

REGULAR MONTHLY MEETING

The Regular Monthly Meeting of the Spalding County Board of Commissioners was held in Room 108 in the Courthouse Annex, Monday, February 2, 2009 beginning at 6:00 o'clock p.m., with Commission Chairman Edward Goss, Jr. presiding and Commissioners David Phillips, Gwen Flowers-Taylor, Eddie Freeman, and Bob Gilreath 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 Teresa A. Watson to record minutes.

I. OPENING (CALL TO ORDER) – Chairman Edward Goss, Jr.

II. INVOCATION – Teresa A. Watson

III. PLEDGE TO FLAG – Led by County Attorney James R. Fortune, Jr.

Assistant to the County Manager Paul Van Haute introduced visiting dignitary from China, Sue Wei. The County and the City of Griffin are working closely with the Griffin-Spalding County School System to acclimate Ms. Wei and show her around the community during her stay.

IV. PRESENTATIONS/PROCLAMATIONS/RECOGNITION

1. Consider Proclamation declaring February 12, 2009 Georgia Day in honor of our state's 276th anniversary.

**Proclamation
“Georgia Day”**

WHEREAS, The Spalding County Board of Commissioners does hereby recognize and appreciate that the State of Georgia was founded by General James Edward Oglethorpe, who received a Royal Charter for establishing a 13th colony in honor of King George II and led 116 people from England on the HMS Anne, landing near present-day Savannah on February 12, 1733; and

WHEREAS, Georgia Walton, Button Gwinnett and Lymon Hall each signed the Declaration of Independence on behalf of Georgia, which later became the fourth state to ratify the U.S. Constitution, doing so on January 2, 1788; and

WHEREAS, Since her founding 276 years ago, Georgia has grown from its original settlers to over 9 million people today and has progressed from a rural state to a commercial, financial and cultural center for the Southeast; and

WHEREAS, All Georgians are invited to rediscover our natural, cultural and historic wonders and sites and to encourage people throughout our nation and the globe to recognize the many people, institutions and events that have shaped Georgia's significant place in our country's history; now

THEREFORE BE IT RESOLVED that We, the Board of Commissioners of Spalding County on this, the second day of February 2009, 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 caused the seal of Spalding County, Georgia to be affixed. We call upon all Georgians to celebrate our proud and rich heritage and declare that the twelfth day of February, in the year of our Lord two thousand and nine, shall, in honor of our state's 276th anniversary, be considered Georgia Day.

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Motion to approve the Proclamation declaring February 12, 2009 as Georgia Day in honor of our state's 276th anniversary by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried 5-0.

Chairman Goss read the Proclamation and presented it to Ms. Christine Napier, of the Georgia Chapter of the Daughters of the American Revolution.

2. Miller Edwards of Mauldin & Jenkins Certified Public Accountants, LLC, to present the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2008.

Mr. Edwards highlighted the CAFR and said that, again this year, this was a clean opinion and not a modified one. He commended the County's administration in regard to the document, the prompt action of all involved, and particularly the efforts of the Administrative Services

Director, Jinna L. Garrison. He presented a general overview of fund balance for the County, with about two months' balance maintained in the general fund. He stressed how important it was to maintain at least this amount. The fund balance headed into this fiscal year ended June 30, 2008 was healthy and allowed relative comfort even in this dire economic climate. He noted actuals versus budgets for fiscal year ended June 30, 2008 and briefly mentioned other funds maintained in the County, along with supplementary information and statistics, concluding with a final report. Noted in the final report is again the issue of internal control over financial reporting and maintenance of records for the office of Tax Commissioner, and he strongly recommended working with the Tax Commissioner to resolve this matter.

Next the Annual Audit Agenda for the period ended June 30, 2008 was reviewed. Mr. Edwards noted there were some of the same issues discussed for the Tax Commissioner's office that were occurring with the Sheriff's Office, Clerk of Superior Court, Magistrate and Probate Courts, as well as some old outstanding checks.

V. PRESENTATION OF FINANCIAL STATEMENTS

1. Consider approval of Financial Statements for the Six Months ended December 31, 2008.

Motion to approve Financial Statements for the Six Months ended December 31, 2008 by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

VI. CITIZENS COMMENTS – NO REQUESTS

VII. PUBLIC COMMENT

Speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted 5 minutes to speak on topics pertinent to the Board's jurisdiction. No speaker will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

Betty Gebhardt, 79 Richardson Street, Griffin, Georgia

Ms. Gebhardt complained about parking on Richardson Street in the No Parking Zones by local residents, particularly during the holiday season.

VIII. MINUTES

1. Consider approval of Minutes of the following: January 12, 2009 Regular Monthly Meeting and the January 22, 2009 Zoning Public Hearing.

Motion to approve Minutes of the following: January 12, 2009 Regular Monthly Meeting and the January 22, 2009 Zoning Public Hearing by Commissioner Phillips, seconded by Commissioner Freeman, carried 5-0.

IX. CONSENT AGENDA

1. Consider second reading of Amendment to the Official Zoning Map of the following: Application #08-14Z: Speedway Holdings, LLC, Owner – 2570 North Expressway – 8.25 acres, C-1 to C-1B, Conditional.

