



Spalding County online

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, August 26, 2004 beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Recorder Yvonne Langford.

AGENDA

A. Call to order: Chairman Kendall

*Motion made by Commissioner Davis and seconded by Commissioner McDaniel to amend the agenda to move C2 – **Application #04-37S** to the top of the agenda. The motion passed unanimously on a vote of 5-0.*

1. **Application #04-37S:** Inland Empire, Inc., Owner – The Lord's House, Inc., Agent – North Second Street Extension (6.18 acres located in Land Lot 197 of the 3rd Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

*On a motion by Commissioner McDaniel, seconded by Commissioner Davis, **Application #04-37S** was tabled until the Public Meeting after Board of Appeals has acted on the application. The motion passed unanimously by a vote of 5-0.*

B. Old Business:

1. **Application #04-03Z: Lift from the table** – Norman G. Echols, Et al, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres located in Land Lot 170 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential to R-4, Single Family Residential.
2. **Application #04-12S: Lift from the table** – Norman G. Echols, Et al, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres, more or less, located in Land Lot 170 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Life Estate Neighborhood) in the R-4 District.

*On a motion by Commissioner Morrow and a second by Commissioner Kendall approval was given to lift **Application #04-03Z** from the table on a unanimous vote of 5-0.*

*On a motion by Commissioner Morrow and a second by Commissioner Davis approval was given to lift **Application #04-12S** from the table on a unanimous vote of 5-0.*

Community Development Director Chuck Taylor reviewed the application. The applicant is requesting a rezoning and special exception for a 34.38-acre tract to develop a 22 lot, minimum 1-acre subdivision. As currently zoned the maximum that he could have would be 17 2-acre lots. No action was taken at the last meeting. The applicant submitted a revised plan that changed the layout of the subdivision bringing a significant portion of the green space into the middle of the property which will be surrounded by lots. This change brings a design that conforms with the goals of the Estate Life design option. The recommendation is that the building elevations that are being proposed be resubmitted because they do not meet the requirement. When it is resubmitted it is recommended that they meet the requirements of Estate Life which is a farmhouse design that is dominated by the use of brick or stone. The Staff recommends approval of the rezoning because the request is consistent with the land use map and the density pattern in the immediate area and the request requires a minimum of a 1500 SF home which is an increase over the house sizes in the area. Since the last time this was considered there have been discussions regarding the Estate Life Neighborhoods and similar type developments that project a rural type design which in the ordinance would normally allow for an open ditch type design without curb and gutter. It is being proposed in this plan that there be an open ditch road, one way around a portion of the green space.

Mr. Ted Echols came forward and gave his address as 825 Fairways Court, Stockbridge, Georgia and stated he was representing Admiral Co., Inc., agent for the Echols Family. The Echols Family purchased this property from Daisy Miller in 1969. They originally submitted a plan for 22 lots and they have revised that to 19 lots to accommodate the larger green space in the middle of the property. The green space has been designed to conform to the Estate Life Neighborhood. They have tried to accommodate the goals of the Estate Life Neighborhood. There is minimal disturbance to the property. They will leave the center portion of the property wooded as it is presently. They have tried to maximize the number of lots that will have a view of the park. They have designed a one way street to minimize the traffic. This gives the subdivision a smaller more intimate feel. They have designed it with a curb and gutter at the entrance. The balance is designed without the curb and gutter to maximize the appearance that you are in a park. This complies with the comprehensive land use plan which is low-density residential. It is consistent with the nearby property zoning. The density is less than one unit per acre. On question Mr. Echols said there will be a gentle slope to the ditches. There is very little slope and he does not anticipate a water flow issue.

Commissioner McDaniel said ditches create a maintenance problem for the county and they would like to see swales so the property owners can maintain them.

Mr. Echols said there was an issue that people in the community have raised regarding the road frontage on Teamon Road. A survey shows that there is sufficient road frontage for the right-of-way for the road. They have 50 feet of road frontage on Teamon Road.

Commissioner Kendall raised the issue as to whether or not the deed identified the number of feet and the location of the footage.

Discussion was held and on question Mr. Taylor advised that a boundary dispute is between the two parties and is separate from the zoning issue. They need to resolve the dispute between themselves or through the court system. Absent a conflicting plat by a registered surveyor the best evidence is the presented plat submitted by a registered surveyor. Mr. Galloway supported the comments by Mr. Taylor.

Ms. Belinda Williams came forward and gave her address as 1325 Teamon Road. She stated that her driveway leads right into the driveway to the proposed development. It will be a total disaster if he builds on Teamon Road. They already have a lot of traffic and it is already overpopulated on Teamon Road. She does not see how he can have all that green space and build on all those lots. If he does it is going to be a total disaster. He can build on one acre or a half an acre. He can do whatever he wants if you have permission to build. They would like to keep their community safe and clean as it is presently. There is no violence. There is a lot of traffic. They have had several deaths in the neighborhood because of the traffic. She requested that the Commissioners consider them and keep the community safe. He wants to build low-income homes. There will be a lot of violence and a lot of break-ins which they do not have in the community.

Jimmy Releford came forward and gave his address as 1301 Teamon Road. He said Mr. Echols does not have the right-of-way. He has not seen a surveyor doing Mr. Echols property. If there are going to be low-income homes there is not going to be anyone taking care of the green space. Mr. Echols tried to buy other property to get to this property because he does not have the road right-of-way. He does not understand why the zoning has to be changed so he can benefit and "make his wallet better". They do not need low-income homes in this neighborhood.

Commissioner McDaniel questioned whether or not the houses were going to be low-income. He noted that there is no evidence that the houses will be low-income. The houses have to be predominantly brick or stone. They have to be country style and he does not see how they will be low-income homes. He noted that they cannot build anything they want. They will be required to build exactly what is prescribed in the ordinance.

Mr. Releford said he had heard him say he was building low-income houses. He questioned the right-of-way.

Tom Mallory came forward and gave his address as 1730 Teamon Road. His concern is the right-of-way. He had a copy of the original plat. He grew up in this neighborhood. The original plat shows 30 feet of right-of-way.

Commissioner Kendall advised that what Mr. Mallory had was a tax map and they are not necessarily accurate. They are not always done by a survey. If he has a survey based on a deed that is what will be used. The deed gives him 50 feet and the question is where the 50 feet is located and what has happened to the 50 feet in the 25 years since he purchased the land. The deed is more evidence than a tax map.

Mr. Mallory said in 1969 his father purchased a house with 10 acres from the Echols family that they had built. He located the house on the map. He said that the house is located on some of the land that they are proposing to use for the subdivision.

Commissioner Kendall said that Mr. Mallory's father would need to resolve that with Mr. Echols.

Mr. Echols said this is a vacant piece of land and there are no houses on the property they are proposing for this subdivision.

Mr. Wilson expressed his opposition to open ditch sections. It is allowed in the ordinance but it requires additional maintenance for the county. He prefers curb and gutter and feels it adds to a subdivision. There are parking problems with ditches and swales and can cause problems for emergency vehicles. Additionally, this is not a final plat and he is comfortable that the public works director is going to require accel/dec lanes on Teamon Road because of the traffic.

Commissioner McDaniel said the problem with emergency vehicles can be resolved with no parking on the road.

Blake Prince, the Developer, spoke giving his address as 110 North Perry Street, Stockbridge, Georgia regarding questions about the detention pond. He noted that once the detention pond is complete there will not be much need to maintain the pond. It will be grassed over with little maintenance.

