

## **Zoning Public Hearing**

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, February 23, 2006 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Edward Goss, Jr. present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

**A. Call to order.**

**B. New Business:**

- 1. Amendment to FLA-05-09:** Various Property Owners – Spalding County Board of Commissioners, Agent – Jackson Road - requesting an amendment to relocate Jackson Road Village Node.

Mr. Taylor delivered a short presentation on the Village Node concept in general, and then would separate comments for each application tonight pertaining to Village Nodes. October 27, 2005 instructed Staff to begin the process to move the Village Node at Highway 155 and Jackson Road and to review the Teamon Road and Smoak Road Village Node. The Village Node has certain characteristics, requires certain situations, and generally is designed to relieve the urban “sprawl.” Buildings are located close to the street, incorporate on-street parking with streetscaping and broad sidewalks that encourage pedestrian traffic as opposed to automobiles. Critical components of the concept are its interconnectivity of public spaces and extensive architectural elements.

Mr. Taylor identified the currently designated Village Node locations across Spalding County, beginning with Jackson Road at Highway 155. Pictures and existing uses around this identified nodal area were presented. North Walkers Mill at Jackson Road was shown as an alternative, as was Locust Grove and Jackson Road (Ringgold Community), and finally Rehoboth and South McDonough, which is the site of a proposed school but has no anchoring businesses there now.

In the analyses done by Staff, they found more reasons to keep the current node location than to move it, but the move could still occur. They would recommend trying to stay with the criteria already identified for establishing such a node should the Board desire to move it. Mr. Taylor provided a map which showed the physical location and the general boundaries of the current node. The development pattern around the intersection showed the trend of the County’s zoning actions already in the area. Most of the land use designation around the current zoning is a mixture of residential and some agriculture, but the future planned and density uses around the area is high density residential and then agricultural further removed from the center.

Commissioner Flowers-Taylor wanted to see the context of this node in connection with other identified nodes in the area, and Mr. Taylor responded by elaborating on the “triangle” which connected the Village Node locations in the northern part of the County. There is a distance of approximately one-half mile to Walkers Mill and one mile to Locust Grove, and then five miles to Rehoboth and South McDonough intersection. The Village Node for Minerva will be about two to three miles. Traffic is already difficult at this intersection of Jackson Road and Highway 155, stated Commissioner Flowers-Taylor, and the Minerva Village Node will only add to the traffic count even without this current node location being developed. Mr. Taylor pointed out the node could actually help disperse adverse traffic patterns and he felt the pressure to develop this intersection in the County will continue even without the Village Node designation. It was his opinion that leaving the Village Node there would actually help the development of the area to be smarter growth. DOT is proposing a widening and realignment of this intersection to help alleviate traffic woes in the future, but he felt this intersection would definitely develop commercially – with or without the node designation. He feared that the real result

of moving the node would be to have something worse in its place. This area already developed further along commercially than the alternative sites was still, in his opinion, the best suited of the choices.

Commissioner Flowers-Taylor surmised that if that is true, then perhaps the County's focus should be to fix whatever is wrong with zoning commercially rather than trying to initiate village node designations.

Commissioner Davis agreed with the Planning Commission's decision at their January 31, 2006 meeting to keep the Village Node where it is currently planned, and he did not feel a relocation of this node would benefit anyone.

Commissioner McDaniel said to concentrate the high density growth into planned, smart village nodes would actually leave more rural, open land than to leave it to grow commercially along the highway with one-acre lot dense subdivisions that will eat up the surrounding land. The Village Node concept provides a great deal of protection for keeping controlled growth.

Commissioner Flowers-Taylor said she wanted to see the criteria they had requested Mr. Taylor to develop for the village node concept while the moratorium was in place now and did not feel the urgency to vote on this tonight.

Commissioner McDaniel said the moratorium would take care of anyone requesting what had been termed a "piece-meal" village node. The big picture was getting lost.