APPLICATION FOR SPEEDWAY HOLDINGS, LLC
FOR REZONING CERTAIN PROPERTY
LOCATED WITHIN SPALDING COUNTY, GEORGIA;
REZONING APPLICATION #08-14Z

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

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

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

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

WHEREAS, Speedway Holdings, LLC, applicant, applied for a change in zoning classification to be applied to the within described property to C-1B, Heavy Commercial;”

WHEREAS, such application was filed with Spalding County, Georgia on November 4, 2008;

WHEREAS, such application was reviewed by the Spalding County Planning Commission, and a hearing on the application was conducted by the Board of Commissioners of Spalding County, Georgia on January 22, 2009, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

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

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

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

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

All that tract or parcel of land lying in and being in Land Lot 102 of the 3rd Land District of Spalding County, Georgia, said tract being more particularly described as follows:

Begin at a one-half inch rebar at the intersection of the easterly right-of-way of U.S. Hwy. 19/41 (a 200 foot right-of-way) and the southerly right-of-way of Glenwood Drive (a 60 foot right-of-way); thence following the easterly right-of-way of U.S. Hwy. 19/41 South 01 degrees 23 minutes 46 seconds West a distance of 419.89 feet to a two inch open top pin; thence leaving said easterly right-of-way South 89 degrees 37 minutes 35 seconds East a distance of 878.87 feet to a one and one-half inch open top pin on the westerly right-of-way of Old Atlanta Hwy. (60 foot right-of-way), thence following said westerly right-of-way North 11 degrees 32 minutes 29 seconds West a distance of 269.36 feet to a one and one-half inch open top pin; thence continuing along said westerly right-of-way North 11 degrees 25 minutes 58 seconds West a distance of 187.06 feet to a one-half inch rebar at the intersection of the westerly right-of-way of Old Atlanta Hwy. and the southerly right-of-way of Glenwood Drive (a 60 foot right-of-way); thence following the southerly right-of-way of Glenwood Drive South 88 degrees 23 minutes 47 seconds West a distance of 777.95 feet to a one-half inch rebar and the Point of Beginning.

Said tract containing a total of 8.25 acres, 359,336 sq. ft. more or less.

From “C-1, Highway Commercial” to “C-1B, Heavy Commercial” District.

Section 2: Pursuant to the authority granted to it by virtue of the Zoning Ordinance of Spalding County, Georgia, Section 414 (L) and upon a determination by the Board of

Commissioners of Spalding County, Georgia that application of certain conditions on the amendment benefit the public and promote the best interests of the general welfare of the people, the following conditions shall be imposed upon the amendment to the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County, Georgia, as follows:

- a. All site lighting shall be provided so as not to glare onto adjacent properties.
- b. All outdoor storage shall be kept neat and orderly
- c. No auto salvage shall be allowed or salvage of auto parts

Section 3:

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

On February 2, 2009, by official action of the Board of Commissioners of Spalding County, Georgia, the following change was made in the Official Zoning Map, Spalding County: All that tract or parcel of land lying and being in Land Lot 102 of the 3rd Land District of Spalding County, Georgia, containing 8.25 acres, 2570 N. Expressway, zoned C-1B, Conditional.

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

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

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

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

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Motion to approve Consent Agenda by Commissioner Phillips, seconded by Commissioner Freeman, carried 5-0.

- 2. Consider second reading of Amendment to the Official Zoning Ordinance of the following: Amendment to UDO #A-08-22: Article 9. R-3 Multiple Family District – amend to allow single family residential dwellings in R-3 district on lots of records.

IN RE: Text Amendment A-08-22

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 January 22, 2009, 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:

Add to Article 9, Section 903.A. the following paragraph:

Site-built, single family dwelling with a heated floor area of at least 1,500 square feet; provided that such dwelling shall be located on a lot of record and that the first story shall have a minimum square footage of 1,250 square feet.

Section 2:

Delete Article 9, Section 905.A. and replace with the following:

Minimum Heated Floor Area Per Dwelling Unit

1. For manufactured homes: 1,000 square feet

For apartment dwellings:

- a. one bedroom units 850 square feet
- b. two bedroom units 1,000 square feet
- c. three bedroom units 1,250 square feet

3. Single Family, site-built homes 1,500 square feet

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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Motion to approve Consent Agenda by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

X. OLD BUSINESS

1. Consider second reading of Amendment to the Official Zoning Ordinance of the following: Amendment to UDO #A-08-23: Article 5. AR-1 Agricultural & Residential District; Article 6. AR-2 Rural Reserve District; Article 7. R-1 Single-Family Residential Low Density District; Article 7A. R-1A Single Family Residential; Article 8. R-2 Single Family Residential District; Article 8A. R-2A Single Family & Two Family Residential District; Article 10. R-4 Single Family Residential District; Article 11. R-5 Single Family Residential District; Article 11A. R-6 Planned Residential Community District; and Article 13. C-1A Neighborhood Commercial –

amend Personal Care Homes as special exception use; Article 12. C-1 Highway Commercial; Article 14. C-1B Heavy Commercial; and Article 19. O-I Office & Institutional District – amend Personal Care Homes as principal use.

IN RE: *Text Amendment #A-08-23*

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 January 22, 2009 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: Section 503(B)(20).

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5: Agricultural and Residential District (AR-1) to appear as Section 503(B)(20):

Section 503: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in AR-1 districts:
20. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
- a. minimum lot size: 3 acres;
 - b. minimum house size:
 - i. “Resident” includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 1500 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;

- iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms.
- c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
- d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
- e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
- f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
- g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 6: Rural Reserve District (AR-2) to appear as Section 603(B)(14):

Section 603: Permitted Uses:

B. The following **Principal Uses** are permitted as **Special Exceptions** in AR-2 districts:

- 14. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: 5 acres;
 - b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 1750 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms.
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
 - g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7: Single-Family Residential Low Density District (R-1) to appear as Section 703(B)(5):

Section 703: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in R-1 districts:
5. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
- a. minimum lot size: As required by Section 704(B);
 - b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 2000 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms.
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
 - g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 5: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7A: Single-Family Residential District (R-1A) to appear as Section 703A(B)(5):

Section 703A: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in R-1A districts:
5. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
- a. Minimum lot size: As required by Section 704A(B);
 - b. Minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 2500 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2500 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. certificate of inspection and approval by the Fire Marshall and Building Inspector;
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the

- licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
- ii. no more than three (3) residents may occupy a single bedroom.
- g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 8: Single-Family Residential District (R-2) to appear as Section 803(B)(5):

Section 803: Permitted Uses.

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-2 districts:

- 5. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: As required by Section 804A(B);
 - b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 1750 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms.
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, *et. seq.*;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
 - g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 7: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 8A: Single-Family and Two-Family Residential District (R-2A) to appear as Section 803A(B)(4):

Section 803A: Permitted Uses.

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-2A districts:

- 4. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: As required by Section 804A(B);
 - b. minimum house size:

- i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
- ii. for no more than three (3) residents: 1500 square feet, with at least one (1) bathroom;
- iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
- iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms;
- c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
- d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
- e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
- f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
- g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 8: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 10: Single-Family District (R-4) to appear as Section 1003(B)(5):

Section 1003: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in R-4 districts:
 - 5. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: As required by Section 1004A(B);
 - b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 1500 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms.
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
 - g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued

for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 9: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11: Single-Family District (R-5) to appear as Section 1103(B)(4):

Section 1103: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in R-5 districts:
4. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: As required by Section 1104A(B);
 - b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 1500 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
 - g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 10: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11A: Planned Residential Community District (R-6) to appear as Section 1103A(B)(5):

Section 1103A: Permitted Uses.

- B. The following **Principal Uses** are permitted as **Special Exceptions** in R-6 districts:
5. Group Personal Care-Home as defined in Section 202(BBB)(2) or Congregate Personal Care-Home as defined in Section 202(BBB)(3) that meets the following criteria:
 - a. minimum lot size: 3 acres
 - b. must be located on a street or road that is designated as a collector or thoroughfare;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 11. The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11A: Planned Residential Community District (R-6) to appear as Section 1103A(B)(6):

Section 1103A: Permitted Uses.

B. The following **Principal Uses** are permitted as **Special Exceptions** in R-6 districts:

6. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: As required by Section 1106A(H);
 - b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than three (3) residents: 1500 square feet, with at least one (1) bathroom;
 - iii. for no more than six (6) residents: 2000 square feet, with at least two (2) bathrooms;
 - iv. for no more than nine (9) residents: 2500 square feet, with at least three (3) bathrooms;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector;
 - f. Occupancy Requirements:
 - i. the licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
 - ii. no more than three (3) residents may occupy a single bedroom.
 - g. any family personal care home for which a license has issued by the Georgia Department of Human Resources on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district, even though no business license has been issued for the operation thereof, provided an application for a business license for the operation thereof is filed with Spalding County on or before February 28, 2009.

Section 12: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 12: Highway Commercial: Section 1203(A)(17).

Section 13: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 12: Highway Commercial District (C-1) to appear as Section 1203(A)(17):

Section 1203: Permitted Uses.

A. The following **Principal Uses** are permitted in C-1 districts:

17. Group Personal Care-Home as defined in Section 202(BBB)(2) or Congregate Personal Care-Home as defined in Section 202(BBB)(3) that meets the following criteria:
 - a. minimum lot size: 3 acres
 - b. must be located on a street or road that is designated as a collector or thoroughfare;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 14: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 13: Neighborhood Commercial: Section 1303(B)(4).

Section 15: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 13: Neighborhood Commercial (C-1A) to appear as Section 1303(B)(4):

Section 1303: Permitted Uses.

B. The following **Principal Uses** are permitted as **Special Exceptions** in C-1A districts:

4. Group Personal Care-Home as defined in Section 202(BBB)(2) or Congregate Personal Care-Home as defined in Section 202(BBB)(3) that meets the following criteria:
 - a. minimum lot size: 3 acres
 - b. must be located on a street or road that is designated as a collector or thoroughfare;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, *et. seq.*;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 16: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 13: Neighborhood Commercial (C-1A) to appear as Section 1303(B)(4’):

Section 1303: Permitted Uses.

B. The following **Principal Uses** are permitted as **Special Exceptions** in C-1A districts:

- 4’. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: 3 acres
 - b. minimum house size:
 - i. “Resident” includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than four residents: 1500 square feet
 - iii. for no more than six residents: 2000 square feet
 - iv. for no more than eight residents: 2500 square feet.
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, *et. seq.*;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 17: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 14: Heavy Commercial District (C-1B) to appear as Section 1403(A)(80):

Section 1403: Permitted Uses.

A. The following **Principal Uses** are permitted in C-1B districts:

80. Group Personal Care-Home as defined in Section 202(BBB)(2) or Congregate Personal Care-Home as defined in Section 202(BBB)(3) that meets the following criteria:
 - a. minimum lot size: 3 acres
 - b. must be located on a street or road that is designated as a collector or thoroughfare;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, *et. seq.*;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 18: The following provisions shall be deleted from the Zoning Ordinance of Spalding County, Article 19: Office and Institutional District: Section 1903(A)(6-8).

Section 19: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 19: Office and Institutional District (O-I) to appear as Section 1903(A)(6):

Section 1903: Permitted Uses.

A. The following **Principal Uses** are permitted in O-I districts:

6. Family Personal Care-Home as defined in Section 202(BBB)(1) that meets the following criteria:
 - a. minimum lot size: as required by Section 1904(B);

- b. minimum house size:
 - i. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
 - ii. for no more than four residents: 1500 square feet
 - iii. for no more than six residents: 2000 square feet
 - iv. for no more than eight residents: 2500 square feet.
- c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
- d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
- e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 20. The following provision shall be added to the Zoning Ordinance of Spalding County, Article 19: Office and Institutional District (O-I) to appear as Section 1903(A)(7):

- A. The following **Principal Uses** are permitted in O-I districts:
 - 7. Group Personal Care-Home as defined in Section 202(BBB)(2) or Congregate Personal Care-Home as defined in Section 202(BBB)(3) that meets the following criteria:
 - a. minimum lot size: as required by Section 1904(B);
 - b. must be located on a street or road that is designated as a collector or thoroughfare;
 - c. compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et. seq.;
 - d. compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
 - e. Certificate of inspection and approval by the Fire Marshall and Building Inspector.

