

SPECIAL CALLED MEETING

The Spalding County Board of Commissioners held this Special Called Meeting in Room 108 in the Courthouse Annex, Monday, August 28, 2008 beginning at 9:32 o'clock p.m. with Chairman Edward Goss, Jr. presiding and Commissioners Johnie McDaniel, Gwen Flowers-Taylor, Eddie Freeman and David Phillips present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute and Executive Secretary Teresa Watson.

I. Call to Order

II. New Business

- A. Consider, on second reading, Amendment to the Spalding County Code Part VI, Licensing and Regulation, Chapter 1, Article A, Section 6-1003.1; Article B, Section 6-1025; and Article C, Section 6-1058.1.

SPALDING COUNTY, GEORGIA
PART VI, LICENSING AND REGULATION
ORDINANCE NO. 2008-11

AN ORDINANCE

TO AMEND THE CODE OF SPALDING COUNTY, GEORGIA, TO PROVIDE FOR CHANGES IN DISTANCE REQUIREMENTS FOR ALCOHOLIC BEVERAGES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Section 1. That the Code of Spalding County, Georgia, be amended in Part VI, Licensing and Regulation, Chapter 1, by striking sections as follows and inserting in lieu thereof the new sections, to read as follows:

Article A, Section 6-1003.1. Location of Business, by striking in its entirety and inserting in lieu thereof:

“Sec. 6-1003.1. Location of business.

No original retail or wholesale malt beverage or wine license shall be granted hereunder to any person unless the premises of the proposed location is situated:

Six hundred (600) feet or more from the property line from any school ground or college campus; the schools and colleges referred to herein shall include not only such state, county, city, church and other schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations, karate and other martial arts, performing arts, and other special subjects are taught; or

Three hundred (300) feet or more from the property line of any private residence, unless such residence is itself in a commercial district; or

Two hundred (200) feet or more from the property line of any branch of any public library.

Six hundred (600) feet from the property line of any church, synagogue, shrine, or other place used exclusively for religious services, including the chapel of a mortuary or cemetery.

For the purposes of this article, distances shall be measured along the margin of the public right-of-way from the front door of the premises which serves as the primary pedestrian access to the premises to the nearest point referred hereinabove.” (Citations)

An Ordinance to amend Article B, Section 6-1025, Location of Business, by striking in its entirety and inserting in lieu thereof:

“Sec. 6-1025. Location of business.

No original retail or wholesale liquor license shall be granted hereunder to any person unless the premises of the proposed location is situated:

Six hundred (600) feet or more from the property line of any church, synagogue, shrine, or other place used exclusively for religious services, including the chapel of a mortuary or cemetery; or

Six hundred (600) feet or more from the property line of any school ground or college campus; the schools and colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations, and other special subjects are taught; or

Three hundred (300) feet or more from the property line of any private residence, unless such residence is itself in a commercial district; or

Two hundred (200) feet or more from the property line of any branch of any public library.

For purposes of this article, distances shall be measured along the margin of the public right-of-way from the front door of the premises which serves as the primary pedestrian access to the premises to the nearest point referred hereinabove. However; no distance requirements set forth herein shall apply to any location at which a license for the sale of retail or wholesale liquor is currently legally issued to the present owner.” (Citations)

An Ordinance to amend Article C, Section 6-1058.1, Separate license, by striking it in its entirety and inserting in lieu thereof:

“Sec. 6-1058.1. Separate license.

No original license shall be granted hereunder to any person for the sale of alcoholic beverages for consumption on premises unless the property upon which such premises is to be located is situated:

Six hundred (600) feet or more from the property line of any church, synagogue, shrine, or other place used exclusively for religious services, including the chapel of a mortuary or cemetery; or

Six hundred (600) feet or more from the property line of any school ground or college campus; the schools and colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations, and other special subjects are taught; or

Three hundred (300) feet or more from the property line of any private residence, unless such residence is itself in a commercial district; or

Two hundred (200) feet or more from the property line of any branch of any public library.

Prohibited Location.