Kathy Noble, 876 Musgrove Road, Griffin, Georgia

She lived in this immediate area and supports keeping the node where it is currently identified. She trusted the staff and professionals who used her tax dollars to find the best locations through a careful, meticulous process because of the objections of a few. This area is a gateway and traffic will only increase. The things that will be available for immediate community resources in this village node are currently only available in Henry County. This is the last area that is really left for the Henry County overflow. Think about what we want them to see as they enter Spalding County, a cinder-block gas station with a hole in the side or a nice, neat organized village that would be very visible and state Spalding County's foresight. Largest reason not to move the village node is that it will benefit everyone's property values and she felt it was simply the right move. The recommendations of previous board, professionals and staff are valid and she hoped they would carefully consider their esteemed opinions.

Matthew Stafford, 1560 Flint Street, Griffin, Georgia

Mr. Stafford is not a landowner in this part of the county and has no interest in any village node development in this area. However, federal funding for the second largest historical trail, The McIntosh Trail, should receive great consideration. His opinion was that Highway 19/41 was the gateway and whether or not the downtown area.

Debra Jo Steele, 1819 North Walkers Mill Road, Griffin, Georgia

Reasons to keep Jackson Road at Highway 155 Village Node. Development – sewer will approach 4.55 MGD as opposed to 3+ with Village Node. Water availability. Road is being widened and bids let. Highway 16 converted to 4-lane. Village Node where you can live, work and play will effectively slow traffic. Leapfrog development has and will continue to occur without Village Node. Auto traffic will be reduced. Air quality studies indicate Village Node more efficient than leapfrog development patterns. Residents want green space maintained between village nodes, not the individual subdivision developments currently popping up. Georgia is growing and 50 people participants (county and city staff, McIntosh Trail RDC, UGA, citizens) attended workshop earlier, so public did have input. New employment and moderate growth rate will result from Village Node with larger uncontrolled growth rate otherwise, rather than the other way around. More affordable housing will result from Village Node, also. Loretta Johnson and

her husband, who is out of the country, as well as her niece, Ray Browning and June McIntyre all want to keep the Village Node where it is but could not attend the meeting tonight.

Sinclair Hollberg, 3335 Jackson Road, Griffin, Georgia

Mr. Hollberg presented an Atlanta Journal article to commissioners dealing with the Chattahoochee Hill Country encompassing 40,000 acres designated for a Village Node concept. Commissioner from Fulton County, Ms. Handel, said they had a wait and see attitude before implementing it elsewhere. This concept is what gave rise to Spalding County's implementation. He detailed the DOT plans for the curve to straighten and soften it, saying it would move the right-of-way about 100 feet south of its current location. Westbound traffic toward Griffin will have to virtually stop before turning toward town. An overwhelming number of locals who attended a town hall meeting regarding the village node designation were in favor of moving it to the Rehoboth Road location. There were a great number of them who could not attend this meeting, as well. With respect to the careful planning comment, it was not done with careful forethought but rather was the result of an email from Newton Galloway, Zoning Attorney, to Chuck Taylor.

Ed Johnson, 600 Hamil Road, Griffin, Georgia

He lives close to the Village Node and attended the 2020 comprehensive planning session mentioned earlier. The main focus of the concept was to centralize commercial and retail with residential and actually leave more green, open space. By the time the 2025 planning session and others evolved, the number of identified village nodes had reached three, tripling the number of areas identified for controlled growth. Do we need three this closely linked and does that dilute the benefit of village node planning? If we don't have control today, what makes us believe we will have more with more nodes?

Dick Morrow, 263 Westchester Drive, Griffin, Georgia

He owns no property in this part of the county and has no financial interest or conflict. The concept is a very good means of controlling growth. ARC now uses the same concept called Livable Centers Initiative (LCI). Spalding County nodes must inevitably be smaller because we do not have the roadway infrastructure necessary to handle something of the magnitude in Fulton County. To not utilize the Village Node concept to promote compact, smart growth will result in just another commercial corridor that will resemble Highway 19/41. Sprawl and congestion will be alleviated with a village node. To keep the Village Node here will also mean the County will have DOT participation and not place the brunt of road maintenance on the County as it will if the node is moved to the other mentioned locations. He urged them not to move the location.

