



Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, January 25, 2001 beginning at 6:00 o'clock p.m. with Commissioners, Martha McDaniel, Merrill Massengale, Johnie McDaniel and Dick Morrow present. Commissioner Michael Kendall came in before the Public Hearing was completed. Also present were County Manager William Wilson, Community Development Director Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

1. Call to order – Chairman Massengale

2. Special Exceptions, Rezoning and Text Amendments:

Application #00-63S: Lift from the table - John T. Mitchell, Robert N. Gilbert, Joseph B. Love, Jr., Morris Sprayberry, Jr. and Dr. Harry Calloway, Owners – Kevin M. Spell, Agent – 12 acres on North Walkers Mill Road, located in Land Lot 19 of the 2nd Land District – requesting a Special Exception to allow a general home occupation in the R-2 District.

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel Application was lifted from the table by a vote of 4-0.

The following individuals spoke in favor of this application.

Mr. Kevin M. Spell gave his address as 2482 Clover Court, Morrow, GA stated that at the last meeting it seemed to be a question regarding the 25% rule and if he would be in compliance. He presented to the Board a floor plan for the auxiliary or accessory building and also a floor plan of the house which shows that he is within the rule. The square footage of the house (2800 SF) and building (3200 SF) total would leave him 1500 sq. ft. for the business.

Commissioner Johnie McDaniel commented to Mr. Spell that the Board appreciated his patience since this was breaking some new ground for the Board and they felt like they needed to abide by the rule.

Mr. David Lynch gave his address as 185 North Walkers Mill Road and stated he owned this adjacent property until October 2000 and is in favor of this. He said the individual that bought his piece of property has no problem with this special exception.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel Application #00-63S was approved by a vote of 4-0.

Application #00-68S: Rickey Lane Truitt and Tenisha Truitt, Owners – 308 Ginny Lane – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Rickey Truitt gave his address as 308 Ginny Lane and spoke on behalf of his application. He said that he would like to replace a singlewide mobile home with a new doublewide mobile.

Mrs. Tenisha Truitt gave her address as 308 Ginny Lane and stated the same request as her husband. She said that the area is predominantly doublewide mobile homes.

Upon motion by Commissioner Massengale, seconded by Commissioner Johnie McDaniel Application #00-68S was approved by a vote of 4-0.

Application #00-69S: Alton E. Gordy, Jr. and William K. Gordy, Owners – Sprint PCS/Holt & Ney, P.A., Agent – 4745 West Ellis Road – requesting a Special Exception to allow a telecommunications tower in the AR-1 District.

Mr. Jim Ney, Holt & Ney spoke on behalf on this application representing SprintCom. He gave his address as Suite 600, 100 Galleria Parkway, Atlanta, GA. He said that this would be a 258 ft. telecommunications tower on this property. He said this would be a wireless multi-tenant telecommunications tower located on an area that is very heavily wooded 350 ft. back off from West Ellis Road. He showed propagation maps to the Commissioners showing the need of coverage for this area. He said there was no existing tower in this area to provide the coverage. He said they were requesting, if approved, that the present buffer be preserved and that the landscaping requirement be waived. He said that Sprint would be the main carrier and the tower would allow for two collocators. He said that Board of Zoning Appeals unanimously approved this special exception request.

There was no one else signed up to speak on this application.

Commissioner Martha McDaniel made a motion to approve Application #00-69S waiving the vegetation buffer requirement. Commissioner Massengale seconded the motion and motion was approved by a vote of 4-0.

Application #00-27Z: Lift from the table - B. D. Luke and Naomi J. Luke, Owners – David Luke c/o Steven M. Fincher, Agent – 3732 West Ellis Road – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Chairman Massengale stated that we had received a letter from Mr. Luke asking that this Application be withdrawn.

Application #00-30Z: Lift from the table – Jerry M. Greer, Owner – 2.51 acres on Slaughter Road, located in Land Lot 117 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Martha McDaniel Application was lifted from the table by a vote of 4-0.

Mr. Jerry M. Greer, the applicant, gave his address as 863 Rocky Creek Road, Hampton, GA and spoke on behalf of his application. He said that he was here for the Board to consider further his request to build two (2) houses on two lots as no action was taken at the last public hearing meeting. He said that he had requested a rezoning of R-2 but was willing to increase to R-4, which is 1500 SF housing. He again explained what happened when he tried to get permits on this piece of property.

Those speaking in opposition to this application were as follows:

Ms. Patricia Grant gave her address as 174 Slaughter Road, Sunny Side, GA and stated she was against having two (2) houses and also the rezoning. She said they do not need that much density on this road.

Mr. Jason Wright gave his address as 280 Slaughter Road, Sunny Side, GA and stated he was also against Mr. Greer building two homes on this piece of property. He asked the Board to keep the rules as they are.

Mr. Ray Corley gave his address as 277 Slaughter Road, Sunny Side, GA and stated he was opposed to this. He said that he was well aware that Mr. Greer had spent money on this piece of property and realize he has made a concession to go to 1500 SF; however, Mr. Greer should build with the same restrictions on road frontage as the other neighbors did.

Mr. Bob Verkruyssee gave his address as 181 Slaughter Road, Sunny Side, GA and stated that ignorance of the law was not a reason to grant this zoning request. He said that he was opposed to this rezoning request.

Mr. James P. Corley gave his address as 257 Slaughter Road, Sunny Side, GA and stated that Slaughter Road is only $\frac{3}{4}$ mile long and that seventeen (17) families live on this road. He said that they had to abide the county rules when they moved up there and Mr. Greer should have to also. He asked the Board to leave the zoning as it is.

