

EXTRAORDINARY SESSION

The Extraordinary Session was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, August 20, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Edward Goss, Jr., Johnie McDaniel, Gwen Flowers-Taylor and David Phillips were present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Administrative Services Director Jinna L. Garrison, 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 Paul Van Haute**

Commissioner McDaniel moved to add Approval of Ordinance #2007-18 to provide for revisions to the Alcoholic Beverage Ordinance as Item 2 under New Business and Ordinance #2007-19 to provide for No Parking on Richardson Street as Item 11 under New Business, shifting all other items down appropriately, seconded by Commissioner Phillips. Motion carried at 5-0.

- IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the One Month Ended July 31, 2007.

Motion to approve Financial Statements for the One Month Ended July 31, 2007 by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

VI. CITIZENS COMMENTS

Commissioner Phillips made a motion to move the newly added Agenda Item #11, Ordinance #2007-19 to provide for No Parking on Richardson Street, from New Business to Item #1 under Citizens Comments, seconded by Chairman Freeman. Motion carried 5-0.

Motion to approve, on first reading, Ordinance #2007-19 to provide for No Parking on Richardson Street was made by Chairman Freeman, seconded by Commissioner McDaniel, and motion carried by a 5-0 vote.

1. Betty Gebhardt desires to address the Board regarding parking on Richardson Street.

No comment.

2. Kelly Palmatier would like to address the Board regarding the Animal Care and Control Advisory Team and the timeline for implementation.

Kelly Palmatier, 450 Malier Road, Griffin, Georgia

Ms. Palmatier stated she was pleased to see the Animal Care and Control Advisory Team on tonight’s agenda. Many concerned citizens wonder about what they can do to help, whether or not there is financial assistance, will the gas chamber continue to be used, hours of operation, housing of animals, and other areas of concern. A well rounded team will allow a look at the big picture, and she appreciated all the commissioners’ efforts.

Chairman Freeman read the Rules for the meeting.

VII. PUBLIC COMMENT

None were forthcoming.

VIII. MINUTES

1. Consider approval of the minutes of the August 6, 2007 Regular Monthly Meeting and the August 14, 2007 Special Called Meeting.

Commissioner Phillips exited the meeting room for a brief visit with a constituent.

Motion to approve the minutes of the August 6, 2007 Regular Monthly Meeting and the August 14, 2007 Special Called Meeting by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0, with Commissioner Phillips absent from the room during the vote.

Commissioner Phillips returned to the meeting.

IX. CONSENT AGENDA

1. Consider, on second reading, Ordinance Amendment #2007-14 to the Spalding County Code of Ordinances to Amend Part XI, Offenses, Chapter 2, Damage To and Intrusion Upon Property, to add as Article C, Fishing Prohibited at Wyomia Tyus Olympic Park, Sections 11-2009 and 11-2010.

SPALDING COUNTY, GEORGIA
GENERAL BUSINESS AND OCCUPATION TAX MODIFICATION
ORDINANCE NO. 2007-14

AN ORDINANCE
TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR MODIFICATIONS TO DAMAGE TO AND INTRUSION UPON PROPERTY; 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 Ordinances of Spalding County, Georgia, be amended in Part XI, Offenses, Chapter 2, Damage To and Intrusion Upon Property, to add as Article C, Fishing Prohibited at Wyomia Tyus Olympic Park, Sections 11-2009, 11-2010 as follows in its entirety:

“ARTICLE C. FISHING PROHIBITED AT WYOMIA TYUS OLYMPIC PARK

Sec. 11-2009. (Fishing Prohibited).

It shall be unlawful and a violation of this article for any person to fish in any lake located at Spalding County's Wyomia Tyus Olympic Park. This prohibition shall not apply to special events sponsored by the Spalding County Parks and Recreation Department.

Sec. 11-2010. Violations and Enforcement.

- (a) Any person who shall do anything prohibited by this article as it now exists or as it may hereafter be amended, or who shall fail to do anything required by this article as it now exists or as it may hereafter be amended, is hereby declared to be in violation of this article and the pertinent regulations or county ordinances herein set forth.
- (b) Each and every day that any such violation exists shall be deemed a separate offense.
- (c) Any such violation, upon conviction thereof, as prescribed by the laws of Georgia, shall be punishable by a fine or imprisonment, or both, not to exceed the maximum fine or the maximum imprisonment, or both, as prescribed by the pertinent laws of Georgia and as more particularly set out in section 1-1007 of this Code, which such section is incorporated herein and made a part hereof by reference. (Ord. No. 2003-02, §1, 4-21-03)"

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.

Section 3. All other ordinances, or parts of ordinances, in conflict herewith are hereby repealed. All other portions of the Spalding County Code of Ordinances shall remain in full force and effect.

- 2. Consider, on second reading, Amendment to the Official Zoning Ordinance for the following: Amendment to UDO #A-07-05: Article 11A, R-6 Planned Residential Community District – replace existing R-6 with new R-6 District.

IN RE: Text Amendment #A-07-05

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 July 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 1: The following provisions shall be amended to the Zoning Ordinance of Spalding County, to appear as Article 11A. R-6 Planned Residential Community District:

ARTICLE 11A. R-6 PLANNED RESIDENTIAL COMMUNITY DISTRICT

Section 1101A. Purpose.

R-6 zoning districts are intended to establish and preserve quiet, relatively medium-to-high density neighborhoods of single-family detached and/or attached residences. These districts are free from other uses which are incompatible with single-family homes.

Section 1102A. Boundaries of R-6 districts.

The official map (Section 2301 of this ordinance) shows the boundaries of all R-6 districts within Spalding County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

Section 1103A. Permitted uses.

A. The following Principal Uses are permitted in R-6 districts:

1. Cluster dwellings, condominium dwellings, patio dwellings, and townhouse dwellings meeting the development standards described in Section 1104A.
2. Local, state, or federal government building.
3. Family personal care home.
4. Publicly owned and operated park or recreation area.
5. Subdivision recreation area owned, operated, and maintained by a homeowners association exclusively for the use of residents and their guests.
6. Reserved.

B. The following principal uses are permitted as special exceptions in R-6 districts:

1. Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
 - a. It must be located on either an arterial or collector road;
 - b. The lot must have a minimum road frontage of two hundred (200) feet;
 - c. The lot must have an area of at least four (4) acres;
 - d. All buildings must be located at least fifty (50) feet from any property line;
 - e. A buffer (as provided by Section 405) must be provided along all side and rear property lines;
 - f. No property line in which any proposed church is to be established shall be located within nine hundred (900) feet of the main entrance of an establishment which has been licensed for the sale or consumption of alcoholic beverages.
 - g. No additional approval shall be required for the expansion or modification of any facility, as defined in this section, which existed as of January 4, 1994 on the property on which it is presently located.
2. Bed and breakfasts.
3. Reserved.
4. Utility substation meeting the following development standards:
 - a. Structures must be placed at least thirty (3) feet from all property lines.
 - b. Structures must be enclosed by a woven wire fence at least eight (8) feet high with bottom of fence either flush with the ground or with a masonry footing.
 - c. No vehicles or equipment may be stored on the lot.
 - d. A buffer, as provided in section 405, must be maintained along the side and rear property lines.

- e. All other development standards as enumerated in section 1106A are waived, except for J.

C. The following Accessory Uses are permitted in R-6 districts:

1. Private garage or carport.
2. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
3. Structure for a children's playhouse and the storage of children's play equipment.
4. Private swimming pool and bath house or cabana. Any swimming pool must meet the specifications of the Standard Swimming Pool Code (SBCCI).
5. Private tennis court and/or basketball facilities; if lighted, lights must be designated so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten (10) feet high.
6. Noncommercial garden, including a greenhouse and other customary garden structures.
7. Deck, patio, barbecue grill or other such facility.
8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
9. Antenna, satellite, television, radio, etc.
10. Temporary building for storage of materials meeting the following development standards:
 - a. Permitted only in conjunction with construction of a building;
 - b. Allowed either on the same lot where construction is taking place or on adjacent lots;
 - c. Such a use must be terminated upon completion of construction.
11. Sign as permitted by the Spalding County Sign Ordinance (Appendix E).
12. Home occupation, minor, excluding public garage, repair garage and kennel.
13. Temporary construction office facility at a construction site for a residential subdivision as defined by the Subdivision Ordinance of Spalding County, Unified Development Ordinance, Appendix A, Section 202(QQ) and for any special exception use allowed in this zoning district for which construction of a new structure is required, meeting the following development standards:
 - a. The procedure for applying for a temporary construction office facility is as follows:
 - i. Plans for a water/well and sewage/septic system suitable for the construction office facility must be submitted to the Spalding County Health Department for its review and approval.
 - ii. Upon approval by the Spalding County Health Department, the owner shall present evidence of such approval to the administrative officer and apply for a building permit for the proposed construction office facility, including the water and sewage systems.
 - iii. Upon receipt of the building permit, the owner should proceed with construction of the proposed water and sewage systems. The Spalding County Health Department will provide required inspections of these systems during and upon completion of construction. No other water or sewage system may be approved for the temporary construction office facility.
 - iv. Upon certification of the administrative officer that the water and sewage systems have been properly installed according to the approved plans, the owner shall, pursuant to the building permit issued in Section 1103A(C)(13)(a)(i)(ii) be authorized to temporarily maintain the construction office facility.
 - v. The administrative officer shall explain to the owner all conditions and limitations attached to such a permit and will secure the written certification that he understands and will abide by those conditions.
 - b. The following conditions apply to the permit issued for the temporary construction office facility:
 - i. Only one (1) temporary construction office facility is allowed per subdivision.
 - ii. It is non-transferable from one owner to another.
 - iii. Any permit is temporary; the valid period of the permit will expire on the date that a certificate of occupancy for the last residential dwelling in the subdivision is

issued or after thirty-six (36) months, whichever occurs first. For nonresidential construction, the permit will expire on the date that a certificate of occupancy for the structure is issued or after twelve (12) months, whichever occurs first.

- iv. In the event that construction of the residential subdivision or nonresidential construction is underway, but not yet completed and approved for occupancy when the building permit for the temporary construction office facility expires, the owner may apply to the administrative officer for an extension. The administrative office, at the discretion, may extend the permit for periods of up to twelve (12) months.
 - c. Upon completion of the residential subdivision or other expiration of the permit, the temporary construction office facility must be disconnected from the water and sewage systems and use of the temporary office facility must cease.
 - d. The temporary construction office facility must be either a class B or class C manufactured home.
 - e. The temporary construction office facility must be removed within thirty (30) days of either the issuance of the certificate of occupancy of the last residence in the subdivision or the expiration of the temporary construction office facility permit B whichever is earlier.
- D. The following Accessory Uses are permitted as Special Exceptions in R-6 districts:
1. Home occupation, general, excluding public garage, repair garage and kennel.
 2. Reserved.
- E. All accessory uses must meet the following standards:
1. They must be located in the rear yard.
 2. They may not be located closer than five (5) feet from any property line.
 3. They may not be located in any front or side yard.
 4. Accessory buildings and structures not attached to the principal building must be located at least twelve (12) feet from the principal building on the lot.
- F. All uses not permitted within R-6 districts by this section are specifically prohibited.

Section 1104A: Plan Review and Approval Procedures.

- A. Pre-application Conference: Prior to filing a formal application for an R-6 zoning designation, the applicant shall confer with the Administrative Officer and the Planning Commission in order to review the general character of the plan (on the basis of tentative land use sketch if available), and to obtain information on development standards and ordinances affecting the proposed project.
- B. Submission of Application for R-6 Approval:
1. The applicant must file an application with the Administrative Officer for approval of the proposed R-6 development. This application must be supported by a site development plan and a written plan of intent. The relationship between the proposed development and the surrounding area, both existing and proposed, must be shown. Eight copies of the site development plan and written plan of intent must accompany the application. The site development plan shall consist of a series of drawings which must show the following:
 - a. A general location map.
 - b. The site development plan shall be drawn at a scale suitable to show the extent of the proposed development. North arrow and correct scale will be shown on all drawings. Scales of 1"=100' are acceptable.
 - c. Existing topographic conditions, including contour intervals of no more than five (5) feet based on field surveys or photogrammetric methods.
 - d. The existing and proposed land uses and the approximate location of all buildings and structures. All lot lines and setbacks documenting compliance must be shown.
 - e. The approximate location of existing and proposed streets and driveways. Rights-of-way and pavement widths shall be shown.
 - f. The location of all existing and proposed utilities and easements, including but not limited to water, sanitary sewage, stormwater drainage, natural gas, electricity and cable TV lines.
 - g. The present zoning pattern in the area.

- h. A legal description of the subject property.
 - i. The location and use of existing and proposed public, semi-public, and community facilities such as schools, parks, and open areas on the site. This includes areas proposed to be dedicated or reserved for community or public use.
 - j. Perspective drawings of representative building types; however, this is not required for single-family detached dwellings.
 - k. A preliminary stormwater drainage plan prepared and stamped by a registered professional engineer.
2. If a proposed development creates special problems or involves unusual circumstances as determined by the Administrative Officer and Planning Commission, additional information shall be required in order to properly evaluate the proposal as follows:
 - a. An off-street parking and loading plan.
 - b. An economic feasibility report or market analysis.
 - c. A traffic study of the area, and a circulation plan within the proposed development as well as to and from existing streets adjacent to the site.
 - d. Additional studies or reports as required.
 3. The written plan of intent must include the following information:
 - a. A statement of the present ownership of all land within the proposed development.
 - b. A financial statement of developer that indicates the ability to develop and complete proposed development.
 - c. An explanation of the character of the proposed development including a summary of acres, number and types of dwelling units, and gross density by type of land use.
 - d. A development and construction time schedule showing major activities of proposed development.
 - e. A general statement of the proposed development schedule.
 - f. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open areas.
- C. Review and Approval of R-6 Application:
1. An application for approval of R-6 zoning is treated administratively as an application for an amendment to this Ordinance (rezoning). This is because R-6 districts are created only upon request of a developer, whose application materials demonstrate a firm commitment to construction of a well-designed R-6 development. Upon approval of the R-6 zoning, existing zoning must be changed to an R-6 zone which is an amendment to the Ordinance. The amendment procedures contained in Sections 414 and 2302 must be followed in granting the amendment to permit the R-6 development. Approval of R-6 zoning shall in every instance be conditioned by the site development plan approved by the Board of Commissioners.
 2. If the development plan is approved as submitted, the Official Map will be changed to indicate the R-6 district (Section 2302). If the plan is approved with modifications, the applicant must file with the Administrative Officer the following:
 - a. Written notice of consent to the modifications.
 - b. Properly revised site development plans.
 3. The Official Map will then be changed (Section 2302). The site plan and supporting information of any approved plan will be properly identified and permanently filed with the Administrative Officer.
 4. No Building Permits will be issued by the Building Official until the development plan has been approved by the Board of Commissioners.
- D. Issuance of Building Permits: The Administrative Officer will issue Building Permits for buildings and structures in the area covered by the approved development plan if the proposed buildings and structures are in conformity with the approved development plan, the development schedule, and all other applicable regulations. (See: Section 408.)
- E. Revision of Development Plan After Approval of Plan:
1. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval of the Planning Commission; such changes must be consistent with the purposes and intent of the development plan.

2. Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the Board of Commissioners after receipt of recommendations from the Planning Commission in accordance with the provisions of Sections 414 and 2302. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.

Section 1105A. Design Standards for all R-6 Developments.

The following design standards are required for R-6 developments:

