

# Agenda

## Board of Commissioners of Spalding County

### Zoning Public Hearing

July 23, 2020

6:00 PM

119 E. Solomon Street, Room 108

**A. Opening (Call to Order)**

**PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.**

**B. Invocation**

1. Commissioner Rita Johnson, District #3, will deliver the Invocation.

**C. Pledge to Flag**

1. Commissioner James Dutton, District #2, will lead the pledge to the flag.

**Public Hearings**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

**D. New Business**

1. **Application #20-04S:** Christopher M. Bassett, Owner - 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.
2. **Application #20-06Z:** Marksmen Real Estate, LLC, Owner - Howard Johnson, Agent - 2342 North Expressway (1.156 acres located in Land Lot 102 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.
3. **Amendment to UDO #A-20-06:** Article 23. Official Zoning Map - Section 2302:E - semi-annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

**E. Other Business:**

1. Consider establishing a date to review an Ethics Complaint filed by William A.B. Solomon and Janice M. Solomon.

**F. Closed Meeting**

**G. Adjournment**



**SPALDING COUNTY BOARD OF COMMISSIONERS**  
**Commissioner Rita Johnson, District #3**

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**Requesting Agency**

County Clerk

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**Requested Action**

Commissioner Rita Johnson, District #3, will deliver the Invocation.

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**Requirement for Board Action**

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**Is this Item Goal Related?**

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**Summary and Background**

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION**



**SPALDING COUNTY BOARD OF COMMISSIONERS**  
**Commissioner James Dutton, District #2**

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**Requesting Agency**

County Clerk

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**Requested Action**

Commissioner James Dutton, District #2, will lead the pledge to the flag.

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**Requirement for Board Action**

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**Is this Item Goal Related?**

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**Summary and Background**

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION**



## SPALDING COUNTY BOARD OF COMMISSIONERS Application #20-04S

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### Requesting Agency

Office of Community Development

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### Requested Action

**Application #20-04S:** Christopher M. Bassett, Owner - 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

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### Requirement for Board Action

Article 4. General Procedures - Section 413.

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### Is this Item Goal Related?

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### Summary and Background

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of a single-chair hair studio. The sole stylist will be the applicant's wife. The applicant has stated that there will be customer access to the residence.

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### Fiscal Impact / Funding Source

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### STAFF RECOMMENDATION

#### CONDITIONAL APPROVAL:

- a. All areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to approval of business license issuance.
- b. A building permit is required for the accessory structure.
- c. Property owner must locate the exact property line on the south side of the lot in order to accurately site the accessory structure.

**BOARD OF APPEALS RECOMMENDS CONDITIONAL APPROVAL AS STATED ABOVE (4-0).**

### ATTACHMENTS:

Description	Upload Date	Type
❏ Application #20-04S	6/25/2020	Backup Material







**REQUEST FOR SPECIAL EXCEPTION**  
**APPLICATION NO. 20-045**

**AGENT/DEVELOPER INFORMATION**

(If not owner)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name: Christopher M. Bassett

Address: 129 Orchard Drive

City: Griffin

State: GA Zip: 30223

Phone: 678-470-5735

Phone: \_\_\_\_\_

**APPLICANT IS THE:**

\_\_\_\_\_ Owner's Agent

☒ Property Owner

\_\_\_\_\_ Developer

Present Zoning District(s): Zone AR-1

Land District(s): 2nd Land Lot(s): 47 Acreage: 14.33

Address of Property: 129 Orchard Drive Griffin, GA 30223

Identify the use for which you seek a Special Exception and cite the section of the Spalding County Zoning Ordinance which provides that the Special Exception may be granted:

I seek permission to construct a building to use for  
business purposes. The business will be a single chair  
hair studio. Section 503; D(5) General Home Occupation

**OTHER REQUIRED INFORMATION**

Attach a statement describing the Special Exception and the reason you are requesting this Special Exception.

Attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

Some developments (i.e. subdivisions, Church's, etc.) may require a 24 x 36 copy of the plat.

Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):

\_\_\_\_\_  
Agent/Developer

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

5/24/2020  
\_\_\_\_\_  
Date

**OFFICE USE ONLY**

Date Received: 5-26-20

Amount of Fee: \$500<sup>00</sup>

Received By: C. McDaniel

Receipt Number: 043832

See attached responses

**SPECIAL EXCEPTION APPLICANT'S RESPONSE**

Pursuant to Section 413 of the Zoning Ordinance, the Board of Commissioners of Spalding County finds that the following standards are relevant in granting a Special Exception.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether granting a Special Exception would be detrimental to the use of development of adjacent properties or the general neighborhood: \_\_\_\_\_

\_\_\_\_\_

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: \_\_\_\_\_

\_\_\_\_\_

(C) Whether granting a Special Exception would have depreciating effects and damages to the neighboring properties that are greater than the benefits or need for the Special Exception: \_\_\_\_\_

\_\_\_\_\_

(D) Whether granting a Special Exception would adversely affect existing uses: \_\_\_\_\_

\_\_\_\_\_

(E) Whether the subject property is sufficient in size to satisfy the space requirements for the use: \_\_\_\_\_

\_\_\_\_\_

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: \_\_\_\_\_

\_\_\_\_\_

**OFFICE USE ONLY**

Date Received: 5-26-20

Received By: C. McDaniel

### Special Exception Applicant's Response

- A. No, the construction would not be visible from the roadway and would match the current residence on site.
- B. No, the business would be held under strict guidelines of the State Board of Cosmetology. Furthermore, no exhaust, runoff or other pollutants are created from such business.
- C. No, in contrast, the structure and business would bring appreciating effects to the area.
- D. No, the construction would be new so this does not apply.
- E. Yes, the property is 14.33 acres.
- F. Yes, all ordinances and codes set forth by the county will be followed and adhered to.



**PROPERTY OWNER'S CERTIFICATION OF  
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certify that the agent, if different from the owner, is authorized to file this application.

CHRISTOPHER BASSETT  
Print Name of Owner(s)

\_\_\_\_\_  
Print Name of Agent, If Not Same as Owner

[Signature] 5/26/2020  
Signature of Owner(s) Date  
or Signature of Authorized Officer or Agent  
(if applicable)

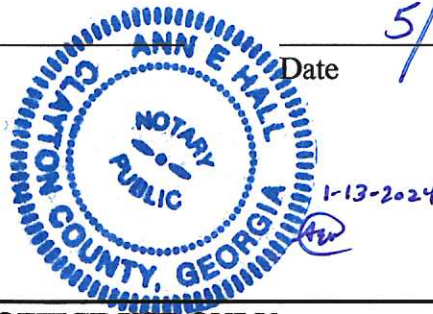
\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent (if applicable)

[Signature]  
Signature of Notary Public

5/26/2020  
Date

-- Notary Seal --



OFFICE USE ONLY

Date Received: 5-26-20

Received By: C. McDaniel

## **SITE PLAN REQUIREMENTS FOR SPECIAL EXCEPTION**

### **Section 416: Special Exception.**

A site plan meeting the requirements of Section 416 of this Ordinance shall be submitted with any application for a special exception which shall require a building permit for the purpose of commencing construction on a new structure on the property which is the subject of the special exception application; provided however, that any site plan for a special exception for a certified hardship allowed in Sections 503(D)(2-3), 603(D)(2-3), 703(D)(3-4), 803(D)(3-4), 803A(D)(3-4), 1003(D)(3-4), 1103(D)(3-4) and 1103A(D)(3-4) shall not be required to comply with the provisions of subparts (g), (i), (j), (k), (o) and (p) of Section 416.

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals;
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

**Spalding County Fee Schedule:**

**Appeal from Action of Administrative Officer:**     \$ 300.00

**Variance:**     \$ 300.00

**Special Exception:**     \$ 500.00

**Multiple Parcel Rezoning:** Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

**A. Parcel 1 - \$750.00**

**B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and**

**C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.**



May 24, 2020

To Whom it may concern:

I am seeking permission to construct a single story 256 sq/ft building on my property at 129 Orchard Drive. The purpose of the building would be for my wife to move her established hair salon business from the City of Griffin to our homesite. The building would be one of wood construction with a metal roof matching that of our current home. The dimensions of the proposed structure would be 16' by 16' and would be positioned on the south side of the property withing the guidelines established by the county. (12' away from our residence and 5' away from the property line) The structure would not be visible from the street and would meet all building codes. Attached you can find a sketch of the said structure in relation to our current home and property lines.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Chris Bassett', with a long horizontal stroke extending to the right.

