Road, 1 acre, AR-1 to R-2 conditional.

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

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

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

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

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

WHEREAS, Christopher L. Hill, applicant, applied for a change in zoning classification to be applied to the within described property to R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on February 19, 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 April 26, 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 tract or parcel of land lying in Land Lot 9 of the Third Land District, originally Monroe, now Spalding County, Georgia, and being more particularly described as follows:

Beginning at a point at the intersection of the West margin of Land Lot 9 and the southern right-of-way off South Walkers Mill Road; thence North 66°41'12" East a distance of 549.79 feet along the southern right-of-way of South Walkers Mill Road to a point; thence south 28°10'00" East a distance of 112.84 feet to a point; thence South 83°19'00" East a distance of 255.90 feet to a point; thence South 03°36'34"

West a distance of 242.08 feet to a point; thence South 00°50'00" West a distance of 210.00 feet to a point on the north right-of-way of Swint Road; thence South 69°13'46" West a distance of 316.06 feet along the north right-of-way of Swint Road to a point; thence North 20°47'39" West a distance of 210.00 feet to a point; thence South 69°13'22" West a distance of 420.78 feet to a point on the west margin of Land Lot 9; thence North 04°04'42" West along the west margin of Land Lot 9 a distance of 429.38 feet to a point on the south margin of South Walkers Mill Road and the Point of Beginning. Said total being 8.90 acres.

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

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

- a. Four lots off South Walkers Mill Road to utilize two common drives which would result in few curb cuts.

Section 3:

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

On May 7, 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 situate, lying and being in Land Lot 9 of the Third Land District, originally Monroe, now Spalding County, Georgia, containing 8.90 acres, 2273 South Walkers Mill, zoned R-2, Conditional.

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

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

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

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

Commissioner McDaniel moved to approve, seconded by Commissioner Phillips, and motion carried by a vote of 4-0-1 with Commissioner Goss abstaining due to absence.

-Application #07-05AZ: Nona Garland, Executrix for the Estate of Loree and Clyde Battle, Owners, 2317 South Walkers Mill Road, 7.29 acres, AR-1 to R-2 conditional.

APPLICATION FOR NONA GARLAND,
EXECUTRIX FOR THE ESTATES
OF LOREE AND CLYDE BATTLE
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 07-05AZ

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, Nona Garland, Executrix for the Estate of Loree and Clyde Battle, applicant, applied for a change in zoning classification to be applied to the within described property to R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on February 19, 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 April 26, 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;

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Beginning at a point at the intersection of the West margin of Land Lot 9 and the southern right-of-way off South Walkers Mill Road; thence North 66°41'12" East a distance of 549.79 feet along the southern right-of-way of South Walkers Mill Road to a point; thence south 28°10'00" East a distance of 112.84 feet to a point; thence South 83°19'00" East a distance of 255.90 feet to a point; thence South 03°36'34" West a distance of 242.08 feet to a point; thence South 00°50'00" West a distance of 210.00 feet to a point on the north right-of-way of Swint Road; thence South 69°13'46" West a distance of 316.06 feet along the north right-of-way of Swint Road to a point; thence North 20°47'39" West a distance of 210.00 feet to a point; thence South 69°13'22" West a distance of 420.78 feet to a point on the west margin of Land Lot 9; thence North 04°04'42" West along the west margin of Land Lot 9 a distance of 429.38 feet to a point on the south margin of South Walkers Mill Road and the Point of Beginning. Said total being 8.90 acres.

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

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

- a. Four lots off South Walkers Mill Road to utilize two common drives which would result in few curb cuts.

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- (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, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 4-0-1 with Commissioner Goss abstaining due to absence.

-Application #07-05BZ: Nona Garland, Owner, 445 Swint Rd, .593 acre, AR-1 to R-2 conditional.

APPLICATION FOR NONA GARLAND
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION 07-05BZ

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, Nona Garland, applicant, applied for a change in zoning classification to be applied to the within described property to R-2, Single Family Residential;"

WHEREAS, such application was filed with Spalding County, Georgia on February 19, 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 April 26, 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;

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

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

a. Lot off Swint Road has one driveway.

Section 3:

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

On May 7, 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 situate, lying and being in Land Lot 9 of the Third Land District, originally Monroe, now Spalding County, Georgia, containing 8.90 acres, 445 Swint Road, zoned R-2, Conditional.

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

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

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

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

Commissioner McDaniel moved to approve, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 4-0-1 with Commissioner Goss abstaining due to absence.

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

-Amendment to UDO #A-06-15: Appendix K. Landscape and Tree Preservation Ordinance – replace existing Landscape and Tree Preservation Ordinance with a new Landscape and Tree Preservation Ordinance.

RE: Text Amendment #A-06-15

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

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

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

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

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on April 26, 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 shall be and is hereby amended as follows:

Section 100: Appendix K shall be deleted in its entirety and replaced with the following:

Appendix K
Landscaping and Tree Preservation Ordinance For Multi Family, Commercial, Institutional and Industrial Developments

Section 101: Short Title. This Ordinance shall be known as the Landscaping Ordinance of Spalding County.

Section 102: Definitions.

A. Buffer – A portion of a lot, required by the Zoning Ordinance of Spalding County, established for open space purposes and intended to separate properties with incompatible land uses and as defined in Section 202 of the Spalding County Zoning Ordinance.

