

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, April 23, 2009 beginning at 6:00 o'clock p.m., with Commission Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Eddie Freeman, and Bob Gilreath present. Absent was Commissioner David Phillips. Also present were Assistant to the County Manager Paul Van Haute, Zoning Attorney Newton M. Galloway, Community Development Director Chuck Taylor and Teresa Watson to record minutes.

A. Call to Order.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Time allotted to speakers will be five minutes each, unless otherwise noted at the Board's discretion. No speakers will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility area expected at all times.

Motion/second to amend the agenda to add consideration of adoption of the Tri-County Crossing LCI Plan under Other Business, by Commissioners Freeman and Flowers-Taylor, carried by a vote of 4-0.

B. Old Business:

1. **Amendment to UDO #A-09-03: Lift from the table** – Article 4. General Procedures – Section 408 – Building Permits Required – amend requirements to obtain building permits and clarify cost.

Motion to Lift from the Table UDO #A-09-03: – Article 4. General Procedures – Section 408 – Building Permits Required – amend requirements to obtain building permits and clarify cost, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

Mr. Taylor advised this ordinance brings our process into alignment and was brought to light by a situation recently whereby the current threshold of \$1000 before a permit is required was brought into question. Regular building permits have a time limit of six months for the beginning of construction, and he suggested treating demolition permits the same way. Commissioner Flowers-Taylor said that was fine, but she wanted to see an overall time limit, as well, even if ongoing demolition was occurring in a limited fashion. Such changes as this, noted Mr. Taylor, could be accomplished with additional text amendments in the near future after Staff has been able to develop appropriate wording. That particular area did not deal with the text amendment that was being considered tonight. While some structures that would be considered are of the lowest common denominator, such as a plain pole barn, most of the time such an application would result in a request for the lesser expensive permit but actual erection of a more elaborate structure. The only issue being put forward tonight pertains to the requirement of a building permit.

Motion to approve as presented Amendment UDO #A-09-03: – Article 4. General Procedures – Section 408 – Building Permits Required – amend requirements to obtain building permits and clarify cost, by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 3-1 with Chairman Goss opposing.

2. Conduct public hearing on Capital Improvement Element and Short Term Work Program.

Motion to open public hearing on Capital Improvement Element and Short Term Work Program by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

Having no public input, motion to close public hearing on Capital Improvement Element and Short Term Work Program by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

3. Approval of submission of Capital Improvement Element and Short Term Work Program to Georgia Department of Community Affairs and McIntosh Trail Regional Development Center.

Mr. Taylor reported this public hearing was required prior to approval, and Michelle Alexander of Pond and Company was present to address the Board. The plan far exceeds what is required by the state which was implemented in 1991. He provided some background for these plans and their role in maintaining the County's status as a qualified local government. The state has continuously changed these requirements and this year is a five-year update of the Comprehensive Land Use Plan. Our consultants, Pond and Company, have been instrumental in this process.

The Spalding County plan was completed in 2004, but the partial update serves to generate local pride and engage the public, in addition to maintaining the technical aspects of the process. Ms. Alexander briefly provided an overview of the partial plan's purpose and scope. The plan addresses quality community objectives, areas requiring special attention, identification of issues and opportunities, and the updated implementation program. The areas requiring special attention were mapped for commissioners. The Short Term Work Program (STWP) defines how these objectives will be met, such as land use, transportation and intergovernmental coordination. The annual STWP Update was charted for commissioners, and Ms. Alexander noted current long-term and ongoing activities.

In order to strengthen the County's legal position in the defense of zoning cases as have been identified, and in consideration of the fact that this update provides a logical opportunity to do so, Mr. Galloway suggested three additional policies:

- 1) A policy statement which says the presence of water and sewer provides opportunity for density and development; however, outside of areas of development for greater density, the availability of water and sewer does not, in and of itself, authorize greater density of development.
- 2) In "Housing": Allowance of density of development within developed nodes protects areas outside of the node from density of development.
- 3) In "Land Use": Investigate and develop regulations to implement transfer of development rights to further encourage development in defined areas and to protect surrounding areas from sprawl and commercial encroachment.

Some discussion followed on specifics of the update, which are very inclusive in order to preserve eligibility should funding be identified.

Motion to approve submission of the Capital Improvement Element, the Short Term Work Program and Comprehensive Plan Partial Update to Georgia Department of Community Affairs and McIntosh Trail Regional Development Center, including the additional amendments as discussed and presented by Mr. Galloway was made by Commissioner Freeman. Commissioner Flowers-Taylor seconded the motion, which carried by a vote of 4-0.

C. Other Business:

1. Discussion on minimum housing codes and review of draft ordinance.

Mr. Galloway noted the only change that had been made since this Board's last review of the draft of this ordinance was a better enforcement mechanism. Some discussion followed. This is a residential ordinance, and Mr. Galloway will return with a draft for consideration on the May 4, 2009 agenda that includes criteria for

commercial and industrial applications. He recommended careful review since it will be an item for consideration on the May 4, 2009 Board of Commissioners meeting.

2. Adoption of the Tri-County Crossing LCI Plan.

Mr. Taylor noted the County has applied for a supplemental grant to this plan, and a phone call today alerted him to the fact that adoption of the LCI plan should be sooner than later in order for the County to remain eligible for this supplemental grant. Discussion followed. The final Tri-County Crossing LCI Plan was submitted just a brief while ago, and the process has escalated with the supplemental grant application.

Motion to adopt the Tri-County Crossing LCI Plan by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.

D. Adjournment.

Some discussion followed regarding the ongoing situation with the AFLAC office on north Highway 19/41 where variances were denied by the Board of Appeals after a request for rezoning on this same parcel was approved by the Board of Commissioners. An individual ordinance could be crafted that would address only the Baxter property without naming the property but develop the verbiage in a very narrow fashion so that it would only apply to the tract in question, should that be the desire of the Board. This discussion will be an item for discussion on the May 4, 2009 Board of Commissioners agenda, also.

Motion to Adjourn at 7:00 p.m., by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

Chairman
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County Clerk
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