No license shall be granted hereunder to any person for the sale of alcoholic beverages for consumption on premises for any premises (including for any other place of business on the property upon which such premises is located):

For which a license issued under this Chapter has been revoked or for which a license has been non-renewed during the twelve month period preceding the date the application is submitted. The twelve month period begins on the latter of:

The date that the County Commission revoked the license, or the date the County Commission voted to not renew the license; or

The date of any stay, supersedeas or similar court order is lifted or terminated, thereby allowing enforcement of the revocation or the non-renewal.

For which a business is operated for which a license is required pursuant to Spalding County’s Ordinance regulating an Adult Entertainment establishment, whether or not such business has applied for or received a license pursuant to Spalding County’s Ordinance regulating an Adult entertainment establishment;

For which a license issued pursuant to the Georgia Alcoholic Beverage Code has been revoked during the twelve months preceding the date the application is submitted;

For which there is a current license issued to a different licensee or for which an application is pending on behalf of another applicant.

For purposes of this article, distances shall be measured along the margin of the public right-of-way from the front door of the premises which serves as the primary pedestrian access to the premises to the nearest point referred hereinabove. However; no distance requirements set forth herein shall apply to any location at which a license for the sale of retail or wholesale liquor is currently legally issued to the present owner.” (Citations)

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

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

Motion/second to approve, on second reading, Amendment to the Spalding County Code Part VI, Licensing and Regulation, Chapter 1, Article A, Section 6-1003.1; Article B, Section 6-1025; and Article C, Section 6-1058.1, by Commissioners Flowers-Taylor and Freeman, carried unanimously at 5-0.

- B.** Consider approval of new 2008 Alcoholic Beverage License – Retail Sale of Beer & Wine: For Gary B. Cloy as agent for RaceXpress Birdie Road, LLC, 2295 North Expressway – Beer and Wine.

Motion/second to approve a new 2008 Alcoholic Beverage License – Retail Sale of Beer & Wine: For Gary B. Cloy as agent for RaceXpress Birdie Road, LLC, 2295 North Expressway – Beer and Wine, by Commissioners Flowers-Taylor and Freeman, carried by a 4-1 vote with Commissioner McDaniel voting in opposition.

- C.** Consider, on second reading, Amendment to UDO #A-08-17: Article 17B. AAR Active Adult Residential – Section 1705B:E(3)(a) (i) – amend to allow temporary golf clubhouse.

RE: Text Amendment #A-08-17

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 August 28, 2008, 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 provision shall be deleted from the Zoning Ordinance of Spalding County, Article 17B, "AAR Active Adult Residential:" Section 1705B:E(3)(a)(i)(d).

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 17B, "AAR Active Adult Residential," to appear as Section 1705B"E(3)(a)(i)(d):

Section 1705B: Development Standards for AAR District.

- E. Amenity Areas, Common Space and Open Space:
- 3. Optional Amenities:
 - a. The community must be developed with at least one (1) of the following amenities:
 - i. Public or private golf course, consisting of:
 - d. Clubhouse, minimum 10,000 square feet, provided that a temporary structure or facility may be used as a clubhouse for a period not exceeding twenty-four (24) months) while a permanent facility is under construction.

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

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

Motion/second to approve, on second reading, Amendment to UDO #A-08-17: Article 17B. AAR Active Adult Residential – Section 1705B:E(3)(a) (i) – amend to allow temporary golf clubhouse, by Commissioners McDaniel and Flowers-Taylor, carried unanimously at 5-0.

- D. Consider approval of new 2008 Alcoholic Beverage License – Consumption on Premises – Beer, Wine & Liquor – for Joseph L. Guerra as agent for Sequoia Golf Peachtree, LLC d/b/a Sun City Peachtree Golf Club, 250 Dell Webb Avenue, Griffin, Georgia.

Motion/second to approve a new 2008 Alcoholic Beverage License – Consumption on Premises – Beer, Wine & Liquor – for Joseph L. Guerra as agent for Sequoia Golf Peachtree, LLC d/b/a Sun City Peachtree Golf Club, 250 Dell Webb Avenue, Griffin, Georgia, by Commissioners Freeman and Flowers-Taylor, carried by a 4-1 vote with Commissioner McDaniel voting in opposition.

- E. Consider approval of Intergovernmental Agreement with the City of Griffin regarding ownership and operation of the Griffin-Spalding County Airport, designating City of Griffin as lead agency for contracting with Georgia Department of Transportation.

Mr. Wilson explained that the Georgia Department of Transportation preferred to deal with one entity, and this intergovernmental agreement enables that with regard to resurfacing issues at the Griffin-Spalding County Airport. For this purpose only, this agreement identifies the City of Griffin as lead agency.

STATE OF GEORGIA

COUNTY OF SPALDING

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF GRIFFIN, GEORGIA, AND
COUNTY OF SPALDING, GEORGIA

This agreement is made and entered into this 28th day of August, 2008 by and between the CITY OF GRIFFIN, a municipal corporation of the State of Georgia (hereinafter referred to as “the City”), and the COUNTY OF SPALDING, GEORGIA, a political subdivision of the State of Georgia (hereinafter referred to as “the County”).

WHEREAS, the City and County jointly own and operate a general aviation airport, known as the Griffin-Spalding County Airport, as a joint venture;

WHEREAS, on August 12, 1993, the parties entered into a joint resolution whereby future operation of said airport was to be vested in the City, as a department of said municipal corporation, under the joint supervision of the City Manager and County Manager;

WHEREAS, the joint resolution further provided the City and County would each fund one-half of the annual budget, as mutually agreed upon for the Airport’s operations and facilities, not derived from revenues directly generated by Airport operations, sales, and facilities; and

WHEREAS, in prior grant agreements with the Federal Aviation Administration, the City and County have been designated as joint “Sponsors” and jointly obligated to perform the sponsor’s obligations set forth therein, including any local funding required thereby;

NOW THEREFORE, it is agreed as follows:

1.

This instrument shall constitute a binding, legal contract by and between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the functions and otherwise do all things necessary, convenient and necessary to fulfill the terms of this agreement.

2.

The County agrees that inasmuch as the City has successfully operated the Airport as a City department since 1993, the City should be and is hereby designated as “lead agency” for all future dealings with the Federal Aviation Administration (“FAA”) and/or Georgia Department of Transportation, Aviation Division, (“GDOT”) for grants, loans, or other qualified funding of Airport facilities and improvements.

3.

The County agrees that to the extent the City contracts with the FAA/GDOT and assumes liabilities and obligations as the Sponsor for airport operations, the County shall be financially responsible to the City for one-half (1/2) of all amounts due thereunder by the Sponsor, provided the annual budget includes or is amended to reflect such obligation(s), regardless of the County directly undertaking or assuming liability as a co-sponsor on said grant or loan application(s) or contract documents.

4.

The City agrees that it will provide the County periodic written reports on Airport activities, including reasonable notice of all applications for grants, loans, or other funding to support Airport operations and facilities. In the event of any contingent liabilities for which the Sponsor may be obligated, the City will consult with the County and provide as much notice as possible in order to afford reasonable basis, if needed, for budget amendments.

5.

The parties agree, however, that the County must give its written consent for the City to execute any document or enter into any contract or agreement which would obligate the County to make payments under the terms of this contract.

6.

This contract shall continue for the duration of the City’s operation of the Airport as a city department or until one party to this contract gives written notice to the other party that it intends to terminate this contract, whichever occurs sooner; provided, however, the entire term of this contract shall not exceed fifty (50) years from its date of execution. Upon receipt of notice, as provided, this contract shall become null, void and of no legal effect on the ninetieth day from receipt of the notice of intent to terminate.

7.

This contract shall become effective upon its approval and execution by all parties.

Motion/second to approve the Intergovernmental Agreement with the City of Griffin regarding ownership and operation of the Griffin-Spalding County Airport, designating City of Griffin as lead agency for contracting with the Georgia Department of Transportation, by Commissioners McDaniel and Flowers-Taylor, carried by a unanimous vote of 5-0.

III. Adjournment

Motion/second by Commissioners McDaniel and Freeman to adjourn at 9:40 p.m., carried by a unanimous 5-0 vote.

Chairman

County Clerk

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