

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2007 – 177

AN ORDINANCE TO AUTHORIZE THE CLAYTON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT TO ISSUE A SPECIAL PERMIT TO CHARLES & VINZANT CONSTRUCTION COMPANY, LLC IN CONNECTION WITH THE WAL-MART/ELLENWOOD PROJECT AND IN ACCORDANCE WITH CLAYTON COUNTY CODE OF ORDINANCES, SECTION 62-3.3., SPECIAL PROHIBITIONS, SUBSECTION (9), CONSTRUCTION OR REPAIR OF BUILDINGS, AND SECTION 62-3.5, SPECIAL PERMITS, PERMITTING CONSTRUCTION ACTIVITIES DURING EXTENDED HOURS ON SATURDAYS FOR A PERIOD OF 90 DAYS COMMENCING NOVEMBER 10, 2007 AND TERMINATING FEBRUARY 9, 2008; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, Charles & Vinzant Construction Company, LLC (the "Contractor") is the construction contractor currently under contract with Wal-Mart to construct a commercial building in which a Wal-Mart store will be located at 2940 Anvil Block Road, Ellenwood, Georgia (the "Project"); and

WHEREAS, the Director of the Clayton County Community Development Department has the authority, under Section 62-3.5. of the County Code of Ordinances, to issue special permits authorizing the conduct of activities otherwise prohibited by the Code for a period not to exceed 45 days; and

WHEREAS, Section 62-3.3(9) of the County Code of Ordinances provides that the Community Development Department may grant a permit to any party in interest to perform construction activities outside prescribed working hours listed in the Code for a period not to exceed ten days; and

WHEREAS, the Contractor desires to perform construction activities for the Project during hours outside those permitted under Section 62-3.3(9) of the County Code of Ordinances, and requests the issuance of a special permit to be in effect for a period of 90 days to permit extended hours for construction activities on Saturdays during the 90-day period commencing at 3:00 a.m. on **November 10, 2007** and terminating at 6:00 p.m. on February 9, 2008; and

WHEREAS, the Contractor has agreed to adhere to certain stipulations and conditions in connection with the grant of such special permit; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County to approve this Ordinance as hereinafter set forth.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The Board of Commissioners hereby authorizes the Clayton County Community Development Department to issue a special permit to

Charles & Vinzant Construction Company, LLC (the "Contractor") in connection with the construction of a commercial building in which a Wal-Mart store will be located at 2940 Anvil Block Road, Ellenwood, Georgia (the "Project"), in accordance with the stipulations and conditions set forth in the Sections hereof.

Section 2. The special permit issued to the Contractor in connection with the Project shall be for a period not to exceed 90 days, commencing at 3:00 a.m. on November 10, 2007 and terminating at 6:00 p.m. on February 9, 2008.

Section 3. The Contractor shall be permitted to conduct construction activities under said special permit according to the following hourly schedule:

- (a) On Saturday, November 10, 2007, from 3:00 a.m. until 6:00 p.m.; and
- (b) On every remaining Saturday within the 90-day period from 7:30 a.m. until 6:00 p.m.; and
- (c) All other working hours shall be in accordance with the schedule set forth in Section 62-3.3(9) of the Clayton County Code of Ordinances, with no work being conducted on Sundays.

Section 4. The special permit issued to the Contractor in connection with the Project shall be subject to the following stipulations:

- (a) All vehicles in connection with the Project will enter job site on Grant Road to eliminate excess noise.
- (b) The entrance to the site on Anvil Block Road will be locked after-hours to prohibit any vehicles from entering on weekends.
- (c) Blacked-out lighting will be installed on Anvil Block Road to assist in maintaining neighboring residents' comfort during early morning construction.
- (d) Any and all construction trailers will be located on site to prevent any traffic congestion.

Section 5. No ordinance or resolution or parts thereof in conflict herewith is repealed.

Section 6. Should any section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be invalid.

Section 7. This Ordinance shall become effective following its approval by the Board of Commissioners.

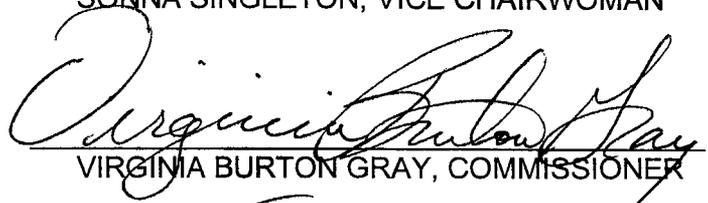
{Signature page follows}

SO ORDAINED, this 6th day of November, 2007.

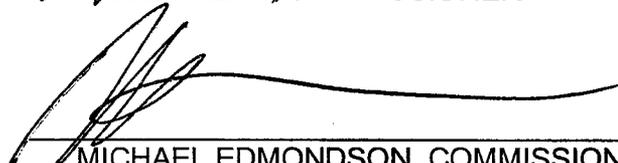
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

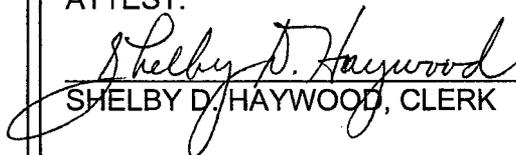

SONNA SINGLETON, VICE CHAIRWOMAN


VIRGINIA BURTON GRAY, COMMISSIONER


WOLE RALPH, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK