



**Spalding County Board of Commissioners
Public Hearing
September 23, 2004
6:00 p.m.
Room 108, Spalding County Courthouse Annex**

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, September 23, 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, Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Recorder Yvonne Langford.

A. Chairman Kendall called the meeting to order and invited anyone wishing to speak regarding any item on the agenda to come forward and sign in on the appropriate form.

Mr. Kendall said there has been a request from Mr. Robert S. Hockett to table items 5, 6, 7, 8, 9, 10, 11, and 12 on the agenda until the November 23, 2004 public hearing.

Commissioner Morrow made a motion, seconded by Mr. Davis, to table, until November 23, 2004, applications #04-11Z, #04-11AZ, #04-11BZ, #04-11CZ, #04-42S, #04-43S, #04-44S, and #04-45S. The motion passed unanimously on a 5-0 vote.

B. Special Exceptions, Rezoning and Text Amendments:

- 1. Application #04-41S:** Janie M. Davis, Owner – 227 Birdie Road (1.147 acres located in Land Lot 105 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Community Development Director Chuck Taylor said this application is to request a special exception to have a child care facility in a home. One of the concerns the staff had was that the home was only 1325 SF. Only 25% of the home can be designated for a home occupation and that would mean that only 331 SF can be used. That did not appear to be sufficient. The applicant said that DHR rules require 35 SF per child which is less than the square footage available. The Appeals Board recommended approval conditioned on a confirmation of the rules by DHR, a copy of the state requirements and a copy that the accommodations were permitted and inspected and had passed inspection. All the conditions have been met by the applicant.

Janie M. Davis – 227 Birdie Road

Ms. Davis said she is requesting this special exception to be able to keep up to 6 children in her home. She has met all the requirements that the Appeals Board requested of her. The state will allow no more than 6 children under their permit.

Commissioner Davis made a motion, seconded by Commissioner McDaniel, to approve Application #04-41S conditioned on a copy of the approval from the DHR, copy of the state requirements, and a confirmation that the building improvements were permitted and inspected and passed inspection. The motion passed unanimously on a 5-0 vote.

- 2. Application #04-18Z:** Richard W. Kovaleski, Owner – Aerodrome Way (1.23 acres located in Land Lot 86 of the 2nd Land District) – requesting a rezoning from AR-2, Rural Reserve, to R-1, Single Family Residential Low Density.

Community Development Director Chuck Taylor said this rezoning is being requested for modification of a 1.23 acre lot out of a 15.23 parcel that Mr. Kovaleski owns. He wants to build 2400 SF of heated floor space. The staff recommends approval of this application. The Planning Commission recommends approval of the request with the conditions that the home will be 2400 SF of heated space with a two car garage.

Richard W. Kovaleski 300 Aerodrome Way

Mr. Kovaleski, on question, said they are planning to build a one and one-half Cape Cod design home. The plan may change but it will be a 2400 SF house. He is in agreement with the conditions.

Commissioner McDaniel made a motion to approve Application #04-18Z conditioned on a site built only home with a minimum of 2400 SF of heated space and a two car garage. The motion passed unanimously on a second by Mr. Davis on a 5-0 vote.

3. Amendment to UDO #A-04-19: Article 4. General Procedures – Section 413:G(2)(d) – expand the boundaries of the Urban Proximity Map.

Community Development Director Chuck Taylor said this is a text amendment change that is being proposed by a citizen. The Ordinance does provide for a citizen to request text amendment changes. Mr. Taylor went over the requested changes. This change is being requested so that a tract can be developed as an Urban Proximity development. There is an additional area the staff is requesting to be included in the Urban Proximity Map. The Planning Commission is also recommending approval.

Mr. Morrow recused himself from discussion and vote on this amendment due to a possible conflict of interest.