*Upon motion by Commissioner Johnie McDaniel with zoning classification of R-4, seconded by Commissioner Morrow, **Application #00-30Z** was approved by a vote of 3-1 with Commissioner Massengale voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

Amendment to UDO #A-01-03: Article 21A. S-3 Sensitive Land-Groundwater Recharge Protection District – add provision for Sensitive Land-Groundwater Recharge Protection District.

Amendment to UDO #A-01-04: Article 21B. S-4 Sensitive Land-Wetlands Protection District – add provision for Sensitive Land-Wetlands Protection District.

Zoning Attorney Newton Galloway stated that these two (2) Amendments to the UDO could be discussed together but needed separate votes.

He said that the S-3 Ordinance and S-4 Ordinance for groundwater recharge and wetlands protections need to be adopted, after they had been approved at first reading and submitted to McIntosh Trail Regional Development Center for review. He said that S-3 adopts a map by

which we can identify and this will be in an overlay district. These come from Department of Community Affairs Rules and Regulations. He said the same is true for Wetlands, S-4 Ordinance. He said this would create a Spalding County wetlands map which is based upon the National Wetland Inventory Map maintained by the U.S. Fish and Wildlife Service governing in Spalding County. He said this indicates if you are within fifty (50) feet of the wetlands, you have to identify to the County and provide to the County a copy of your Section 404 permit from the Army Corp of Engineers.

Commissioner Martha McDaniel stated that she had a problem with the accuracy of the maps that we have to adopt. She asked would not it be prudent for us to request that someone come up here and actually survey these pieces of land as they exist in the real world. She asked that this be investigated a little more.

Zoning Attorney Newton Galloway stated that Department of Community Affairs is making an assumption that the maps are accurate and they may not be as applied to certain areas.

*Motion made Commissioner Martha McDaniel to approve UDO-A-01-03. Commissioner Johnie McDaniel seconded the motion. Commissioner Morrow asked that the record show that we object to the Federal maps being forced on us by Department of Community Affairs. The motion passed by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel UDO-A-01-04 was approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

Chairman Massengale recognized Ray Browning, Planning Commission member at this time. He suggested that a letter be written to Department of Community Affairs saying that we want to comply with these things; however, we realize that the maps are not accurate and we have the technology today to produce these maps to be accurate.

3. Other Business

Consider resolution to transmit state-mandated environmental planning criteria to the McIntosh Trail Regional Development Center for review. (This criteria is in form of Text Amendment #A-01-03 and #A-01-04.)

Upon motion by Commissioner Martha McDaniel to authorize Chairman to sign the following Resolution, seconded by Commissioner Morrow and approved by a vote of 4-0.

RESOLUTION

A Resolution Regarding an Amendment to the Spalding County Comprehensive Plan

WHEREAS, the Board of Commissioners of Spalding County, Georgia, has previously approved the *Short Term Work Program: 1999-2004* as an amendment to the County's Comprehensive Plan; and

WHEREAS, said document was reviewed by the Georgia Department of Community Affairs, and subsequent comments were submitted to Spalding County for consideration; and

WHEREAS, these comments called for the adoption of supplemental environmental protection measures; and

WHEREAS, said supplemental environmental protection measures must now be submitted to the McIntosh Trail Regional Development Center in accordance with the procedures as prescribed by the Georgia Planning Act;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Spalding County that the County Manager is hereby authorized to submit these environmental planning measures, in the form of Amendment #01-03 and Amendment #01-04 to the Zoning Ordinance of Spalding County (a/k/a the UDO), to the McIntosh Trail Regional Development Center for review and approval, after which the Board shall consider final adoption.

Adopted the 25th of January 2001.

Zoning Attorney Galloway desires a Closed Session to discuss potential litigation.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnnie McDaniel the Board voted 4-0 to go into Closed Session

Commissioner Kendall came to the meeting at this time.

Those present were Commissioners Merrill Massengale, Dick Morrow, Martha McDaniel, Johnnie McDaniel and Michael Kendall, County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Michael Sabine and County Clerk Phyllis Doane.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on January 25, 2001.

2.

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

3.

The executive session was called to order at 6:50 p.m.

4.

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

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

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

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other *(describe the exemption to the open meetings law)*:

_____ as provided in *(insert the citation to the legal authority exempting the topic)*_____.

This the 25th day of January 2001.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 25th day of
January 2001.

Phyllis P. Doane

Notary Public

My commission expires: March 18, 2002

(L.S.) H. Merrill Massengale

(L.S.) Johnie A. McDaniel

(L.S.) Dick Morrow

(L.S.) Martha W. McDaniel

(L.S.) M. Michael Kendall

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the Board voted 5-0 to come out of Closed Session and go back into Open Session.

Motion made by Commissioner Johnie McDaniel that this Board withdraw the rezoning application for Cherokee Rose Property from PRRRD to R-1. Commissioner Martha McDaniel seconded the motion and unanimously approved by a vote of 5-0.

Motion made by Commissioner Johnie McDaniel that this Board request the Planning & Zoning Board to draft an ordinance amendment to remove shooting range as an authorized use in the PRRRD zoning classification. Commissioner Dick Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

4. Adjournment

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned.

County Clerk

Chairman

.....
Please send comments to webmaster@spaldingcounty.com
Copyright © 2000 Spalding County all rights reserved