B. Caliper - A landscaping standard which describes the diameter of a tree trunk one-foot above the rootball.

- C. **Canopy Tree** – A tree which grows above a height of 50 feet and whose species is included in the USDA Tree Hardiness Map - Zone 7b or is specifically approved as such by the Planning Commission of Spalding County.
- D. **Ground Cover** – Plant material and grasses of less than 3 feet in height.
- E. **Impervious Surface** – Hard-surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and other surfaces which similarly impact the natural infiltration or runoff patterns. For the purposes of this ordinance gravel surface areas are considered to be impervious.
- F. **Land Disturbance Activity** – Any activity which may result in soil erosion and a permit for which is required under Appendix A of the Spalding County Unified Development Ordinance (UDO), Appendix D.
- G. **Landscape Plan** – A document provided to Spalding County prior to Land Disturbance Activity (LDA), which shows the plan view of the site and includes proposed improvements on the same. For the purposes of determining compliance with this ordinance, such plan must also include the location of all existing trees over 10 inches in caliper (including size and species), all proposed plants and trees, amount of impervious surface existing and proposed, a list of plant material and the calculations showing compliance with this ordinance.
- H. **Parking Field** – The area included in a row of parking spaces within a parking lot.
- I. **Parking Lot Island** – A landscaping strip located in a parking lot. Such island must be sized to allow the plants and trees located within it to grow to their mature size.
- J. **Shrub** – or bush is a horticultural rather than strictly botanical category of woody plant, distinguished from a tree by its multiple stems and lower height, usually less than 20 feet tall. A large number of plants can be either shrubs or trees, depending on the growing conditions they experience. For the purposes of this ordinance for a plant to be considered a shrub it must be capable to grow to a minimum height of 3 feet.
- K. **Understory Tree** – A tree which grows to a height of less than 50 feet and the species of which is included in the USDA Tree Hardiness Map - Zone 7b. or is specifically approved as such by the Planning Commission of Spalding County.

Section 103: Applicability.

This ordinance shall govern the development of property located within the R-3, O-I, C-1A, C-1, C-1B, C-1C, C-2, and C-3 Zoning Districts which increases the amount of impervious surface. To the extent redevelopment or additional development occurs on property which is already covered by impervious surface, the provision of this ordinance shall only apply to the area of any increase in impervious surface thereon.

Section 104: Plan Review.

- A. Prior to Land Disturbance Activity (LDA) for new development or expansion of existing impervious surfaces Nine (9) copies of the landscape plan, meeting the requirements of this Article must be submitted to Spalding County Community Development Department. Sites on which the disturbed area is less than one acre shall submit a landscape plan with the site plan required under Appendix J, Section 404.
- B. The landscape plan must include the following information: property lines, easements, rights-of-way, existing and proposed parking facilities, existing and proposed structures, contours at two (2) foot intervals, storm water facilities, utilities, type and size of material, plant list, landscape calculations, north arrow and graphic scale.
- C. When the Impervious area within the project exceeds 20,000 Square Feet the Landscape Plan must be drawn by a landscape architect, registered and licensed under Official Code of Georgia: Section 43-23-1, et seq. Rules and Regulations of the State of Georgia: Chapter 310.
- D. The Community Development Department staff shall review the submitted plan for compliance with the provisions of this ordinance.

Section 105: Minimum Plant Requirements.

- A. One 2-inch caliper canopy tree and one 2-inch understory tree shall be planted for every 2000 Sq. Feet of impervious surface on site.
- B. One shrub minimum of 3 gallon container shall be planted for every 300 sq. feet of impervious surface on site.
- C. Ground cover shall be provided in all pervious areas disturbed during construction.
- D. Plant material required by this ordinance shall be in addition to requirements for planting in a buffer.
- E. All plant materials shall be of a species that is identified in the USDA Tree Hardiness Map - Zone 7b. However species selection shall also take into consideration soil types, available planting area, disease susceptibility, root characteristics, and aesthetic appeal.
- F. The Planting of the following trees shall not count toward meeting the minimum landscape requirements:
 - 1. Bradford Pear
 - 2. Sweet Gum
 - 3. Reserved
 - 4. Reserved
 - 5. Reserved

Section 106: Reserved.

Section 107: Design Criteria.

- A. A minimum 20 foot landscape buffer shall be provided along areas of the site where parking is adjacent to a right-of-way. A minimum 2 foot berm shall also be provided in these areas.
- B. One parking lot landscape island shall be provided for every 10 parking spaces on site. Said landscape area shall be a minimum of 10 feet in width and extend the length of the parking space. Such islands may be combined to form larger islands or public open spaces.
- C. A landscape island, minimum 10 feet width and extending the length of the parking field, shall be provided for every 5 rows of parking.

Section 108: Maintenance.

- A. All material planted to meet the requirements of this ordinance shall be maintained by the property owner in perpetuity. Changes to the landscaping plan during and after construction must be reported to the Zoning Administrator.

Section 109: Enforcement.

- A. All material shown on the landscape plan must be planted prior to the issuance of a certificate of occupancy. At the discretion of the Administrative Officer, a bond or letter of credit in favor of Spalding County may be submitted to the County instead of the planting. Such assurances shall be allowed as a temporary extension of the above planting deadline and must be a minimum of one hundred-twenty (120) percent of the value of the plant material and labor cost of the items to be completed to the satisfaction of the County and must include a deadline date not to exceed 180 days. Said bond amount shall be estimated by the applicant's registered Landscape Architect or Landscape Contractor and approved by the Spalding County Administrative Officer.
- B. Failure to maintain required landscape material shall be deemed a violation of Spalding County Code and prosecuted under the provisions thereof.