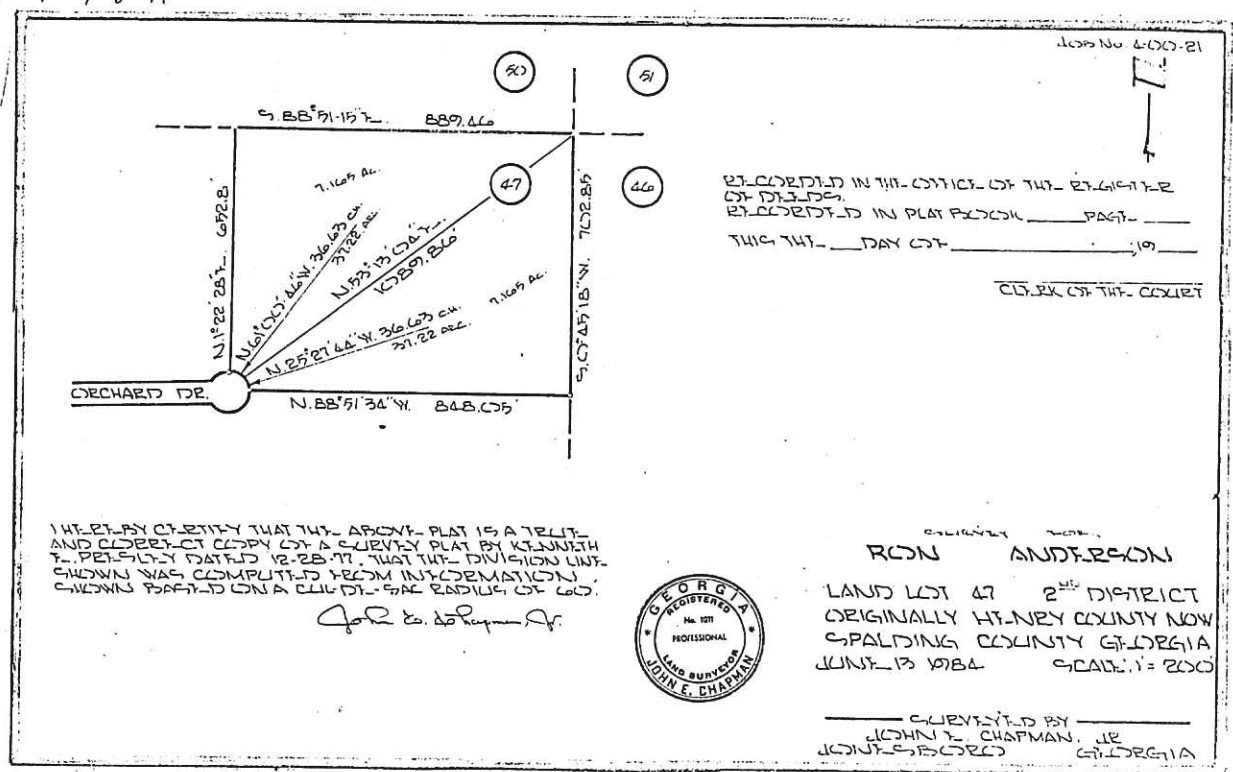
Chris Bassett

678-476-5735

129 Orchard Drive

Griffin, GA 30223

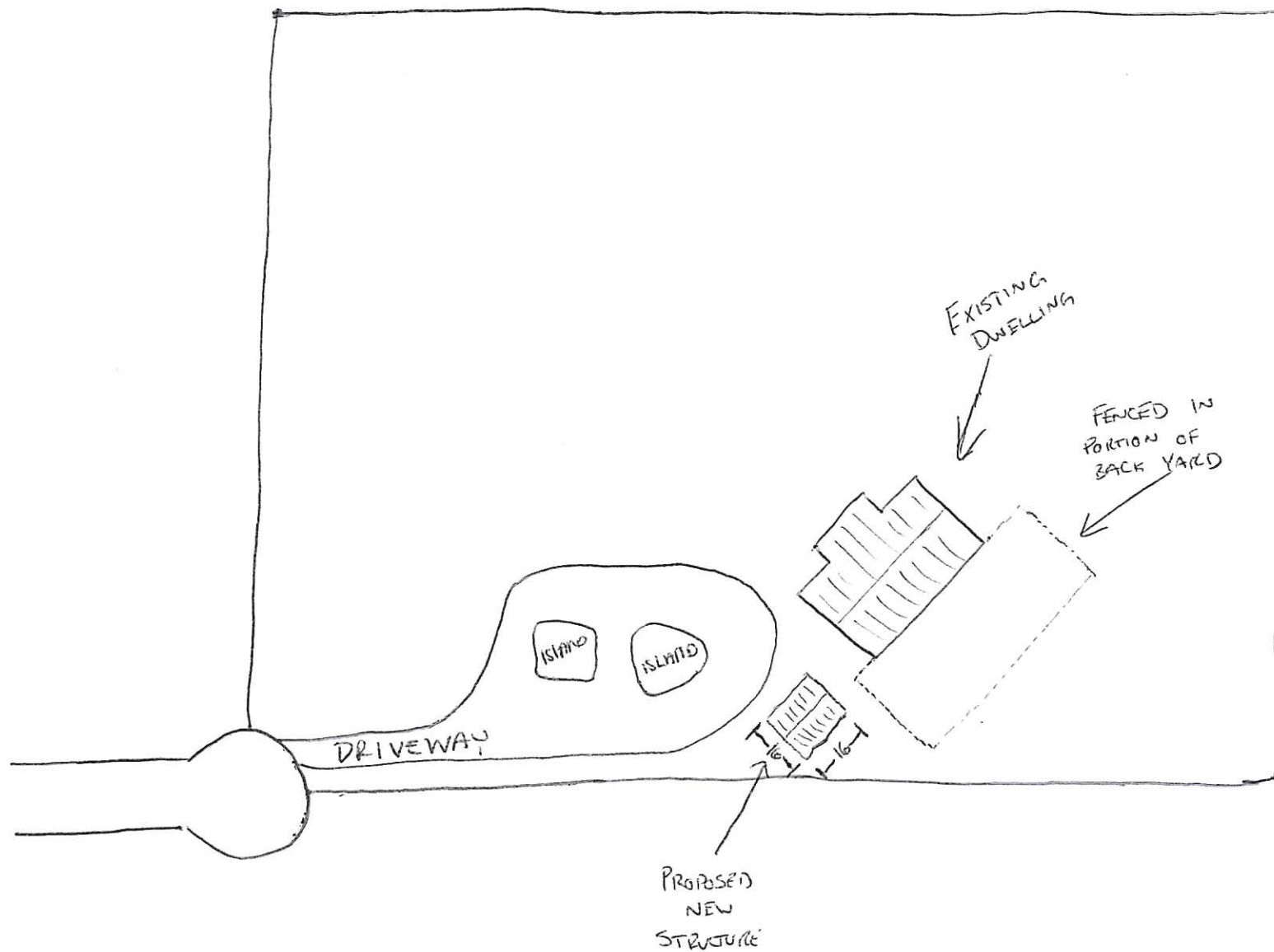
Property of Ron Anderson



15/295

Recorded July 11, 1984

John E. Anderson Jr.  
CSC



Return Recorded Document to:  
Wessels & Dixon, P.C.  
175 Corporate Center Drive, Suite A  
Stockbridge, GA 30281  
678-759-2211

Real Estate Transfer Tax  
Paid \$ 126.00  
Date 12-11-13  
PT - 61 126-2013-2679  
Marcia L. Norris  
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED  
CLERK, SUPERIOR COURT  
SPALDING COUNTY, GA

2013 DEC 11 AM 9 58

WARRANTY DEED

BY   
MARCIA L. NORRIS, CLERK

STATE OF GEORGIA

COUNTY OF HENRY

File #: 13-0723

This Indenture made this 14th day of November, 2013 between Kevin Douglas Easthope, of the County of Henry, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Christopher M. Bassett, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 47 of the Second Land District of original Henry, now Spalding County, Georgia and described as beginning at an iron stake on the North margin of a cul de sac in Orchard Drive, said Point of Beginning, being South 0 Degrees 30 minutes West, 672.85 feet along the West Margin of the McDonough Road from the intersection of East Margin of the McDonough Road with the North Boundary of Land Lot 47, thence South 88 Degrees 38 Minutes East 2,000.0 Feet along the North Margin of Orchard Drive; thence Eastwardly 201 Feet, more or less, along the curving North Margin of a cul de sac in Orchard Drive (arc of curve being subtended by a chord of North 85 Degrees 39 Minutes East 201.0 Feet) to the Point of Beginning of this description; thence from said Point of Beginning, Southeastwardly 39 Feet, more or less, along the curving of North Margin of a cul de sac in Orchard Drive (arc of curve being subtended by a chord of South 65 Degrees 16 Minutes East, 38.5 Feet), to an iron stake; thence Southeastwardly 39 Feet, more or less, along the curving East Margin of a cul de sac in Orchard Drive (arc of curve being subtended by a chord of South 22 Degrees 00 Minutes East 38.5 Feet) to an iron stake; thence South 88 Degrees 38 Minutes East 848.05 Feet to an iron stake; thence North 0 Degrees 37 Minutes East 702.85 Feet to an iron stake; on the North Boundary of Land Lot 47, thence; North 88 Degrees 38 Minutes West, 889.46 Feet along the North Boundary of Land Lot 47 to an iron stake; thence South 1 Degree 22 Minutes West, 652.8 Feet to the Point of Beginning. Property is bounded on the North by Land of FGS Enterprises; on the East by Lands now formerly owned by Mrs. Amelia Walker McKnight Anderson; on the South by a cul de sac in Orchard Drive, and other lands of Central Land Corporation, in the Southwest by cul de sac in Orchard Drive, and on the West by other lands of Central Land Corporation.

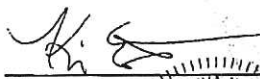
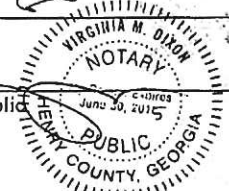
This Deed is given subject to all easements and restrictions of record, if any.


TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

  
Witness  
  
Notary Public

  
Kevin Douglas Easthope (Seal)



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# SPALDING COUNTY BOARD OF APPEALS

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**DATE:** July 9, 2020

**TO:** Spalding County Board of Appeals  
Spalding County Board Of Commissioners

**FROM:** Department of Community Development

**RE:** Special Exception Application 20-04S

*The following report constitutes the assessment and evaluation by the Community Development staff on the above referenced application.*

**Identification of the Property:**

**Size and location:**

The property is located at 129 Orchard Drive; Land Lot 47 of the 2<sup>nd</sup> Land District of Spalding County. Property consists of 14.33 +/- acres.

