

EXTRAORDINARY SESSION

The Extraordinary Session of the Spalding County Board of Commissioners was held in Room 108 in the Courthouse Annex, Monday, October 15, 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, County Attorney James R. Fortune, Jr. and Executive Secretary Teresa Watson.

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

II. INVOCATION - Reverend Mike Freeman

III. PLEDGE TO FLAG – Led by Commissioner Goss

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider Proclamation declaring November 4, 2007 to be Georgia Retired Educators Day.

Chairman Freeman read and presented the proclamation to Ms. Diane Bray on behalf of the Georgia Retired Educators.

Proclamation

“Retired Educators Day”

WHEREAS, The Governor of the State of Georgia has proclaimed Sunday, November 4, 2007 to be Georgia Retired Educators Day; and

WHEREAS, There are over 72,000 retired educators in Georgia, about 16,500 of whom are members of the Georgia Retired Educators Association (GREA), who have, for over forty-eight years, returned to the state, without compensation, thousands of hours of vital volunteer service and made invaluable contributions to the welfare of their respective communities across Georgia; and

WHEREAS, Retired educators touched and influenced the lives of generations of young people and motivated and inspired them to use their innate talents and abilities to the fullest and to become responsible and contributing citizens; and

WHEREAS, It is appropriate that a day be set aside for citizens to express their thanks and convey their appreciation for the outstanding service the retired educators of Georgia have provided and continue to provide for the betterment of human lives and for society; and

WHEREAS, Local religious, civic and political organizations will recognize, and we hereby urge our citizens to recognize, the lasting contributions made and those currently being made by retired educators in this community who possess valuable knowledge and use their lifetime experiences and skills to enrich our lives in a variety of settings;

**NOW THEREFORE
BE IT RESOLVED** that We, the Board of Commissioners of Spalding County ON THIS, THE FIFTEENTH DAY OF October 2007, do hereby declare that a copy of this proclamation be spread upon the minutes of the proceedings of this Board, reflecting that I have hereunto set my hand in these free United States and

caused the seal of Spalding County, Georgia to be affixed, declaring that the fourth day of November, in the year of our Lord two thousand and seven, shall be **Retired Educators Day.**

Motion to approve Proclamation declaring November 4, 2007 to be Georgia Retired Educators Day by Commissioner Phillips, in honor of his mother who was a teacher for 33 years in the Griffin-Spalding County School System, seconded by Commissioner McDaniel, carried 5-0.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Three Months Ended September 30, 2007.

Motion to approve Financial Statements for the Three Months Ended September 30, 2007 by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried 5-0.

VI. CITIZENS COMMENTS – N/A

VII. PUBLIC COMMENT

VIII. MINUTES

1. Consider approval of the minutes of the September 24, 2007 Extraordinary Session and the September 27, 2007 Zoning Public Hearing.

Motion to approve the minutes of the September 24, 2007 Extraordinary Session, by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 3-0-2 with Commissioners McDaniel and Phillips abstaining since they were absent from the meeting.

Motion to approve the minutes of the September 27, 2007 Zoning Public Hearing by Commissioner McDaniel, seconded by Commissioner Goss, carried 3-0-2 with Commissioners Flowers-Taylor and Phillips abstaining since they were absent from the meeting.

IX. CONSENT AGENDA

X. OLD BUSINESS

1. Consider approval, on second reading, of Amendment to the Official Zoning Ordinance of the following: Amendment to UDO #A-07-09: Appendix J. Commercial/Industrial Development Ordinance – amend to add architectural design criteria.

IN RE: Text Amendment #A-07-09

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 September 27, 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: That Appendix J, Section 406 of the Spalding County Unified Development Ordinance be amended to add the following paragraph:

G. Facade Elevations (three (3) sets for departmental review or ten (10) sets if Board of Commissioner Review is requested).

Section 2: That Appendix J, of the Spalding County Unified Development Ordinance be amended to add the following Section:

Section 416: Architectural and Design Standards

Objectives

In an effort to maintain high quality, long-lasting and sustainable development within Spalding County, the County hereby adopts the following design criteria for all newly constructed non-residential commercial, industrial and institutional buildings. They are intended to encourage an “old-town” look and feel of historical Georgia villages. These guidelines will foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

The use of a common palate of building materials should be maintained for all buildings Facades to create a consistent and traditional architectural identity. Traditional architecture includes the use of red brick, pitched roofs, low-profile signage and subdued colors. For large commercial/retail buildings, variations in façade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy.