Article 2. LEGAL STATUS PROVISIONS

Section 201: Conflict with Other Laws. Wherever the regulations of this Ordinance are in conflict with other Ordinances or portions of Ordinances; the provisions of this Ordinance shall govern.

Section 202: Repeal of Conflicting Ordinances. All ordinances and portions of ordinance in conflict with this ordinance are hereby repealed.

Section 203: Severability. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 204: Effective Date. This ordinance shall become effective and be in force from and after its adoption this the 7th day of May, 2007.

Commissioner McDaniel moved to approve, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 4-0-1 with Commissioner Goss abstaining due to absence.

-Amendment to UDO #A-07-03: Article 4. Fees–Section 419:A-F and Section 417:A-C; Appendix A – Article 3. Fees–Section 303:A-E; and Appendix J – Article 3. Fees – amend fee schedules.

IN RE: Text Amendment #A-07-03

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

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

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on April 26, 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: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 4, “Fees:” Section 419(A-F):

A. Certificate of Occupancy	\$N/C
B. Appeal from Action of Administrative Officer	\$200.00
C. Variance	\$200.00
D. Special Exception	\$300.00
E. Amendments	\$500.00
F. ANSI Inspections	\$50.00

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 4, “Fees:” to appear as Section 419 (A-F):

- A. Certificate of Occupancy Set by Board of Commissioners
- B. Appeal from Action of Administrative Officer Set by Board of Commissioners
- C. Variance Set by Board of Commissioners
- D. Special Exception Set by Board of Commissioners
- E. Amendments Set by Board of Commissioners
- F. ANSI Inspections Set by Board of Commissioners

Section 3: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 4, "Multiple Parcel Rezoning:" Section 417 (A-C):

- A. Parcel 1 - \$500.00
- B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and
- C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 4, "Multiple Parcel Rezoning:" Section 417(A-C):

- A. Parcel 1 – Set by Board of Commissioners
- B. Parcel 2-5 – Set by Board of Commissioners
- C. Parcels 6+ - Set by Board of Commissioners

Section 5: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Appendix A, Article 3, "Fees:" Section 301 (A-E):

- A. Preliminary Plat Approval: \$200.00
- B. Review of Construction Plans
For subdivision consisting of:
 - 1. less than 10 acres \$500.00
 - 2. 10 – 24.99 acres \$900.00
 - 3. 25 – 49.99 acres \$1,200.00
 - 4. 50 or more acres \$1,200.00 plus \$20 per acre in excess of 50
- C. Final Plat Approval: \$500.00
- D. Final Plat Amendment: \$100.00
- E. Utility Installation: \$100.00

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County, Appendix A, Article 3, "Fees:" Section 301 (A-E):

- A. Preliminary Plat Approval: Set by Board of Commissioners
- B. Review of Construction Plans Set by Board of Commissioners
For subdivision consisting of:
 - 1. less than 10 acres
 - 2. 10 – 24.99 acres
 - 3. 25 – 49.99 acres
 - 4. 50 or more acres
- C. Final Plat Approval: Set by Board of Commissioners
- D. Final Plat Amendment: Set by Board of Commissioners
- E. Utility Installation: Set by Board of Commissioners

Section 7: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Appendix J, Article 3, "Fees:"

- 1. less than 2 acres \$1,000.00
- 2. 2 – 4.99 acres \$1,500.00
- 3. 5 – 9.99 acres \$2,000.00
- 4. 10 or more acres \$2,000.00, plus \$50.00 per acre in excess of 10
- 4'. Additions to existing development where the total amount of impervious surface is less than 5,000 square feet. \$500.00
- 5. Additions to previously reviewed and approved sites (original site less than 2 acres) \$500.00
- 6. Construction or refurbishment of tele-

- communications antennas and towers \$100.00
- 7. Utility Installation \$100.00

Section 8: The following provision shall be added to the Zoning Ordinance of Spalding County, Appendix J, Article 3, "Fees:"

- 1. less than 2 acres Set by Board of Commissioners
- 2. 2 – 4.99 acres Set by Board of Commissioners
- 3. 5 – 9.99 acres Set by Board of Commissioners
- 4. 10 or more acres Set by Board of Commissioners
- 4'. Additions to existing development where the total amount of impervious surface added is less than 5,000 square feet. Set by Board of Commissioners
- 5. Additions to previously reviewed and approved sites (original site less than 2 acres) Set by Board of Commissioners
- 6. Construction or refurbishment of telecommunications antennas and towers Set by Board of Commissioners
- 7. Utility Installation Set by Board of Commissioners

Section 9: 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 10: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 11: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 12: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

Commissioner McDaniel moved to approve, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 4-0-1 with Commissioner Goss abstaining due to absence.

- 3. Consider Mutual Release Agreement proposed by County Attorney Fortune for resolution of Griffin Flea Market dispute.

Mr. Fortune said he had discussed the matter and the release with Mr. Maddox and his attorney, but this mutual release should resolve the differences. Mr. Maddox has already signed.

Spalding County, Georgia
 Spalding County and Griffin Flea Market, Inc.