**Current owner:**

Christopher M. Bassett  
129 Orchard Drive  
Griffin, Georgia 30223

**Agent/Developer:**

None

**Proposed use:**

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of a single-chair hair studio. The sole stylist will be the applicant's wife. The applicant has stated that there will be customer access at the residence.

**Compliance with Zoning Ordinance Development Standards:**

The property is currently zoned AR-1.

Section 503:D(5) allows for Home Occupation, general, excluding garage, repair garage, kennel, and shooting range. Section 202:LL defines Home Occupation, General as: An occupation for gain or support conducted by residents on the premises,

ancillary and accessory to the main agricultural or residential use on the property, meeting the following criteria:

1. No home occupation shall employ more than two (2) persons who work on the premises but who do not reside in the dwelling located on the premises.
2. The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
3. No display of products shall be visible from the street.
4. Use of the principal and/or accessory building(s) for the home occupation shall not exceed twenty-five (25) percent of the combined gross floor area of the principle and accessory buildings.
5. No internal or external alterations shall be permitted which would change the fire rating for the structure.
6. No continuous unenclosed outside storage of materials or supplies used in connection with the home occupation shall be permitted, provided that this restriction shall not preclude the conduct of minor outside home gardening activities in conjunction with a home occupation.
7. All parking for the home occupation shall be located on the property and only in the side or rear yards.
8. Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in R-1, R-2, R-4 and R-5 zoning districts.

Spalding County Unified Development Ordinance, Section 413, Subsection G states as follows:

The Board of Appeals will consider the following points in arriving at a decision on the Special Exception:

1. It must not be detrimental to the use or development of adjacent properties, or to the

general neighborhood; it must not adversely affect the health or safety of residents or workers.

*The Home Occupation proposed in this request will not adversely affect the health or safety of residents or the general neighborhood nor will it be detrimental to the use or development of adjacent properties.*

2. It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or need for the Special Exception.

*Staff does not anticipate any depreciating effects on neighboring property with the request use.*

3. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use.

*The subject property is of sufficient size for the request.*

*The subject dwelling is 1,456 square feet. 25% of the total square footage of the dwelling unit is 364 square feet. The proposed structure for the home occupation will be 256 square feet.*

1. Satisfies the requirements for Home Occupation in Section 202:LL and the Special Exception Criteria in Section 413G of the Spalding County UDO.

Staff recommends the following condition(s):

- a. All areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to approval of business license issuance.
- b. A building permit is required for the accessory structure.
- c. Property owner must locate the exact property line on the south side of the lot in order to accurately site the accessory structure.

#### Photos



View of subject property from Orchard Drive.

#### Staff Recommendations:

Staff recommends **CONDITIONAL APPROVAL** of this application.

This recommendation was made for the following reasons:

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**July 9, 2020**

The Spalding County Appeals Board held its regular monthly meeting on July 9, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Chair, presiding; Patricia McCord; Billy Slaughter; and Robert Paul Peurifoy. Absent was Tangela Williams.

Also present were: Deborah Bell, Spalding County Community Development Director; and Teresa Watson to record the minutes. Zoning Attorney Newton Galloway was absent from meeting.

Mr. Brown called the meeting to order and invited those who might wish to speak on any of the applications, but were not the applicants, to come forward and sign the request form.

**A. Call to Order**

**B. New Business:**

- 1. Application #20-04S:** Christopher M. Bassett, Owner – 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Applicant Chris Bassett, 129 Orchard Drive, Griffin stated he requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of a single-chair hair studio. The sole stylist will be the applicant's wife. Applicant states there will be customer access to the residence site. The business would be held under strict guidelines of the State Board of Cosmetology and have no pollutants created. Applicant states all ordinances and codes set forth by Spalding County will be followed. Building will be wood construction with a metal roof matching that of the residence, and a sketch of said structure was provided. The accessory structure will share a common drive with the residence. The building will be about five feet off the property line, as stipulated. Mr. Bassett advised his wife already had obtained her cosmetology licensing. Staff recommends conditional approval of Application #20-04S as follows:

- a. All areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to issuance of business license.
- b. A building permit is required for the accessory structure.
- c. Property owner must locate the exact property line on the south side of the lot in order to accurately site the accessory structure.

***Motion/second by Ms. McCord/Mr. Peurifoy to approve Application #20-04S with the three conditions as noted above carried by a vote of 4-0.***

- 2. Application #20-05V:** Clark Van Norris, Owner – 350 Hollonville Road (10 acres located in Land Lot 18 of the 1<sup>st</sup> Land District) – requesting a Variance from minimum square footage requirement for first story in the AR-1 District.

The applicant, Mr. Clark Van Norris, 350 Hollonville Road, relayed he has requested to reduce the minimum first floor square footage requirement for a dwelling in the AR-1 zoning district from 1250 SF to 1064 SF. The applicant purchased the parcel on January 15, 2020, as recorded in Spalding County Deed Book 4515 Page 78-80. The overall size of the proposed structure is

1,785 heated square feet, which exceeds the district minimum requirement. However, the requirement for the minimum 1,250 SF on the ground floor was not updated in Municode at the time the applicant commissioned the architectural design, and he was unaware of the fact that the ground floor did not meet the square footage requirement until much later. Application of this Ordinance to this particular parcel would create a practical or unnecessary hardship on the property owner. Staff recommends approval as presented since granting this variance would not cause substantial detriment to the public good, nor would it impair the spirit of the Ordinance or adversely affect neighboring properties.

***Motion/second by Mr. Peurifoy/Mr. Slaughter to approve Application #20-05V as presented carried by a vote of 4-0.***

- 3. Application #20-06V:** So So Investments, LLC, Owner – 709 Sleepy Hollow (0.62 acre located in Land Lot 135 of the 2<sup>nd</sup> Land District) – requesting a Variance from front yard sets back in the R-4 District.

Ms. Bell noted that the applicant, who was not present tonight, has requested to reduce the minimum front yard setback in the R-4 zoning district from 50' to 40'. The applicant states that wetlands behind the property reduces the amount of buildable space available. The current house location has a steep slope in the back due to wetlands, causing an inability to properly slope the yard. The intent is to provide a structure with similar features to surrounding neighborhood properties, i.e. covered back patio with fireplace, and to provide adequate backyard for future occupants.

Ms. Bell noted that staff recommends denial of the application since there are no extraordinary or exceptional conditions relative to the site. The parcel is similar in topography to parcels on either side. Application of this Ordinance poses no unnecessary hardship on the property owner, and granting this variance would cause detriment and impair the spirit of the Ordinance since all the other houses on the street are placed at the required setback distance. Reducing the setback will place this house markedly out of line with surrounding houses and negatively impact the aesthetics of the neighborhood. A different house plan that better fits the buildable area could be selected to remedy this issue.

***Motion/second to deny Application #20-06V by Mr. Brown/Mr. Peurifoy carried by a vote of 4-0.***

**C. Approval of the minutes of the April 9, 2020 meeting.**

***Motion/second by Mr. Peurifoy/Mr. Brown to approve Minutes of the April 9, 2020 meeting carried by a vote of 4-0.***

**D. Adjournment**

***Motion/second by Ms. McCord/Mr. Peurifoy to adjourn at 7:18 pm carried by a vote of 4-0.***

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Ed Brown – Chair

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Teresa A. Watson - Recorder





## SPALDING COUNTY BOARD OF COMMISSIONERS Application #20-06Z

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### Requesting Agency

Office of Community Development

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### Requested Action

**Application #20-06Z:** Marksmen Real Estate, LLC, Owner - Howard Johnson, Agent - 2342 North Expressway (1.156 acres located in Land Lot 102 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

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### Requirement for Board Action

Article 4. General Procedures - Section 414.

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### Is this Item Goal Related?

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### Summary and Background

The applicant has requested to rezone approximately 1.56 acres from C-1 to C-1B. The property is developed with an existing building that has been used legally nonconforming (grandfathered) for various commercial uses for many years. The last commercial business license lapsed for a period that extended beyond 12 months and the grandfathering lapsed.

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### Fiscal Impact / Funding Source

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### STAFF RECOMMENDATION

#### APPROVAL.

#### PLANNING COMMISSION RECOMMENDS CONDITIONAL APPROVAL (5-0) AS FOLLOWS:

- A) All outdoor storage shall be neat and orderly.
- B) There shall be no junked, abandoned or wrecked vehicles stored on the property.
- C) All site lighting shall be structured so as not to glare onto adjacent properties.
- D) All vehicles shall be parked on designated paved areas and not on grassed areas.
- E) Business shall not use the right-of-way for display of vehicles.

### ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-06Z	6/24/2020	Backup Material
<input type="checkbox"/> Minutes 06-30-20 PC	7/13/2020	Backup Material



REQUEST FOR ZONING MAP CHANGE  
APPLICATION NO. 20-062

AGENT/DEVELOPER INFORMATION  
(If not owner)

Name: HOWARD JOHNSON

Address: 2081 RESERVE PKWY

City: MCDONOUGH

State: GA Zip: 30253

Phone: 470-338-9489  
225-573-7448

Contact Person: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Name: MARKSMEN REAL ESTATE LLC

Address: 700 S. RIVER LANDING ROAD

City: EDGEWATER

State: MD Zip: 21037

Phone: 410 274 0995

Phone: \_\_\_\_\_

APPLICANT IS THE:

☒ Owner's Agent      \_\_\_\_\_ Property Owner      \_\_\_\_\_ Developer

Present Zoning District(s): C1

Requested Zoning District(s): C1B

Land District(s): 003

Land Lots(s): 102

Acreage: 1.56

Address of Property: 2342 NORTH EXPRESSWAY, GRIFFIN GA 30224

Proposed Development: AUTO REPAIR SHOP AND CAR STORAGE

**OTHER REQUIRED INFORMATION****Checklist**

- ☒ Attach 1 copy of plat prepared by a registered land surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.
- ☒ Please attach a statement describing the proposed development.
- ☒ Please attach a deed, certified by the Clerk of Court, of the property proposed for rezoning.
- ☒ Please attach a copy of metes and bound description of the property for rezoning.
- ☐ Please attach 1 copy (24 x 36) and 1 copy (11 x 17) of the conceptual site plan, if applicable (see Page 7).
- ☐ If proposed property is within the S-2 Sensitive Land-Watershed Protection District, please submit a plat or drawing to scale showing the exact location of any surface water that is located on or within 250 feet of the subject property.
- 

1 Is the property recorded as one (1) or multiple parcel(s)?

---

**OFFICE USE ONLY**

Date Received: 5-5-20

Amount of Fee: \$750<sup>00</sup>

Received By: C. Tillman / C. McDaniel

Receipt Number: 043822

**REZONING APPLICANT'S RESPONSE**

Pursuant to Section 414 of the Zoning Ordinances, The Board of Commissioners find that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether a proposed rezoning (or special use permit) will permit a use that is suitable in view of the use and zoning of adjacent and nearby property: PREVIOUS BUSINESS WAS AN AUTO REPAIR SHOP / CAR STORAGE AND WE INTEND TO DO LIKEWISE WITHIN THE BOUNDARIES OF THE ZONING PERMIT

(B) Whether the property is suitable for the proposed use: YES

(C) What is the length of time the property has been vacant?: 15 MONTHS

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?:  
NO THREAT TO THE COMMUNITY AS IT MET THE ZONING DEMANDS

(E) Whether and to what extent is the subject property value diminished under the present zoning?:  
UNDER PRESENT ZONING THE PROPERTY HAS BEEN VACANT FOR 15 MONTHS AND EXPECTED TO REMAIN SO CONSIDERING THE ECONOMIC CRISIS. ALSO RETROFIT EXPENSES WOULD BE PROHIBITIVE

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?:  
HARDSHIP IS CURRENTLY \$3,000 PER MONTH. UNDER CURRENT ZONING TO CONVERT TO RETAIL WOULD BE PROHIBITIVELY EXPENSIVE WITH NO GUARANTEE OF RENTING. AT THE MOMENT SIGNS OF DRUG USE ON THE PREMISES IS APPARENT, THEREFORE FURTHER RISK OF CONTINUED VACANCY.  
Use Additional Pages, If Necessary

**OFFICE USE ONLY**

Date Received: 5-5-20 Received By: C. Tillman / C. McDaniel



**PROPERTY OWNER'S CERTIFICATION OF  
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certifies that the agent, if different from the owner, is authorized to file this application.

Fredman C. Currell  
Print Name of Owner(s)

HOWARD JOHNSON  
Print Name of Agent, If Not Same as Owner

[Signature] 5/4/2020  
Signature of Owner(s) Date  
or Signature of Authorized Officer or Agent  
(if applicable)

[Signature]  
Signature of Agent

[Signature]  
Signature of Notary Public

5/4/2020  
Date

---Notary Seal---



Thomas M. Drake  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG151937  
Expires 10/16/2021

**OFFICE USE ONLY**

Date Received: 5-5-20 Received By: C. Tillman / C. McDaniel

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING****A. APPLICANT'S DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

No (Yes/No)

If the answer is Yes, please complete the following section:

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____

Attach additional sheets if necessary to disclose or describe all contributions.

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**B. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS OF APPLICANT'S ATTORNEY OR REPRESENTATIVE**

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?


No (Yes/No)

If the answer is Yes, please complete the following section:

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____	(1) _____
	_____	_____
(2) _____	(2) _____	(2) _____
	_____	_____

Attach additional sheets if necessary to disclose or describe all contributions.

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

  
 Signature of Applicant      Date 05/04/2020      Type or Print Name and Title HOWARD JOHNSON AGENT.

Signature of Applicant's Attorney Or Representative      Date \_\_\_\_\_      Type or Print Name and Title \_\_\_\_\_

**OFFICE USE ONLY**

Date Received 5-5-20      Case # 20-067      Accepted By C. Tilman / C. McDaniel



**SITE PLAN REQUIREMENTS FOR ZONING**

**Section 416: Site Plan Requirements for Rezoning.** Any Applicant seeking rezoning of property to the following zoning districts of Spalding County, Georgia, C-1, C-1A, C-1B, C-1C, C-2, C-3, PDD, PRRRD, and O-I or seeking rezoning for any property subject to the requirements of the Spalding County Subdivision Ordinance, Zoning Ordinance of Spalding County, Appendix A for residential development within the following zoning districts of Spalding County, Georgia, AR-1, AR-2, R-1, R-2, R-2A, R-3, R-4, R-5 and R-6 shall submit a conceptual site plan depicting the proposed use of the property including: (#A-03-28, 10/06/03)

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals (USGS Quad Sheets may be used);
- K. Location and elevation of the 100-year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.



**Spalding County Fee Schedule:**

**Appeal from Action of Administrative Officer:**     \$ 300.00

**Variance:**     \$ 300.00

**Special Exception:**     \$ 500.00

**Multiple Parcel Rezoning:** Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

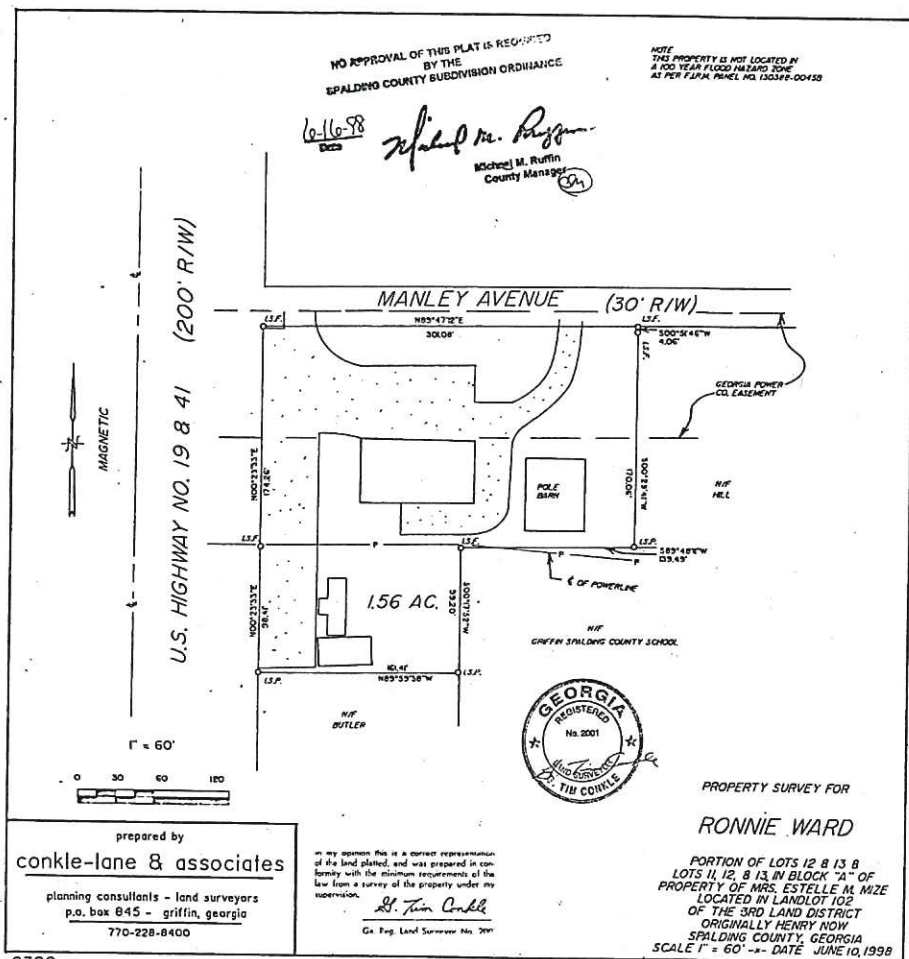
**A. Parcel 1 - \$750.00**

**B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and**

**C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.**

600 300 23 3000

Property of Ronnie Ward



8399

23/9

Recorded June 16, 1998

Myrtle F. Peoples, Clerk

## PROPOSED DEVELOPMENT.

IT IS OUR IMMEDIATE INTENTION TO OPERATE AN AUTO SERVICE REPAIR SHOP, WHICH ENTAILS ENGINE AND TRANSMISSION REPAIRS, MECHANICAL ELECTRICAL & ELECTRIC SERVICES.

PARKING FOR CUSTOMER CARS INCLUDING OVERNIGHT IF NECESSARY

WE INTEND AT THE EARLIEST CONVENIENCE TO HAVE CARS ON DISPLAY THAT HIGHLIGHTS OUR CAPABILITIES AS A BUSINESS INCLUDING VEHICLES FOR SALE

Signed HOWARD JOHNSON



05/04/2020



BOOK 4433 PAGE 22

Please return to:  
Lawson & Beck, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 19-LAW-1238

Real Estate Transfer Tax  
Paid \$ 353.00  
Date 7-8-19  
PT - 61 126 - 2019-1817

FILED & RECORDED  
CLERK, SUPERIOR COURT  
SPALDING COUNTY, GA.  
2019 JUL -8 A 9:40

STATE OF GEORGIA  
COUNTY OF FAYETTE

Debbie L. Brooks  
Clerk of Superior Court

BY WE  
DEBBIE L. BROOKS, CLERK

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 2nd day of July, 2019 between **Ronnie Ward Properties of Griffin L.L.C.**  
as party or parties of the first part, hereinafter called Grantor, and **Marksmen Real Estate LLC**  
as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their  
respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable  
consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby  
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell,  
alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land situate, lying and being in Land Lot 102 of the Third Land District of originally Henry, now  
Spalding County, Georgia, being shown on Property Survey for Ronnie Ward, dated June 10, 1998, prepared by Conkle-Lane  
& Associates, Registered Land Surveyor, a copy of which said plat of survey is recorded in Plat Book 23, Page 9, in the  
Office of the Clerk of Superior Court of Spalding County, Georgia, and by reference, said plat of survey, together with the  
metes, bounds, course and distances as shown thereon, is incorporated herein and made a part of this description.

Located on the above described property is a building known as 2352 North Expressway, Griffin, Georgia.

The above property is conveyed subject to easement(s) in favor of Central Georgia Electric Membership Corporation, and  
easement in favor of Georgia Power Company, which traverse the above described property:

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances  
thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said  
Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said  
Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

Ronnie Ward Properties of Griffin L.L.C.

Asheley Embury  
Unofficial Witness  
Notary Public



By: R W  
Ronnie Ward as sole and last remaining Member

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

BEGINNING at an iron stake found at the intersection of the easterly right-of-way of US Highway 19/41 aka North Expressway (200' R/W) and the southerly right-of-way of Manley Road (30' R/W); thence along the southerly right-of-way of Manley Road North 89°47'12" East, a distance of 301.08 feet to an iron stake found; thence leaving said right-of-way South 00°51'46" West, a distance of 4.06 feet to an iron stake found; thence South 00°29'41" West, a distance of 170.06 feet to a point; thence South 89°48'11" West, a distance of 139.49 feet to an iron stake found; thence South 00°17'52" West, a distance of 99.20 feet to a point; thence North 89°59'38" West, a distance of 161.41 feet to a point on the easterly right-of-way of US Highway 19/41; thence along said right-of-way North 00°23'33" East, a distance of 98.41 feet to an iron stake found; thence continuing along said right-of-way North 00°23'33" East, a distance of 174.26 feet to a point to an iron stake found, being the POINT OF BEGINNING.

Said tract contains 1.56 acres of land.





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# SPALDING COUNTY PLANNING COMMISSION

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**DATE:** June 30, 2020

**TO:** Spalding County Planning Commission  
Spalding County Board of  
Commissioners

**FROM:** Department of Community Development

**RE: Rezoning Application #20-06Z**  
**Total acreage: 1.56±**  
**C-1 to C-1B**

*The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced rezoning application.*

## **Identification of the Property**

### **Size and Location:**

The application requests rezoning on a total of 1.56 acres, more or less, located at 2342 North Expressway in Land Lot 102 of the 3<sup>rd</sup> Land District.

### **Current Owner(s):**

The property is owned by Marksman Real Estate, LLC by virtue of Deed recorded July 8, 2019 in Deed Book 4433, Page 22, Office of the Clerk of the Superior Court, Spalding County, Georgia.

### **Agent/Developer**

Howard Johnson  
2081 Reserve Parkway  
McDonough, GA 30253

## **Overview of Development:**

The applicant has requested to rezone approximately 1.56 acres from C-1 to C-1B. The property is developed with an existing building that has been used legally nonconforming (grandfathered) for various commercial uses for many years. The last commercial business license lapsed for a period that extended beyond 12 months and the grandfathering lapsed.

## **Current Area Development**

### **Current Zoning/Authorized Development:**

The property proposed to be rezoned is currently zoned C-1, Highway Commercial. Under the current zoning the property can be used for a variety of commercial purposes, but automobile and truck sales is not a permitted use in C-1. The applicant desires to conduct an auto and truck sales business on the site.

### **Existing Use:**

The subject property is developed as a commercial use.

### **Land Use Plan:**

Pursuant to the "Spalding County Comprehensive Plan, 2017 update," the request is consistent with the plan and associated Future Land Use Map classification of Commercial Corridor.

### **Schools:**

As the proposal is for a Commercial Use, there will be no negative impact to the schools in the form of additional students.

## **Compliance with Zoning Ordinance Development Standards:**

### **C-1B Development Standards:**

**Minimum Heated Floor Area for Buildings:** None.

### **Minimum lot area:**

1. Unsewered Areas: As specified by the Spalding County Health Department.

2. Sewered Areas: None

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**Minimum lot width:** 100 feet.

**Minimum frontage width:** 75 feet.

Minimum frontage width shall be reduced to 50 feet for lots abutting the turnaround portion of dead end streets (cul-de-sacs).

**Setbacks:**

**front:** 70 feet

**side:** 15 feet

**rear:** 25 feet

**Utilities & Infrastructure:**

**Transportation:**

The following average trip numbers represent the average number of trip experienced by this type of development based on case studies from Trip Generation, 7<sup>th</sup> Edition from the Institute of Transportation Engineers:

Based on 4560 square feet for Automobile Care Center use:

**Weekday**

A.M. Peak Hour: 19 trips

P.M. Peak Hour: 20 trips

Total Weekday not available

**Water:**

The site is accessible to County water.  
(Source: Spalding County Water Authority)

**Sewerage:**

The site is not accessible to sanitary sewer service provided by the City of Griffin.

**Wetlands/Watershed Area:**

The property is located within a 100-year flood zone area, per FIRM map 13255C 0066 E, effective date June 7, 2017.

This site is located within an S-2 watershed area.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

**Criteria when considering a Rezoning Application**

The following items are listed in the Spalding County Zoning Ordinance (a/k/a UDO) as criteria to consider for rezoning applications:

1. The existing uses and zoning of nearby properties.  
*The property is surrounded primarily by residential uses, but these are zoned C-1; the nearby intersection is primarily zoned commercial and used commercially. The current tract is surrounded by C-1 zoning.*
2. The suitability of the property for the proposed purpose.  
*Per the "Spalding County Comprehensive Plan, 2017 update," the plan indicates that this property should be used as "Commercial Corridor". The request as proposed is consistent with the Future Land Use Map for this property.*
3. The length of time the property has been vacant.  
*The property is currently developed with a commercial building but has been vacant for more than a year.*
4. The threat to the public health, safety, and welfare, if rezoned.  
*There will be minimal increase in threat to public health, safety, and welfare if rezoned.*
5. The extent to which the value of the property is diminished by the present zoning.  
*Staff cannot determine if the value of the property is diminished by the present zoning.*
6. The balance between the hardship on the property owner and the benefit to the public in not rezoning.  
*While the property has numerous uses if it remains C-1, there is a benefit to the public if it is in active use rather than sitting vacant. An occupied property is statistically better for a neighborhood than a vacant property.*



**Photo(s)**



*View from US Hwy. 19-41.*

**Staff Recommendations:**

Staff recommends **APPROVAL** of the request to amend the zoning of this property for the following reasons:

- a. The request is consistent with the Spalding County Comprehensive Plan and the associated Future Land Use Map.
- b. The request is consistent with existing zoning in the area.

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**June 30, 2020**

The Spalding County Planning Commission held its regular monthly meeting on June 30, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks and Frank Harris.

Also present were Deborah Bell, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson to record the minutes.

Mr. Youmans called the meeting to order, introduced members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**A. Call to Order**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names/addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Planning Commission. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

**B. New Business:**

- 1. Application #20-06Z:** Marksmen Real Estate, LLC, Owner – Howard Johnson, Agent – 2342 North Expressway (1.156 acres located in Land Lot 102 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

The applicant has requested to rezone approximately 1.56 acres from C-1 to C-1B. The property is developed with an existing building that has been used legally nonconforming (grandfathered) for various commercial uses for many years. The last commercial business license lapsed for a period that extended beyond 12 months and the grandfathering lapsed. Staff recommends approval of the request as it is consistent with the Spalding County Comprehensive Plan and the associated Future Land Use Map, as well as existing zoning in the surrounding area.

Mr. Howard Johnson, 2081 Reserve Parkway, McDonough

Mr. Johnson said the building he has rented has been empty for quite some time. It was previously an auto repair shop, and he desires to maintain an automotive repair shop, as well as a place to display cars to sell, as in a dealership. There is sufficient space for vehicle storage and display and the property has adequate setbacks from the road.

Ms. Bell said because this is in the commercial corridor and because it has been vacant for so long, staff recommends approval. A copy of the plat for said property was referenced. She answered Mr. Cox that when staff recommended approval, it was with the understanding that the business would involve auto repair and sales.

Mr. Cox said there should be no junked vehicles, and adequate storage for vehicles utilizing continuous outside storage should be sufficient. C1-B would be adequate for either auto repair or auto sales, and a list of accepted uses for this zoning designation was reviewed. Mr. Johnson responded to questions.