Leslie Hollberg, 3335 Jackson Road, Griffin, Georgia

Double Cabins will be adversely affected probably most by this Village Node placement. They market the bed and breakfast as a rural, relaxed country inn, and she feared the Village Node will simply make the area be more like what their clients come to get away from. The McIntosh Scenic Byway has been in the pipeline for about eight months, and additional commercial development could hurt this application for the historic trail. At 77 miles long, this scenic byway would be the second longest trail in the state. Henry County development provides all the shopping anyone could want. Traffic accidents are already numerous, particularly on the curve in front of their home and Double Cabins.

Commissioner Goss asked if the three nodes could survive within one to three miles of each other should they be allowed to remain. Mr. Taylor said this was a 25-year plan and while you could not be assured what might transpire, if the County maintained adherence to the larger picture then the village node concept could be successful. The size of the village nodes are defined by the overall plan and are designed to be a radius of about one-quarter mile since this is the most likely distance people will walk rather than drive from their homes. This would keep the area compact. Each of the decisions made tonight get filtered through the plan and have very long-term ramifications.

Mr. Taylor said long-term when the land values exceed what is currently there as the village node develops, the less desirable businesses will give way to higher end developments which will result in growth that can be controlled and managed. He cautioned the Board about taking the movement of the village node locations in a cavalier fashion.

Commissioner Flowers-Taylor said she was adamantly opposed to leaving this Village Node at the location of Highway 155 and Jackson Road. She wondered why three of the six or seven village nodes were all located in the northeast quadrant. Commissioner McDaniel said this area was where the extreme growth was likely to occur.

Mr. Galloway said if this node was moved, it would have to be dealt with on the map quickly, and he urged caution. Two corners of this intersection are commercial, seven acres on the southwest corner zoned commercial that is undeveloped, and the mobile home park to the north. All have certain rights and some issues will have to be dealt with quickly should they relocate.

Chairman Freeman asked if other nodes were located on state roads, and Mr. Taylor said a number were located on state roads and others not.

Commissioner McDaniel urged them to make the decision tonight based on good neighborhood growth and development planning principles and not just because of listening to some residents.

Mr. Galloway if classification is removed, then a classification must be quickly put on the map to replace it. If the vote is to move the node, he requested they then direct Staff to return with a recommendation of a replacement within 30 days of a replacement zoning classification and make it occur when the node designation is removed. Notification will be made according to requirements for Public Hearing.

***Commissioner McDaniel made a motion to deny Amendment to FLA-05-09, seconded by Commissioner Davis. Motion failed by a vote of 2-3 with Chairman Freeman, and Commissioners Flowers-Taylor and Goss voting in opposition.***

***Commissioner Goss made a motion to relocate the village node to Rehoboth Road at such time that staff returns within 30 days with a future land use map designation to replace the node designation. Commissioner Flowers-Taylor seconded the motion which passed by a vote of 3-2, with Commissioners McDaniel and Davis voting in opposition.***

2. **Amendment to FLA-05-10:** Various Property Owners – Spalding County Board of Commissioners, Agent – Teamon Road and Smoak Road – requesting an amendment to relocate Teamon Road and Smoak Road Village Node.

Mr. Taylor said with this instruction to Staff, they wanted to look at moving this Village Node currently centered at Teamon Road and Smoak Road. In reviewing the comprehensive plan, it was noted this was near the main entrance of Spring Lake (now Sun City) and he noted the pictures of the Smoak Road Node location. As a result of connectivity issues to I-75 and Highway 19/41, it was the recommendation of Staff to consider relocating the node to Jordan Hill at Baptist Camp Road. Visibility is good and recent development would anchor the node at this location. This will, in essence, rotate the entire configuration of the node counterclockwise and position the corridor on Jordan Hill at Baptist Camp Road. Cherokee Rose Shooting Resort is positioned just north of Baptist Camp Road about ¼ mile from this intersection. This should encompass commercial and residential mixed uses, predicting with fair certainty that this Village Node should be comparable to the one at Heron Bay with commercial, retail, homes, lofts, parks, courtyards, and some condos with a village atmosphere.