Alan Mobley – 262 Mobley Road

Mr. Mobley identified on a map the area that he is requesting be included in the Urban Proximity Map. He wants to develop 120 acres, a portion of which is already a part of the Urban Proximity. He plans to donate 40+ acres to some part of the county for them to develop as they want. The balance of the land will be developed into 79 lots. He has talked to Louis Green with the Parks and Recreation Department to see if they are interested in the 40 acres. Mr. Green has concerns over the development cost for the 40 acres and Mr. Mobley has offered some assistance with grading if that will help. Mr. Mobley does not intend to cut the timber which has a value of \$20,000+.

Commissioner Davis made a motion, seconded by Mr. McDaniel, to approve Amendment to UDO #A-04-19. The motion passed on a 4-0-1 vote with Mr. Morrow abstaining.

4. Application #04-17S: Lift from the table - Wilma A. Hollberg, Owner – Next Generation Properties, LLC, Agent – Georgia State Route 155 (North McDonough Road – 142.98 acres, more or less, located in Land Lot(s) 81 and 251 of the 2nd and 3rd Land Districts) –requesting a Special Exception to allow 1-acre lots (Country Club Subdivision) in the R-4 District.

Commissioner McDaniel made a motion, seconded by Mr. Davis, to lift Application #04-17S. The motion passed unanimously on a 5-0 vote.

Community Development Director Chuck Taylor said this application is to develop a 95 lot, one-acre minimum, subdivision using the County Club design theme. The property has already been zoned from AR-1 to R-2 with conditions. Staff recommended denial of the original application because the density was not supported by the land use map. The Board of Appeals recommended approval with the conditions that 20% of the homes would be a minimum of 1500 SF, 20% be a minimum of 1750 SF and 60% of the homes be a minimum of 2000 SF. Since that time the county has moved to increase the minimum sized house in the R-2 zoning to 1750 SF. Additional conditions recommended were that buffer will be required along Highway 155, no clear cutting will be allowed, and streetscape design should meet the utility placement standards of the county. When the property was rezoned conditions were put on the rezoning by the county. Those conditions were no exposed foundations, underground utilities, porches be underpinned on the front and side, and that it be an animal restraint district. There are requirements for curb and gutter. There are some choices for improvements that they have to select for the development. They have selected walking trails, clubhouse and playground. They also have some architectural standards for the homes.

Mr. Morrow said the trade off is that they can build a few more houses for meeting the standards and other improvements as mentioned.

Andre Douglas – 6958 Main Street – Lithonia, Georgia

Mr. Douglas said he is requesting the special exception for the Renaissance Development located on Highway 155. This request is to allow one-acre lots. They will build a quality development in an area that might not otherwise have one. They plan 95 lots, minimum one acre. There will be 37.5 acres dedicated to open and green space which is 25% of the total acreage. Each lot will have from 50' to 100' of additional green space which may be disturbed during the construction phase. They will have underground utilities, next generation of intelligent homes with fiber with the potential of many upgrades. They will have staggered lot lines from 50' to 75' in length, featured landscaped entrance and natural center islands inside the subdivision. There will be architectural street lighting, sodden yards, sidewalks, clubhouse, playground, rest and play areas, two tennis courts, 2.5 miles of walking trails, mountain biking, gazebos, picnic tables, and park benches. The

houses will feature brick, rock, stucco fronts with the remainder hardi-plank. There will be ranch and two-story homes. The garages will be front and side entry depending on layout of the lots. They will have side entry garages on all homes where it is possible. All homes will have the intelligent home options. There will be no exposed foundations. Widening for Highway 155 is expected to begin in February of 2005.

The question was raised regarding the minimum square footage of 1750 that is required in the R-2 district. Mr. Douglas said he would be more comfortable with 50% at a minimum of 1750 SF and 50% at a minimum of 2000 SF.

Mr. Morrow said he is concerned about the buffer around the edge of the property and along the streams. He would like for it to be left in the natural state to protect the wildlife.

Mr. Douglas said they have no desired to clear cut.