Mr. Ballard said everyone was concerned on the north side of town since there had been unsatisfactory experiences in the past. Mr. Johnson said their intent was to provide a high standard

for a complete automotive service company, providing repair and sales. There is more than enough space in the building to even provide for detailing of vehicles should they want to go in that direction. They plan to improve the building's exterior and remove debris that has been placed in the rear of the property. The vacant building certainly needs to be occupied, and that will help. A roof repair also needs to happen so that everyone can be proud of the business. They have currently stopped painting the building but are ready to proceed if approved. Mr. Johnson feels they can be competitive and produce a quality product. To do a good job will solidify them in the community with something to be proud of for automotive services. He takes pride in his personal and professional dealings, and this venture would be no different. There will be a waiting area that will be nice for customers, as well.

Mr. Youmans asked about the two smaller buildings, and Mr. Johnson advised they would refurbish the buildings and they will not be eyesores. They will improve the main building first and then the smaller accessory buildings. Lighting will also be improved for the property. No cars will be parked on the grassed areas, said Mr. Johnson.

Mr. Harris explained to Mr. Johnson the responsibilities of Spalding County Planning to ensure a quality product, and they are concerned very much with the aesthetics of the north corridor to the County. He provided an overview of a similar application where they imposed conditions to help ensure this. Mr. Johnson said he was quite comfortable with conditions should they want to impose on the application. He does not want the property to look unsightly and they are investing in the property accordingly so as to promote return business. To allow the business to fall into disrepair or be junked up would be counterproductive to their intentions and plans. They would not want to estrange themselves to the community they depend on for their livelihood.

Mr. Galloway said parking on paved areas and not on grassed areas might be something to condition, as well. Mr. Johnson said they have tow trucks and access to other properties, so if someone should abandon a vehicle, they could move the vehicle elsewhere and charge for storage. They would not leave abandoned vehicles on the lot. Mr. Youmans said he personally had issues with some long-term storage practices of other businesses in the area. The tow service would not be a part of this venture, said Mr. Johnson, and there would not be any wrecked vehicles stored here.

***Motion by Mr. Ballard to approve with the following conditions, seconded by Mr. Cox:***

- A) All outdoor storage shall be neat and orderly.***
- B) There shall be no junked, abandoned or wrecked vehicles stored on the property.***
- C) All site lighting shall be structured so as not to glare onto adjacent properties.***
- D) All vehicles shall be parked on designated paved areas and not on grassed areas.***
- E) Business shall not use the right-of-way for display of vehicles.***

***Motion carried by a unanimous vote of 5-0. Mr. Youmans informed Mr. Johnson that his application will go to the Spalding County Board of Commissioners on July 23, 2020.***

- 2. S/D #08-03:** Consider approval of revised preliminary plat for The Village at Heron Bay – Cole Tract Associates, L.P., Owner – mixed use with 489 units.

The applicant proposes to develop a mixed-use village on 93.8 acres consisting of 494 residential units while providing 18.2 acres of open space (19.4%). The Village at Heron Bay will also provide 186,400 square feet of non-residential uses consisting of office, commercial and civic uses. The plat dated June 17, 2020 is a revision to the multi-family portion of the project. There are no changes to the density or the number of residential units per the previously approved plat. This plat provides a redesign of the multi-family configuration:

- a) Pod JJ Single Family - no change - 24 units.

- b) Detached Cottages - no change - 90 units.
- c) Townhome units increased from 123 to 145.
- d) Apartment units decreased from 252 to 230.
- e) Residential apartments in live-work units are eliminated.

Staff recommends approval of the revision of this preliminary plat as presented. No net change in the number of units has occurred, but rather only a slight configuration change only.

Mr. Brian Davison, Minerva Properties, 2292 Henderson Mill Road, Atlanta

He stated this is the same proposal presented in the conceptual plan stage a couple of months ago. There have been no significant changes. He offered to answer questions. The school campus is still planned for the same size as before. He wanted to note, though, that he did agree to move to a more appropriate site if the school should so desire. Perhaps they could think over the next year about another area west of the site. They are willing to do a donation for this parcel for the school with one caveat that stipulates a timeframe after which the parcel would revert back to them following a specified period of non-use. There are still 170 acres on the west side of the creek to be developed after this project, so he will be returning for more future actions.

***Motion/second by Messrs. Harris/Cox to recommend approval of S/D #08-03 as presented carried by a vote of 5-0.***

- 3. Amendment to UDO #A-20-06:** Article 23. Official Zoning Map – Section 2302:E – semi-annually adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Adoption of this text amendment will update the UDO with respect to updates made to the Official Zoning Map. Staff recommends approval of the Resolution of Amendment #A-20-06 to the Unified Development Ordinance of Spalding County, Georgia. This is the semi-annual update to the Zoning Map and will include all recent updates to this point.

The Board and Ms. Bell wanted to thank Brian Haynes for all his assistance with GIS. Ms. Bell said she speaks with him at least once a week, and he is always very knowledgeable and helpful.

***Motion/second by Messrs. Eubanks/Ballard to recommend approval of Amendment to UDO #A-20-06 carried by a vote of 5-0.***

**C. Consider approval of the minutes for the May 26, 2020 meeting.**

***Motion/second by Messrs. Ballard/Eubanks to approve the Minutes of the May 26, 2020 meeting of the Spalding County Planning Commission carried by a vote of 5-0.***

**D. Other Business:**

Mr. Cox apologized to Ms. Bell for so many comments on the situation surrounding the car repair/lot application, noting that in recent years businesses of this type along this northern corridor have given this Board a great deal of concern and caused much grief over the unkempt image of properties there.

**E. Adjournment.**

***On motion/second by Messrs. Harris/Ballard the meeting was adjourned by a unanimous 5-0 vote at 7:52 p.m.***

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John Youmans – Chair

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Teresa Watson – Recorder



## SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-20-06

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**Requesting Agency**

Office of Community Development

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**Requested Action**

**Amendment to UDO #A-20-06:** Article 23. Official Zoning Map - Section 2302:E - semi-annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

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**Requirement for Board Action**

Article 4. General Procedures - Section 414.

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**Is this Item Goal Related?**

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**Summary and Background**

The adoption of this text amendment will update the UDO with respect to updates made to the Official Zoning Map.

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION**

**APPROVAL.**

**PLANNING COMMISSION RECOMMENDS APPROVAL (5-0).**

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Amendment to UDO #A-20-06	6/24/2020	Backup Material
<input type="checkbox"/> Minutes 06-30-20 PC	7/13/2020	Backup Material

IN RE:

***Text Amendment #A-20-06***

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 \_\_\_\_\_, 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: A new paragraph shall be added to Section 2302(E) of “Official Zoning Map Spalding County, Georgia (Official Map)” of the Zoning Ordinance of Spalding County as follows:

A new Official Map was adopted on \_\_\_\_\_, which will replace the previous Official Map.

Section 2: 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 3: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

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.



**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**June 30, 2020**

The Spalding County Planning Commission held its regular monthly meeting on June 30, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks and Frank Harris.

Also present were Deborah Bell, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson to record the minutes.

Mr. Youmans called the meeting to order, introduced members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**A. Call to Order**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names/addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Planning Commission. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

**B. New Business:**

- 1. Application #20-06Z:** Marksmen Real Estate, LLC, Owner – Howard Johnson, Agent – 2342 North Expressway (1.156 acres located in Land Lot 102 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

The applicant has requested to rezone approximately 1.56 acres from C-1 to C-1B. The property is developed with an existing building that has been used legally nonconforming (grandfathered) for various commercial uses for many years. The last commercial business license lapsed for a period that extended beyond 12 months and the grandfathering lapsed. Staff recommends approval of the request as it is consistent with the Spalding County Comprehensive Plan and the associated Future Land Use Map, as well as existing zoning in the surrounding area.

Mr. Howard Johnson, 2081 Reserve Parkway, McDonough

Mr. Johnson said the building he has rented has been empty for quite some time. It was previously an auto repair shop, and he desires to maintain an automotive repair shop, as well as a place to display cars to sell, as in a dealership. There is sufficient space for vehicle storage and display and the property has adequate setbacks from the road.

Ms. Bell said because this is in the commercial corridor and because it has been vacant for so long, staff recommends approval. A copy of the plat for said property was referenced. She answered Mr. Cox that when staff recommended approval, it was with the understanding that the business would involve auto repair and sales.

Mr. Cox said there should be no junked vehicles, and adequate storage for vehicles utilizing continuous outside storage should be sufficient. C1-B would be adequate for either auto repair or auto sales, and a list of accepted uses for this zoning designation was reviewed. Mr. Johnson responded to questions.

Mr. Ballard said everyone was concerned on the north side of town since there had been unsatisfactory experiences in the past. Mr. Johnson said their intent was to provide a high standard

for a complete automotive service company, providing repair and sales. There is more than enough space in the building to even provide for detailing of vehicles should they want to go in that direction. They plan to improve the building's exterior and remove debris that has been placed in the rear of the property. The vacant building certainly needs to be occupied, and that will help. A roof repair also needs to happen so that everyone can be proud of the business. They have currently stopped painting the building but are ready to proceed if approved. Mr. Johnson feels they can be competitive and produce a quality product. To do a good job will solidify them in the community with something to be proud of for automotive services. He takes pride in his personal and professional dealings, and this venture would be no different. There will be a waiting area that will be nice for customers, as well.

Mr. Youmans asked about the two smaller buildings, and Mr. Johnson advised they would refurbish the buildings and they will not be eyesores. They will improve the main building first and then the smaller accessory buildings. Lighting will also be improved for the property. No cars will be parked on the grassed areas, said Mr. Johnson.