- A. General: Condition of soil, ground water level, drainage, and ground slope must not create hazards to the property, or to the health or safety of residents. The site must not be exposed to objectionable smoke, noise, odors, or other adverse conditions; and no part of the site subject to flooding or erosion can be used for any purpose that would expose people or property to danger.
- B. Soil and Ground Cover: Exposed ground surfaces throughout the development must be protected with a vegetative growth that prevents soil erosion, standing puddles, and dust. If this is not possible, such areas may be covered with a solid material such as stone, or may be paved.
- C. Site Drainage: The ground surfaces throughout the development must be equipped to drain all stormwater in a safe, efficient manner, either through grading or installation of drains. All stormwater must be drained into a detention or retention structure before flowing off site.
- D. Street Width:
 1. Internal Streets: All internal streets must be paved. Minimum required pavement width is as follows:
 - a. No on-street parking: 24 feet.
 - b. Parking one side: 32 feet.
 - c. Parking both sides: 40 feet.
 2. Dead End Streets: All dead end streets which exceed two hundred (200) feet in length must have a turn-around at the closed end, with an outside paved diameter of at least eighty (80) feet and shall be no longer than one thousand (1000) feet.
 3. Ingress/Egress: Each proposed development over twenty (20) acres in size shall have a minimum of two (2) access streets.
 4. Acceleration/Deceleration Lanes: All access streets that intersect an arterial or collector street or road must have both acceleration and deceleration lanes that comply with Georgia Department of Transportation (DOT) guidelines as well as any requirement of the Spalding County Development Ordinance.
- E. Street Lighting: Outdoor lighting is required which will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
 1. All parts of the street system of the development: One-half (0.5) foot-candle.
 2. Potentially hazardous locations, such as major street intersections, steps, and stepped ramps: Individually lighted, with a minimum of one (1) foot-candle.
- F. Street Construction and Design:
 1. Pavement: All streets must be paved with a material and thickness which meets the standards specified in Spalding County Development Ordinance (See: Appendix A).
 2. Grades: Maximum permitted grade for streets is ten (10) percent. Short runs with a maximum grade of fifteen (15) percent may be permitted upon specific approval of the Administrative Officer, if traffic safety is assured by adequate leveling areas, and avoidance of lateral curves.
 3. Offset Intersecting Streets (Street Jogs) and Reverse Curves: Offset intersecting streets must be offset at the centerlines at least 150 feet. Reverse curves must be connected by a straight section that is at least 75 feet long.
 4. Curb and Gutter: Curb and gutter are required.
- G. Paved Parking Areas:
 1. Paved off-street parking areas must be provided for the use of residents. At least two (2) spaces for each dwelling unit must be furnished.

2. Paved parking areas for guests may be either on-street, in a separate off-street lot, or a combination of both. At least 0.2 paved guest parking spaces per dwelling unit must be furnished.
3. See Appendix G for required parking space design standards.

H. Walks:

1. General Requirements: All developments must have safe, convenient, all-season pedestrian and handicap access of adequate width for intended use. Walks must be durable and convenient to maintain. Sudden changes in alignment and gradient should be avoided.
2. Common Walk System: Common walks shall be at least four (4) feet wide.
3. Individual Walks: All Dwellings must be connected either to common walks, paved streets, paved driveways, or parking spaces adjacent to paved streets. Such individual walks must have a minimum width of four (4) feet.
4. Sidewalks: Minimum four (4) feet wide sidewalks are required for cluster, patio and townhome developments.
5. Road Frontage Sidewalks: Minimum four (4') feet wide sidewalks shall be required along any public road from which access into the development is provided to each property line boundary, excluding the actual entrance into the development.

I. Service Buildings and Other Such Facilities: Service buildings, recreation buildings and other such facilities of the development must meet the requirements of applicable codes and development regulations adopted by Spalding County.

J. Recreation Area or Open Space: A minimum of 400 square feet for each dwelling unit, either in one large recreation area or in several separate areas shall be provided. This land area must be suitable for recreational use and contain equipment appropriate for residents of proposed development.

K. Landscaping: Each development shall comply with the requirements of the Spalding County Landscape and Tree Preservation Ordinance, Zoning Ordinance, Appendix K.

L. Architectural Criteria for Cluster Homes and Patio dwellings:

1. Consistent architectural design throughout the development consisting of either:
 - a. Authentic vernacular architectural design with authentic exterior siding, i.e., wood or wood appearing; or
 - b. Minimum three (3) side brick, stone or stucco façade;
 - c. No exterior vinyl siding permitted.
2. Minimum ten (10) feet ceilings on ground floor;
3. Foundations or slab above grade (to make the appearance of a crawlspace) or a crawlspace;
4. Architectural detail should include the following, as appropriate to the style and design of the dwelling:
 - a. Victorian gingerbread detailing;
 - b. Window walks;
 - c. Bay windows or turrets;
 - d. Decorative vents or gables;
 - e. Entrance porticos;
 - f. Greek revival columns;
 - g. Decorative window pediments;
 - h. Transom windows;
 - i. Detailed balusters and pediments;
 - j. Masonry chimneys; and
 - k. Quoins.
5. Adjoining dwellings must have differentiation in architecture for windows, entries and facades;
6. Adjoining dwellings must be constructed of different building materials;
7. Sodded front yards, with corner lots and double frontage lots having any yard fronting on the right of way sodded;

8. Rear entry garage required.
- M. Architectural Criteria for Condominiums: Each building within the development shall be constructed with:
1. at least 25% of the exterior front facade with ornamental brick, stone or cedar shakes accents;
 2. recessed staircases and stairwells;
 3. construction framing on 16" centers for wall studs;
 4. no exterior vinyl siding permitted;
 5. decorative gables and vents;
 6. minimum roof pitch with an increase of 5 feet in height for horizontal run of 12 feet;
 7. balconies, patios or sunrooms/screened porches;
 8. fireplaces;
 9. washer/dryer connections in each dwelling;
 10. Rear entry garage required.
- N. Architectural Criteria for Townhouses:
1. At least 25% of the exterior front façade of each dwelling constructed with ornamental brick or stone;
 2. Construction framing on 16" centers for wall studs;
 3. No exterior vinyl siding permitted;
 4. Decorative gables and vents required;
 5. Minimum roof pitch with an increase of five (5) feet in height for horizontal run of twelve (12) feet;
 6. Rear entry garage required for multi-level dwelling;
 7. All dwellings accessed by rear alley;
 8. Connected dwellings to be constructed with staggered or offset front entry ways;
 9. Adjoining dwellings must have differentiation in architecture for windows, entries and facades;
 10. Adjoining dwellings must be constructed of different building materials;
 11. Elevations of dwellings must be provided in advance of approval and are to be made a condition of approval;
 12. Foundations or slab above grade (to make the appearance of a crawlspace) or crawlspace; and
 13. Sodded front yards, with corner lots and double frontage lots having any yard fronting on the right of way sodded.
- O. Amenities, Lighting and Other Design Criteria: The development shall be constructed with the following:
1. a clubhouse which shall include a fitness center and conference/meeting room;
 2. a pool and tennis court area, which shall be enclosed by decorative fencing;
 3. a playground area which complies with the construction and design criteria set forth in Spalding County's Design Guideline for Spalding County Parks, Chapter 3, Playground Equipment, Intermediate Play Structure;
 4. parking garages to provide covered parking for at least one vehicle per residential dwelling unit;
 5. a landscaped entry boulevard with decorative signage;
 6. sidewalks interconnecting between residential buildings, the clubhouse and each amenity or recreation area; and
 7. decorative exterior lighting fixture throughout (See: outdoor lighting, georgiapower.com/multiDecorativeFixtures).
- P. Dwellings: Developments shall be primarily limited to one and two bedroom dwelling units, provided that a maximum of 10% of total number of dwelling units may be three bedroom dwelling units.