Facade Elevations Criteria

Facade Elevations submitted as an application for a development approval shall clearly indicate all of the proposed building materials and colors for each façade as described herein. The plans shall clearly show the location and calculate the amount/percentages of all building materials per facade.

Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

A. Allowed Building Materials, Retail, Office, or Institutional: Where the primary use of a development consists of retail, office or institutional uses the following facade material shall be allowed:

Facade(s) visible to the general public: Brick, stone, split faced concrete masonry unit (CMU), cement plank (hardy-plank) siding, glass.

Additional material allowed where Facade(s) are not visible to the general public: Painted concrete block or painted formed concrete or prefabricated metal panel.

B. Allowed Building Materials, Warehousing, Manufacturing and other Industrial: Where the primary use of a development consists of retail, office or institutional uses the following façade material shall be allowed:

Facades facing public rights-of-way: Brick, stone, split faced concrete masonry unit (CMU), cement plank (hardy-plank) siding, glass.

Additional material allowed where Facade(s) are not visible from a public right-of-way: Painted concrete block or painted formed concrete or pre fabricated metal panel.

C. Accent/Trim Exterior Building Material: Small amounts of building materials such as wood, tile, stucco, etc., may be used to enhance the elevation of the building or for decorative elements

but may not exceed 10% of total wall area per Facade. A building material that is allowed (such as brick) may be used in any percentage throughout the structure. Neon tubing or similar shaped light fixture is not an acceptable accent/trim treatment.

Roof Requirements

- A. Pitched Roofs:** All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 4:12 and 12:12). If a pitched roof is not possible, a combination of flat roof and pitched roof is required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Create arcades, drive-under canopies, porches and other features with pitched roof. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
- B. Mansard Roofs:** Mansard roofs shall have a maximum pitch of 12:12 with a minimum 6 foot vertical surface length.
- C. Flat Roofs:** Flat roofs may be of any material that meets local codes. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be an earth tone color to blend with other materials or of a color to simulate weathered copper or bronze. All buildings with flat roofs should include parapet articulation on the front façade(s) of such building. There shall be roof articulations/offsets at a minimum of one per each 125 linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front Facade is less than 125 linear feet, then a minimum of one roof articulation must occur.
- D. Other:** Drive under canopies for gasoline pumps shall have a pitched roof consistent with the pitched roof material requirements in paragraph A. The materials, ratio, and color of the gas canopies pitched roof shall be consistent with any associated primary structure. Where a full pitch is not possible, a hip roof or may be provided. In such situations, a minimum 3:12 roof pitch shall be maintained.

Arcade/Structural Canopy for Retail Use

For any multi-tenant commercial shopping center or strip center, a covered arcade/structural canopy shall be provided along the front façade of the building. Arcades are covered walkways connected to or separate from the principal building. They should be designed in a manner which provides architectural depth to the building and includes covered areas for relief from the weather. The arcade should be a minimum of five feet in width.

Venting / HVAC and Other Equipment

All mechanical equipment, including rooftop equipment, fan units and vents that are generally associated with commercial, office and institutional used buildings shall be screened from public view.

Temporary Buildings

Temporary Buildings, Mobile Buildings, including, but not limited to trailers, campers and recreational vehicles and tents, shall not be allowed within public view with the exception of authorized dealerships of such buildings, street vendors and temporary trailers associated with approved construction projects.

Buildings in Excess of 30,000 Square Feet

For one single story commercial buildings in excess of 30,000 square feet of floor area, the following design criteria shall apply in addition to those listed above:

Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale.

Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the Facade and extending at least 20% of the length of the Facade. No uninterrupted length of any Facade shall exceed 100 horizontal feet.

Ground floor Facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

Building Facades must include a repeating pattern that shall include no less than three of the following elements: color change; texture change; material change; and expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal, or projecting rib. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

Alternate Review

Request to vary from the above requirements and alternative design proposals can only be approved by the Spalding County Board of Commissioners at a public meeting. The Board of Commissioners may require additional information, including, but not limited to, material samples and façade mock-ups in order to make a determination whether the alternate proposal meets the intent of these requirements.

This Ordinance is intended to be followed as outlined above. In the event, the intent of this Ordinance can be achieved with minor deviations which do not substantially impact the goals or intent of this Ordinance, The Administrative Officer of Spalding County has the authority to modify the specific provisions. The Board of Commissioners may as part of an approval, may include conditions, modifications or requirements necessary to mitigate any part of their decision. The Board of Commissioners may establish filing requirements, fees and deadlines as needed.

Section 3: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

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

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

Section 6: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

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2. Consider approval, on second reading, Ordinance #2007-20 to amend Part VII, Motor Vehicles and Traffic, Chapter 1, Section 7-1002, for reduction of speed limits on Baptist Camp Road, Jordan Hill Road, Farmington Road, Rock Mill Court and North Hill Street.

SPALDING COUNTY, GEORGIA TRAFFIC REGULATION ORDINANCE ORDINANCE NO. 2007-20

TO AMEND THE MOTOR VEHICLES AND TRAFFIC CODE OF SPALDING COUNTY, GEORGIA, SO AS TO PROVIDE FOR REDUCED SPEED LIMIT ON BAPTIST CAMP ROAD, JORDAN HILL ROAD, FARMINGTON ROAD, ROCK MILL COURT, AND NORTH HILL STREET EXTENSION, AND AN EFFECTIVE DATE.

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

Section 1. That the Code of Spalding County, Georgia, be amended in Part VII, Chapter 1, Section 7-1002, relating to speed limits on specific County Roads, by adding one sub-section as follows:

Section 1. Pursuant to Georgia Code 40, Section 40-6-183, and section 40-6-376 the Uniform Rules of the Road Act, for Local Authorities to alter lawful speed limits, the following speed zones are established.

“Baptist Camp Road”	From Jordan Hill Road to Old Atlanta Road 2.30 miles to be zoned 45 miles per hour (a reduction from the current 55 miles per hour).
“Jordan Hill Road”	From Dobbins Mill Road to a point 3 miles north to be zoned 35 miles per hour (a reduction from the current 45 miles per hour).
“Farmington Road”	From South 6 th Street to its Dead End

.5 mile zoned 25 miles per hour (new addition).

“Rock Mill Court”

From Farmington Road to its Dead End
.1 mile zoned 25 miles per hour (new addition).

“North Hill Street”

From East McIntosh Road 1.2 miles north to a point 0.2 miles north of Dobbins Mill Road to be zoned 35 miles per hour (a reduction from the current 45 miles per hour).

Please note that the following will remain in effect:

“Jordan Hill Road School Zone From Dobbins Mill Road to a point .25 miles North of Dobbins Mill Road, a distance of .25 miles to be zoned for 25 M.P.H. From 7:30 A.M. to 8:30 A.M. and from 14:30 P.M. to 16:30 P.M. SCHOOL DAYS ONLY.”

Section 3. That the within ordinance shall be and become effective immediately upon its adoption on two presentations, as provided by Section 2-1005 of the Code of Spalding County, Georgia, and upon erection of speed limit signs as designated herein.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed.

Motion to approve both items of Old Business by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

Commissioner Flowers-Taylor said there continued to be some vague language in Amendment to UDO #A-07-09 regarding commercial and industrial development criteria that could be amended later as advised by Chuck Taylor, Community Development Director, such as coordination of a structure’s design with that of surrounding dwellings.

XI. NEW BUSINESS

1. Consider approval of Alcohol License for 2008 – Retail Sales Convenience Store – Beer & Wine for the following: Pyush Patel, President, A & H Food & Gas, Inc., d/b/a Cole’s Corner at 7051 Newnan Road. Mr. Pyush has requested that Ernestine Golden, the store manager, be listed on the license.

Motion to approve Alcohol License for 2008 – Retail Sales Convenience Store – Beer & Wine for the following: Pyush Patel, President, A & H Food & Gas, Inc., d/b/a Cole’s Corner at 7051 Newnan Road, with Ernestine Golden, the store manager, listed on the license by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-1 with Commissioner McDaniel opposing.

2. Consider request of Church of God of Prophecy, 3675 Fayetteville Road, for an outside amplification permit for tent revival meetings October 28-November 3, 2007, nightly from 7:00 to 9:30 p.m.

Motion to approve request of Church of God of Prophecy, 3675 Fayetteville Road, for an outside amplification permit for tent revival meetings October 28-November 3, 2007, nightly from 7:00 to 9:00 p.m. (termination time as required by Ordinance) by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

3. Consider approval of Contract for 2008 State and Juvenile Court Indigent Defense with Sullivan & Ogletree, PC.

Motion to approve Contract for 2008 State and Juvenile Court Indigent Defense with Sullivan & Ogletree, PC by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

4. Consider approval of Agreement between the City of Griffin, Spalding County and Minerva Properties for the Downtown Connectivity Study.

This agreement, advised Mr. Wilson, stipulates a share each for the City and County of \$23,800, and Minerva will contribute \$20,000 to extend the area for the LCI Study on connectivity. Chairman Freeman commented the study should include up to Dobbins Mill Road but noted they could amend the agreement later if needed.

STATE OF GEORGIA,
COUNTY OF SPALDING.

AGREEMENT BETWEEN THE CITY OF GRIFFIN,

COUNTY OF SPALDING & MINERVA PROPERTIES
FOR
DOWNTOWN CONNECTIVITY STUDY

THIS AGREEMENT, made this 15th day of October 2007, by and between the CITY OF GRIFFIN, a municipal corporation situated within Spalding County, Georgia (hereafter the "City"), the COUNTY OF SPALDING, a political subdivision of the State of Georgia (hereafter the "County"), and MINERVA PROPERTIES, a business entity engaged in a development of regional impact within Spalding County, near the municipal limits of the City (hereafter "Minerva"), provides as follows:

1.

The Atlanta Regional Commission ("ARC") in February 2006 awarded the City funding for a Livable Cities Initiative ("LCI") grant to study an area encompassing the Historic Downtown within the City limits. This study was completed in December 2006 and adopted by the City Board of Commissioners. Subsequently, on June 27, 2007, the ARC awarded the City additional funding, in the amount of \$12,500 requiring \$12,500 match from the City of Griffin. The Supplemental LCI Study encompasses the N. Hill Street corridor to Jack Street. It is agreed that the in partnership with the County and Minerva will expand the study from to the City limits on N. Hill Street to McIntosh Road, just south of Minerva's development project, known as "Sun City Peachtree".

2.

The parties to this Agreement have discussed and agreed it to be within their mutual best interest to leverage the Supplemental LCI Study grant with public and private funds, to-wit: the City and County each commit to allocate the sum of \$23,800 toward the study, with \$12,500 required of the City as its match for the LCI grant to count toward the City's \$23,800 commitment; Minerva agrees to allocate the sum of \$20,000 for the study.

3.

The City shall serve as a project manager for the purposes of performing the scope of work under the Supplemental LCI grant from ARC and shall serve as lead entity of the parties for purposes of this joint study. To encourage redevelopment within the study corridor, the City shall address in its final plans any state law criteria for formation of Tax Allocation Districts.

4.

The City shall establish and maintain for the duration of this project a separate bank account into which all contributions from parties shall be deposited and provide a monthly accounting to all parties of funds expended therefrom. The parties agree to submit funds, as requested by the City, within 15 days following a written request, up to the total amount committed.

5.

The parties agree to cooperate in good faith each with the other in the planning and performance of this LCI Study, including timely provision of any required consents or approvals, which shall not be unreasonably withheld.

6.

This writing supersedes all previous negotiations and understandings between the parties, if any, and shall constitute the full and binding agreement of the parties as to the subject matter hereof. No amendment or modification of this Agreement shall be effective unless in writing and executed by all parties.

EXECUTED, under hand and seal of the parties, by their duly authorized representatives, the day and year first above written.

Motion to approve Agreement between the City of Griffin, Spalding County and Minerva Properties for the Downtown Connectivity Study as presented was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, and carried by a vote of 4-1 with Commissioner Phillips opposing.

5. Consider request of Alan Mobley, Mobley Construction, for extension of Amenities and Streetscape Letters of Credit for South Walkers Mill Road (Walkers Mill Estates).

Mr. Wilson advised this request was before the Board because development has not been as rapid as Mr. Mobley had anticipated. The developer needed more time but would have the pool amenity completed by spring.