Section 21. The following provision shall be added to the Zoning Ordinance of Spalding County, Article 19: Office and Institutional District (O-I) to appear as Section 1903(A)8):

- A. The following Principal Uses are permitted in O-I districts:
 - 8. Reserved.

Section 22: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 23: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

 -
Motion to approve Amendment to UDO #A-08-23 was made by Commissioner Phillips and seconded by Commissioner Freeman. Discussion followed and Commissioner Flowers-Taylor questioned the inclusion in C-1 Highway Commercial and C-1B Heavy Commercial. She felt these zoning designations were not appropriate, particularly as principal uses. Motion carried 3-2 with Commissioners Flowers-Taylor and Goss voting in opposition.

- 2. Lift from the table: Consider annual appointments to Spalding County boards, authorities and commissions tabled from the January 12, 2009 meeting.

Motion to lift annual appointments from the table by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

Nominated and approved for the Griffin-Spalding County Development Authority board position of Sinclair Hollberg was Sinclair Hollberg.

Nominated and approved for the Griffin-Spalding County Development Authority board position of Alton Knight was Turner Davis.

Nominated and approved for the Griffin-Spalding County Development Authority board position of Tom Gardner was JoAnne Phinazee, who resigned this date from her appointment to the Spalding County Board of Zoning Appeals.

No appointment was made to the Region One MHDDAD Planning Board for the three-year term of Cynthia Reid Ward set to expire 12-31-2011. This appointment will continue again.

No appointment was made to the Griffin Downtown Council – Main Street Advisory Board for a commission chairman or designee liaison from the Board of Commissioners. This appointment will continue again.

3. Lift from the table: Consider Resolution to provide for acreage requirement for enrollment in the Conservation Use Valuation Assessment Program as recommended by Spalding County Board of Tax Assessors.

Motion to Lift from the table: Consider Resolution to provide for acreage requirement for enrollment in the Conservation Use Valuation Assessment Program as recommended by Spalding County Board of Tax Assessors by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

Tim Whalen, Chief Tax Assessor, explained the situation with the acreage requirement which had no minimum, but the 2008 legislature, through House Bill 1081, has granted the right to counties to impose such a minimum. Statewide there are a great many smaller tracts taking advantage of this program with uses for which they were not originally intended. Most smaller tracts are primarily used for residential purposes, much as the case with the prolific “farmette” type use and do not conform to bona fide agricultural uses. Of the 954 parcels so designated, 518 are 25 acres or less which show a tax saving of \$225,000, and the remainder in excess of 25 acres. It is the recommendation of the Spalding County Board of Tax Assessors to establish a 25-acre minimum, but this is within the purview of the Board of Commissioners. True agricultural uses of qualifying acreage would still be eligible. After the proposed date of 2012, the small tracts of 25 acres or less would not qualify, so this will address future applications. Some discussion followed.

Motion to table for further study and conferencing with Mr. Whalen by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried 5-0.

NEW BUSINESS

1. Consider approval of new 2009 Alcoholic Beverage License – Consumption on Premises – Beer, Wine and Liquor – for Stoerkel Enterprises, LLC, d/b/a Rio Vista Catfish & Seafood Company, 1742 Zebulon Road, Griffin, GA 30224.

Motion to approve new 2009 Alcoholic Beverage License – Consumption on Premises – Beer, Wine and Liquor – for Stoerkel Enterprises, LLC, d/b/a Rio Vista Catfish & Seafood Company, 1742 Zebulon Road, Griffin, GA 30224 by Commissioner Phillips, seconded by Commissioner Freeman, carried 5-0.

2. Chairman Goss desires to discuss the income limit for the Spalding County Homestead Exemption for Residents 62 or Older or Totally Disabled.

Sylvia Hollums, Spalding County Tax Commissioner, spoke regarding what is commonly called the Kyle Cobb Exemption. This applies if you are 100% disabled regardless of age, or are age 62 and older. The income cap is \$12,500, total gross for households to qualify. Requalification is necessary to confirm that the household still qualifies, and some notices were sent out this year in this effort. This exemption does not apply to fire district taxes, nor does it apply to state taxes. This ceiling of \$12,500 has not been adjusted since 1987, and she recommended this amount be increased at the Board’s discretion. Such an increase, before going to local legislators, would require agreement by the City of Griffin and the Griffin-Spalding County School System. Everyone would need to agree prior to the local legislators drafting a bill and a referendum would be required. Ms. Hollums said she had seen other counties who are using the ceiling of \$20,794 as recommended.

Motion to request concurrence and/or comment by the City and the Board of Education to accept the figure of \$20,794 as the ceiling for the income limit for the Spalding County Homestead Exemption for Residents 62 or Older or Totally Disabled by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 5-0.

3. Consider request from Reverend Clay Padgett to rent property at Memorial Drive Plaza for establishment of a used car lot.

Commissioner Flowers-Taylor said Reverend Padgett is very helpful and community-minded, but this request does not conform to the image the County would like to project for this property on what is a major entryway to the City and County. She had no problem with the particular use of used car lots, but just not for this location. Other commissioners agreed.

Motion to deny request from Reverend Clay Padgett to rent property at Memorial Drive Plaza for establishment of a used car lot by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

4. Consider request of MPF3, Inc., a film production company, for the use of the former Courthouse/Jail facility on Broad Street for filming of a motion picture in late February/early March 2009.