Douglas Hollberg – 812 Maple Drive

Mr. Hollberg said he is representing Wilma Hollberg who is the owner of the property. The Pine Glen Mobile Home Park is adjacent to this property. They purchased the property in 1998 thinking that the Pine Glen Mobile Home Park would be expanded but also to protect their interest in the area. With the housing standards and codes being changed there is no way to expand the mobile home park. This is going to be a quality development. He requested approval of this application.

Mr. McDaniel reported that a Constitutional objection has been received.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale spoke in objection to this development. He said it is one of the longest cul-de-sacs in the county. There is only one ingress and egress. If there are any obstruction in the subdivision emergency vehicles would have no way to get to any of the residents. He also said that the developer is working on a development across the road from this site. He has been working on that 30-acre site for almost a year. They have been written up seven or eight times and have had cease and desist work orders. They are non-performing and have not done anything they said they were going to do. They are not the right developers for this development. There are traffic and school issues. They are reserving their right and legal remedy might be open to them.

David Uphold – Did not choose to speak

Sinclair Hollberg – 1335 Jackson Road

Mr. Hollberg stated that he wanted to reiterate his constitutional right which he did by letter to the County Commission on April 22, 2004. He raised his concern stating that the Commission rezoned this property in violation of Article 23 – Section 2306B of Appendix for the Spalding County Ordinance of the UDO Book which states that the establishment and the amendment of zoning boundaries must be in accordance with the Spalding County Land Use Plan. Mr. Hollberg read a prepared statement citing opposition to the application. He furnished a copy of this statement to the county. He noted that he did not see any compelling reason to approve the application. If the commission is going to pass the request he asked that they consider increasing the size of the buffer from 50 feet to 150 feet. He further asked that a provision be made in the homeowner's association regarding trespass. He further requested that there be some provision for another entrance/exit to the subdivision. He further requested a minimum of 2000 SF houses with sewerage treatment facilities.

Mr. Morrow said he did share some of the concerns of Mr. Sinclair Hollberg particularly in regard to the one entrance for this subdivision. It was noted during this discussion that there is other property adjacent to this property that will probably been developed. This subdivision is being planned to leave a way to have another entrance/exit through this subdivision to the adjacent property.

Discussion was held regarding this development being in conflict with the land use map. Mr. Galloway called attention to Section 2306 regarding the law governing the relationship between a land use plan and a zoning ordinance. He read this for the benefit for those present. It stated that the land use plan does not legally regulate land uses.

Leslie Hollberg – 1335 Jackson Road

Ms. Hollberg said she has an issue with only one entrance in and out. She also read the ordinance requirements for changes to the land use. She said the county wrote their own land use plan and as far as she can understand it must be followed. If you are not going to follow it you are disobeying your own rules.

Commissioner Morrow made a motion to approve Application #04-17S conditioned on 1) at least 50% of the homes be 1750 SF heated minimum and at least 50% of the homes be 2000 SF heated minimum, 2) a densely planted buffer against Highway 155, 3) minimal disturbance of the land, no clear cutting the timber on the property, 4) streetscape design meet the utility placement standard of the county and 5) there be a rear

entrance right of way reserved for a future street exit. The motion was seconded by Commissioner Davis. The motion passed on a 3-2 vote with Mr. Goss and Mr. Kendall voting against.

- 5 **Application #04-11Z: Lift from the table** - Big Pines Farm, LLLP, Owner – Robert S. Hockett, Agent – Smoak Road (262.25 acres, more or less, located in Land Lot(s) 198, 218, 219 and 220 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planned Development District. – **Tabled to the November 23, 2004 meeting.**
6. **Application #04-11AZ: Lift from the table** - Robert Hockett, Owner and Agent – Smoak Road (5 acres, more or less, located in Land Lot 230 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planned Development District. – **Tabled to the November 23, 2004 meeting.**
7. **Application #04-11BZ: Lift from the table** - Elizabeth C. H. Dupree, Owner – Robert S. Hockett, Agent – Smoak Road (1 acres located in Land Lot 219 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planning Development District. – **Tabled to the November 23, 2004 meeting.**
8. **Application #04-11CZ: Lift from the table** - Robert S. Hockett and Carrie Frances Hockett, Owner – Robert S. Hockett, Agent – Smoak Road (17.09 acres, more or less, located in Land Lot(s) 198 and 219 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planned Development District. – **Tabled to the November 23, 2004 meeting.**
- 9 **Application #04-42S:** Big Pines Farm, L.L.L.P., Owner – Robert S. Hockett, Agent – Smoak Road (262.25 acres, more or less, located in Land Lot(s) 198, 218, 219 and 220 of the 3rd Land District) – requesting a Special Exception to allow zero lot line dwellings in the R-2 District. – **Tabled to the November 23, 2004 meeting.**
10. **Application #04-43S:** Robert S. Hockett, Owner – Smoak Road (5 acres, more or less, located in Land Lot 230 of the 3rd Land District) – requesting a Special Exception to allow zero lot line dwellings. – **Tabled to the November 23, 2004 meeting.**
11. **Application #04-44S:** Elizabeth C. H. Dupree, Owner – Robert S. Hockett, Agent – Smoak Road (1 acre, more or less, located in Land Lot 219 of the 3rd Land District) – requesting a Special Exception to allow zero lot line dwellings. – **Tabled to the November 23, 2004 meeting.**
12. **Application #04-45S:** Robert S. Hockett and Carrie F. Hockett, Owners – Smoak Road (17.09 acres, more or less, located in Land Lot(s) 198 and 219 of the 3rd Land District) – requesting a Special Exception to allow zero lot line dwelling. – **Tabled to the November 23, 2004 meeting.**

Items 5, 6, 7, 8, 9, 10, 11 and 12 previously tabled.

13. **Application #04-13Z:** Griffin-Spalding County Development Authority, Owner –Wallace Road and Jackson Road (189.656 acres located in Land Lot(s) 25 and 40 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to C-2, Manufacturing.

Community Development Director Chuck Taylor said this is a development plan for 189.656 acres being proposed for industrial use. The Development Impact Review was done on the property as required by state law. The finding is that this development is in the best interest of the region. Staff recommendation is, to avoid zoning the property against the land use map, table this application until the new land use map is adopted. If, due to deadlines, the rezoning has to be approved the staff recommends conditions be placed on the property. The conditions are:

- Infrastructure improvements need to be completed prior to the issuance of any certificates of occupancy of any industrial use on the property. These include both road and water line improvements; however, should only one road frontage be developed at a time, the developer may chose to make the required road improvements only on that side that is to be done.
- Except as described above, improvements to the road system need to include turn lanes at the intersection of Jackson Road and Wallace Road, and turn lanes at each of the entrances into the development from either road. Acceleration/deceleration lanes at each of the entrances of either road.
- A 50 foot undisturbed buffer shall be provided along all property lines where the project abuts noncommercial zoning districts or uses. If the County finds that the buffer is on

insufficient opacity to screen the development then the buffer shall be supplemented with additional trees and shrubs so as to provide the necessary opacity.

- Restriction on exterior lighting to be designed to avoid glare to adjacent neighborhoods.
- Pedestrian/bicycle paths into and through the site. The development is to be adjacent to the village which is on the new land use map.
- Exterior building facades must be a minimum 30% brick, stone or stucco if visible from either Wallace Road or Jackson Road if the park is developed by anyone other than the Griffin-Spalding Development Authority who has their own standards that developers have to meet.
- Street trees shall be planted at a distance not to exceed 50 feet along all interior drives.
- All entrances shall be heavily landscaped. An entrance landscape plan shall be submitted with the site construction plans.

The Planning Commission, at their meeting, recommended approval with the conditions as stated.

Mr. Galloway said the Industrial Development Authority is a state created entity. It is a governmental entity and is considered an equal entity to the Board of Commissioners. The Board of Commissioners is the only entity in the county with the authority to zone property; however, the IDA, like the school board, is not bound by the zoning ordinance. The IDA can obtain property and do what they want to with the property without having to comply with the zoning ordinance. IDA does not have the authority to zone. They are not governed by the zoning ordinance. They cannot zone property to get what they want but they can operate outside zoning. There may be issues here related to the Foreign Trade Zone where qualification under the zoning ordinance may be required. Historically, the IDA has cooperated with the county in a voluntary manner.

David Luckie – 924 Mockingbird Lane

Mr. Luckie said he and the Chairman of the Development Authority, Don King, were present to address the County Commissioners regarding this application. This application is to request the rezoning of the I-75 property owned by the Development Authority. This is a part of the continuing effort of the Authority for due diligence as it relates to the I-75 Industrial Park. An application has been made for Foreign Trade Zone status for the I-75 Industrial Park, Green Valley Industrial Park and the Hudson Industrial Park. This is an outstanding marketing opportunity to attract companies that import goods into the United States. The Foreign Trade Zone designation was created to keep jobs in American and to help companies in the United States compete in the global market. The application for Foreign Trade Zone status requires that all of the properties be zoned properly. The properties have to be zoned appropriately so the application will not be interrupted or stopped. They request this application be approved.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale said he had a petition with 775 signatures opposing this change. He gave a copy of the petitions to the County Manager. A lot of sinister things have happened like changing the zoning before they get the money. They are not going to get the money. The SPLOST is going to fail big time. It did last time. The local tax-paying citizens feel that changing the zoning is not consistent or compatible with the existing AR-1 family residents located out there on the acreage in this rural part of the county. It is not conducive with the existing land use. They feel to rezone the property to allow for these warehouses would lower the standard of their historic community, be detrimental to the use of existing properties in the community, and could adversely affect the health and safety of the current rural county residents. Approval of the AR-1 property rezoning to C-2 manufacturing will have a depreciating affect in the rural community and would cause irreversible damage to the rural neighborhood in general. It would further adversely affect the existing land use of their properties as now zoned and used. They are opposed to any rezoning of the I-75 property and future industrial development in this part of the county. They reserve their right under law to pursue every legal remedy available to them based on constitutional and civil issues that have been raised and especially challenge the arbitrary and capricious decisions of the committees, boards, and authorities along with the commissioners who vote to change the zoning from AR-1 To C-2 for the Development Authority or anyone else against the will of the 700 to 800 people that live out there and signed the petition. The commissioners are supposed to represent the will of the people not the special interests. There is something awful bad, evil and sinister with the way we conduct business around here.

Beth Wallace – 405 Wallace Road

Ms. Wallace said she is vehemently opposed to the rezoning of the Wallace Road – Jackson Road property from Agricultural/Residential to Manufacturing/Industrial. She is not anti-growth and she does not feel anyone in the area is. Growth is something that is essential to a healthy economy but she is opposed to urban sprawl and poorly planned growth which is what this is. Why not put this manufacturing/industrial on the parkway instead of in her front yard? That is what the parkway was put there for. Put it in the existing industrial park a few miles away. Recently Spalding County ran water to this area. They put in 6” pipe and now they are going to replace it with 12” pipe if this is approved. Who is going to pay for that? Me and all

the other tax payers. The cost is prohibitive to the county to develop this land especially when you consider other properties that are available that would incur less cost. There is no commercial development within a mile of this site. Homes and small farms touch every bit of the property. All of the adjoining land is zoned residential/agricultural. There is no precedent for this zoning.

Discussion was held regarding the issue that if this property is rezoned, and the SPLOST does not pass and the property passes from the Development Authority to a private investor would the county be able to reverse the zoning change? Mr. Galloway said the property would be governed by the zoning ordinance. Further discussion was held regarding whether or not the zoning could be conditioned on the SPLOST passing and Mr. Galloway was of the opinion that it would not be appropriate to condition the rezoning or that issue. Discussion was held regarding when the Foreign Trade Zone status would become effective. Mr. Luckie said if the process is not interrupted it is anticipated to be approved by March 2005.

Mildred Wallace – 235 Wallace Road

Ms. Wallace said she is not in favor of this zoning.

Mike Wallace – 371 Wallace Road

Mr. Wallace said he is opposed to this development. He requested the application be denied for development of an industrial park. He read a prepared statement regarding protecting his constitutional right. A copy of the statement was furnished to the County Manager.

Kay Penn – 665 Jenkinsburg Road – Locust Grove, Georgia

Ms. Penn said she has spoken to all but three of the Development Authority members in opposition to this rezoning. The three she has not spoken to would not return her calls. They have valid objections to this development but this is a “slam dunk”. They know what is going to happen. This is the last opportunity for the County Commission to do what is right. The County Commissioners have been elected to represent the people to see what the citizens think because they pay the taxes in the county. The County Commission needs to represent the people, not the Development Authority, and not the people that have interest in this development.

Walter Cliff Futral – 4953 Jackson Road

Mr. Futral said he has a prepared speech that he feels has all been covered. He thanked Mr. Kendall and Mr. Goss for listening to the people. He hopes that all will consider what he has to say. One lady in the community talked to one of the members of the Planning Commission to express her objections and was told that she did not know what she was talking about. He said it was engraved in stone. Mr. Futral said he would like to think that the County Commissioners are not that closed minded on everything. He requested the County Commissioner consider what will happen if the zoning is approved and the Development Authority does not develop the property. Mr. Luckie said this needs to be rezoned for Foreign Trade Zone status. The SPLOST is not going to pass. They can go on with the Foreign Trade Zone with the zoning as it is. This needs to be tabled until after the vote on November 2, 2004.

Jesse J. Brown, Jr. – 245 Jenkinsburg Road

Did not speak

Sinclair Hollberg – 3335 Jackson Road

Mr. Hollberg requested to delay a vote on the zoning change until after the SPLOST vote in November. The Foreign Trade Zone is a good idea and could really move the county forward. The location on this Jackson Road is not a good location. There is rock on the sites. There will be a lot of dynamiting. There is a historic African-American Church just a few feet uphill from the site. The Regional Impact report stated that the sewer treatment facility is not functional that a lot of the equipment on site in the treatment facility is decrepit and in need of repair. The pipelines to get from the site to the sewer treatment facility require easements that more than likely will require eminent domain taking of the property. There will be a large expenditure to take care of the sewer treatment facility and he wanted to know where the money was coming for that. Let the people digest all the concerns of the report since it has just been received and no one has had time to study it.

David Hinton – 182 Wallace Road

Mr. Hinton said he has attended several meetings and he wondered if it was a shock that the Development Authority has all the authority and the County Commission is a “toothless tiger”. No one has any “guts” to stand against them. Government is like fire. It will burn everybody up. They keep talking about industrial parks. No one has addressed where the power lines are going. Whose yard is it going through? Where is the substation going? Can he get any question answered regarding this or the Green Valley Industrial Park? Is there anyone that will actually answer his question? He asked what the 106,000 SF building would rent for, if it was complete, that is on site #9 in Green Valley. It is not finished. It does not have a floor and there is no power to the property. This building represents 25% of the space that will be available on the I-75 property. Why is it not being used? There are several empty buildings in the Green Valley Industrial Park.

Mr. Morrow said the building in the Green Valley Industrial Park was built by a private developer at his expense. It is for sale and will be completed to suit the tenant. Prospects are considering the site. Hopefully it will sell soon. That is the only vacancy in the Green Valley Industrial Park that he is aware of.

Mr. Kendall asked Mr. Luckie about the Foreign Trade Zone. He is reluctant to rezone the I-75 property because some private developer might get the property and you lose control of the public's ability to have some input regarding how it is developed. He wanted to know how it would affect the Foreign Trade Zone status for Hudson Industrial Park and Green Valley Industrial Park. If the SPLOST passes he has no problem rezoning the property but if it fails and the property is zoned C-2 it could be sold to a private developer. That is a problem for him.

Mr. Luckie said all three parks are in the application and he does not know what would happen if the application is amended.

A lengthy discussion was held regarding the options that might be available for conditions so that only the Development Authority would be able to develop the property. Mr. Galloway said he was not prepared for a full legal opinion because he did not research this scenario. He did say that the County Commission is the zoning authority for the county and they would have the option to rezone the property on their own initiative. This would be a better way than trying to condition approval with a reversion clause.

Commissioner Goss made a motion, seconded by Commissioner Kendall, to table Application #04-13Z. The motion failed on a 2 to 3 vote with Commissioner Kendall and Commissioner Goss voting for the motion and Commissioner Davis, Commissioner McDaniel and Commissioner Morrow voting against.

Commissioner Morrow made a motion, seconded by Commissioner Davis, to approve Application #04-13Z conditioned on : 1) Infrastructure improvements need to be underway prior to the issuance of any certificates of occupancy for any industrial use on the property. These include both road and water line improvements; however, should only one road frontage be developed at a time, the developer may choose to make the road improvements only on that side be developed. 2) Except as described above, improvements to the road system should include turn lanes at the intersection of Jackson Road and Wallace Road, and turn lanes at each of the entrances into the development from either road. Acceleration/deceleration lanes should be placed at each entrance from either road. 3) A 50-foot undisturbed buffer will be provided along all property lines where the project abuts noncommercial zoning districts and uses. If the County finds that the buffer is of insufficient opacity to provide sufficient screening, said buffer will be supplemented with additional trees and shrubs so as to provide the necessary opacity. 4) Restriction on exterior lighting to be designed to avoid glare into adjacent neighborhoods. 5) Pedestrian/bicycle paths are to be incorporated into and through the site with the development of the adjacent village. 6) Exterior building facades must be a minimum 30% brick, stone or stucco if visible from either Wallace or Jackson Roads if the park is developed by anyone other than the Griffin-Spalding Development Authority. 7) Street trees will be planted at a distance not to exceed 50 feet along all interior drives. 8) All entrances will be heavily landscaped. An entrance landscape plan will be submitted with the site construction drawings. *The motion passed on a 3-2 vote with Commissioner Davis, Commissioner McDaniel and Commissioner Morrow voting for the motion and Commissioner Goss and Commissioner Kendall voting against.*

- 14. Amendment to UDO #A-04-17:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Commissioner Morrow made a motion to Approve Amendment to UDO #A-04-17. The motion passed unanimously on a second by Commissioner Davis on a 5-0 vote.

- 15. Amendment to UDO #A-04-18:** Article 3. Establishment of Districts – Section 301:A(6) – add R-1A District.

Commissioner Davis made a motion to approve Amendment to UDO #A-04-18. The motion passed unanimously on a second by Mr. Morrow on a 5-0 vote.

4. Other Business:

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

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

The executive session convened at 9:02 p.m. with Commissioners Michael Kendall, Johnie McDaniel, Cecil Davis, Dick Morrow and Eddie Goss. Also present were County Manager William P. Wilson, Jr., Zoning Attorney Newton Galloway and Community Development Director Chuck Taylor.

CLOSED MEETING AFFIDAVIT

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 September 23, 2004.

2.

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

3.

The executive session was called to order at 9:02 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 23rd day of September 2004.

Sworn to and subscribed
Before me this 24th day of September 2004.
Gail Adams
Notary Public
My commission expires: 03/14/06

Spalding County Board of Commissioners
Cecil L. Davis
Edward Goss, Jr.
M. Michael Kendall
Johnie A. McDaniel
Dick Morrow

Commissioner McDaniel made a motion, seconded by Commissioner Goss to close the executive session and reconvene in open meeting. The motion passed unanimously on a 5-0 vote.

The County Commission reconvened in open session at 9:13 p.m. with all members present.

5. Adjournment.

Commissioner Morrow made a motion, seconded by Commissioner McDaniel to adjourn the meeting. The motion passed unanimously on a 5-0 vote.