

PLANNING COMMISSION
Regular Meeting
October 10, 2000

The Planning Commission held its regular meeting on October 10, 2000 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Bill Bryant, Chairman, presiding, Ray Browning, Frank Harris, Karen Mathiak, and John Youmans. Jimmy Hodo was not present.

Also present were Cindy McDaniel, Administrative Assistant II, Michael Sabine, Community Development Director, Newton Galloway, Attorney, and Yvonne Langford to record the minutes.

Mr. Bryant called the meeting to order and noted that the only business would be text amendments to the UDO.

MINUTES

Mr. Browning made a motion, seconded by Ms. Mathiak, to approve the minutes of the September 26, 2000 meeting. The motion passed with Mr. Browning, Mr. Harris, Ms. Mathiak, and Mr. Youmans voting for the motion and Mr. Bryant abstaining because he had not had an opportunity to read them.

Amendment to UDO #A-00-23: Appendix I. Telecommunications Antenna and Tower Ordinance – add provision for affidavit showing proof that existing tower cannot accommodate their needs.

Mr. Sabine said the proposed amendment is self-explanatory. There has been concern on the part of the Board of Commissioners that telecommunication companies looking to place towers in Spalding County are not doing enough to look at the existing inventory of towers to see whether they can readily accommodate their needs and this affidavit, if enacted, will require them to certify that they had looked within a five mile radius of a location of the proposed tower and they have contacted the owner/operator of the tower and they have been advised that any of the towers in the candidate area would not suit their needs and therefore they would require new construction in order to accommodate the build-out of their telecommunications network.

Mr. Harris questioned whether there had been any input from the industry on this amendment.

Mr. Sabine said not.

Mr. Harris said he is a little concerned about, when they say they can't, does that mean that they could if the other tower owner/operator would let them but they won't or the other people are wanting "three arms and four legs" because they know they can get it. He does not want to be vague so we put somebody at the mercy of their competition. Are the charges regulated?

Mr. Sabine said that is a private contractual agreement between the owner and the person seeking to co-locate.

Mr. Harris then asked whether or not we would then say that if they were willing to pay three times the normal price they could locate and because they aren't they can't build.

Mr. Sabine said if the Planning Commission desires that can easily be incorporated into the proposed ordinance to state that in no event shall a prospective telecommunications operator be required to co-locate on a tower in the event the cost of co-location would meet or exceed the cost of new construction of the tower in the candidate vicinity.

Mr. Browning said the company that was trying to locate a tower in Brooks had probably caused the need for this amendment to the UDO. After listening to everything they, and their engineers, said he felt they were being less than fully truthful about their situation. The County Commission probably felt the same way. They were hiding behind certain clauses in the telecommunication's act. This change in the UDO means that if applicants are going to lie they will have to swear under oath.

Mr. Browning said he has a question regarding the five-mile distance.

Mr. Sabine said a two and a half to three mile radius might be more appropriate. If the Planning Commission wants to make that change it would probably be more comfortable.

Discussion continued on the advisability of changing the distance to 2.5 miles.

Mr. Bryant asked if it would be advisable, under paragraph B, to get the latitude and longitude provided.

Mr. Galloway said he thought about being more site specific and he felt the address would put it close enough.

Discussion continued and it was determined that it would be of benefit to have that information and it would not be burdensome on the applicant.

MOTION

Ms. Mathiak made a motion to accept the Amendment to the UDO #A-00-23 with the inclusion of the latitude and longitude and a change in the distance to a 2.5 mile radius. The motion passed on second by Mr. Browning with Bill Bryant, Ray Browning, Frank Harris, Karen Mathiak, and John Youmans voting for the motion.

Amendment to UDO #A-00-24: Article 21. S-2 Sensitive Land-Watershed Protection – revision to requirements.

Mr. Sabine said when the short-term work program was communicated by Spalding County to the State Department of Community Affairs last year, the comments that came

back from DCA included, in part, that Spalding County take some measures for environmental planning criteria, this being the most notable and significant. This ordinance is a revision to S-2 water supply/watershed ordinance. It will more comprehensively incorporate the water supply/watersheds in Spalding County. Presently the two intakes that serve Spalding County are Heads Creek and Flint River water supply/watershed basins are protected. This will expand those protections to the Towaliga and Potato Creek water supply/watershed which will be an expansion of the scope coverage not only in terms of covenants and restrictions but also in terms of the actual area. This is the most notable change in the proposed ordinance. This ordinance, as proposed, is consistent with the environmental plan and criteria enumerated by DCA. It is basically a requirement that Spalding County adopt an ordinance that is similar to this in some fashion. It has to be done by the end of the winter in order to retain the qualified local government status which is essential to maintaining State grants and other funding administered by DCA along with certain other permitting. In one sense this is a mandate, and of course, is it an environmental protection ordinance.

Mr. Galloway noted that there is a DCA mandate to adopt certain standards. DCA does not tell the County how to adopt but does tell the standards that have to go into the mechanism that is to be adopted. He noted that the change creates a watershed protection zone and it creates additional standards for development within those zones. He went over in detail the proposed changes noting what changes are required and where the present ordinance exceeded the requirements but were a part of the present regulations. He said he had maintained those standards but the Planning Commission could consider any changes they wanted that exceeded the requirements.

Discussion was held regarding the requirements and the changes that will be required and the advisability of additional requirements.

The question was raised as to how soon the changes would need to be made in order to meet the DCA deadline.

Mr. Sabine said the Qualified Local Government Standards deadline, which allows the local government to receive State administered financial assistance, is February 28, 2001. When the Board of Commissioners considers the changes they do not adopt them but forward them to the DCA for review and comment. DCA returns it to Spalding County with comments and then the Board of Commissioners will have their two readings before adoption. He encouraged the Planning Commission to move this along as soon as possible so as not to endanger the State funding which could impact transportation considerations for the County.

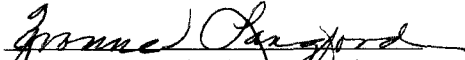
Mr. Bryant said he would like to have time to read and study the complete proposal before making a decision. He requested this be placed on the agenda for the October 31, 2000 meeting of the Planning Commission.

MOTION

Mr. Browning made a motion, seconded by Mr. Youmans, to adjourn the meeting. The motion passed with Bill Bryant, Ray Browning, Frank Harris, Karen Mathiak, and John Youmans voting for the motion.



Bill Bryant – Chairman



Yvonne Langford – Recorder