Motion to approve request of Alan Mobley, Mobley Construction, for extension of Amenities and Streetscape Letters of Credit for South Walkers Mill Road (Walkers Mill Estates) for the purposes of discussion was made by Commissioner Phillips, and second by Commissioner McDaniel.

Commissioner Flowers-Taylor was concerned with how many other existing extensions would request additional time if this request was approved. Commissioner Phillips agreed, noting that to extend the bonds just because of economic hardship is a slippery slope for all involved. Commissioner McDaniel advised the Board has to decide according to the Code of Ordinances, and if this rationale is an ongoing issue, perhaps the timing of amenities required in the ordinance needs adjustment. It could be that some amenities such as pools may be required too early in the criteria required because of sales.

Commissioner Flowers-Taylor noted that in Henry and Fayette counties she sees amenities and commons areas built first which made the development more attractive for prospects, and she wondered why people would be interested in purchasing at all where they could not view the amenities being offered. This Board cannot help financial disadvantages experienced by developers. The ongoing drought is a viable reason but financial problems were not. She stated that to approve this request would become problematic with other developers.

Commissioners Phillips and McDaniel withdrew their motion and second to approve.

Commissioner Goss commented that he understood about not wanting to build the pool until spring, but had reservations about the streetscape. Mr. Wilson noted the streetscape bond doesn't expire until December.

Commissioner Phillips moved to table this request until the October 25 Zoning Public Hearing, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.

6. Consider approval of the Memorandum of Agreement with McIntosh Trail RDC to serve as liaison for Spalding County in 2010 LUCA (Local Update of Census Addresses) for the 2010 Decennial Census as contracted by Georgia DCA (Department of Community Affairs).

Motion to approve the Memorandum of Agreement with McIntosh Trail RDC to serve as liaison for Spalding County in 2010 LUCA (Local Update of Census Addresses) for the 2010 Decennial Census as contracted by Georgia DCA (Department of Community Affairs) by Commissioner McDaniel, second by Commissioner Flowers-Taylor, carried by a vote of 5-0.

7. Consider Resolution imposing a 9-1-1 charge on Voice Over Internet Protocol (VoIP) connections within Spalding County, Georgia.

The Public Hearing for this matter was held on September 10, 2007 and the effective date for implementation is January 2008.

A RESOLUTION
IMPOSING A 9-1-1 CHARGE ON VOICE OVER INTERNET PROTOCOL (VoIP)
CONNECTIONS WITHIN SPALDING COUNTY, GEORGIA.

WHEREAS, the Commissioners of Spalding County provide Enhanced 9-1-1 services for the citizens of Spalding County; and,

WHEREAS, the Commissioners of Spalding County, Georgia have adopted a resolution(s) imposing 9-1-1 charges on landline and wireless telecommunications with billing addresses within Spalding County, Georgia; and,

WHEREAS Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated authorizes local governments to impose a 9-1-1 charge for upon each wireless VoIP connection subscribed to by subscribers whose billing address is within the jurisdiction of the local government; and,

WHEREAS, under the provisions of such law a charge for VoIP Service may be imposed at a rate of up to \$1.50 per month per wireless connection; and,

WHEREAS, a public hearing was held on September 10, 2007 on the question of imposing the VoIP 9-1-1 charges effective on January 1, 2008;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF Spalding County, GEORGIA HEREBY RESOLVES that the resolution be adopted to impose the 9-1-1 charge upon each Voice Over Internet Protocol telecommunications connection subscribed to by subscribers

whose billing address is within the jurisdiction of Spalding County, Georgia at the rate of \$1.50 per month per VoIP connection provided to each telephone subscriber.

BE IT FURTHER RESOLVED that said VoIP charge shall be imposed beginning January 1, 2008.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to each VoIP service supplier providing services in Spalding County, Georgia.

BE IT FURTHER RESOLVED this resolution shall also adopt future "... services which facilitate the placing of calls by persons in need of emergency services to a public safety answering point by dialing the telephone number 9-1-1 ..." OCGA 46-5-122.

IN WITNESS WHEREOF, this resolution has been duly adopted by the Commission of Spalding County, Georgia on the fifteenth day of October 2007.