*Commissioner Morrow made a motion, seconded by Commissioner McDaniel, to approve **Application #04-03Z** conditioned on resubmitting the design that would meet the requirement that the elevation be dominated by the use of brick or stone, there be a maximum of 19 lots, no exposed concrete or block foundations, underpinned front and side porches and finished in character with the home, provision of a maintenance easement to the detention ponds, 150 foot frontage on all lots on the ditch section road, no parking in the right-of-way be provided in the covenants. The motion passed on a 3-2 vote with Mr. Davis, Mr. McDaniel, and Mr. Morrow voting for the motion and Mr. Goss and Mr. Kendall voting in opposition. **The Resolution will be incorporated into the minutes on second and final reading.***

*Commissioner Morrow made a motion, seconded by Commissioner Davis, to approve **Application #04-12S**. The motion passed on a 3-2 vote with Mr. Davis, Mr. McDaniel, and Mr. Morrow voting for the motion and Mr. Goss and Mr. Kendall voting in opposition.*

- 3. Application #04-22S: Lift from the table - KKP Developments, LLC, Owner – Teamon Road (100.67 acres located in Land Lots 231 and 232 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Estate Life Neighborhood) in the R-2 District.**

*On a motion by Commissioner Morrow, second by Commissioner Davis, approval was given to lift **Application #04-22S** from the table on a unanimous vote of 5-0.*

Community Development Director Chuck Taylor said this is a 63 lot subdivision proposal for 100.67 acres using the Estate Life theme. After comments from the Board of Appeals they have changed that to 61 lots. He understands they are proposing to drop that to even fewer lots. The present zoning would allow 43 lots. Last year a variance was granted for the property for cul-de-sac length, minimum lot width and minimum front yard setback. The condition on the variance was to prohibit the house designs with garages that extend further than the front of the main portion of the house. One of the designs submitted does not meet that condition. Staff recommends approval conditioned on resubmitting the house designs to meet the requirements established and redesigning the green space and moving the walking trails to give more connectivity to the subdivision.

Dick Mullins came forward, stated his address as 676 Brook Circle and advised that he was representing the applicant. Mr. Mullins said they had originally requested 63 lots and have reduced that number to 57 lots. He agrees with the recommendation to move the walking trails. They will work with Mr. Taylor to make those changes. He discussed the changes that have occurred in making the reduction in the number of lots. On question regarding screening of one of the lots, Mr. Mullins said they could make an adjustment of green space to remedy that issue.

Tilman Blakely came forward and stated his address as 599 Smoak Road. He said he is one of the neighborhood people affected by this subdivision. Because of the density issues on Smoak and Teamon Roads they have been very concerned about this tract of property. They still favor the two-acre lots generally. They feel the compromise they have been able to accomplish since the inception of this project makes them more comfortable with the application. They would like to stress the preservation of some of the trees. There are some beautiful trees on the property that will enhance the lots and he requested as many as possible be kept. With the changes they are not opposing the plan.

*Commissioner Morrow made a motion, second by Commissioner McDaniel, to approve **Application #04-22S** conditioned on a 57 lot maximum, re-submittal of building elevations that meet the design criteria of the Estate Life Architectural design, move the walking trails to the inside of the development, porches and stairs underpinned and finished in character with the home, and no exposed concrete block foundations. The motion passed on a 4-1 vote with Mr. Goss voting in opposition.*

- 4. Application #04-30S: Lift from the table** - Joelynn Ratley Neighbors, Owner – 880 Buck Creek Road (6.03 acres located in Land Lot 120 of the 3rd Land District) – requesting a Special to allow a Class A Manufactured Home in the AR-1 District.

*On a motion by Commissioner Morrow, seconded by Commissioner Davis, approval was given to lift **Application #04-30S** from the table. The motion passed unanimously on a 5-0 vote.*

Community Development Director Chuck Taylor said the applicant is requesting a special exception to replace an existing manufactured home on property in the AR-1 District. The proposed home is a 2004 XP model, with approximately 2,027 SF, heated space at a cost of \$86,414. The majority of the homes in the general area and along Buck Creek Road are conventionally constructed homes. The trend in the area is conventional construction. The staff recommendation is for denial and the Planning Commission recommendation is for denial.

Joelynn Neighbors came forward and gave her address as 253 Chriswood Drive, Forsyth, Georgia. She is the owner of this property. The property that adjoins this property belongs to her aunt and uncle, Mr. and Mrs. Clyde Parker. She would like to replace the manufactured home that is presently there with a new manufactured home. She has some elderly relatives living on the adjoining property and they need family members there to assist them. She understands the objection to manufactured homes. She had pictures of the area. Buck Creek is a county road that is not well maintained. The neighbors have no objection to this application. The house will not be seen from the road. This will be an improvement. They would like to have a stick built home there but the timing is not right. They have future plans to build a traditional home on this site.

