



PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, August 28, 2003 beginning at 6:00 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Chairman Morrow

Application #03-14Z: Weldon Gino Bedford, Owner – Bryant’s Construction Group, Inc., Agent – 939 Vineyard Road (4.36 acres located in Land Lot 59 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, to R-2A, Single Family and Two Family Residential.

Chairman Morrow stated that a letter had been received today from Mr. Bedford, Owner, requesting that this application be withdrawn for consideration at this time.

B. Old Business:

1. **Application #03-02Z: Lift from the table** - Clara Company, Owner – Triad Investments, LLC – Agent – Teamon Road (70.321 acres located in Land Lot 201 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2 Conditional, Single Family Residential.
2. **Application #03-07S: Lift from the table** - Clara Company, Owner – Triad Investments, LLC, Agent – Teamon Road (70.321 acres located in Land Lot 201 of the 3rd Land District) – requesting a Special Exception to allow 1 acre lots in the R-2 District.

*Motion made by Commissioner McDaniel, seconded by Commissioner Davis to lift **Application #03-02Z** and **Application #03-07S** from the table. Motion was approved by a vote of 40 as Commissioner Kendall was out of the room when the vote was taken.*

Chairman Morrow stated that he was recusing himself from voting giving reason of conflict as a company that he owns an interest in recently had done some business with the company that is selling this.

Chuck Taylor gave the staff report. Staff recommended approval of the rezoning with the following conditions: (1) make-up of the heated house space shall be as follows: 50% 1400 sq. ft. minimum, 25% 1500 sq. ft. minimum and 25% 1600 sq. ft. minimum; (2) no vinyl siding allowed, All façade areas not brick shall be cement plank siding; (3) all lots shall have sodded front yards; (4) all lots to be served by underground utilities; (5) all detention facilities shall be landscaped and/or screened to minimize their visual impact; (6) provide two entrances into the subdivision from Team Road. Each entrance shall have and accel/decel lane and (7) a no-access easement must be recorded with the final plat for all lots facing Teamon Road. The Planning Commission also recommended approval of the rezoning with conditions similar to those recommended by staff with two differences; (1) allow for heavy vinyl siding and (2) park design be included in the preliminary plat.

On the variance application Staff recommended approval with the following conditions: (1) a park or greenspace with a minimum one acre size to be included in the design of the subdivision; (2) that the lots on Teamon Road shall be designed with the houses facing Teamon Road, but will be accessed via an alley off the rear of said lots; and (3) A streetscape plan including sidewalks, landscaping and streetlights shall be submitted with the construction plans.

The Board of Appeals recommended approval with the conditions above but did not require sidewalks and streetlights and landscaping in the development.

Mr. Steve Moore spoke in favor of the subdivision development. He came forward and gave his address as 165 Forrest Drive, Locust Grove, Georgia, representing Triad Investments on this project. He gave a brief recap of the development. They propose 59 lots on 70 acres with one acre lots with two entrances on to Teamon Road. They propose buffers along Teamon Road to 100 ft. on Teamon Road and 100 ft. on the property to the South, which is the Spring Lake development and 100 ft. to the west and 100 ft. to the east where possible. They propose a park centrally located which is 1.5 acres with a 100 ft. buffer surrounding the park. They propose 26.3% greenspace for this project. They agree with the conditions as set forth by staff mentioned above. He said they would be willing to go to an R-4 zoning, 1500 sq. ft. heated minimum across the Board and also willing to go to 50% masonry accents on the façade (the minimum is 25%). The common area will be owned and maintained by the Homeowners Association.

There was no one signed up to speak in opposition to these applications.

*Motion made by Commissioner McDaniel to approve **Application #03-02Z** at R-4 Single Family Residential Zoning with the following conditions: (1) All lots have sodded front yards; (2) all homes will have a minimum of 50% masonry accents; (3) no exposed concrete block foundations; (4) all lots be served by underground utilities; (5) all detention facilities will be landscaped and/or screened to minimize the visual impact; (6) provide two) entrances into the subdivision into Teamon Road, each shall have an accel, decel lane; (7) no- access easement must be recorded with the Final Plat for all lots facing Teamon Road; (8) all front porches be underpinned and finished in character with the house; (9) minimum .44 grade vinyl siding and (10) screening and buffers be conditioned as shown on the preliminary site plan. Commissioner Davis seconded the motion and motion was approved by a vote of 3-1-1 with Commissioner Goss voting in opposition and Commissioner Morrow abstaining from the vote. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner McDaniel to approve **Application #03-07S** with the following conditions: (1) A park/green space area (with a minimum of 1.0 acre in size) shall be included in the design of the subdivision; (2) The lots on Teamon Road shall be designed with the houses facing Teamon Road will be accessed via an "alley" in rear of said lots; (3) a streetscape plan including sidewalks, landscaping and streetlights shall be submitted with the construction plans and (4) greenspace to be conditioned to include a park with equipment as presented at the Zoning hearing. Commissioner Davis seconded the motion and motion was approved by a vote of 3-1-1 with Commissioner Goss voting in opposition and Commissioner Morrow abstaining from the vote.*

Mr. Mike Jackson commented that the next five (5) applications were his; however, Mr. Jones would be late for the meeting due to a medical emergency and asked that these be heard later in the meeting.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the agenda was amended to hear Item. No. 1 under New Business at this time and unanimously approved.

C. New Business:

Chairman Morrow stated that he would be recusing himself from the discussion and vote on this Application as he is married to Mr. Mobley's Mother. He left the meeting and turned it over to Vice Chairman Kendall to conduct this part of the meeting.

- 1. Application #03-23S:** Richard L. Boger, Owner, - Ken Dorsey and Alan Mobley, Agents – 57.20 acres, more or less, off Georgia State Route 155 (Jackson Road) located in Land Lot 49 of the 2^d Land District – requesting a Special Exception to allow 1 acre lots in the R-4 District.

Mr. Alan Mobley, Agent, came forward and gave his address as 262 Mobley Road. He said that the property was rezoned to R-4 at the last zoning meeting and they were now asking for a special exception for one acre lots. He said the total acreage is 57.2 and they are designating thirteen (13) acres as common area or greenspace. He said they would have one curb cut off Highway 155 and not be using any of the other road frontages. He said they have walking trails planned, sidewalks, streetlights, playground, pavilion, buffering included, sodded front yards and cul-de-sac. He said they are allowing a reserve future extension of a cul-de-sac. He said that staff recommended denial as they feel like this is rural area and he differs with their opinion. Board of Appeals recommended approval. He said that he and Mr. Dorsey would be building all the homes. He said that the common area and the retention/detention ponds will be owned and maintained by the Homeowners Association.

Commissioner Kendall asked Zoning Attorney Galloway what we have in the UDO regarding the integrity of the Homeowners Association. Mr. Galloway stated on a standard subdivision, we do not have

any regulations. It is strictly a private contract between the homeowners. In the conservation subdivision he said we have stringent requirements along with the Board's approval and the covenants.

Commissioner Kendall asked Mr. Mobley if he was willing to subject his development to the conservation subdivision regulations for homeowners association. Mr. Mobley said that he or Mr. Dorsey would draw up their guidelines for the homeowners association and be head of the association until the homeowners agree to take it over. He said there would be dues collected from each homeowner and there would be funds on hand to take care of the common area.

Commissioner Kendall had a problem with the people in the homeowners association not paying their dues down the road and how were the common areas going to be addressed when these associations fail. He said as soon as things go wrong, the Board of Commissioners is the first stop as we are supposed to take care of all of this.

Commissioner Goss said his concern was the maintenance of the detention ponds that have to be put into subdivisions.

The conditions that the Board of Commissioners placed on the rezoning approval was (1) Streetscape plan including sidewalks, trees and street lighting shall be submitted along with the preliminary plat; (2) The greenspace areas shall have frontage along a public street and no lot shall be more than 500 feet from a greenspace area; (3) Design of the walking trails and or playground/park areas shall be submitted with the construction plans and (4) Implementation of Phase II Environmental Assessment testing soil for pollutants if deemed necessary prior to the issuance of any building permits on this property.

Mr. Mobley commented that a level three soil study was done on the property and it showed there were no contaminants.

Those signed up to speak in opposition were as follows:

Mr. Ed Johnson came forward and gave his address as 600 Hamil Road. He said in the Future Land Use Plan this property is designated as rural. He said that the lots should be larger and larger house sizes as all the new development that has been going in this area that he is aware of have been larger lots and generally larger homes.

Ms. Maria Johnson came forward and gave her address as 600 Hamil Road. She said that she was against one acre lots. She said that the staff has done a really good job of policing the requests that have been coming before them in regards to the development and the future land use maps. She challenged the developers to keep their standards high.

*Motion made by Commissioner McDaniel to approve **Application #03-23S** with the following conditions: (1) development served with underground utilities; (2) there will be no exposed concrete block foundations; (3) front porches be underpinned and finished in character with the houses; (4) any vinyl siding used be a minimum of .44 grade. Commissioner Goss seconded the motion for purposes of discussion.*

Commissioner Goss stated he would love to see two (2) acres in this subdivision. He said that as far as he is concerned you would not any have to deal with a homeowners association with two acre lots.

Vice Chairman Kendall called the question. The motion to approve application with conditions tied with a 2-2 vote with Commissioners McDaniel and Goss voting for the motion and Commissioners Davis and Kendall voting in opposition to the motion. No action was taken on this application and it will remain pending.

Vice Chairman Kendall called for a five minute recess.

Chairman Morrow reconvened the meeting.

Old Business:

- 3. Application #03-11Z: Lift from the table** - High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 1.23 acres off East McIntosh Road located in Land Lot 126 of the 3^d Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
- 4. Application #03-11AZ: Lift from the table** - High Top Holdings, Inc., Owner – Shawshank Ltd., Agent - 13.82 acres off East McIntosh Road located in Land Lot 126 of the 3^d Land

District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

5. Application #03-11BZ: Lift from the table - High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 17.51 acres off East McIntosh Road located in Land Lot 126 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

6. Application #03-11CZ: Lift from the table - High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 19.96 acres off Stephens Street located in Land Lot 126 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

7. Application #03-11DZ: Lift from the table - High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 23.83 acres off East McIntosh Road located in Land Lot 126 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Chairman Morrow stated that all applications would be heard together and voted on separately.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis and unanimously approved Application Nos. 03-11Z, 03-11AZ, 03-11BZ, 03-11CZ, and 03-11DZ were lifted from the table.

Chuck Taylor gave the staff report for all applications. He said that High Top Holdings is proposing a 62 lot one-acre subdivision on five (5) tracts of land which totals 76.38 acres of land. Staff recommended conditional approval. This proposal falls under your moratorium and submitting for special exception. The conditions are as follows (1) Streetscape plan including sidewalks, trees and streetlights shall be submitted with the preliminary plat; (2) greenspace area shall have a frontage along a public street and no lot shall be more than 500 feet from the greenspace area; (3) design of the walking trails and/or playground/park areas shall be submitted with the construction plans. The Planning Commission at their June meeting recommended approval with the same conditions as proposed by Staff.

Mr. Carl Jones came forward and gave his address as 750 Towergate Place, Atlanta, GA. Mr. Jones apologized for being late for the meeting. He said that Shawshank, Ltd. was submitting this application. He said this is consistent with the Future Land Use Plan. He said that they too would be having a homeowners association with dues due quarterly. He said that they would also have covenants brought to the table when the plat was recorded. He said they are requesting a minimum of 1400 sq. ft. with two car garages. He said they are asking for one acre lots but happened to get caught up in the moratorium just as they filed their application. He said after the moratorium is lifted October 31, 2003 they do intend to come back to this Board and ask for a special exception for one acre lots. He said that this would be a high quality development in a dormant area that needs to be developed. He said the price of the houses would be from \$110,000 to \$140,000. He said that the houses would have over the minimum 25% masonry fronts with hardiplank siding with no exposed foundations.

Those speaking in opposition were as follows:

Mr. Julius Dunn came forward and gave his address as 1405 Lee Street. He had concerns about there being another exit other than the one on Stephens Street. He was opposed to the entrance. He said there were water issues and power issues also.

Ms. Annie Bransford came forward and gave her address as 282 Bleachery Street. She stated she agreed with comments made by Mr. Dunn.

Ms. Doris Gossett came forward and gave her address as 521 Chestnut Walk, Canton, GA. She said she was the brother of Julius Dunn and said her mother was very sick and on oxygen and there would be a lot of dust from the construction trucks that she would have to inhale. She opposed the entrance on Stephens Street as her house is on the corner of Lee and Stephens Street. She said there had to be another entrance.

Mr. Jones commented that they plan to have an exit on Dale Street. He said that Shawshank has a seventeen (17) acre tract under contract below this property that is not shown on the plat and they plan to have an entrance on Dale Street. The cul-de-sac will go away. What the preliminary plat shows now will actually change once the seventeen (17) acres are taken into consideration. The street design would have to be reworked.

Chairman Morrow stated he would have to recuse himself from voting on these applications giving a conflict of a business relationship.

*Motion made by Commissioner Davis to approve **Application #03-11Z** with the conditions as stated by staff, which were (1) Streetscape plan including sidewalks, trees and streetlights shall be submitted with the preliminary plat; (2) greenspace area shall have a frontage along a public street and no lot shall be more than 500 feet from the greenspace area; (3) design of the walking trails and/or playground/park areas shall be submitted with the construction plans. Commissioner McDaniel seconded the motion for purpose of discussion. He said he would like to add some conditions to the motion. Mr. McDaniel stated he would like to add (4) for a provision that the development be served by underground utilities, (5) there be no exposed block concrete foundations, (6) that the front porches be finished and underpinned and (7) if vinyl siding is used, it shall be .44 grade. Commissioner Davis amended his motion to include the four (4) additional conditions.*

Commissioner Kendall had opposition to this development. He stated he understands that Mr. Jackson is doing the best he can with this piece of property; however, in the overall scheme of things it is difficult to see that this is going to be an overall improvement for the entire area. He said that he does not see anything special about this development. Zoning Attorney Galloway reminded Commissioner Kendall that these applications are for rezoning to R-2 only and that the special exception application for one acre lots could not be filed until the moratorium is lifted.

*Chairman Morrow called the question to approve **Application #03-11Z** with conditions. Motion tied with a vote of 2-2 with Commissioners Davis and Goss voting in favor of the motion and Commissioners McDaniel and Kendall voting in opposition. Commissioner Morrow abstained from voting. **No action was taken on this application.***

*Motion made by Commissioner Davis to approve **Application #03-11AZ** with conditions as stated above. Commissioner Goss seconded the motion and motion tied with a 2-2 vote with Commissioners Davis and Goss voting in favor of the motion and Commissioners McDaniel and Kendall voting in opposition. Commissioner Morrow abstained from voting. **No action was taken on this application.***

*Motion made by Commissioner Davis to approve **Application #03-11BZ** with conditions as stated above. Commissioner Goss seconded the motion and motion tied with a 2-2 vote with Commissioners Davis and Goss voting in favor of the motion and Commissioners McDaniel and Kendall voting in opposition. Commissioner Morrow abstained from voting. **No action was taken on this application.***

*Motion made by Commissioner Davis to approve **Application #03-11CZ** with conditions as stated above. Commissioner Goss seconded the motion and motion tied with a 2-2 vote with Commissioners Davis and Goss voting in favor of the motion and Commissioners McDaniel and Kendall voting in opposition. Commissioner Morrow abstained from voting. **No action was taken on this application.***

*Motion made by Commissioner Davis to approve **Application #03-11DZ** with conditions as stated above. Commissioner Goss seconded the motion and motion tied with a 2-2 vote with Commissioners Davis and Goss voting in favor of the motion and Commissioners McDaniel and Kendall voting in opposition. Commissioner Morrow abstained from voting. **No action was taken on this application.***

New Business:

- 4. Application #03-15Z:** Markland Management, LLC, Owner – 361 Wilson Road (.543 acres, more or less, located in Land Lot 206 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Chuck Taylor gave the Staff report. Staff recommends denial of the request, mainly because approval of the rezoning would zone a nonconforming use into existence. The Planning Commission recommended approval of the request. Mr. Taylor stated that Mr. McCullough is intending to zone to commercial but continue renting the existing duplex.

Mr. Mark McCullough came forward and gave his address as 704 West Taylor Street. Mr. McCullough stated there was a duplex on the corner at the entrance that he wished to rent; however, eventually the duplex would go away as the development proceeds; however he does not want to commit to a time frame. This property is adjacent to the twenty-one acre development of “The Village”.

There was no one present who wished to speak in opposition to this application.

*Motion made by Commissioner Davis to approve **Application #03-15Z**. Commissioner Morrow seconded the motion. Commissioner McDaniel requested that the motion be amended to include a time frame as when this duplex would be removed. Chuck Taylor made a recommendation that the duplex property be*

*actively marketed for development after completion of the convenience store. Commissioner Davis accepted this as an amendment to his motion. Commissioner Morrow seconded the amendment. The question was called and the application with condition was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

4. **Application #03-16Z:** C. Mark McCullough, Owner – 1.35 acres off Memorial Drive located in Land Lot 178 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Chuck Taylor gave the staff report. He stated that the Applicant, Mark McCullough was proposing to rezone the property to commercial in order to build a strip commercial center on it. Approval of the request will allow for the submittal of a commercial development plan for the site. Staff recommends approval of the request with the following conditions:

- (1) Brick, stone or masonry façade shall be used on the front of the structure(s). For facades that can be seen from the right of way, brick, stone or masonry stucco shall be used 20 feet deep on the property and
- (2) Lighting for the site shall not reflect on adjoining property.

The Planning Commission Recommends approval of the request with the same conditions as proposed by staff.

Mr. Mark McCullough came forward and gave his address as 704 West Taylor Street. He stated he agreed with staff's recommendations and conditions.

There was no one who wished to speak in opposition to this application.

*Motion made by Commissioner Davis to approve **Application #03-16Z** with staff conditions as stated above. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

5. **Application #03-17Z:** G. Niles Murray, III, Owner – 4.04 acres off Mimosa Road located in Land Lot 43 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Chuck Taylor gave the Staff report. Mr. Murray is proposing to rezone their property in order to develop two 2-acre lots. Approval of the rezoning would allow the applicant to submit a plat subdividing the property under the R-4 regulations.

Staff recommends denial of the request because it is inconsistent with the Land Use Map for the Area and because the proposed lot size is inconsistent with the lot size in the general vicinity of the property. The Land Map shows conservation for this area. Planning Commission recommended approval.

Mr. Niles Murray, Owner, came forward and gave his address as 1400 Maple Drive. He said that this tract is on a dirt road out in eastern Spalding County that goes between Old Jackson Road and Parham Road and currently there is an old frame house in the middle of these four acres that has a singlewide trailer attached to it. He proposes to raise those structures and put two (2) residential structures, each being two (2) acres with each tract having a minimum of 200 ft. road frontage. He said that the structure there now is really an eyesore and needs to come down.

There was no one signed up who wished to speak in opposition to this application.

*Motion made by Commissioner McDaniel to approve **Application #03-17Z** conditioned on that it be limited to two (2) tracts and the houses have two car garages. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

6. **Application #03-18Z:** Crescendo Land, LLC, Owner – Spalding County Board of Commissioners, Agent – 41.26 acres, more or less, off Georgia Highway 155 located in Land Lot 111 of the 2nd Land District – requesting a rezoning from R-2, Single Family Residential, to R-1, Single Family Residential Low Density.

Chuck Taylor stated that this was a rezoning initially proposed by the Board of Commissioners and Crescendo has consented to the rezoning and made application. The Staff and Planning Commission both recommend approval of the request but also recommend that conditions on the Special Exception the Board granted are carried forth to the rezoning as well. These conditions are: (1) A maximum of 31 lots; (2) Entrance shall be brick, rock and or stucco; (3) Architectural lighting poles; (4) Sidewalk community;

(5) Underground utilities (6) Minimum 2000 SF homes; (7) Must have 1 to 3 sides brick or stucco homes (min. 1 side masonry); and (8) Only side entry garages are permitted

There was no one signed up to speak in favor or in opposition to this application.

*Motion made by Commissioner McDaniel to approve **Application #03-18Z** with conditions stated above that was placed on the Special Exception. Commissioner Davis seconded the motion and motion was approved by a vote of 41 with Commissioner Goss voting in opposition. **The Resolution will be incorporated into the minutes on second and final reading.***

- 7. Amendment to UDO #A-03-25:** Appendix A. Subdivision Ordinance – Article 5. Required Development Standards – Section 506:A – amend provision to Surety for Completion of Improvement.

There was no one signed up to speak for or against this Amendment to the UDO.

*Upon motion by Commissioner Davis, seconded by Commissioner McDaniel **UDO #A-03-25** was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

- 8. Amendment to UDO #A-03-26:** Appendix B. Ordinance Establishing Planning Commission – Section II – amend provision to add School Board representative to Planning Commission.

There was no one signed up to speak for or against this Amendment to the UDO.

Commissioner Morrow stated he would like to amend the amendment by deleting the sunset provision “and shall continue until December 31, 2004”. Commissioner Morrow commented that it was his impression from discussions that this member would serve until now on until some future Board decides they do not want this member.

Zoning Attorney Galloway stated that he put a sunset provision in so at the end of 2004 it would force the Board to look at it and assess whether or not it is actually needed and if it is a policy the Board wants to continue. There was no intent to tell the school board in sixteen months the position is no longer needed.

*Motion made by Commissioner Morrow to amend the Amendment to **UDO #A-03-26** to delete the sunset provision “and shall continue until December 31, 2004”. Commissioner McDaniel seconded the motion to amend and motion was approved by a vote of 4-0-1 (Commissioner Davis was out of the room at time of the vote.)*

*Motion made by Commissioner Morrow to approve the amended **UDO #A-03-26** as stated above. Commissioner McDaniel seconded the motion and motion was approved by a vote of 4-0-1 (Commissioner Davis was out of the room at time of the vote). **The Resolution will be incorporated into the minutes on second and final reading.***

D. Other Business:

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the Board voted unanimously to go into a Closed Meeting at the request of Zoning Attorney. Commissioner Davis was out of the room at the time of vote.

- 1.** Zoning Attorney desires a Closed Meeting to discuss pending and potential litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor 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 August 28, 2003.

2.

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

3.

The executive session was called to order at 9:10 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 28th day of August 2003

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 28th day of
August 2003.

Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

Dick Morrow

Cecil L. Davis

Edward Goss, Jr.

Johnie A. McDaniel

M. Michael Kendall

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the Board voted unanimously to come out of Closed Meeting and go back into Open Session.

No business was transacted at this time.

E. Adjournment.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was unanimously adjourned at 9:45 P.M.

County Clerk

Chairman

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