- Q. Public Water and Sewer Required: Each development must be served by public water and sewer.
- R. Underground Utilities Required: All utilities for each development shall be located underground.

Section 1106A. Development Standards for R-6 Districts.

The following development standards are required within R-6 districts:

- A. Minimum heated floor area per dwelling unit: For cluster dwellings, condominiums, townhomes, and patio homes, the minimum heated floor area shall be 1,250 square feet.
- B. Maximum density permitted: Net density shall not exceed six (6) units per net developable acre.
- C. Minimum lot width: Each lot shall have a minimum width of at least two hundred (200) feet where public water and sewer are not available. Where public water, but no public sewer, is provided the minimum lot width may be reduced to one hundred twenty-five (125) feet. Where public water and public sewer are provided, the minimum lot width may be reduced to one hundred (100) feet.
- D. Minimum front-yard depth: Setback from county arterial and collector right(s)-of-way for all buildings and structures shall be a minimum of one hundred (100) feet.
- E. Minimum side-yard and rear-yard depth: Setback from side and rear property boundaries for all buildings and structures shall be a minimum of twenty-five (25) feet.
- F. Maximum impervious surface: Maximum impervious surface coverage shall be twenty-five (25) per cent.
- G. Maximum building height: Thirty-five (35) feet. Building height may be increased to sixty (60) feet, provided the structure is serviced by an approved sprinkler fire suppression system and upon approval as a special exception pursuant to Section 413 of this ordinance. Any height limitation stated herein does not apply to projections not intended for human habitation.
- H. Minimum Development Size: Three (3) acres.
- I. Minimum frontage width: Frontage on interior road shall be reviewed on a case-by-case plan basis by the planning commission, with final consideration and approval by the Spalding County Board of Commissioners.
- J. Sight Distance: Within thirty (30) feet of the pavement edge, plants cannot be of a type which will exceed a height of thirty (30) inches at maturity and/or a trunk diameter of four (4) inches. There may be some flexibility in regard to the maximum trunk diameter when protected by a guardrail or some other suitable type barrier beyond thirty (30) feet from pavement edge. Almost any type of planted vegetation is permissible.
- K. Applicability to land and buildings: No building, structure or land may be used or occupied and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all of the regulations specified for the district in which it is located.
- L. Homeowners Association: A mandatory homeowners association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. The homeowners association shall be governed by the Articles of Incorporation, Bylaws, and Restrictive Covenants, each of which shall be subject to review and approval of the Administrative Officer. The Bylaws and Restrictive Covenants shall, at a minimum, regulate and control the following:
 - 1. Animals permitted and restraint rules.
 - 2. Signage as it affects individual owner's lots.
 - 3. Exterior improvements, such as fences, lawn ornaments.
 - 4. Restrictions on removal and maintenance of landscape areas and buffers.
 - 5. Building improvements.
 - 6. Outside storage.
 - 7. Overnight parking of vehicles.
 - 8. Decorations.
 - 9. Trash collection.
 - 10. Ownership and maintenance of common areas and open space.

11. Restriction limiting the number of residential dwellings that may be rented or otherwise non-owner occupied to no more than twenty per cent (20%) of the total number of residential units within the development. The covenants may provide for a hardship exception to be determined and approved by the homeowners association.
- M. Reserved.
- N. Open space not to be encroached upon: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in Article 2) are not considered to be encroachments of yards. Open space areas as required by this resolution must be permanently maintained as open space in accordance with the requirements of this ordinance.
- O. Reduction of yards or lot area: Except as otherwise provided in this ordinance, no lot existing on or before the date of the adoption of this ordinance may be reduced, divided or changed in any way which does not comply with the area, width, or yard requirements of this ordinance provided the area of a lot may be reduced if the reduction is necessary to provide land for a governmental function.
- P. Lots with multiple frontage: In the case of a corner lot or double frontage lot, the front yard setback shall be a minimum of one hundred (100) feet, which may be reduced to seventy (70) feet where public sewer is provided. The setback applicable to any other portion of the lot which abuts a street shall be a minimum of fifty (50) feet, which may be reduced to thirty-five (35) feet where public sewer is provided. For purposes of this section, the front yard setback shall apply to that side of the lot which must comply with the minimum frontage width required in this district.
- Q. Landlocked lots: A landlocked lot may not be developed in the R-6 zoning district.
- R. Reserved.
- S. Yards and other spaces: No part of a yard, other open space, off-street parking, or loading space required for another building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- T. Substandard lots: A substandard lot may not be developed in the R-6 zoning district.
- U. Encroachment on public rights-of-way: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- V. Physical design standards: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in Appendix A, Spalding County Subdivision Regulations. Consult that document for specific requirements.
- W. Off-street parking and service requirements: Minimum standards for off-street parking and service requirements are contained in the Spalding County Standard for Off-Street and Service Facilities (Appendix G).
- X. Other applicable development regulations: Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.
- Y. Signs: Minimum design and location standards for signs are contained in the Spalding County Sign Ordinance (Appendix E). Consult that document for specific requirements.
- Z. Reserved.