Clyde Parker came forward and gave his address as 866 Buck Creek Road. He said the Board of Appeals did recommend denial but when they did they said they might as well deny because that is what the Board of Commissioners will do. They did not make any decision but just did what they thought the Commissioners would do. Mr. Taylor said it would reduce the property values but he does not see that it would reduce the value as much as when the county stopped the paving of the road a few years back. It is a hazardous road. They do put gravel on the road now. It is because of the school buses. He does not see how you can deny this when you see some of the conditions. It is embarrassing.

Mr. Wilson said the property owners came to the Board of Commissioners at a County Commission meeting and overwhelmingly did not want the road paved. Buck Creek Road was one of the first roads identified for a design engineer to begin work for paving. Buck Creek Road became the test case whereby they now send out card to determine if the residents want the road paved.

Robert Phillips came forward and gave his address as 920 Buck Creek Road. His property adjoins the property in question. Mr. Parker called him to let him know what they wanted to do. The present manufactured home is in very poor condition. There have been a number of renters and the property has not been well maintained. He said it would be preferable to have something other than a manufactured home but anything is preferable to what is presently there. He would like to support the family because he would like to see Mr. and Mrs. Parker taken care of by the family. There are other homes in the area that would certainly be inferior to any type replacement made.

*On a motion by Commissioner Goss, seconded by Commissioner Davis, approval was given to **Application #04-30S** on a vote 3-2 with commissioners Davis, Goss and Kendall voting for the motion and Commissioners McDaniel and Morrow voting against.*

C. New Business:

- 1. Application #04-35S:** Olin T. Jones and Joan S. Jones, Owners – Galaxy Homes, Inc., Agent – 376 Jim Goodson Road (1.94 acres located in Land Lot 83 of the 4th Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Community Development Director Chuck Taylor said the request is for a Special Exception to replace a conventionally constructed home that burned on property in the AR-1 District. The proposed home is a 2005 Fleetwood 4603V model manufacture home with approximately 1579 SF of heated space at an estimated cost

of \$50,000. The majority of the homes in the general area and along Jim Goodson Road are conventionally constructed homes. Both Staff and the Board of Appeals recommend denial.

No one was present to represent this application. No one was present to speak for or against the application.

Commissioner Davis left the meeting temporarily.

Commissioner Morrow said it was a conventionally constructed home that burned and it is totally inappropriate to put a manufactured home of this property.

*On a motion by Commissioner Morrow and a second by Commissioner McDaniel **Application #04-35S** was denied on a 4-0 vote with Commissioner Davis not present.*

The Commission took a ten minute recess and on reconvening all members were present.

2. **Application #04-14Z:** Eulas Sam Smith, Jr., Owner – C. Mark McCullough, Agent – 1941 Zebulon Road (13.74 ac., more or less, located in Land Lot 105 of the 2nd Land District) – requesting a rezoning from R-6, Planned Residential Community District, Conditional, to R-6, Planned Residential Community District, Conditional.

Community Development Director Chuck Taylor said this application was a little confusing because it was to change from one set of conditions to another set of conditions. The applicant has been granted R-6 conditional zoning for this property. The construction plans for the subdivision have been approved and a land-disturbing permit has been issued. This request is to change some of the conditions of the original zoning amendment in 2002. The applicant requests to use vinyl siding rather than hardi plank, requests the ability to delete the pool area to enlarge the playground area, and to change the name from Potlatch to Wolf Creek. In return for the change in conditions the developer offers to increase the minimum requirement for brick from 30% to 50% of the façade and propose a vinyl siding minimum requirement. The request was denied by the Board of Commissioners earlier this year. The staff recommendation is conditional approval. The conditions are that all remaining previous conditions relative to the zoning of the property and the development plan approval apply, the playground areas proposed shall be commercial grade to meet or exceed the County's playground standards for intermediate play structures, and the proposed clubhouse shall, at a minimum, meet the same design criteria as the rest of the buildings on the site.