Motion to approve Resolution imposing a 9-1-1 charge on Voice Over Internet Protocol (VoIP) connections within Spalding County, Georgia by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

8. Consider 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 or to seek rezoning to VN Zoning District.

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 Thursday, January 31, 2008 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Motion to approve 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 or to seek rezoning to VN Zoning District by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 5-0.

9. Consider, on first reading, Ordinance #2007-21 to Amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to provide for No Parking on both sides of Hudson Road from its intersection with Wilson Road to its dead end.

Motion to approve, on first reading, an Ordinance to Amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to provide for No Parking on both sides of Hudson Road from its intersection with Wilson Road to its dead end by Commissioner McDaniel, second by Commissioner Flowers-Taylor, carried by a vote of 5-0.

10. Conduct Public Hearing on Proposed Abandonment of an Unused Portion of Wild Plum Road.

Chairman Freeman convened the Public Hearing and no public comment was forthcoming.

Motion to close Public Hearing by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 5-0.

11. Consider Resolution to Abandon an Unused Portion of Wild Plum Road.

RESOLUTION TO ABANDON AN UNUSED PORTION OF WILD PLUM ROAD

WHEREAS, landowners contiguous to Wild Plum Road contend that a portion of Wild Plum Road has ceased to be used by the public to the extent that no substantial public purpose is served by said road and have requested the Board of Commissioners of Spalding County as the governing authority of said county, to abandon said portion of road as a part of the county road system; and

WHEREAS, on September 24, 2007, the Board of Commissioners adopted a resolution of intent to consider the abandonment of a portion of Wild Plum Road; and

WHEREAS, a copy of such resolution along with a copy of said plat and sketch was sent to each of the contiguous property owners and to the local Postmaster for review with the rural mail carrier and to the Superintendent of the Griffin-Spalding County School System for review with the person in charge of the bus transportation for students in the local school system, and in addition thereto copies of such resolution were posted at the Spalding County Courthouse and at the Spalding County Courthouse Annex; and

WHEREAS, no objections to such abandonment have been received;

NOW, THEREFORE, BE IT, AND IT IS, HEREBY RESOLVED by the Board of Commissioners of Spalding County that the unused portion of Wild Plum Road lying and being in the Land Lot 243 of the Second District of original Monroe, now Spalding County, and more properly described as the abandoned portion of Wild Plum Road and shown on the attached plat or sketch, has ceased for any reason to be used by the public to the extent that no substantial public purpose is served by it; accordingly said road is hereby considered, ordered and declared abandoned, and it is further ordered that said portion of Wild Plum Road shall hereafter cease to be a part of the county road system and

IT IS FURTHER RESOLVED that a copy of the within resolution shall be transmitted to the Georgia Department of Transportation and to the Spalding County Board of Tax Assessors, so as to record the deletion of said portion of Wild Plum Road as a part of the Spalding County road system; and

IT IS FURTHER RESOLVED that the within resolution shall become effective immediately and that all acts or resolutions, or parts thereof, in conflict herewith be, and the same are hereby repealed.

Motion to approve Resolution to Abandon an Unused Portion of Wild Plum Road by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

12. Conduct Public Hearing on Proposed Abandonment of an Unused Portion of Cheatham Road.

Chairman Freeman convened the Public Hearing.

David Upole, 2194 North Walkers Mill Road, Griffin, Georgia

A member of his church, Jane H. Reese, is an adjacent landowner and he was trying to clarify the existing situation and assist her.

County Attorney Jim Fortune explained the circumstance of the relocation of Cheatham Road in 1969 and the process involved for abandonment. He advised Ms. Reese she would not lose the existing 20' easement in this process. The official abandonment of the old roadbed that was in practicality abandoned in 1969 and absorbed into the properties would not affect anyone's property lines. It merely made official what was done in practice many years ago and allowed clear title. Mr. Upole advised there was a property line dispute with the new owner who requested this official abandonment through the law firm of Beck, Owen and Murray.

Chuck Maddox, 911 Cheatham Road, Griffin, Georgia

Mr. Maddox explained that this discrepancy was uncovered during his survey. He stated there was a property line dispute that involved placement of the driveway for Ms. Reese's easement.

Motion to Close Public Hearing by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

13. Consider Resolution to Abandon an Unused Portion of Cheatham Road.

Motion to table until further information could be obtained to clarify the dispute issue was made by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, and motion carried 5-0.

14. Consider approval of the Project Framework Agreement (PFA) with Georgia Department of Transportation for the bridge replacement on CR 360/ McIntosh Road east of Brooks over the Flint River.

The Georgia Department of Transportation will pay for replacement of the bridge if counties will agree to design costs set out in agreement.

Motion to approve the Project Framework Agreement (PFA) with Georgia Department of Transportation for the bridge replacement on CR 360/ McIntosh Road east of Brooks over the Flint River (\$50,000 for each government worked into a future transportation SPLOST) by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.

15. Consider, on first reading, Ordinance amending the FY 2008 Budget Ordinance to provide for: A) Reappropriation for Parks and Recreation site improvements at Wyomia Tyus Olympic Park, and B) Reappropriation for Health & Wellness Grant Funds.

Motion to approve, on first reading, Ordinance amending the FY 2008 Budget Ordinance to provide for: A) Reappropriation for Parks and Recreation site improvements at Wyomia Tyus Olympic Park, and B) Reappropriation for Health & Wellness Grant Funds by Commissioner McDaniel, second by Commissioner Flowers-Taylor, carried by a vote of 5-0.

16. Consider cancellation of the January 21, 2008 meeting due to a conflict with the holiday observance for Martin Luther King, Jr. Day.

Motion to cancel the January 21, 2008 Board of Commissioners meeting due to a conflict with the holiday observance for Martin Luther King, Jr. Day was made by Commissioner McDaniel, seconded by Commissioner Phillips, and carried by a vote of 5-0.

XII. REPORT OF COUNTY MANAGER

- Airport Meeting with City and County Commissions, Development Authority and the Airport Advisory Board will be held at 4 p.m. October 16, 2007 to discuss the new airport site study.
- Staff meeting tomorrow will be a luncheon at 11:30 at Wyomia Tyus Olympic Park.
- G-SATC meeting will be held this Wednesday, October 17 at 1:30 p.m.
- Comprehensive Transportation Plan Public Hearing will be held at 6 p.m. on Wednesday in the Courthouse Annex Meeting Room 108.
- Thursday, October 18, there will be a Pandemic Flu Tabletop Exercise in the Courthouse Annex Meeting Room 108.
- Parks & Recreation Appreciation Dinner will be Thursday, October 18, at 6 p.m. at Wyomia Tyus Olympic Park.
- The District 4 ACCG Meeting will be held on Wednesday, October 24, at 10 a.m. at the Coweta County Justice Center in Newnan.
- The next Zoning Public Hearing will be held on Thursday, October 25, at 6 p.m. in the Courthouse Annex Meeting Room.
- The week of October 29 to November 2 will be Advance Voting here in the Meeting Room of the Courthouse Annex.
- Main Street Program Manager Sande Cropsey has requested the use of the County parking lots behind the Development Authority and south of Slaton for Saturday, November 3, 2007. The Arts Alliance is planning a "Songs on Solomon and Slaton" program with a variety of music and entertainment. The Board concurred with the proposed use of the parking lots for the event.
- Mr. Tim Moses has request the use of the parking lot at Memorial Drive Plaza on Saturday, October 20, at 8 p.m., for shooting of a music video. The Board agreed provided the County assesses a \$200 charge and requires proof of insurance from the company shooting the video.
- Delivery of all motorized fire apparatus is complete and the County will have a ceremony at a later date to highlight the trucks.
- Regarding 800 MHz, the County is unable to locate a tower at Williamson Road because of FAA rejection and the alternative suggestion is to move this site to the water tower site on Williamson Road. Also delays that have been encountered at the Wild Plum Road site have necessitated a recommendation to abandon this site and locate to the AMBUCS site on county-owned property. This is a workable solution and the estimated change order cost to have additional surveys, resistivity measurements, etc. is \$54,000. The urgent situation is that the County is facing delaying M/A-COM because of these unresolved sites. Mr. Wilson requested approval to move ahead. Chairman Freeman stated he was in favor of the County owning its tower sites anyway. At AMBUCS they will be sure to move away from the existing park location to allow for future expansion and the proposed property is at the back of the track removed from the ball parks. Then the County will own all but one site and once the water tower is built in the northeast section of the County, even that could change. Commissioner Phillips stated he was ambivalent about Wild Plum Road but understood the issue with Williamson Road. He has mixed feelings on Wild Plum and will abstain from providing his acceptance. Commissioner Flowers-Taylor asked about the legal ramifications if some work has been done already on the site. Mr. Wilson and Mr. Fortune surmised that there was no active Memorandum of Agreement because the people who signed the agreement didn't actually own the property, but noted the County could possibly be sued for monies expended if the property owner was found to have acted in justifiable reliance of what was told them by County. Mr. Wilson said he did not know if the sites will actively work until preliminary studies approve the locations. Commissioners concurred that Mr. Wilson should proceed with assessing the feasibility for both sites.

XIII. REPORT OF COMMISSIONERS

Goss:

Injuries and the cost of same to the County for personnel and equipment was astounding. He was interested in the Safety Committee but couldn't attend the last meeting. The total this year was in the neighborhood of \$772,000. Included in this figure is the Workers Comp premium of \$750,000. Fire, Public Works, and Sheriff, were the departments adding the largest number of accidents to this total.

Flowers-Taylor:

Many of the injuries occur in areas where people should be in better physical shape for the type work that is required of them. The next Health and Wellness Fair will be the third and can perhaps target areas needing work and also figure a mechanism for tracking progress.

The Water Authority minutes of the last meeting provided negative comments on running water line extensions in certain areas of the County. She plans to attend Wednesday's meeting and will address this issue further at that time. It was irresponsible to her not to run water to areas targeted for greater growth. She also took offense to comments about residents on Pineview, as well, regarding maintenance of their septic systems. The Water Authority does operate separately but should take other agencies under consideration when making such comments.

Regarding the Retreat last March, she wanted to see at the next retreat a preliminary dream list or wish list from each department. She hated to see them do all their work at budget preparation time only to have the Board slash those budgets when presented. The retreat time would be a good opportunity to realistically review these declared goals in each department.

She noted she cannot attend the airport meeting tomorrow but wanted to reiterate that her biggest concern is there is no game plan for the interim. She wants to ensure that industries lured here with the promise of accommodating their corporate aircraft are not dissatisfied and something may be needed for the interim period until a new airport can be established.

Phillips:

He was contacted last week about comments for public safety radio. He answered questions and represented Spalding County in a positive light. He will send a link to the internet article to Paul Van Haute. He concluded by apologizing for missing meetings due to his health issues and said he will do his best to attend as many as possible.

McDaniel:

Commissioner McDaniel said he understood this consultant group was charged with just looking at relocation sites for airport and not at options for continuing to use the existing airport. He will attend the meeting but must leave early. Commissioner Goss will attend, as well. Commissioner McDaniel stated he will probably not be present for the Zoning Public Hearing next Thursday but would continue to try to work his schedule out so that he could attend.

Freeman:

He's on the airport advisory committee and has attended much of the preliminary work but cannot attend tomorrow either. He visited at Georgia Department of Transportation today and wanted to push up some projects such as upgrades to intersections and possible future funding for a match for a transportation SPLOST, and GDOT's commissioner did commit to this effort. He stated he plans to attend the Water Authority meeting on Wednesday morning, also.

XIV. CLOSED MEETING

1. County Attorney desires a Closed Meeting to discuss pending or potential litigation as provided in O.C.G.A. § 50-14-2(1) and acquisition of real estate as provided by O.C.G.A. § 50-14-3(4).

Motion to adjourn to Closed Meeting at 7:26 p.m. by Commissioner McDaniel, 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 October 15, 2007.

2.

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

3.

The executive session was called to order at 7:26 p.m.

4.

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

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

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

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

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee ;

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 15th day of October 2007.

Spalding County Board of Commissioners

Sworn to and subscribed

David Phillips (L.S.)

Before me this 15th day of October 2007.

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

Gwen Flowers-Taylor (L.S.)

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

Edward Goss, Jr. (L.S.)

My commission expires: March 1, 2011

Johnie McDaniel (L.S.)

Motion to adjourn Closed Meeting and reconvene to Open Meeting at 8:08 p.m. by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried by a vote of 5-0.

XV.ADJOURNMENT

Motion to adjourn to Closed Meeting at 8:09 p.m. by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried by a vote of 5-0.

Chairman

Secretary

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