Mutual Release

This Mutual Release is entered into between Spalding County, a political subdivision of the state of Georgia (hereinafter referred to as Spalding County) and Griffin Flea Market, Inc. and Jesse Maddox, individually (hereinafter referred to as tenant).

Whereas, the tenant rented certain real property from Spalding County, for the operation of a flea market; and

Whereas a dispute arose over the condition of the real property; and

Whereas, the tenant had made certain claims against the county for damages allegedly sustained as a result of the condition of the real property; and

Whereas, Spalding County contends that the premises were always tenable; and

Whereas, the tenant has ceased paying rent and at the current time is five (5) months in arrears; and

Whereas, the parties have met and negotiated a reasonable settlement to resolve all issues now remaining.

Now, therefore, in consideration of the mutual benefits flowing to the parties hereto it is agreed as follows:

The County agrees that it will not seek to recover from tenant the rent on the premises, which is currently in arrears since December if 2006. In addition, the County agrees that the tenant may occupy the premises for the months of April, May, and June of 2007 without making any rent

payment whatsoever. Commencing July 1, 2007, tenant will begin to pay rent as required under the terms of his lease, or he agrees that he will vacate the building by that date.

In return, the tenant agrees he will release Spalding County from any claims for damages to his personal property and his business which may have occurred since the inception of the lease to the present.

The parties do hereby mutually release and forever discharge each other in their individual and representative capacities, their administrators, agents, heirs and assigns, all persons, firms or corporations liable or who might claim to be liable, none of whom admit any liability to either of the undersigned but each party expressly denies any liability, from any and all claims, demands, damages, actions, causes of actions, or suits of any kind or nature whatsoever, and particularly on account of any and all injuries known and unknown, both to person and property which may have resulted from the rental agreement aforementioned.

The undersigned do hereby declare that the terms of this foregoing notice, this settlement and this agreement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the matter above mentioned and for the express purpose of precluding forever any further claims.

This seventh day of May, 2007.

Commissioner Phillips moved to approve the agreement, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.

XI. NEW BUSINESS

1. Consider approval of a new Alcohol License for 2007 – Retail Sale – Beer Only – for the following: Sam N Ash, Inc., d/b/a S & M Grocery (a convenience store selling gasoline) located at 3244 Fayetteville Road. Mr. Waseem A. Khan is the owner of this new business.

Mr. Wilson said the applicant had met all the criteria.

Commissioner Flowers-Taylor moved to approve a new Alcohol License for 2007 – Retail Sale – Beer Only – for the following: Sam N Ash, Inc., d/b/a S & M Grocery (a convenience store selling gasoline) located at 3244 Fayetteville Road, seconded by Commissioner Phillips, and motion carried by a vote of 4-1 with Commissioner McDaniel opposing.

2. Consider approval of final plat of Luke Evans Subdivision (Minor Subdivision) located off Carver Road and O'Dell Road – 7 lots.

Mr. Wilson advised the final plat meets all conditions for approval. The applicant agreed to and made required changes as requested.

Commissioner McDaniel moved to approve final plat of Luke Evans Subdivision, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.

3. Consider Moratorium on the receipt, acceptance, consideration and approval of any request to change the Future Land Use Map to or from the Village Node classification and any application seeking rezoning to the Village Node Zoning District within Spalding County, Georgia.

RESOLUTION TO ENACT A MORATORIUM ON THE
RECEIPT, ACCEPTANCE, CONSIDERATION AND APPROVAL
OF ANY REQUEST TO CHANGE THE FUTURE LAND USE MAP TO OR FROM
THE VILLAGE NODE (VN) CLASSIFICATION
AND THE RECEIPT, ACCEPTANCE, CONSIDERATION AND APPROVAL
OF ANY APPLICATION SEEKING REZONING TO THE
VILLAGE NODE (VN) ZONING DISTRICT
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 increase the standards of amenities and construction for developments proposed to be located in the Village Node (VN) Zoning District within Spalding County;

WHEREAS, Spalding County desires to implement more detailed and appropriate planning procedures and criteria which will govern the location and placement of residential developments and/or commercial development in the Village Node (VN) Zoning District within Spalding County in conjunction with its comprehensive plan;

WHEREAS, Spalding County desires to briefly control and restrict residential development and commercial development in the Village Node (VN) Zoning District until such time as it may consider, implement and adopt Zoning 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 pertinent to the Village Node (VN) Zoning District shall be enacted, as follows:

Section 1: Enactment of a Moratorium on Changes to Future Land Use Map: 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 receipt, acceptance, consideration and approval of any application seeking to change the designation of any real property either into or from "Village Node" as shown on the Future Land Use Map (FLUM).

Section 2: Enactment of a Moratorium on Rezoning Applications: 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 Rezoning Application and real property to be rezoned to Article 17A. "Village Node District", Zoning Ordinance Section 1701A, et. seq. pursuant to Section 414 of the Zoning Ordinance of Spalding County.

Section 3: 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 4: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on Monday, May 7, 2007 at 12:00 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on Sunday, September 30, 2007 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Commissioner McDaniel moved to approve the extension of the Moratorium on the receipt, acceptance, consideration and approval of any request to change the Future Land Use Map to or from the Village Node classification and any application seeking rezoning to the Village Node Zoning District within Spalding County, Georgia, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.

4. Consider authorizing Commissioner Flowers-Taylor to attend the 22nd National Conference on Preventing Crime in the Black Community in Orlando, May 30-June 2, 2007.