You tasked the staff to specifically move the Village Node at Teamon Road and Smoak Road to this location at Jordan Hill Road at Baptist Camp Road. On the Jackson Road Village Node, several alternates were presented but no hearings were held in the Rehoboth Road area, and that will need to be done. In this instance, the folks on Teamon, Smoak, Jordan Roads have had opportunity to express opinion on the Teamon Road and Smoak Road location and the residents on Rehoboth Road must be afforded the same opportunity.

Andrew Welch, Smith, Welch & Brittain, 2200 Keys Ferry Court, McDonough, Georgia

Mr. Welch was representing Mr. David Smith who owns 100+ acres of property south of Teamon Road. Under the current Future Land Use Map, his property is designated for medium density residential. This relocation will take such designation away from his property but rather keep it medium density residential. The letter presented outlined his objections and constitutional violations he felt this relocation might impart to his client. The property is already rezoned and a plan has been approved for an R2 development with special exception. This was the KKP Property that was rezoned about two years ago from AR to R2 in an estate life situation. The special exception was approved at the time of rezoning. The zoning of the property won't be changed by this node relocation but may change direction of the development of the area.

David Smith, 1006 Brookhaven Lane, Atlanta, Georgia

Not opposed to changing the commercial node, but rather how this will affect his smaller parcel, Mr. Smith said he bought the property with an eye for the Future Land Use Plan and had counted on the property developing according to the Future Land Use map. Even though the zoning of the property won't change because of this node relocation, the ultimate direction of the property according to the underlying land plan will change probably from medium density residential development. Mr. Smith could also reapply for another special exception if he doesn't like the plan approved.

Brian Davison, Minerva Properties, 2292 Henderson Mill Road, Atlanta, Georgia

This was part of the original Spring Lake zoning accomplished two years ago. He approached the moving of this village node from a planning perspective. The Land Use Plan provides general direction, but the process is refined throughout the zoning and development. He addressed why the Village Node should be moved, such as widening for easier protection of the villages proper, road infrastructure and improvements, scattered commercial zoning united as one location in a focal point of the area, intersection difficulties and safety issues with Teamon and Smoak Roads, and reduction of traffic. As to why should the medium density locations be changed from Teamon Road area to Jordan Hill Road area, Mr. Davison noted that Teamon Road is a natural ridge line and that all land to the north does not gravity flow to the sewer plant. The Henry County Water and Sewerage Authority has requested that Spalding County respect their watershed into the Cole Reservoir. Removing medium density from the north side will be positive, as well as reducing the curve. He noted there were actually two tiers of discussion: 1) move the Village Node leaving the underlying land as medium density, and 2) move the Village Node, perhaps changing Mr. Smith's and other properties back to low density.

Mr. Galloway said when the Village Node is moved from Teamon and Smoak Roads, there must be in place a replacement designation, and the Board could request that Staff be instructed to return in the same 30-day time as noted previously with a recommended replacement classification.

Mr. Welch returned to request that the Board just not change his client's designation even if they decide to move the Village Node location.

Mr. Taylor suggested the Board change the Village Node location and utilize his recommended replacement designation for the node area proper but leave the property of Mr. Smith as designated. The east side is designated as medium

residential on the Land Use Plan and they desire to keep that designation. The rezoning of Mr. Smith's property was never in contention.

***Commissioner Davis made a motion to approve the relocation of the Village Node, Amendment #FLA-05-10, from Teamon and Smoak Road to Jordan Hill and Baptist Camp Road, according to Staff's recommendation, with the exception of leaving the property of Mr. Smith with its current existing zoning, special exception status and future land use map planning direction. Motion, seconded by Commissioner McDaniel, carried by a unanimous 5-0 vote.***

3. **Application #05-21Z: Lift from the table** – Nancy J. McCallum, Owner – MJZP Engineering, Agent – Northeast corner of Williamson Road and Rover-Zetella Road (2.45 acres located in Land Lot 43 of the 2<sup>nd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential to VN, Village Node.