Motion to approve request of MPF3, Inc., a film production company, for the use of the former Courthouse/Jail facility on Broad Street for filming of a motion picture in late February/early March 2009 by Commissioner Phillips, seconded by Commissioner Freeman, carried 5-0.

5. Consider board appointments to the Griffin-Spalding County Land Bank Authority and the South Metro Microenterprise Coalition (SMMC).

Motion to Appoint to Griffin-Spalding County Land Bank Authority: Newton Galloway and Aaron Rocquemoire by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried 5-0.

Motion to Appoint to South Metro Microenterprise Coalition: Chairman Goss appointed Commissioner Phillips as his designee liaison to this coalition.

6. Consider approval of Resolution authorizing lease/purchase financing for the L.B. Norton Fire Station.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED, AN INSTALLMENT SALE AGREEMENT, A DEED TO SECURE DEBT AND SECURITY AGREEMENT AND ENVIRONMENTAL AGREEMENT, EACH RELATING TO A FIRE STATION PROJECT; AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Spalding County proposes that the Spalding County, Georgia (the "County") finance or refinance a building to be used as a fire station (the "Project") to be located on land in the County (the "Site"); and

WHEREAS, the County proposes that the Site be conveyed by the County to Association County Commissioners of Georgia ("ACCG") pursuant to a Limited Warranty Deed, dated the date of such conveyance (the "Limited Warranty Deed"); and

WHEREAS, the County proposes to purchase the Project from ACCG in accordance with an Installment Sale Agreement, dated as of February 1, 2009 (the "Installment Sale Agreement"); and

WHEREAS, ACCG's interest in the Installment Sale Agreement will be assigned to Branch Banking and Trust Company (the "Bank") pursuant to a Transfer Agreement, dated as of February 1, 2009 (the "Transfer Agreement"), between ACCG, as assignor, and the Bank, as assignee; and

WHEREAS, ACCG will execute a Deed to Secure Debt and Security Agreement, dated as of February 1, 2009 (the "Deed") in favor of the Bank; and

WHEREAS, ACCG and the Bank have requested that the County execute and deliver an Agreement Regarding Environmental Activity, dated as of February 1, 2009 (the "Environmental Agreement"), among the County, ACCG and the Bank;

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED by the Board of Commissioners of Spalding County as follows:

Section 1. Findings. The obligation of the County to make the payments under the Installment Sale Agreement is annually renewable as provided therein. The obligation of the County to make such payments will not constitute a debt of the State of Georgia or any political subdivision of the State of Georgia, including the County, within the meaning of any constitutional or statutory limitation on indebtedness. The Installment Sale Agreement does not directly or contingently obligate the County to make any payments beyond those appropriated for the County's then current calendar year.

The County has held the public hearing required by O.C.G.A. Section 36-60-13, as amended (the "Act") and has satisfied all the other requirements contained in the Act.

Section 2. Authorization of Installment Sale Agreement. The execution and delivery by the Chairman and Clerk of the Board of Commissioners of Spalding County of the Installment Sale Agreement is hereby authorized and approved. Such Installment Sale Agreement shall be in substantially the form attached hereto as Exhibit "A", subject to such changes, insertions and omissions as may be approved by the Chairman of the Board of Commissioners, and the execution of the Installment Sale Agreement by the Chairman of the Board of Commissioners as herein authorized shall be conclusive evidence of such approval.

Section 3. Consent to Transfer Agreement. The Board of Commissioners hereby consents to the form of the Transfer Agreement attached hereto as Exhibit "B," or with such changes as may be hereafter made as shall be in furtherance of the transactions contemplated therein and in this Resolution and as shall not be inconsistent with or contrary to the matters contemplated therein and in this Resolution.

Section 4. Consent to Deed. The Board of Commissioners hereby consents to the form of the Deed attached hereto as Exhibit "C," or with such changes as may be hereafter made as shall be in furtherance of the transactions contemplated therein and in this Resolution and as shall not be inconsistent with or contrary to the matters contemplated therein and in this Resolution.

Section 5. Authorization of Environmental Agreement. The execution and delivery by the Chairman and Clerk of the Board of Commissioners of Spalding County of the Environmental Agreement is hereby authorized and approved. Such Environmental Agreement shall be in substantially the form attached hereto as Exhibit "D", subject to such changes, insertions and omissions as may be approved by the Chairman of the Board of Commissioners, and the execution of the Environmental Agreement by the Chairman of the Board of Commissioners as herein authorized shall be conclusive evidence of such approval.

Section 6. Authorization of Limited Warranty Deed. The execution and delivery by the Chairman and Clerk of the Board of Commissioners of Spalding County of the Limited Warranty Deed is hereby authorized and approved. Such Limited Warranty Deed shall be in substantially the form attached hereto as Exhibit "E", subject to such changes, insertions and omissions as may be approved by the Chairman of the Board of Commissioners, and the execution of the Limited Warranty Deed by the Chairman of the Board of Commissioners as herein authorized shall be conclusive evidence of such approval.

Section 7. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in any of the documents herein authorized or any other document relating to the Project shall be deemed to be a stipulation, obligation or agreement of any officer, member, agent or employee of the County in his or her individual capacity and no such officer, member, agent or employee shall be subject to personal liability or accountability by reason of the execution or amendment thereof.

Section 8. General Authority. From and after the adoption of this resolution, the proper officers, members, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and things, including, but not limited to making covenants on behalf of the County and to execute all such documents as may be necessary to carry out and comply with the provisions of this resolution and are further authorized to take any and all further actions and to execute and deliver any and all other documents, closing papers and certificates, as may be necessary or desirable in connection with the Project or any of the documents approved herein.