Commissioner Flowers-Taylor stated she had arranged for her own transportation, but the County would need to do lodging and registration. Parks & Recreation wants to send two people, as well, to this event but had not budgeted for the conference. Therefore, she was requesting that the Board authorize sending them along with her and assume the costs. She advised she attended last year with Robbie Milner from Parks and Recreation, who had utilized at Fairmont information he was able to garner from the conference on gang intervention programs. He been successful in getting three young people in Griffin to obtain their GEDs, and then he helped with job placement, so the effort has been worthwhile.

Commissioner Phillips moved to approve authorization for both Items 4 and 5, for attendance at the 22nd National Conference on Preventing Crime in the Black Community in Orlando, May 30-June 2, 2007, seconded by Commissioner McDaniel. Motion carried by a vote of 5-0.

5. Consider request from Parks and Recreation Department for two employees to attend the 22nd National Conference on Preventing Crime in the Black Community in Orlando, May 30-June 2.

See Above for Motion.

6. Consider, on first reading, recommendation of Sheriff's Department to approve Ordinance to amend Part VII, Chapter 1, Section 7-1002, for reduction of speed limit on Sowell Road.

Commissioner McDaniel moved to approve, on first reading, recommendation of Major Wendell Beam of the Sheriff's Department to approve Ordinance to amend Part VII, Chapter 1, Section 7-1002, for reduction of speed limit on Sowell Road, seconded by Commissioner Phillips, and motion carried 5-0.

7. Consider, on first reading, an Ordinance to Amend Code of Spalding County, Part VII, Motor Vehicles and Traffic, Section 7-1007 to provide for four-way stop designation at Bethany Road and West Williamson Road.

Mr. Wilson said this was another recommendation of Major Wendell Beam of the Sheriff's Department. If the Board approves tonight, they will erect signs and then uncover the new signage after second reading approval. Mr. Wilson advised Commissioner Phillips that all paving of dirt roads is technically on hold, but they will prioritize for a future SPLOST (requiring six to eight months to complete). Many factors go into this evaluation process for prioritization, such as traffic counts, number of homes, etc. Chairman Freeman said citizens on Bethany Road have made him keenly aware of their complaints.

Commissioner McDaniel moved to approve, on first reading, an Ordinance to Amend Code of Spalding County, Part VII, Motor Vehicles and Traffic, Section 7-1007 to provide for four-way stop designation at Bethany Road and West Williamson Road, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.

8. Consider approval of 2007 LARP Contracts with the Georgia Department of Transportation.

The total of these two contracts is just over \$550,000 in GDOT funding. In our FY 2008 budget a 50/50 split will be necessary, and we will have to match that dollar amount so this amount is budgeted in FY 2008 budget. This is a contract with the State and will be bid in July/August to hopefully finish by end of the year.

Commissioner McDaniel moved to approve 2007 LARP Contracts with the Georgia Department of Transportation, seconded by Commissioner Flowers-Taylor, and motion carried 5-0.

9. Consider approval of Contract for Services with Webb, Lindsey and Wade, LLC for legal services rendered to the Spalding County Solicitor's Office.

Mr. Fortune advised this contract is for the gentleman who has helped in this capacity for quite some time. He's done a good job and this represents a \$100 per month increase.

Commissioner Phillips moved to approve the Contract for Services with Webb, Lindsey and Wade, LLC for legal services rendered to the Spalding County Solicitor's Office, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.

10. Consider approval of Memorandum of Agreement with Spalding County Board of Health for The Enrichment of Young Minds Summer Academic Program.

Mr. Wilson stated this TEOYM program is funded through the Health Department, much as has been in the past. The agreement is for approximately \$23,000.

Commissioner McDaniel moved to approve the Memorandum of Agreement with Spalding County Board of Health for The Enrichment of Young Minds Summer Academic Program, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 5-0.

11. Consider Georgia Tech Research Institute's Proposal for Communications System Deployment Project Oversight for Consultant Steve Macke.

This is a new contract with GTRI, and when the existing contract with Mr. Macke ended there was about \$30,000 remaining that was not utilized. That balance combined with this new contract will be tantamount to an additional \$20,000 for the 800 MHz project. After some discussion, Mr. Wilson said they were looking at a period of twelve to eighteen months for the project. Once they come in June for the customer design review, there will be a much clearer picture as to scheduling.

Commissioner Phillips said he spoke to Mr. Macke this weekend, and later on Spalding County will be looking at a possible tower letter of agreement with Mr. Taylor, as well as some other things. Mr. Macke has proven himself invaluable.

Commissioner Phillips moved to approve Georgia Tech Research Institute's Proposal for Communications System Deployment Project Oversight for Consultant Steve Macke, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.

12. Consider request for use of the Meeting Room by Region One MHDDAD Planning Board.

Mr. Van Haute, who serves on this committee, states they would like to have a public meeting here and they haven't been able to do this for several years. They are excited about the possibility of getting input from other agencies here. Chairman Freeman said Mr. Van Haute was gracious enough to accept this appointment and he was appreciative of anything Mr. Van Haute could do to help this agency and Spalding County. Mr. Wilson would ensure commissioners were aware of the date when scheduled.

Commissioner McDaniel moved to approve use of the Meeting Room by Region One MHDDAD Planning Board, seconded by Commissioner Phillips, and motion carried by a vote of 5-0.