***A motion to Lift Application #05-21Z and Application #05-37S from the table was made by Commissioner McDaniel, seconded by Commissioner Davis, and motion carried by a 3-2 vote with Chairman Freeman and Commissioner Goss opposing.***

Mr. Taylor said it was important to note that at the time the applicant first approached Staff regarding this application, the Village Node intent and zoning ordinance were still in the process of conception. In order for villages to develop property, they must be comprehensively planned. The planned nodes of both Rover and Vaughn contain properties of various sizes and configuration which pose the problem of puzzle piece planning.

Debra Jo Steele, 1819 Walkers Mill Road, Griffin, Georgia  
She commended Staff and urged commissioners to trust their planning professionals, saying this approval would help bring the balance Commissioner Flowers-Taylor noted earlier in other parts of the county.

Raymond Ray, Jr., Dan J. Smith Distributors, 630 West Taylor Street, Griffin  
His business is in favor of growth and competition, but he wanted to identify zoning and safety requirements. This proposal has heard both opposition and concurrence. This intersection upgrade is because of safety issues with fourteen accidents but no fatalities. Traffic count is high on several roads in the area. The red light is the last component of intersection improvements, and this concerned him. He urged commissioners to restrict completion of this development until the traffic light is installed. The development on the tract would depend on a variance of the section of the ordinance that stipulates sewer be available, along with public water, since this tract has only public water. While he did not want to place the McCallums at a disadvantage, and he was sure they would do a fine development, he did not want to see them circumvent the process that was in place.

Mark Whitley, MJZP Engineering, 1205 McKinley Road, Zebulon, Georgia  
He maintained his client had a right to develop this area commercially without having to wait until DOT completes its intersection improvements, etc. His client lives in a historic home adjacent to the property. The concept drawing showing the location of the driveway was acceptable to DOT when he met with their representative, Mr. Woods. DOT felt it would be approximately one year to effect these intersection improvements.

Alan McCallum, 2831 Williamson Road, Williamson, Georgia  
He offered to answer questions.

***Commissioner Davis made a motion to approve Application #05-21Z with the conditions recommended by Staff, Planning Commissioner and Board of Appeals. Commissioner McDaniel seconded the motion.***

Commissioner Flowers-Taylor said they tabled this issue last month so they could obtain additional criteria and information which had not been forthcoming. Mr. McCallum said the application was being submitted according to what was on the

books for Spalding County now in its Ordinance. He asked if they were asking him to wait until they changed the Ordinance to how they wanted it. He would work with Staff to ensure he put in a project that would meet anticipated criteria changes in order to make sure he got a quality development. He was willing to wait for a reasonable amount of time but not indefinitely.

***The motion failed by a vote of 2-3 with Chairman Freeman and Commissioners Flowers-Taylor and Goss voting in opposition.***

***Commissioner Davis made a motion to deny Application #05-21Z, seconded by Commissioner Flowers-Taylor, and the motion carried by a unanimous 5-0 vote.***

4. **Application #05-37S: Lift from the table** – Nancy J. McCallum, Owner – MJZP Engineering, Agent – Northeast corner of Williamson Road and Rover-Zetella Road (2.45 acres located in Land Lot 43 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a gasoline service station/convenience store in the VN District.

***With denial of the previous application, this application was rendered moot.***

5. **Application #05-22Z:** Minerva Spring Lake, L.P., Owner – Jordan Hill Road and Teamon Road (1715.568 acres located in Land Lot(s) 184, 185, 186, 187, 199, 200, 217, 218, 231 and 232 of the 3<sup>rd</sup> Land District) – requesting a rezoning from PDD, Planned Development District and AR-1, Agricultural and Residential to AAR, Active Adult Residential.

Mr. Taylor said the applicant has requested approval from Spalding County to rezone the subject property from PDD, Planned Development District and AR-1, Agricultural/Residential District to AAR, Active Adult Residential District. The applicant proposes to construct a 55+ community consisting of 3,389 housing units.

The applicant requests rezoning to AAR, Active Adult Residential, which provides development of varied housing options designed for adults 55 years of age or older. This restriction is permissible under the Fair Housing Act. Along with diverse housing, AAR requires an intensive amenity package. The applicant proposes a 18-hole public golf course, golf clubhouse, two amenity centers (main – approximately 25,000 square feet), playgrounds, tennis courts, bocce ball areas, miles of walking/biking trails and large amounts of natural open space. Additionally, the proposal contains a “small commercial component (6.43 acres) to serve the immediate retail needs of the neighborhood with such services as a barber, coffee shop, dry cleaners, florist or bakery.” Based on studies submitted by the applicant, it is our opinion that the development as proposed will have less impact to most facilities and services with the exception of emergency and medical services.

Staff recommends conditional approval of the request as follows:

- a. Future Land Use Map shall be amended.
- b. Provide a traffic study with respect to traffic stacking at gated entrances.
- c. Incorporate a fourth access point being North Second Street Extension.
- d. Provide acceleration and deceleration lanes at all entrances.
- e. Mailboxes shall be coordinated and uniform within the neighborhoods.
- f. No chain link fencing permitted unless it is vinyl coated.
- g. Freestanding dog pens shall not be permitted.
- h. Accessory structures shall match the style and materials of the home.

The Planning Commission recommended approval of the request.

Josephine Scott, 1906 North Second Street Extension, Griffin, Georgia  
She wanted Minerva to have their subdivision but not with a gate or entrance on North Second Street Extension. She had obtained 64 signatures from Spring Street Circle and North Second Street Extension who objected to the additional significant traffic this development would provide. The Roosevelt Railroad and Mr. Rosser, on its way to Dundee Lake Park and the Experiment Station, also has safety concerns.

John Scott, 1906 North Second Street Extension, Griffin, Georgia

This street actually dead-ends into the railroad, and to get traffic to Minerva's gate would require much paving and improvements. There is not enough infrastructure to support this condition. He was concerned for school bus traffic, as well. Mr. Scott did not see where this gate should be an important advantage for the development. Almost every resident signed the petition.

Brian Davison, Minerva Properties, 2292 Henderson Mill Road, Atlanta, Georgia

This will be the fifth presentation on this property, so he stated he would try to be brief. He detailed a slide presentation of similar properties to this project. The proposed partner on this project is Del Webb, a division of Pulte Homes, with similar projects in about 13 states. They target 55 and older active adults. They want smaller homes, not much maintenance but lots of things to do. They have come to Atlanta because the city is aging somewhat in the past ten years. Atlanta is becoming a major focal point for the growth of this segment of the population for several reasons, chief among them climate, standard of living, topography, etc. Buyers of these homes tend to buy 50% to 60% cash, and the people are much wealthier than the typical young family. Values tend to improve in this age group, as does the stability factor. They have more disposable income and are more education oriented. They place a high value on volunteerism and make great community partners. The amenities available with swimming pools, trails, golf, etc. are major components. He contrasted open space, traffic impact, and other areas of impact between current and proposed zoning classifications. The financial impact of the tax base will approach \$1 billion, and huge funding will come into the local school system, also. The fiscal impact analysis summary for the first 15 years of the project posted a net gain of \$118,751,542. As far as the road entrance on North Second Street Extension, this extra entrance was not needed for the community and he did not favor dumping extra people on this small secondary street.

***Commissioner McDaniel made a motion to approve Application #05-22Z with all recommendations made by Staff except for the deletion of Item C- To incorporate a fourth access point on North Second Street Extension:***

- a. Future Land Use Map shall be amended.***
- b. Provide a traffic study with respect to traffic stacking at gated entrances.***
- c. Provide acceleration and deceleration lanes at all entrances.***
- d. Mailboxes shall be coordinated and uniform within the neighborhoods.***
- e. No chain link fencing permitted unless it is vinyl coated.***
- f. Freestanding dog pens shall not be permitted.***
- g. Accessory structures shall match the style and materials of the home.***

***Commissioner Davis seconded the motion which carried by a unanimous 5-0 vote.***

- 6. Application #05-24Z:** Steve Edison and Tammy Edison, Owners – Chuck Pruitt, Agent – 86 Westwood Drive (2 acres located in Land Lot 14 of the 4<sup>th</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential to R-5, Single Family Residential.