Section 2: The foregoing amendment to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

Motion to approve Consent Agenda by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

X. OLD BUSINESS

1. Consider approval of Memorandum of Understanding with Pamela Howard as Consultant for the Victims Service Unit of the Spalding County Sheriff's Department for evaluation, design and re-launch activities.

Chairman Freeman called Director of the Victims Assistance Unit, April Crane, to the podium. She stated that after the last meeting she contacted the CJCC (Criminal Justice Coordinating Council) and was awaiting a call back. They do not seem to offer any assistance directly, but minimal

assistance is offered through the auditor for policies and procedures with protocol for the first responder program. This is only the third such program in the State.

Commissioner Flowers-Taylor asked what was used throughout the past two years. She felt Ms. Crane's level of experience should have been such as to enable her to write the policies, procedures and protocol for the program. The money that would be spent on the consultant could be better applied to program particulars or to assist victims directly. Discussion followed. Commissioner Flowers-Taylor was concerned there was too great a degree of duplication between the duties Ms. Crane perceives as hers and that of Coroner Sonny Foster. She was unwilling to give her approval for this consultant and take away from areas where she felt the money could better be used.

Mr. Wilson said Ms. Crane was really looking to expand the program well beyond what the previous program handled, which was only domestic violence. The new grant which will include other areas will take effect in October 2007. It will cover areas (Victims of Crime Act) other than just domestic violence. Mr. Wilson noted that CJCC has allowed permission to expand the program in the new grant.

Commissioner Phillips said he felt the duties of Ms. Crane and Coroner Foster could dovetail nicely and a good working relationship between the two should negate any collision factors.

Ms. Crane said Ms. Howard had expanded the scope of service provided for thirty more days to help offset the cost of her proposal. The amount of the contract remains at \$25,000 and will include another two days of training, also.

Capt. Tony Ranieri said the program was placed under his division when Ms. Crane was hired. He was not involved in the domestic violence program as it was administered previously by Ms. Linda Jeffries. He noted that victims are more apt to be forthcoming with Ms. Crane than with uniformed officers, and his experience already had been that people will open up with information more easily to such an advocate.

Ms. Crane answered Commissioner Goss that she would have a full-time person in the office with the new position funded through the grant. Ms. Crane will be in the office only some of the time, but the extra person will free her to be in the field as needed. The consultant will help build a framework for the program, not really tell her how to do her job. The other two programs similar to this one are in Brooks County and Athens-Clarke County. She also works with the District Attorney's office which gets the case about a month after the crime is committed.

Coroner Foster said when Linda Jeffries had the program, she was notified by Road Patrol and the Coroner's Office. She provided a shoulder on which the victims' families could lean. He offers assistance to families, as well, when he issues death notices. He is required already to notify the CASA from the District Attorney's in cases of SIDS (Sudden Infant Death Syndrome) and sometimes with undetermined causes. His position should not be excluded from the chain; the Coroner is supposed to be called first in the case of a death, according to annotated Code of Georgia. He has done this job for ten years successfully, but he does applaud what they are trying to do with the expanded Victims Service Unit program. He did not truly understand the first responder status; but he was certain he and Ms. Crane could establish a working relationship that would be mutually beneficial. He will talk further with Ms. Crane at a meeting she is convening on Wednesday. There is a need for her in the field, and it may be that everyone just needs to get used to the expanded scope of a victims advocate program. Both positions are needed and perhaps they just need to iron out their own protocols.

Motion to approve the Memorandum of Understanding with Pamela Howard as Consultant for the Victims Service Unit of the Spalding County Sheriff's Department for evaluation, design and re-launch activities, with the addition of Ms. Howard's offer to add another month of service and two days of training to the existing contract by Commissioner McDaniel, seconded by Commissioner Phillips, failed by a vote of 2-3 with Commissioners Goss, Flowers-Taylor and Freeman opposing.

Motion to deny the Memorandum of Understanding with Pamela Howard as Consultant for the Victims Service Unit of the Spalding County Sheriff's Department for evaluation, design and re-launch activities by Chairman Freeman, seconded by Commissioner Goss, carried by a vote of 3-1 with Commissioner McDaniel opposing and Commissioner Phillips abstaining.

XI. NEW BUSINESS

1. Consider, on first reading, Ordinance #2007-17 to Amend Part VI Licensing and Regulation, Chapter 3, Adult Business Regulations to provide for the deletion of Chapter 3 in its entirety and insertion of the replacement Chapter 3.

Charles Cox, Attorney from Macon who was instrumental in developing this Ordinance, detailed Ordinance #2007-17 and the August 14, 2007 public hearing to review evidence of the harmful secondary effects caused by sexually oriented businesses. He briefly mentioned the judicial opinions cited and offered to answer questions.

Motion to approve, on first reading, Ordinance #2007-17 to Amend Part VI Licensing and Regulation, Chapter 3, Adult Business Regulations to provide for the deletion of Chapter 3 in its entirety and insertion of the replacement Chapter 3 by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

2. Consider, on first reading, Ordinance #2007-18 to Amend Part VI. Licensing and Regulation, Chapter 1, Businesses and Occupations, Article C. Sale of Alcoholic Beverages for Consumption on Premises as to Condition of Premises; Restricted Acts; Qualifications of Licensee; and Distance Restriction from Adult Entertainment Establishments.

