



**PUBLIC HEARING**

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, May 23, 2002 beginning at 6:00 o'clock p.m. with Commissioners, Martha McDaniel, Johnnie McDaniel and Dick Morrow present. Commissioners Michael Kendall and Merrill Massengale were absent. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

**A M E N D E D A G E N D A**

**A. Call to order – Chairman Johnnie McDaniel**

**B. Special Exceptions:**

- 1. Application #02-10S:** Johnny M. and Nancy L. Fredrick, Owners – Mark Moody, Agent – 2 acres, more or less, off Jonan Road located in Land Lot 20 of the 3<sup>rd</sup> Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Mark Moody gave his address as 814 Ashton Place and spoke on behalf of this application. He said the applicants have 34 acres on Jonan Road divided into five parcels. Mr. Fredrick just recently suffered a stroke and is dependent on special care and a handicap assessable place to live. They currently live on Lot 83 and the application is for Lot 81.

There was no one else signed up to speak for or against this application.

Commissioner Morrow stated that the Board of Zoning Appeals recommended unanimous approval by a vote of 5-0.

*Motion made by Commissioner Morrow to approve Application #02-10S. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 3-0.*

**C. Rezonings:**

- 1. Application #02-09Z:** B. D. Luke and Naomi J. Luke, Owners – Luke Contracting, Inc., Agent – 3732 West Ellis Road (125.731 acres located in Land Lot(s) 11 & 22 of the 4<sup>th</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to AR-2, Rural Reserve.

Mr. Luke was not present for the meeting to speak on behalf of his application.

Ms. Mary Hagan gave her address as 3860 West Ellis Road and made comments regarding this application. She said that her property abuts this property and she said the application requests 2000 sq. ft. minimum and she would like for the square footage to be moved up to 2,500 sq. ft. minimum. She said the backs of the houses would face the front on her property and wanted to know if something could be done. A buffer was suggested; however, Assistant County Manager Sabine stated that these houses would be at least 500 feet from her property line.

There was no one else signed up to speak for or against this application.

Assistant County Manager Sabine stated that there were two conditions recommended by Planning Commission which were 2,000 heated sq. ft. minimum and approval on the proposed site plan.

*Motion made by Commissioner Morrow to approve **Application #02-09Z** subject to the two conditions stated above. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 3-0. **The Resolution will be incorporated into the minutes on second and final reading.***

#### **D. Text Amendments:**

- 1. Amendment to UDO #A-02-04:** Appendix A. Subdivision Ordinance – Article 5. Required Development Standards – Section 501: add provision to prohibit and restrict subdivision development streets intersecting with an unimproved (dirt) county road and/or to require improvements to unimproved county roads to allow access to proposed subdivisions.

There was no one signed up to speak for or against this text amendment.

*Motion made by Commissioner Martha McDaniel to approve **UDO #A-02-04**. Commissioner Johnie McDaniel seconded the motion. Chairman McDaniel asked for any discussion.*

Commissioner Morrow commented that he had trouble with this amendment as it is subject to complying with the requirements of Section 502, which is the County's paving requirements. He said that it seems that this is basically taking someone's right to develop a property. Mr. Sabine commented that the Board needed to set a standard to protect itself from subdivisions that do not have to come before the Board of Commissioners for rezoning and even with the standards in place, the Board of Commissioners have the right to set the rules on any rezoning.

Commissioner Morrow stated he did not feel comfortable voting for this tonight and asked if it could be tabled. *Chairman McDaniel commented that he did not feel right about this passing with two (2) commissioners absent and passing by a two vote margin if he voted for it; therefore, he withdrew his second to the motion to approve. Commissioner Martha McDaniel withdrew her motion also.*

*Motion made by Commissioner Morrow to table amendment to **UDO #A-02-04**. Commissioner Martha McDaniel seconded the motion and motion to table was approved by a vote of 3-0.*

Mr. Sabine was charged to sit down with Commissioner Morrow and discuss this and come to a resolution.

#### **E. Other Business:**

- 1. Consider the amended CSBG Contract with Department of Human Resources for FFY 2002.** The contract will increase the October 1, 2001 to September 30, 2002 current year contract from \$160,711 to #271,605, which is an increase of \$110,894.97.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the amended CSBG Contract was unanimously approved by a vote of 3-0.*

*Chairman McDaniel entertained a motion to amend the agenda to include a request for a P.A. system permit. Motion made by Commissioner Martha McDaniel to amend the agenda. Commissioner Morrow seconded the motion and motion was approved by a vote of 3-0.*

Mr. Eddie J. Peavy, Sr. was present to address his request for an amplification permit. He gave his address as 963 Greer Road and stated he was requesting this for a graduation party Friday night, May 24, 2002 and asked for P.A. use during the hours of 9:00 p.m. until 12:00 a.m.

*Motion made by Commissioner Morrow to approve the amplification permit for Mr. Peavy. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 3-0.*

**F. Adjournment.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the meeting was unanimously adjourned at 6:40 p.m.*

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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