The Chairman or Vice Chairman and Clerk of the County are hereby authorized and directed to prepare and furnish to the purchaser or purchasers of the Site and the Project, certified copies of all proceedings and records of the County relating to the Site and the Project and such other affidavits, closing documents and certificates as may be required to show the facts relating to the legality and marketability of the Site or the Project as such facts appear from the books and records in the County's custody or control or as otherwise known to them; all such certified copies, closing papers, certificates and affidavits, including any heretofore furnished, shall constitute representations of the County to the truth of all statements contained therein.

Section 9. Actions Approved and Confirmed. All acts and doings of the officers, members, agents and employees of the County which are in conformity with the purposes and intent of

this resolution and in furtherance of the execution, delivery and performance of the documents and matters approved herein are hereby in all respects approved and confirmed.

Section 10. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or the documents authorized hereunder.

Section 11. Repealing Clause. All resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 12. Effective Date. This Resolution shall take effect immediately upon its adoption.

-
Motion to approve Resolution authorizing lease/purchase financing for the L.B. Norton Fire Station by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried 5-0.

7. Consider approval of 2009 Cooperative Lease Agreement for Rural Fire Defense and the Rural Fire Defense MOU between the Georgia Forestry Commission and the Spalding County Fire Department.

*COOPERATIVE LEASE AGREEMENT
FOR RURAL FIRE DEFENSE*

STATE OF GEORGIA
COUNTY OF SPALDING

THIS AGREEMENT, made and entered into this 2nd day of February, 2009, by and between the GEORGIA FORESTRY COMMISSION, an agency of the State of Georgia, hereinafter referred to as "COMMISSION," and the SPALDING COUNTY FIRE DEPARTMENT, hereinafter referred to as "COOPERATOR."

WITNESSETH:

WHEREAS, it is of vital importance to the State of Georgia to protect and develop its forest land resources; and

WHEREAS, such protection and development requires the suppression of uncontrolled fires, both within and without corporate limits; and

WHEREAS, the COMMISSION is charged by State law with providing a means of forest fire defense in all forest and rural areas; and

WHEREAS, the COOPERATOR is desirous of aiding the COMMISSION and itself in a coordinated fire program:

NOW THEREFORE, for and in consideration of the mutual benefits to each party as hereinafter appear below, both parties agrees as follows:

- A. The COMMISSION agrees to the loan and/or lease to the COOPERATOR of the equipment described in the attached addendum and this agreement to be used in accordance with the following terms.
- B. The COOPERATOR agrees:
 1. To reimburse the COMMISSION in the amount of \$0 for cost involved in the construction, rigging and conversion of leased equipment provided, which sum shall not be refundable to the COOPERATOR. Leased equipment is indicated on the addendum with an asterisk. (*)
 2. To operate said equipment at no cost to the State
 3. To make said equipment available for inspection by the COMMISSION at any time
- C. The PARTIES mutually agree:
 1. Title to all the equipment (*) listed on the addendum shall remain in the State
 2. The equipment may not be sold, junked or traded, but must be returned to the COMMISSION for final disposition;
 3. When any equipment is returned to the COMMISSION upon termination of this agreement or for other purposes, such equipment shall have at least the same component parts as it had when the COOPERATOR received the equipment.

4. Title to all accessories, tools, etc. added by the COOPERATOR shall remain with the COOPERATOR and may be removed prior to returning the equipment.
5. All equipment, leased or loaned, is limited to wildland fire use and the use of water in the public interest under unusual or emergency conditions. Other uses of loaned or leased equipment will be considered misuse of equipment and could result in the COMMISSION causing termination of the agreement. (See Item 10)
6. A decal, furnished by the COMMISSION, shall be affixed to the major pieces of equipment in a prominent and proper location visible to the public indicating that it is a "fire unit" being operated by the COOPERATOR;
7. Any employee of the COOPERATOR or other person enlisted by the COOPERATOR to man said equipment shall not be considered an employee of the COMMISSION for any purpose. The COOPERATOR shall have the responsibility for any Workman's Compensation Claim instituted by any person manning said equipment at the request of the COOPERATOR;
8. The COMMISSION agrees to reimburse the COOPERATOR for reasonable expenses to include lodging, meals, and subsistence incurred by the COOPERATOR related to regular attendance of the Rural Fire Defense Advisory Counsel meetings and Wildland fire training sessions.
9. This agreement shall not supersede any prior agreement between the parties for the coordinated protection of uncontrolled fire on any forest lands with the State of Georgia.
10. Government entity shall maintain either liability insurance or self-insured status covering all chassis on loan from the COMMISSION and provide supporting documentation for the duration of the agreement.
11. This agreement shall be effective from the date first appearing on Page One and shall continue in force from year to year, not to exceed fifty (50) years, unless terminated by either party by thirty (30) days written notice to the other. Up-dating and re-signing will not alter or extend the initial lease agreement date.

Both parties agree under the provisions of Section 601 of the Civil Rights Act of 1964, prohibit discrimination in all programs and services on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written.

 -
Motion/second to approve 2009 Cooperative Lease Agreement for Rural Fire Defense and the Rural Fire Defense MOU between the Georgia Forestry Commission and the Spalding County Fire Department by Commissioners Flowers-Taylor and Phillips, carried 5-0.