Motion to approve, on first reading, Ordinance #2007-18 to Amend Part VI. Licensing and Regulation, Chapter 1, Businesses and Occupations, Article C. Sale of Alcoholic Beverages for Consumption on Premises as to Condition of Premises; Restricted Acts; Qualifications of Licensee; and Distance Restriction from Adult Entertainment Establishments by Commissioner Phillips, second by Commissioner McDaniel, carried by a vote of 5-0.

3. Consider approval of final plat of Autumn Ridge Phase V Subdivision located off Futral Road.

Mr. Taylor said all departments have reviewed and signed off for approval.

Motion to approve final plat of Autumn Ridge Phase V Subdivision located off Futral Road by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

4. Consider acceptance of Right-of-Way Deed for Stoneridge Road, Stonewood Road, Knollwood Road, Postknoll Road, and Sleepyhollow Road (Autumn Ridge Phase V Subdivision).

Motion to approve acceptance of Right-of-Way Deed for Stoneridge Road, Stonewood Road, Knollwood Road, Postknoll Road, and Sleepyhollow Road (Autumn Ridge Phase V Subdivision) by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried by a vote of 5-0.

5. Consider approval of final plat of Holliday Pass Phase I Subdivision located off Tomochichi Road for 84 lots.

Mr. Taylor said all departments have reviewed and signed off for approval.

Motion to approve final plat of Holliday Pass Phase I Subdivision located off Tomochichi Road for 84 lots by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried by a vote of 4-1 with Commissioner Goss opposing.

6. Consider acceptance of Right-of-Way Deed for Holliday Pass, Savannah Way and Hembree Way (Holliday Pass Subdivision).

Motion to approve acceptance of Right-of-Way Deed for Holliday Pass, Savannah Way and Hembree Way (Holliday Pass Subdivision) by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-1 with Goss opposing.

7. Conduct Public Hearing to consider establishment of a street lighting district for Sun City Peachtree, Pods 1A, 2, 3, and 6, as well as Del Webb Boulevard and Sun City Parkway off Jordan Hill Road.

No comments were forthcoming.

Motion to close the Public Hearing to consider establishment of a street lighting district for Sun City Peachtree, Pods 1A, 2, 3, and 6, as well as Del Webb Boulevard and Sun City Parkway off Jordan Hill Road by Commissioner McDaniel, seconded by Commissioner Phillips, carried 5-0.

8. Consider establishment of a street lighting district for Sun City Peachtree, Pods 1A, 2, 3, and 6, as well as Del Webb Boulevard and Sun City Parkway off Jordan Hill Road.

Motion to approve establishment of a street lighting district for Sun City Peachtree, Pods 1A, 2, 3, and 6, as well as Del Webb Boulevard and Sun City Parkway off Jordan Hill Road by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

9. Consider request of Fairmont and Vocational High Schools Alumni Association for use of Fairmont Community Center facilities for reunion picnic on September 22, 2007 from 7 am to 7 pm as recommended by Spalding County Parks and Recreation Advisory Commission.

Motion to approve request of Fairmont and Vocational High Schools Alumni Association for use of Fairmont Community Center facilities for reunion picnic on September 22, 2007 from 7 am to 7 pm as recommended by Spalding County Parks and Recreation Advisory Commission by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

10. Consider, on first reading, Ordinance #2007-15 to Amend Part VII, Motor Vehicles and Traffic, Chapter 1, General Traffic Regulations, to add to Section 7-1004 to provide for No Parking on Malier Road from Georgia Highway 3 to Old Atlanta Road.

This recommendation came from Major Wendell Beam of the Sheriff's Department.

Motion to approve, on first reading, Ordinance #2007-15 to Amend Part VII, Motor Vehicles and Traffic, Chapter 1, General Traffic Regulations, to add to Section 7-1004 to provide for No Parking on Malier Road from Georgia Highway 3 to Old Atlanta Road by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

11. Consider, on first reading, Ordinance #2007-16 to Amend Part II, Government and Administration, Chapter 8, Section 2-8008 to provide for Modification to Subparagraph (d) Membership of the Parks and Recreation Commission.

Mr. Fortune said this was a result of a discussion at the last Board of Commissioners meeting. It is designed to avoid situations where conflict of interest might exist between members of the Parks and Recreation Advisory Commission who might also serve on youth athletic associations.

Motion to approve, on first reading, Ordinance #2007-16 to Amend Part II, Government and Administration, Chapter 8, Section 2-8008 to provide for Modification to Subparagraph (d) Membership of the Parks and Recreation Commission by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.

12. Consider establishment of, and charge to, the Spalding County Animal Care and Control Advisory Team and appointment of team members from applications received.

Mr. Wilson said applications were received from across district lines. Commissioner Phillips asked about the possibility that a background check on applicants be done at the applicants' expense so as not to have, for instance, someone who has been convicted of animal abuse. Discussion followed. Commissioner McDaniel noted that two applicants were from out of the county, and one is a County employee. Further discussion followed and it was noted that Assistant to the County Manager Paul Van Haute and Animal Control Supervisor Brent Foster will be on the committee, as well. Final post appointments follow:

*Chairman Freeman's appointment for District 4Christine Greene
Commissioner Phillips' appointment for District 2.....Jan McPhail
Commissioner McDaniel's appointment for District 3.....Tanya Moore
Commissioner Flowers-Taylor's appointment for District 1..... Kelly Palmatier
Commissioner Goss' appointment for District 5 Renee Futral*

13. Consider approval of the 2008 LARP Request.

Motion to approve 2008 LARP Request with changes as follows: Move listings 69, 70 and 109 to listings 21, 22 and 23 respectively, shifting all others down by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

14. Consider, on first reading, an Ordinance #2007-09 to Amend the Spalding County Code of Ordinances, Part VII, Motor Vehicles and Traffic, Chapter 1, Section 7-1002, to provide for reduction of speed limits on Spring Valley Road, Clifford Circle and Watts Circle.