Mr. Harris explained to Mr. Johnson the responsibilities of Spalding County Planning to ensure a quality product, and they are concerned very much with the aesthetics of the north corridor to the County. He provided an overview of a similar application where they imposed conditions to help ensure this. Mr. Johnson said he was quite comfortable with conditions should they want to impose on the application. He does not want the property to look unsightly and they are investing in the property accordingly so as to promote return business. To allow the business to fall into disrepair or be junked up would be counterproductive to their intentions and plans. They would not want to estrange themselves to the community they depend on for their livelihood.

Mr. Galloway said parking on paved areas and not on grassed areas might be something to condition, as well. Mr. Johnson said they have tow trucks and access to other properties, so if someone should abandon a vehicle, they could move the vehicle elsewhere and charge for storage. They would not leave abandoned vehicles on the lot. Mr. Youmans said he personally had issues with some long-term storage practices of other businesses in the area. The tow service would not be a part of this venture, said Mr. Johnson, and there would not be any wrecked vehicles stored here.

***Motion by Mr. Ballard to approve with the following conditions, seconded by Mr. Cox:***

- A) All outdoor storage shall be neat and orderly.***
- B) There shall be no junked, abandoned or wrecked vehicles stored on the property.***
- C) All site lighting shall be structured so as not to glare onto adjacent properties.***
- D) All vehicles shall be parked on designated paved areas and not on grassed areas.***
- E) Business shall not use the right-of-way for display of vehicles.***

***Motion carried by a unanimous vote of 5-0. Mr. Youmans informed Mr. Johnson that his application will go to the Spalding County Board of Commissioners on July 23, 2020.***

- 2. S/D #08-03:** Consider approval of revised preliminary plat for The Village at Heron Bay – Cole Tract Associates, L.P., Owner – mixed use with 489 units.

The applicant proposes to develop a mixed-use village on 93.8 acres consisting of 494 residential units while providing 18.2 acres of open space (19.4%). The Village at Heron Bay will also provide 186,400 square feet of non-residential uses consisting of office, commercial and civic uses. The plat dated June 17, 2020 is a revision to the multi-family portion of the project. There are no changes to the density or the number of residential units per the previously approved plat. This plat provides a redesign of the multi-family configuration:

- a) Pod JJ Single Family - no change - 24 units.

- b) Detached Cottages - no change - 90 units.
- c) Townhome units increased from 123 to 145.
- d) Apartment units decreased from 252 to 230.
- e) Residential apartments in live-work units are eliminated.

Staff recommends approval of the revision of this preliminary plat as presented. No net change in the number of units has occurred, but rather only a slight configuration change only.

Mr. Brian Davison, Minerva Properties, 2292 Henderson Mill Road, Atlanta

He stated this is the same proposal presented in the conceptual plan stage a couple of months ago. There have been no significant changes. He offered to answer questions. The school campus is still planned for the same size as before. He wanted to note, though, that he did agree to move to a more appropriate site if the school should so desire. Perhaps they could think over the next year about another area west of the site. They are willing to do a donation for this parcel for the school with one caveat that stipulates a timeframe after which the parcel would revert back to them following a specified period of non-use. There are still 170 acres on the west side of the creek to be developed after this project, so he will be returning for more future actions.

***Motion/second by Messrs. Harris/Cox to recommend approval of S/D #08-03 as presented carried by a vote of 5-0.***

3. **Amendment to UDO #A-20-06:** Article 23. Official Zoning Map – Section 2302:E – semi-annually adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Adoption of this text amendment will update the UDO with respect to updates made to the Official Zoning Map. Staff recommends approval of the Resolution of Amendment #A-20-06 to the Unified Development Ordinance of Spalding County, Georgia. This is the semi-annual update to the Zoning Map and will include all recent updates to this point.

The Board and Ms. Bell wanted to thank Brian Haynes for all his assistance with GIS. Ms. Bell said she speaks with him at least once a week, and he is always very knowledgeable and helpful.

***Motion/second by Messrs. Eubanks/Ballard to recommend approval of Amendment to UDO #A-20-06 carried by a vote of 5-0.***

**C. Consider approval of the minutes for the May 26, 2020 meeting.**

***Motion/second by Messrs. Ballard/Eubanks to approve the Minutes of the May 26, 2020 meeting of the Spalding County Planning Commission carried by a vote of 5-0.***

**D. Other Business:**

Mr. Cox apologized to Ms. Bell for so many comments on the situation surrounding the car repair/lot application, noting that in recent years businesses of this type along this northern corridor have given this Board a great deal of concern and caused much grief over the unkempt image of properties there.

**E. Adjournment.**

***On motion/second by Messrs. Harris/Ballard the meeting was adjourned by a unanimous 5-0 vote at 7:52 p.m.***

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John Youmans – Chair

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Teresa Watson – Recorder



## SPALDING COUNTY BOARD OF COMMISSIONERS Ethics Complaint

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**Requesting Agency**

County Manager

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**Requested Action**

Consider establishing a date to review an Ethics Complaint filed by William A.B. Solomon and Janice M. Solomon.

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**Requirement for Board Action**

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**Is this Item Goal Related?**

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**Summary and Background**

If a complaint is received by the clerk of the board of commissioners which alleges a prima facie violation of the Code of Ethics by a member of the board of commissioners, then and in such event, the remaining commissioners shall review the allegations, and in the event that three (3) commissioners agree that a prima facie violation of the ethics ordinance is presented, then an independent review board shall be convened.

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION**

Dates suggested for proposed meeting are Monday August 3 at 10:00AM or 3:00PM or Monday August 17th at 10:00AM or 3:00PM.

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**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Complaint	7/21/2020	Backup Material
<input type="checkbox"/> Ethics Ordinance	5/15/2018	Backup Material

June 19, 2020

**Ethics complaint against Commissioner Dutton**

**To: Chairwoman Flowers-Taylor,  
Mr. William Wilson, County Manager**

**RE: Rezoning application # 20-04Z**

**Complaint:** In the execution of his duties during the proceedings of the aforementioned rezoning application, Commissioner Dutton repeatedly invoked his personal considerations, which went beyond the boundaries of the public interest and therefore violated his duty to uphold the public interest as his primary concern.

***[Spalding County, GA Code of Ordinances, Chapter 12- Code of Ethics Sec 2-12001, second paragraph .....Those covered officials are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations recognizing that public interest must be their primary concern.]***

We would like to extend our gratitude and appreciation to the remaining Board of Commissioners and the Zoning Department for the proper execution of their duties and responsibilities in approving our rezoning application.



We are also cognizant and appreciate the stewardship, commitment and responsibilities of the Board of Commissioners to ensure that any proposed development in the county is congruent with Spalding County's land use plan and the surrounding communities, and to promote and encourage developments which positively impacts and contributes to the growth of the county.

However, when a member of the Board of Commissioners appears to operate beyond the boundaries of the *Code of Ethics as per Spalding County, GA Code of Ordinances*, during the execution of his vested duties, then an Ethics Complaint is warranted.

As a point of reference, our rezoning application was presented for consideration to the Board of Commissioners on May 28, 2020. After a moderately contentious hearing, our application was approved by a vote of 3:1, with Commissioner Dutton being the dissenting vote to deny our application

We fully understand and accept the role of Commissioner Dutton in the execution of his duties of the board while upholding the oath of the office, to vote up or down on rezoning matters presented to the Board.

However, for Commissioner Dutton to continually argue his point of contention based upon conjecture and speculation to the end point of implying in a public forum that the Solomon Family has not been truthful in their presentation during their two appearances before the board, was very disturbing. He implied that we were presenting deceptive images of our planned family estate in our attempt to sway the vote in our favor.

This position of Commissioner Dutton, necessitates examination, because as the minutes and video recordings will show, I had indicated and emphasized that the images of the houses and the other features of the estate were a CONCEPTUAL PLAN of our planned family estate. This simply means that the plan presented is *a foundational plan* and a *visionary concept* which is utilized to formulate the final plan.

This is the same plan we have used on numerous occasions to present to our architect, prospective builders and landscape architect in order to provide them with a visual framework which they will use to capture our ideas and desires and bring our conceptual plan and visionary concept to fruition.

Therefore, when Commission Dutton went on his tirade in the public forum toward the end of the session, expressing sentiments of distrust of our application and power-point presentation, as well as implying that we were being deceitful, we found his comments not only to be offensive, insensitive and embarrassing but also unethical.

Moreover, our daughters discovered a Facebook post of Mr. Dutton on May 28, 2020 at 7:09 PM, which was a relatively a short time after our rezoning hearing, which reads "*It is extremely hard to be the sole Republican on a board of four.*" [ Refer to Exhibit A]. This post gives the impression that the other Board members are Democrats or members of another political affiliation and therefore are a monolithic group who are incapable of making intelligent and prudent decisions when presented with statements of facts as they relate to zoning matters. He implied in his statement that the other three board members are ill

equipped to make decisions which would serve the best interest of Spalding county's resident community.

It further implies that Mr. Dutton's decision-making process is tied to a Republican Political Ideology and if he perceives a resident community member who appears in front of the Board, to be of a Non- Republican Political affiliation, then his vote would most likely be one to deny their application or any other matters placed for a vote.

In conclusion, Mr. Dutton's tirade towards the end of our Rezoning hearing and his Facebook post about being the only Republican on the board, is contrary to his duties as a commissioner because by invoking his personal considerations into our rezoning hearing and also implying we were being deceitful in our presentation while ignoring the statements of facts, in effect, he has forfeited his position of objectivity and therefore has lost his sense of duty to prioritize the public's interest as one of his primary concerns. Although Mr. Dutton's Facebook post was not directly part of the rezoning proceedings, there is an apparent correlation between his actions during the proceedings and the Facebook post, in that he mentioned his political affiliation as it relates to the Board , soon after the rezoning proceedings. This correlation appears to be contrary to the duties of his office.

Hence, we can surmise that his actions were biased and therefore not acting in the best interest of the public. We strongly believe that *the basis for our Ethics violations* complaint against Commissioner Dutton is referenced in the following Code of Ethics chapter:



*Spalding County, GA Code of Ordinances, Chapter 12- Code of Ethics  
Sec 2-12001, second paragraph .....Those covered officials are bound  
to observe in their official acts the highest standards of behavior and  
to faithfully discharge the duties and responsibilities of their office,  
regardless of personal considerations recognizing that public interest  
must be their primary concern.*

Thank you.

Respectfully,

  
William A.B. Solomon & Janice M. Solomon

Notary:   
07/14/2020



# Exhibit A

9:16

LTE



James Dutton

May 28 at 7:09 PM · 🌐

...

It is extremely hard to be the sole Republican on a board of four.

👍 Like

💬 Comment

➦ Share

👍👍👍 111

[View previous comments...](#)



Lee Allen

You could always switch sides. I know it's a reach but I figured it couldn't hurt to just ask you to be a Democrat.

But in all seriousness. I listen to you. I read your posts. I know your reactions aren't knee-jerk. I know you THINK about things and I respect your reasoning.

I've told you this before, but when you finally decide to run for president, you can count on my vote.

I know it's hard serving with people that don't question their own axioms, on both sides of the political divide.

Just know that you're appreciated because, while our thoughts might not al... [See More](#)

1w Like Reply

👍 3



Tony Vaughn



Write a comment...





CHAPTER 12. - CODE OF ETHICS<sup>[6]</sup>

## Sec. 2-12001. - Purpose and intent.

The purpose of this Code of Ethics is to establish ethical standards of conduct for all covered officials of Spalding County by identifying acts or actions that are incompatible with the best interests of the community and the organization and by requiring disclosure by such covered officials of private financial, or other interests, in matters affecting the county.

Those covered officials are bound to observe in their official acts the highest standards of behavior and to faithfully discharge the duties and responsibilities of their office, regardless of personal considerations, recognizing that public interest must be their primary concern.

Covered officials shall not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

(Ord. No. 2013-02, 3-4-13)

## Sec. 2-12002. - Definitions.

The following words, terms and phrases, when used in the Code of Ethics of Spalding County, shall have the meanings ascribed to them in this section:

- (1) *Code of Ethics* means the Code of Ethics of Spalding County.
- (2) *County* means Spalding County, Georgia.
- (3) *Covered official* means any member of the Board of Commissioners of Spalding County and any person who has been appointed to a position by the Board of Commissioners of Spalding County including, but not limited to, the county manager, the county clerk, and any member of the planning commission, the zoning board of appeals, or any other appointed board. The county attorney is subject to the ethical considerations and disciplinary rules enacted by the State Bar of Georgia, and is also considered a covered official insofar as the application of this chapter. However, enforcement shall be through the procedures as established by the State Bar of Georgia.
- (4) *Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. *Gift* also means a subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value, conveyed or transferred.
- (5)

*Immediate family* means parents, spouse, siblings, children, stepchildren, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, grandparents and aunts or uncles by blood or marriage.

- (6) *Official acts* means acts taken in the course of a member of the board of commissioners capacity as an elected member of the Board of Commissioners of Spalding County. Any act taken in performance of the duties of such a commissioner shall be deemed an official act.
- (7) *Review board* means the five (5) citizens of Spalding County who are chosen to conduct a public hearing based upon the complaint of unethical conduct by a commissioner. Their purpose is to make a factual determination whether or not a violation of the ethics ordinance has occurred. A quorum for the review board shall consist of three (3) members.

(Ord. No. 2013-02, 3-4-13)

Sec. 2-12003. - Text of ethical considerations.

Notwithstanding any provisions of law to the contrary, each covered official of Spalding County shall:

- (1) Uphold the Constitution, laws and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
- (2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- (3) Not engage in any business with the government, or allow any member of his/her immediate family to engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his/her governmental duties;
- (4) Never use any information coming to him/her confidentially in the performance of governmental duties as a means for making private profit;
- (5) Expose corruption wherever discovered;
- (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation for himself/herself, or any member of his/her immediate family, under circumstances from which it could reasonably be inferred that purpose of the donor is to influence the performance of the official's official duties. For gifts, loans, gratuities, discounts, favors, hospitality, or services solicited, accepted or agreed to accept under circumstances from which it cannot be reasonably inferred that a purpose of the donor was to influence the

performance of the official's official duties, the following rules shall apply: A covered official shall publically disclose, prior to discussing or taking any official action or any matter involving the donor, any gift or campaign contribution (cash or in kind) received by him/her, or any member of his/her immediate family, greater than one hundred dollars (\$100.00). (Receipt of gifts and campaign contributions valued at five hundred dollars (\$500.00) or more by a covered official, or member of his/her immediate family, will prohibit the covered official from participating in or taking official action on any matter involving the donor);

- (7) Never accept any economic opportunity for himself/herself, or any member of his/her immediate family, under circumstances where he/she knows or should know that there is a substantial possibility that the opportunity is being afforded with intent to influence his/her conduct in the performance of his/her official duties. All business relationships, regardless of the dollar amount involved, between a covered official, or a member of his/her immediate family, with anyone having business with the county shall be publicly disclosed prior to any discussion or official action being taken on the matter. Should the business relationship provide a covered official, or a member of his/her immediate family, with at least five hundred dollars (\$500.00) on an annual basis, such covered official shall be prohibited from participating or taking official action on any matter involving the person with whom such business relationship exists;
- (8) Shall promptly pay when due all ad valorem taxes due to the City of Griffin, Spalding County and the Griffin Spalding County School System; and
- (9) Shall promptly file any disclosure required by the State of Georgia for public officials as well as pay any fees or penalties which may be assessed by the State of Georgia within ninety (90) days of receiving official notice from the State of Georgia of such fees or penalties.
- (10) Each covered official shall take an oath of office and shall covenant and agree to adhere to the provisions of this ethics ordinance.

(Ord. No. 2013-02, 3-4-13)

Sec. 2-12004. - Procedure for alleged violations.

- (a) Any alleged violations of this Code of Ethics must be submitted by a written, sworn complaint to the Clerk of the Board of Commissioners of Spalding County. Consistent with the open meetings laws, the board of commissioners shall review all complaints against covered



officials, except those complaints filed against a member of the board of commissioners. Three (3) members of the board of commissioners must agree that a sufficient basis has been given to warrant a public hearing.

The board of commissioners shall conduct the public hearing to determine whether, based upon clear and convincing evidence, the covered official has violated the Code of Ethics. Covered officials are subject to the following penalties and actions for violations of this Code of Ethics:

- (1) Written reprimand or public censure, which shall be printed in the Griffin Daily News and posted in the courthouse as well as the courthouse annex;
  - (2) In the event a covered official is not an elected official, then and in such event, such covered official may be removed from office for good cause shown. In the event the covered official desires to have a hearing on the matter, a hearing shall be afforded to the covered official, if requested, within ten (10) days of the board of commissioners giving the covered official notice of its intent to remove him from his/her position;
  - (3) In the event the covered official is a member of the board of commissioners, then he or she may be fined in an amount not to exceed one thousand dollars (\$1,000.00) in addition to a written reprimand and/or public censure as provided in paragraph (1) above;
- (b) If a complaint is received by the clerk of the board of commissioners which alleges a prima facie violation of the Code of Ethics by a member of the board of commissioners, then and in such event, the remaining commissioners shall review the allegations, and in the event that three (3) commissioners agree that a prima facie violation of the ethics ordinance is presented, then an independent review board shall be convened. The review board will be comprised of citizens of Spalding County who have been nominated by a county commissioner to serve on the review board. The procedure for establishing a review board shall be as follows:
- (1) Each commissioner, at the beginning of his/her term, shall appoint three (3) citizens who are Spalding County residents and are registered to vote in Spalding County to be placed in a pool of citizens to serve as a review board.
  - (2) In the event a review board needs to be convened, then and in such event, one (1) member of the review board shall be drawn from the three (3) citizens appointed by each commissioner. The first name chosen will be a member of the review board and a second citizen drawn from the remaining two (2) names shall serve as an alternate in the event that the first person chosen is unable or unwilling to serve. The county clerk shall draw such names and such drawing shall take place in open session. The five (5) people so chosen shall constitute the review board. Three (3) of those chosen shall constitute a quorum.
  - (3)

The citizens so appointed shall serve during the term of the commissioner who appointed them. At the expiration of his/her term or at such time as he is no longer a commissioner, they shall cease to serve as that commissioner's appointees. The appointing commissioner may discharge his/her appointees at any time and name other persons to serve in their place.

- (c) The review board will conduct a public hearing based upon the complaint. A majority vote of the review board members present shall determine whether or not a violation of the ethics ordinance has occurred. Upon reaching their decision, the review board shall submit to the county clerk their written findings whether or not a violation of this ordinance has occurred. Upon the filing of said report, the review board shall have completed its duties under this ordinance and shall be discharged from service.

Any person who is aggrieved by the findings of the review panel shall have the right to seek a writ of certiorari to the Superior Court of Spalding County, Georgia.

In the event a violation of the ethics ordinance is determined by the review board to have occurred, then and in such event, a majority of the board of commissioners shall set a penalty as set out above.

(Ord. No. 2013-02, 3-4-13)