Mark McCullough came forward and stated his address as 800 Springer Drive. Mr. McCullough said there was concern that they were requesting the vinyl to save cost. That is not accurate. The cost for the vinyl is \$790,000 and the cost of the hardi plank is \$815,000. It is a little less expensive but by increasing the brick from 30 to 50% the cost is increased to \$850,000 so the cost is actually a little more. They are proposing amenity upgrades to include a new clubhouse, and the top of the line playground equipment. The proposal is an upgrade to the already pre-approved conditions. They are not trying to find a less expensive way to cut costs. The vinyl they intend to use has a lifetime warranty, 40-year color lock warranty, mildew resistant, and has durability and damage replacement advantages. Mike Calvert with Peach State is present to answer any questions specific to the product. He had samples of both products for review.

Mike Calvert came forward and gave his address as 975 Keys Ferry Road. Mr. Calvert said the vinyl is .48 mils and is an upgrade on what is used on a lot of homes. The hardi plank will have to be painted every three to five years.

Mr. McCullough said they do not want to put the pool in at the present time. They want the homeowner's association to decide whether or not they want the additional expense of the maintenance and the liability of the pool. It could be put in at a future time.

*Motion made by Commissioner McDaniel to approve **Application #04-14Z** conditioned on all remaining previous conditions relative to the zoning of the property and the development plan approval apply, the playground areas proposed shall be commercial grade to meet or exceed the County's playground standards for intermediate play structure, the proposed clubhouse shall, at a minimum, meet the same design criteria as the rest of the buildings on the site, that the name of the development be changed from Potlatch to Wolf Creek, the siding be changed from hardi plank to minimum .48 mil vinyl with a minimum of 50% brick façade, and that the pool be optional and if the pool is not installed a playground will be put in its place. On a second by Commissioner Davis the motion passed on a unanimous vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

3. **Application #04-15Z:** Claudia W. Taylor, Owner – Christine M. Livingston, Agent – Barnesville Road (20.918 acres located in Land Lot 84 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Community Development Director Chuck Taylor said this property is currently zoned AR-1 and could presently be divided into minimum 4 – three-acre parcels with a minimum required road frontage of 200 feet as proposed on the rezoning plan. The understanding is that the applicant may seek to divide these tracts further after zoning approval. Under this scenario it is estimate that a total number of 14 lots could be developed on the property. While the development, as proposed, has no significant impact on Henley Road the combination of the potential development of this tract and this rezoning, serving as a catalyst to future residential zoning in the area, may have a significant impact on Henley Road. The recommendation is for conditional approval with the conditions on a minimum lot width of the lots fronting on Henley Road set at 180 feet, require that the required right-of-way for the potential widening of the Henley road be dedicated prior to any division of land or lot split of the parent tract, minimum two-car garages, no exposed concrete foundations, stairs and porches, if used, are to be finished and must be consistent with the design of the homes. The Planning Commission recommended conditional approval with similar conditions as proposed by the staff with a clarification of the conditions regarding the stairs and porches.

Christine Livingston came forward and said that she was representing Ms. Claudia Taylor. They are requesting a rezoning to R-4 with a minimum square footage of 1500 SF with two-acre lots. They have met the conditions with the 180 feet of road frontage on the plat they have presented. There was initially a different plan for this property. She now wants the rezoning and is willing to accept the 8 lot condition. She owns an additional 25 acres that she anticipates requesting a rezoning to go along with this rezoning. Her plans are to get the rezoning and sell the property to a developer. They have no objections to the conditions as recommended.

*Commissioner Morrow made a motion to approve **Application #04-15Z** conditioned on a maximum of 8 lots, minimum of 180 feet of road frontage per lot, only one driveway cut allowed on Barnesville Road, minimum two-car garage, no exposed concrete foundations, porches and stairs, if used, will be underpinned and finished consistent with the home design, owner will provide additional right-of-way for the potential widening of Henley Road which is 40 feet from the center line. The motion passed on a second by Commissioner Davis with a unanimous vote of 5-0. **The Resolution will be incorporate into the minutes on second and final reading.***

4. **Application #04-16Z:** Nancy Kitchens, Owner – Chuck Pruitt, Agent – Lakeside Road (8.871 acres located in Land Lot 55 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Community Development Director Chuck Taylor stated that, as currently zoned, this property could be split into minimum 3-acre parcels with a minimum required road frontage of 200 feet. Given the road frontage of approximately 420 feet the property could be divided into two lots. The applicant requests rezoning to R-4 Single-Family Residential District. The applicant's intent is to develop the property as a single-family residential subdivision with 3 lots ranging in approximate size of between 2.6 and 3.4 acres. The R-4 District requires a minimum 1500 square foot home. The staff recommendation is for conditional approval. The recommended conditions are: minimum two-car garages, brick or stone facades, minimum .44 mil vinyl siding on the sides and rear of the homes if vinyl is used, no exposed concrete foundations, stairs and porches, if used, are to be underpinned and finished and must be consistent with the design of the homes. The Planning Commission recommends conditional approval similar to the staff recommendation. They recommended a reduced design façade requirement of 20% brick, stone or stucco and requested a clarification of the stairs and porches recommendation.

Chuck Pruitt came forward and said that he accepts the conditions as recommended.

*Commissioner McDaniel made a motion to approve **Application #04-16Z** conditioned on a minimum two-car garage, minimum 20% brick or stone accents, minimum .44 mil siding if vinyl is used, no exposed concrete foundations, and stairs and porches be underpinned and finished. The motion passed on a second by Commissioner Davis on a unanimous 5-0 vote. **The Resolution will be incorporate into the minutes on second and final reading.***

- D. **Amendment to UDO #A-04-16:** C-1, Highway Commercial – add provision to allow minor auto repair as a principal use.

Community Development Director Chuck Taylor stated this amendment is due to an applicant that wanted to do minor auto repairs in conjunction with a tire store located on 19/41 Highway. The rezoning was denied but staff was requested to review the ordinance and consider incorporating minor auto repairs in conjunction with a tire store. This change is the recommended change in response to that request.

Mr. Wilson read the ordinance as it referred to the definition of minor auto repair.

Commissioner Morrow made a motion, seconded by Commissioner McDaniel, to approve **UDO #A-04-16**. The motion passed unanimously on a 5-0 vote. **The Resolution will be incorporated into the minutes on second and final reading.**

E. Other Business:

1. The Zoning Attorney desires a Closed Meeting to discuss pending litigation.

Commissioner Morrow made a motion, seconded by Commissioner McDaniel, to go into closed session to discuss pending litigation. The motion passed unanimously on a 5-0 vote.

The Commissioners went into closed session with Commissioners Cecil Davis, Michael Kendall, Eddie Goss, Johnie McDaniel and Dick Morrow present. County Manager William Wilson, Community Development Director Chuck Taylor, and Zoning Attorney Newton Galloway were also present.

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 August 26, 2004.

2.

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

3.

The executive session was called to order at 8:22 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)*_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 26th day of
August 2004
Phyllis P. Doane
Notary Public
My commission expires: March 13, 2006

Cecil L Davis
M. Michael Kendall
Edward Goss, Jr.
Johnie A. McDaniel
Dick Morrow

At the end of the closed session the Commissioners reconvened in open session with all Commissioners present.

Commissioner Kendall made a motion to amend the agenda to include an item regarding the King-Murray Case. The motion passed on a second by Commissioner McDaniel on a unanimous vote of 5-0.

Commissioner Kendall made a motion to accept the proposed settlement agreement in the King-Murray Case with the revision that the commercial development will be subject to the Spalding County Commercial Landscape Ordinance. On a second by Commissioner McDaniel the motion passed on a 3-2 vote with Commissioners Davis, Kendall and McDaniel voting for the motion and Commissioners Goss and Morrow voting against.

F. Adjournment.

On a unanimous vote of 5-0 the meeting was adjourned on a motion by Commissioner Kendall and a second by Commissioner Davis.

County Clerk

Chairman