8. Consider approval of the Development Agreement with Fayette Environmental, LLC.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (hereinafter "Agreement"), made and entered into this 2nd day of February 2009, by and between the COUNTY OF SPALDING, a political subdivision of the State of Georgia (hereinafter "County") and Fayette Environmental, LLC (hereinafter "Developer") provides as follows:

PREAMBLE

WHEREAS, Developer is the owner of a tract of unimproved real property, consisting of 28.43+/- acres within Spalding County, Georgia (the "Property"), as described in Exhibit "A", which by reference is made a part hereof;

WHEREAS, the Developer desires to develop the Property for a forest material recycling facility in a profitable manner (the "Project"), consistent with the zoning and development ordinances of the County (the "applicable regulations") and the site plan attached hereto as Exhibit "B", which by reference is made a part hereof;

WHEREAS, the County's approved future land use designation for this parcel is industrial and the Property is zoned C-2 Manufacturing, with conditions attached (as set forth in the Minutes of the Board of Commissioners of Spalding County, Georgia, Regular Meeting of November 17, 2008);

WHEREAS, the County affirms that the proposed use of the property as a forest material recycling facility is an authorized use within the C-2 zoning district; and

WHEREAS, the County and the Developer agree to record this Agreement in the office of Clerk of Superior Court of Spalding County, Georgia, to be enforced by the parties as a covenant running with the subject land, governing the future development thereof.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and Developer agree as follows:

- I. PREAMBLE. Statements set forth in the Preamble are hereby incorporated herein by this reference.
- II. ZONING. In accordance with the procedures contained therein, the County has zoned the Property as C-2 Manufacturing, as set forth in the Spalding County Unified Development Code, subject to reasonable conditions as finally imposed in a regular meeting of the Board of Commissioners of Spalding County, held November 17, 2008.
- III. DEVELOPMENT CONDITIONS.
 - a. The Property shall be developed in substantial conformance with the site plan attached hereto as Exhibit "B", including all buffers shown thereon; unless otherwise indicated, all buffers shall be natural, undisturbed, vegetative buffers and shall only be cleared to the extent necessary for installation of driveways and utilities.
 - b. The Property will be used as a receiving area for waste woodproducts, stumps, treetops, construction debris, and pallets.
 - c. The materials will be ground on site using a horizontal grinder; advancing technology may be substituted for the horizontal grinder in the future, provided that it does not produce any higher sound level.
 - d. The decibel level at the property line abutting residential properties fronting on Bucksnot Road shall not exceed 75 decibels (minimum 200' as measured at the power end of unit) while grinding.
 - e. The hours of grinding operation shall not exceed 8:00 am to 5:00 pm, Monday through Friday.
 - f. The Property will not be used as a landfill; no materials will be buried on site.

IV. MISCELLANEOUS

- i. Notices. Any notice provided or permitted to be given under this Agreement must be in writing, and may be served by depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, and certified, with a return receipt requested, or by delivery of same in person to such party or by a nationally recognized overnight delivery service. The addresses of the parties for the receipt of notice shall be as follows:

Developer: Fayette Environmental LLC
270 North Jeff Davis Drive
Fayetteville, GA 30214
Phone (770) 461-0478
Fax (770) 461-3491

Enviro Recycling
609 Bohannon Road
Fairburn, GA 30213
(770) 306-7111

County: Board of Commissioners
Spalding County
119 E. Solomon Street
Griffin, GA 30224

Each notice given as specified above shall be deemed given on the date mailed (for certified mail or overnight delivery) or on the date delivered, if hand delivered. Each party may change its address for notice by the giving of notice thereof in the manner hereinabove provided.

- ii. Captions. The titles or captions contained in this Agreement are for convenience only and shall neither restrict nor amplify the provisions hereof.
- iii. Entire Agreement. This Agreement constitutes the entire agreement between the parties relating to the subject matter hereof. This Agreement shall not be amended or changed except by written instrument signed by both parties hereto.

- iv. Severable Provisions. If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, then the other provisions of this Agreement, the provision in question to any other extent, and the application thereof to any other person or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.
- v. Governing Law. This Agreement shall be governed by the laws of the State of Georgia.
- vi. Binding Effect. This Agreement shall, except as otherwise herein expressly provided, be binding upon and inure to the benefit of Developer and County and their respective successors and assigns. This Agreement shall be assignable by Developer to future property owners.

IN WITNESS WHEREOF the undersigned have caused this Agreement to be duly executed in multiple counterparts, each of which shall have the force and effect of an original, and its seat to be affixed thereto as of the day and year first written above.

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Motion to approve the Development Agreement with Fayette Environmental, LLC as requested at the time of application approval in December 2008 by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 5-0.

- 9. Consider Ordinance #2009-01 to amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to provide for No Parking Zones on either side of Hudson Industrial Drive in its entirety from its intersection with Hudson Road to its dead end.

Motion to approve on first reading Ordinance #2009-01 to amend Part VII, Motor Vehicles and Traffic, Section 7-1004 to provide for No Parking Zones on either side of Hudson Industrial Drive in its entirety from its intersection with Hudson Road to its dead end by Commissioner Phillips, seconded by Commissioner Freeman, carried 5-0.

- 10. Set a date for a Public Hearing to establish street lighting district for Williamson Woods Subdivision.

Motion to approve February 16, 2009 for a date for a Public Hearing to establish street lighting district for Williamson Woods Subdivision by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

- 11. Consider approval of draft letter to our local legislative delegation regarding the Homeowners Tax Relief Grant (HTRG).

Motion to approve the draft letter to our local legislative delegation regarding the Homeowners Tax Relief Grant (HTRG) by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

- 12. District Four Commissioner Freeman would like to initiate an Animal Restraint District at Jim Goodson Road and expand the Animal Restraint District on West Ellis Road (south from Parker Road to the river – now revised to extend to Highway 16 West).

Motion to approve an Animal Restraint District at Jim Goodson Road and expand the Animal Restraint District on West Ellis Road (south from Parker Road to the river – now revised to extend to Highway 16 West) by Commissioner Freeman, seconded by Commissioner Phillips, carried 5-0.

- 13. Consider revisiting the issue of possible repairs/demolition to 5th Street Building as discussed under County Manager’s Comments at the January 12, 2009 Board of Commissioners meeting.

The \$130,000 insurance reimbursement does not require building back the structure in order to keep the money, so other options are available to accommodate the previous tenants in this building. Some discussion previously needs to be revisited. Commissioner Flowers-Taylor did not wish to see the building rebuilt. Demolition can be accomplished with County labor. There are other properties that can be utilized to house the previous tenants, and not rebuild

Motion/second to abandon the issue of rebuilding the burned 5th Street Building, opting instead to demolish the structure by Commissioners Flowers-Taylor/ Phillips, carried 5-0.

XII. REPORT OF COUNTY MANAGER

- Spalding County Parks and Recreation is taking nominations for the annual Bain Proctor Award for Volunteerism. The deadline is 3-16-09 with award being at the Board of Commissioners meeting on 4-20-09.

- Announcement of E-waste recycling event again. Electronic items may be disposed of from February 23-27 at the Kiwanis Spalding County Fairgrounds. This is a joint effort with the City and will be available from 9 to 5 each day.
- The County has been advised it is not responsible for the large bill from Grady Hospital (\$1.4 million) which was sent via email.
- Commissioners Gilreath and Freeman need to approach Newton Galloway for Zoning 101.
- Louis Greene of Parks and Recreation has emailed regarding national entry fees for participants to the National Senior Games. The County sent a group several years ago to Louisville, Kentucky. \$3000 is the estimated cost but personnel feel it will approach at least \$4000 for the games in San Francisco, California. The budget year is extremely tight and with a hiring freeze, this is hard to justify. Research will be done by County Attorney Fortune to determine if hotel/motel tax funds can be used. If not, at least help with a portion from contingency, maybe matching with fundraiser dollars, could be explored.
- 800 MHz saga – Channel 69, FCC and rebanding with regard to digital television will probably be delayed since the President is scheduled to sign legislation that will delay testing of the system. February 17 will go perhaps to June or later.
- Ms. Garrison, Mr. Van Haute and Mr. Wilson will begin work on budget preparation soon. The 34 positions not filled this year due to the hiring freeze are in various departments. This freeze is not applicable to Public Safety but may have to expand to them to keep from furloughing employees. The County has been using fund balance and cannot realistically budget along those lines this next year. Staff will be looking at the remainder of the FY 2009 budget as well as that of 2010.

XIII. REPORT OF COMMISSIONERS

Freeman

No comments.

Flowers-Taylor

A couple of meetings ago there were lively discussions regarding a zoning issue that went back to Board of Appeals. She has talked with ACCG about Boards of Commissioners throughout the state who meet with Boards of Appeals and Planning Commission members to foster a good working relationship, and she felt this would be a good idea for us, as well. They can share goals, missions, and expectations. She thanked Gilreath for his zeal in going to training. The incident with the AFLAC representative is still a concern. She appreciated the letter in the newspaper from Dr. Bruce Reid who has treated many of the injuries from skateboarding participants, and she noted the 30-day grace period for enforcement would be over next week. She asked Parks and Recreation to get on the same page with Chief Strickland to ensure policing can take place effectively. This is not about power but rather about saving lives and preventing gross injury, she noted. In past two weeks several individuals have verbally accosted employees and they were escorted off premises to intake. Police are working with County well in responding.

Phillips

He, too, has talked with the gentleman who had the AFLAC property. He desires to let the applicant reapply for his variance at no cost and other commissioners had no problem with doing this. He was trying to conform to commissioners' wishes and got shot down by the Board of Appeals. Commissioner Phillips noted it would be very difficult in this downturned economy to furlough Public Safety personnel since they will, in these hard times, be the very people you will need more of for crime control. He suggested the County tighten its belt in other places.

Gilreath

He recently met with the Griffin-Spalding County Hospital Authority and detailed their work. He commended them for their time and effort freely contributed. He read a prepared statement regarding take-home vehicles used by County employees. He then read a prepared statement regarding the constitutionally created Griffin-Spalding County Development Authority and its method of appointing board members, calling for no such members to be recognized from the City of Griffin since the City does not fund any portion of its operations. He recognized a new commissioner out of Fayetteville, Lee Hearn, who was present in the audience.

Goss

He has conversed with Mr. Fortune regarding the Board looking into an ethics policy, which was originally approached two years ago. This would apply to all boards, authorities and commissions. He will explore the policies of surrounding counties. Can discuss at retreat but would need to be a

workshop on its own. He has also spoken with a couple of commissioners about rules of order in meetings and will be getting out a memo in the near future.

Commissioner Flowers-Taylor made her Post 1 appointment to the Spalding County Board of Appeals. The new member replacing JoAnne Phinazee will be Elizabeth Hackbart.

XIV. CLOSED SESSION

- 1. County Manager requests a Closed Meeting to discuss acquisition of real estate.

Motion/second to Adjourn to Closed Meeting at 8:30 p.m. by Commissioners Freeman/Phillips carried 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 February 2, 2009.

2.

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

3.

The executive session was called to order at 8:30 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:

No Consultation with 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 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 2nd day of February 2009 . Spalding County Board of Commissioners

Sworn to and subscribed

Before me this <u>2nd</u> day of <u>February 2009</u> .	<u>Edward Goss, Jr.</u> (LS)
	<u>Eddie L. Freeman</u> (LS)
	<u>David Phillips</u> (LS)
Notary Public – <u>Teresa A. Watson</u>	<u>Gwen Flowers-Taylor</u> (LS)
My commission expires: <u>March 1, 2011</u>	<u>Bob Gilreath</u> (LS)

Motion to Adjourn Closed Meeting and Reconvene to Open Meeting at 9:05 p.m. by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 5-0

XIV. ADJOURNMENT

Motion/second to adjourn at 9:06 p.m. by Commissioners Phillips/Flowers-Taylor, carried 5-0.

Chairman

County Clerk

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