13. Consider approval of application for Animal Care and Control Advisory Team and team structure.

Mr. Wilson said this form was recommended by Ms. Palmatier for recruiting membership to this committee. He wanted to be able to post this form to the website and have applicants mail it back in. Seven members, one from each county commission district appointed by that commissioner, the Animal Shelter Supervisor and Mr. Paul Van Haute will comprise the team. Commissioner Flowers-Taylor said she had spoken with Mr. Van Haute and expressed a desire to add pet owner to experience desired, which had not been done as yet and she would like to see that phrase added.

**APPLICATION FOR
ANIMAL CARE & CONTROL ADVISORY TEAM**

The Spalding County Board of Commissioners is soliciting volunteers to serve on an Advisory Team charged with identifying and recommending improvements to ordinances dealing with the policies and procedures for animals in Spalding County. If you are interested in applying for appointment to the team, please fill out the form below. Please note each Commissioner will appoint one member from his or her district to the team. Thank you for your understanding and your willingness to help. Please mail the completed form to: Animal Care & Control, P.O. Box 1087, Griffin, GA 30224.

Name: _____
Phone: _____
Address: _____

Do you wish to see improvements made to ordinances dealing with the policies and procedures for animals in Spalding County?

- Yes
- No
- Unsure or Undecided

Are you willing to consider information and viewpoints which differ from your own?

- Yes, I am willing to consider opposing information and viewpoints
- No, I am unwilling to consider opposing information and viewpoints
- Unsure or Undecided

Are you willing to make compromises with opposing viewpoints?

- Yes
- No
- Unsure or Undecided

Please indicate your level of support for the recent recommendations to improve the Spalding County Animal Control Ordinance:

- Extremely supportive
- Somewhat supportive
- Unsure, Undecided, or Not Familiar with all the details of the recommendations
- Somewhat opposed
- Strongly opposed

In which of the areas below do you have experience with animals (check all that apply):

- Animal Welfare/Rescue Worker
- Vet

- | | |
|--|---|
| <input type="checkbox"/> Animal Control Worker | <input type="checkbox"/> Hunter |
| <input type="checkbox"/> Groomer | <input type="checkbox"/> Farmer |
| <input type="checkbox"/> Boarder | <input type="checkbox"/> Breeder or Involved in AKC |
| <input type="checkbox"/> Trainer | <input type="checkbox"/> Pet Owner |
| <input type="checkbox"/> Pet Psychologist | <input type="checkbox"/> Other: _____ |

Feel free to give any additional comments:

Commissioner McDaniel moved to approve application for Animal Care and Control Advisory Team and team structure with the addition of pet owner in the last category, seconded by Commissioner Flowers-Taylor, and motion carried 5-0.

14. Discuss short-term and long-term goals from the March 10, 2007 Planning Retreat.

Commissioner Phillips said he would have to abstain from this discussion since he did not attend. Discussion was held regarding the priorities listed for both short-term and long-term goals with updates presented and some direction provided to different departments.

Mr. Wilson said he was trying to schedule a date within the next 60-90 days for a joint retreat with department heads that was discussed at the retreat. Community Development is currently working on architectural requirements and minimal housing standards. Human Resources is working on HR supervisory training and has addressed improving the applicant notification process, presently working on a redraft of this item. The new HR employee recognition program was provided at the retreat. The Animal Care and Control Advisory Team, of course, was approved tonight. The new target date for HR to identify supervisory training topics and classes for department heads, since the original target date was May, was adjusted to a new date of July 1, 2007.

Chairman Freeman said they discussed the commissioners' salaries, and he noticed where the County Manager would provide adequate time to review the contract of the County Manager and complete the evaluation prior to ... Chairman Freeman apologized for reading the wrong section and proceeded to correct his statement to apply to salary increases. He noted that Mr. Wilson advised that local legislation would have to be introduced and the salary increase would go into effect during the next term of each commissioner. Each commissioner would have to stand reelection in order to realize an increase in salary. So, stated Chairman Freeman, it won't actually benefit anybody until his or her next election cycle. He continued they should look at this matter closely as commissioners are doing a lot more than even commissioners were doing when he took office two years ago. The County is growing and he doesn't want to sit here and not be compensated for what you get out there and do, for the contacts you make statewide and countywide, or whatever. So, he stated they might want to consider pursuing this as soon as possible.

Commissioner Phillips commented that he doesn't like to attend retreats outside the County because it looks as though we're avoiding the public. Even though he realizes it gives an atmosphere of more freedom and commissioners may be more inclined to speak their minds, it results in the public being less informed.

Commissioner Flowers-Taylor said it did not bother her.

It was noted the media was invited, but Commissioner Phillips stated there was no member of the media present at the meeting.

Commissioner Flowers-Taylor felt this was a minor issue. There are plenty of places in Spalding County where they could effectively have a productive retreat, i.e. the Welcome Center, UGA Griffin Campus, etc. She could speak freely no matter where the meeting was held.

As far as long-term goals, Commissioner Flowers-Taylor knew that Community Development was working on development of housing standards, particularly substandard housing. Chuck Taylor said Zoning Attorney Newton Galloway is currently working on the ordinance and is ready to start the process with the Planning Commission. On the next priority to acquire more Parks and Recreation land, Mr. Wilson said the County was always open to that option. Mr. Greene is constantly working on new ideas and programs for that department. On the issue of transportation, Commissioner Flowers-Taylor was aware of the numerous meetings and hearings being done by the consultants for the Comprehensive Transportation Plan (CTP). Mr. Wilson advised the CTP should be completed by the end of the year which will help tremendously with future SPLOSTS.

The seventh item on the list was to create an overlay district for North Hill Street and Jordan Hill Road. Commissioner Flowers-Taylor stated this was noted for completion in two years but it looks as though the timeline will be pushed up with new developments (LCI supplemental grant application and work progressing to declare the area blighted).

Mr. Wilson said, as always, staff is available to discuss anything of interest to commissioners, and they will be happy to go over any of these issues, short-term or long-term.

Chairman Freeman asked if the Board needed to vote on this issue and Mr. Wilson responded they did not.

15. Chairman Freeman would like to discuss damage to Shoal Creek roadway and possible repair.

Commissioner Freeman said this is the road from Highway 16 to the C & D Landfill and the road from Ellis Road to the C & D Landfill. There is a great number of trucks, 18-wheelers loaded with debris such as dirt, stumps, roots, etc. Since the County owns part of this land, he felt the City should be held liable for part of the repairs on the road. There are some places that are falling apart. The County has patched to the point where it is just one big patch. This is something the County needs to pursue. The City derives the fees from the landfill, and he felt they should be held responsible for a portion of that repair on this road.

Commissioner Flowers-Taylor asked if the City vehicles were the only heavy vehicles that travel this road. Chairman Freeman said they come in and dump at this landfill, with heavy debris from houses they tear down or anything from the big dumpsters. There are private haulers that use the road and landfill, also. Commissioner Flowers-Taylor said it would be hard for her to hold the City responsible when they are not the only people using the road. She would like to know how many other organizations or businesses are using it, as well. If the County is proposing to ask the City to be responsible, why shouldn't it ask the others who use it to also be responsible?

Chairman Freeman said he realized it was a fine line, but he felt they were using part of our dump on our property, the County property, as well as their property. So, he felt they should bear some of the expense of repairs.

Chairman Freeman advised Commissioner Goss the road was probably 1-1/4 miles long to 1-1/2.

Commissioner McDaniel asked if Chairman Freeman anticipated discussing with the City the possibility of shared tipping fees. Chairman Freeman said they had talked about this in the past. Commissioner McDaniel asked if he had talked with the City about this issue, and Chairman Freeman advised he had discussed it with Mr. Fortune. There were things he would rather not say at this point.

Commissioner Goss said they might look at joint cost sharing. Chairman Freeman agreed since the majority of the people who use the landfill are the City trucks, even though they have some trucks from the County who use it and other users such as private haulers and citizens. Quite a few trucks go in and out during a day's time. Chairman Freeman confirmed for Commissioner Goss that this was a County road so when repairs are needed, the County is the responsible party at this point.

Chairman Freeman felt the City derived more from the landfill than the County, so perhaps they should be more obligated than the County. At the least, to be fair the City should share in the expense of resurfacing this road.

Commissioner McDaniel felt that if the County discussed this matter with the City, the County should have in mind concrete, viable options that are available. Does the County want them to share the tipping fees? Does the County want the tipping fee increased over what is charged now with the County receiving the increase? Does the County want to make this a toll road? Commissioner Flowers-Taylor favored the toll road, and Chairman Freeman stated this could be the Freeman Toll Road. Commissioner McDaniel advised it might be termed the Freeman Memorial Toll Road. Chairman Freeman said there were options that could be there. Commissioner McDaniel felt this should be the next step: to work out viable options before entering into discussions with the City. They County should also determine how much money is needed and develop a time frame for repairs.

Chairman Freeman said he would authorize William to go ahead and check on it, then talk with the City and see what could develop.

Commissioner Flowers-Taylor asked Mr. Wilson if there was any mechanism for determining how much money is spent in a year repairing this road. Mr. Wilson advised he'll get cost figures, confer with County Attorney Fortune, and perhaps work toward a surcharge to the City or something of this nature for dumping to repair this heavily damaged area of the road. One can clearly see that truck traffic is the reason for the extensive damage since it only involves the portion generally from Highway 16 to the landfill, so this request is not unreasonable.

Chairman Freeman said to specify the entire road and not just a portion. He did not want to ignore the other half of the road because it is just before breaking down. We are going to get the whole road, and he directed Mr. Wilson to talk to the City about the whole road. We are paying also to

dump in the landfill, so the County should negotiate whatever the City charges the County for dumping.

XII. REPORT OF COUNTY MANAGER

- Mr. Wilson has a proposed letter of intent for Bill Taylor, WKEU, to negotiate for tower that Mr. Taylor would own. This letter states our requirements, and if the Board concurs, he will move ahead. Commissioner Phillips said some form of tax abatement was mentioned by Mr. Taylor, and Mr. Fortune said the County cannot legally abate taxes. Perhaps the County could do something else. Commissioner Phillips said they could probably accomplish the desired end result in some other way. This property was rezoned in 1999 for a tower. According to the conference call earlier today, it appears tower site locations chosen will be sufficient to provide the coverage agreed to by M/A-COM, but this is a preliminary estimate.
- Mr. Wilson said the County had been approached by several developers regarding subdivisions in final plat approval process that cannot get 100% coverage of permanent vegetation. Six projects are in this status now. Perhaps a policy change for the drought period might be a viable option. Community Development Director Chuck Taylor recommends if bonding is allowed, then limit the developer to a 45-day period with a 3-month bond expiration date after final plat is approved. This will be a policy change. Also, bonding should only be allowed if every other soil erosion mechanism is in place (silt fences, detention ponds, and other controls). The County has, for several years, required that everything must be constructed and in place with vegetation in place before accepting the final plat. This is the only method of control, and the County loses control over developers once lots are sold.

Mr. Taylor concurred, saying erosion control is the ongoing responsibility of the developer, and the strongest mechanism for control is approval of final plat. Compliance is best achieved at the time that the County makes final approval. Mr. Wilson said after final plat approval, he recommended a 45-day compliance period with a 3-month bond expiration date. This gives ample time for the County to draw on this bond if necessary. Currently the County doesn't allow any bonding on final plat approval, other than the required maintenance bonds and this would be an exception to that policy.

Commissioner McDaniel asked what would happen if the area is still in severe drought condition at the end of 45 days. Mr. Taylor said the subdivisions come up rather quickly. They try to time this recommendation so that the requirement can be met before the hot dry season. If the bond is called, the County would then seed and irrigate the vegetation. Bond parameters are issued for performance bonds, and Mr. Taylor recommends strengthening those parameters. They will need time to call the bonds once the performance time has expired.

Commissioner Goss noted that one developer has planted grass and because of the drought, it did not come up which meant he could not pull permits on which to build. This was in the final phase of a subdivision and he was pretty much stagnant, even though he had hydroseeded with mulch and straw. He had invested a great deal of money with little greenery, but after the rain this weekend he does have some grass coming up. He felt that once they have invested in the subdivision, they need to be able to build and sell homes. This hampers their ability to do that. Commissioner Flowers-Taylor noted that was part of the risk they take as developers.

The consensus of the Board was to authorize the administrative officer to make changes only for this drought period (90 days), and then he recommended a return to the established policy. In response to the inquiry from Commissioner Goss, Mr. Taylor noted that Sun City's pod 6 is coming up for final platting, and they also fall under the same regulations and have to have 100% vegetation, as does everyone else. They are not exempt from this policy but they did get special approval in the form of an ordinance change from the Board of Commissioners for building permits for their model homes. Mr. Wilson advised they would proceed and final plat approvals would come before the Board during the next 30 to 60 days.

- The Chamber of Commerce and the Downtown Development Authority are working on signage that will direct citizens from Sun City to the downtown area. The Board agreed that signage, banners, etc. can go on rights-of-way for directions and can utilize the County's logo.
- Heron Bay, within the next 45 days, will come in with a request on Lakeview Drive. This gated community is predominantly in Spalding County, but 330' feet of Lakeview Drive is physically in Henry County where the gate area is located. They would like to deed this 330' portion of the street to Spalding County so that all of Lakeview Drive will be under the same ownership. Mr. Fortune noted the County must maintain the road, but Mr. Wilson advised taxes should more than cover this requirement. This would make everything consistent and it has been paved to above-county standards.
- Two press releases, for Library collection donations from impact fees and the sixth consecutive year of Certificate of Achievement for Excellence in Financial Reporting, were executed this past week.
- Updating on 800 MHz, there will be weekly conference calls until the design work is done in June, then weekly meetings will occur. The process is moving ahead and they are moving the location at the

Wachovia building to the Williamson Road tower location where they are building a new 200' tower and will be checking with the airport regarding clear zones for the system.

- New Birth Baptist Church wants to rent the Public Defender office again on Mothers' Day weekend. Mr. Wilson received an email request today, and the Board concurred that will be acceptable. Mr. Wilson will advise Pastor Weaver.

XIII. REPORT OF COMMISSIONERS

Goss

Commissioner Goss wants Mr. Wilson to procure the list of the top 100 back tax delinquents from the Spalding County Tax Commissioner. Also, he would like to get serious about dilapidated homes and minimum housing standards. He will be glad to work on this issue which is very important and should not continue to be put off, and hopefully Commissioner Flowers-Taylor could assist.

Flowers-Taylor

She thanked the Board for being patient with her school attendance over last two years, noting she was about to graduate. She wants to get more information on a possible change in tax status for disabled citizens like the gentleman earlier, and she asked that Mr. Wilson get with the Tax Commissioner on possible assistance.

Phillips

No comments.

McDaniel

He agreed they needed to look at the noise generated by jake brakes in the Sun City area. Some areas actually sign that they prohibit this, although he was not sure if they could legally do that. He asked that staff explore such a prohibition in residential areas.

He stated that Commissioners Freeman, Goss and McDaniel attended the grand opening of The Grind Skate Park on Saturday, May 5, 2007. He was amazed and surprised at the several hundred folks in attendance. Nice media coverage will also probably increase activity and use of the skate park. Parks and Recreation is to be commended for the job they did in bringing this project to completion.

Commissioner Phillips noted he will be gone next week to Washington with 300 students.

Freeman

He thanked all in attendance tonight for expressing their concerns about Curves and the adult entertainment issue. He assured them the County has every good intention in resolving the matter. Chairman Freeman concluded by thanking the media for remaining until adjournment.

XIV. ADJOURNMENT

Commissioner McDaniel moved to adjourn at 7:37 p.m., seconded by Commissioner Goss and unanimously approve.

County Clerk

Chairman

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