Motion to approve, on first reading, an Ordinance #2007-09 to Amend the Spalding County Code of Ordinances, Part VII, Motor Vehicles and Traffic, Chapter 1, Section 7-1002, to provide for reduction of speed limits on Spring Valley Road, Clifford Circle and Watts Circle by Commissioner Goss, seconded by Commissioner Phillips, carried by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

- Two press releases have been executed: Christmas for Kids Annual Charity Golf Tournament and implementation of the Cooling Centers at Parks and Recreation Sites during the heat wave
- Mr. Wilson reminded commissioners of the invitation to meet and greet Johnny Isaakson at One Griffin Center on Tuesday at 5:00 p.m.
- UGA will hold groundbreaking for the new Student Center on August 30 at 10 am.

- A 9-11-07 blood drive will be held from 8 am to 1 pm at the former Public Defenders office space in Memorial Drive Plaza.
- GEBCorp will be present for an August 27 meeting at 10 a.m. for specific pension questions.
- A special work session on will be held on September 10 at 3 p.m. with Zoning Attorney Newton Galloway to address minimum housing codes.
- Trees on the property behind for the Katharos building near Public Works off Williamson Road have been damaged by beetles. The County can get \$2000 to \$3000 for the trees, which was good, in his estimation, considering their condition. One blew down in the last storm. They need to dispose of about 200 trees and commissioners were agreeable.
- Commissioners brought up Code Enforcement scheduling recently. Effective September 1, their work schedule will be revised to provide for 12 hour per day coverage, 7 am to 7 pm, 7 days a week. They will work on three, off four, and vice versa. The two officers won't overlap in work hours, but that means that this schedule can't be maintained if one is out sick or vacation. A copy of the new schedule will be provided to Commissioner Goss as requested. Calls primarily come into this office, but some originate from the Sheriff's Department.

XIII. REPORT OF COMMISSIONERS

Goss

On High Falls Road across from A & B in front of main entrance there are large pine trees dead which are close to right of way. Mr. Wilson will look into the matter.

Flowers-Taylor

She appreciated meeting with department heads at the recent retreat. Time spent there was good and beneficial. It provided insight into their positions and duties. She felt the cooling centers were a great idea, as well. She advised she had recently met at Spalding Regional Hospital with its CEO, ER (Emergency Room) Director and ER Doctor, and the meeting also included the Health Department Board Chair, the new Health Department physician, and members of the Hope Health Clinic. The three entities are going to work together. The hospital has committed financial resources to help the diagnostic services of the other two parties, the Health Department and the Hope Health Clinic. When patients are seen in the ER, they can be referred to these two facilities. Good things are expected to come out of this collaboration. Many come to the ER because they are losing their jobs and they can no longer manage their health care. Additionally, the Health Department has committed to hire another physician. The overcrowding in the ER is a critical issue and these measures will help in that area. She also did not know the City required a license issued by our Animal Control Department for pets. Police recently wrote a ticket because a constituent did not have this license which cost \$3. One must present proof of vaccinations for the cat or dog. The ticket was \$118.13. Her daughter adopted a dog from the pound and received some instructions but no one instructed her as to how to get this license which is required in the City, and no one told her about bringing back verification that the animal had completed its shots. Mr. Wilson will get copies of what is provided and inquire as to what instructions are provided. The license fee for city residents is an annual fee.

Commissioner Goss elaborated on the hospital's arrangement with Hope Health Clinic and the Health Department to provide some relief for true ER patients. They are also talking about extended hours at the Health Department to try to relieve congestion. They have an excellent doctor there now and everyone likes the job she is doing.

Phillips

Commissioner Phillips advised he visited Major Beam at the Sheriff's Department today and was glad to report he is back at work. He thanked Officer Gibson for filling in. There is definitely a security issue at the Courthouse. There is a need for walkie-talkies for all bailiffs. Currently there is no method of communication except by telephone, and there are some dangerous situations at times. If qualified to do so, he would like to allow them to carry firearms but he realized that probably wouldn't happen. There is no need for anything major like 800 MHz radios, but they do need something adequate to call the front desk without having to look for a phone. He strongly recommended putting in place some mechanism for emergency contact.

McDaniel

No comments.

Freeman

Chairman Freeman advised he will be at a TPB (Transportation Planning Board) meeting on Wednesday to score and will discuss commuter rail.

XIV. CLOSED MEETING

1. County Manager requests a Closed Meeting to discuss personnel issues as provided in O.C.G.A. § 50-14-3(6), pending or potential litigation as provided in O.C.G.A. § 50-14-2(1), and future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4).

Motion to Adjourn to Closed Meeting for the purposes of discussion personnel issues, pending or potential litigation, and future acquisition of real estate made by Commissioner McDaniel at 8:29 p.m., seconded by Commissioner Flowers-Taylor, 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 Aug. 20, 2007.

2.

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

3.

The executive session was called to order at 8:29 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____(insert the citation to the legal authority making the tax matter confidential);

Yes Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

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 20th day of August 2007

Spalding County Board of Commissioners

Sworn to and subscribed

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

Before me this 20th day of August 2007

David Phillips (L.S.)

Gwen Flowers-Taylor (L.S.)

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

Edward Goss, Jr. (L.S.)

My commission expires: March 1, 2011

Johnie A. McDaniel (L.S.)

Motion to Adjourn Closed Meeting and Reconvene to Open Meeting made by Commissioner McDaniel at 8:48 p.m., seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

XV. ADJOURNMENT

Motion to Adjourn at 8:49 p.m. made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

County Clerk

Chairman