Mr. Taylor said the applicant is requesting approval from Spalding County to allow the rezoning of 2.00 acres to R-5 single family residential. The property is proposed to be subdivided into two one-acre lots for the construction of single family residential homes. Staff recommends conditional approval to rezone the property to the R-4 zoning district with the following conditions

Chad Pruitt, 1717 Honeybee Creek Drive, offered to answer questions.

***Commissioner Davis made a motion to approve Application #05-24Z to R-4 with conditions noted. Commissioner McDaniel seconded the motion which carried by a unanimous 5-0 vote.***

7. **Application #06-02S:** Sammie L. Wells and Christine T. Wells, Owners – 2547 Locust Grove Road (31.03 acres located in Land Lot(s) 76 and 77 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a private school in the AR-1 District.

Mr. Taylor said the Board of Appeals had tabled this issue.

***Commissioner Davis made a motion to table Application #06-02S indefinitely. Commissioner McDaniel seconded motion which carried by a unanimous 5-0 vote.***

**C. Other Business:**

1. Greg Pruitt – discussion on requirements for fire hydrants on Kilgore Road.

Chad Pruitt, 1717 Honeybee Creek Drive, Griffin, Georgia

Mr. Pruitt said his father had addressed the Board on two previous occasions regarding this policy of the County to require they install the hydrant at their expense, even though there was no written requirement in the Unified Development Ordinance. He felt it was unfair to have required them to do this before something was in place in writing.

Commissioner Davis noted that this requirement was, in fact, part of the International Fire Code requirements.

Mr. Greg Pruitt noted this had never been required before in his 26 years of construction in Spalding County. Never had other County Managers and planners told him this was required. That international fire code does stipulate a 500 foot requirement but doesn't stipulate that the cost should be borne by the developer. The only instance in which it was required was one time prior with Greg Hale and Greg Smith on the dirt portion of East Maddox Road, and Harvey Pilkenton and Niles Murray were required to do one shortly after the issue arose with Greg Pruitt. He should not have been used as the example to set policy in the County. He did not want to tap into live County lines to install a fire hydrant unless absolutely necessary. The situation was different whenever he built a new subdivision. He contends there is County water there and perhaps a fire hydrant is needed but why is it the responsibility of the developer to put in a hydrant between other hydrants on an existing water line. His main contention was that Staff did not have a right to make up new rules and regulations without written ordinances for support.

Commissioner McDaniel said if the developer creates the need for the additional fire hydrant then he felt it should be the responsibility of the developer. He did, however, feel it should be a concrete requirement. A fee schedule should be developed, and the developer could pay the fee and have the County actually be responsible for installation. This would eliminate the practice of developers cutting into existing live County water lines and possibly creating problems.

Mr. Wilson said in the 1990s the County's philosophy was to get water to as many people as possible and the placement of fire hydrants was not as much an area of concentration. On some roads, hydrants placed back then may be as far apart as 1000 to 1500 feet. Planning staff is to review the files and report back to the Board later on any instances where developers were required to install hydrants on existing county water lines.

2. Executive Session to discuss pending litigation.

***Commissioner McDaniel made a motion to adjourn to Closed Meeting, seconded by Commissioner Davis, at 10:19 p.m. and motion carried by a unanimous 5-0 vote.***

**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 February 23, 2006.

2.

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

3.

The executive session was called to order at 10:19 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 23<sup>rd</sup> day of February 2006.

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 23<sup>rd</sup> day of February 2006.

Eddie L. Freeman, Chairman (L.S.)  
Gwen Flowers-Taylor (L.S.)  
Edward Goss, Jr. (L.S.)  
Cecil L. Davis (L.S.)  
Johnie A. McDaniel (L.S.)

Notary Public – Teresa A. Watson (L.S.)

My commission expires:

March 3, 2007

***Commissioner McDaniel made a motion to reconvene to Open Session, seconded by Commissioner Davis, at 10:52 p.m. and motion carried by a unanimous 5-0 vote.***

**C. Adjournment.**

***Commissioner McDaniel made a motion to adjourn, seconded by Commissioner Freeman, at 10:53 p.m. and motion carried unanimously at 5-0.***

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman