



deny or approve. It was noted that if action is taken, then the earliest they could return with another proposal would be six months, and if no action is taken, it will be brought back for every meeting until action is taken. Mr. Free noted that in meeting with the community, the majority has no objection to the property being developed, but would prefer single family residences and they have several engineering questions to be answered in order to determine how they will deal with the property. Commissioner Jennings stated that he was in favor of voting on the item at this time. Other Commissioners were agreeable to delaying the vote until April 30<sup>th</sup>. The normal meeting date would have been April 23<sup>rd</sup>, but due to a Commissioners Meeting out of town, the meeting date was changed to the 30<sup>th</sup>.

**King Askew**, stated that this is a follow-up to the hearing held on the Burk property at the last meeting. He stated that since the Board had given the Burks a homework assignment they will make a brief presentation regarding what has been done in response to the homework assignment. Mr. Askew presented a position paper to County Attorney Wade Hoyt, just for the record. He also presented a booklet containing other information. Mr. Askew had prepared a plat on the property subject to the zoning application, fronting on Martha Berry Highway. The property, which is zoned Heavy Commercial, presently has mini warehouses on it. He noted the property on the plat, which is subject to the rezoning application, and stated that it is to the back- side of the property. He stated that the pictures provided on the first page of the booklet are of the currently zoned property, which is zoned Heavy Commercial, and where mini warehouses are currently located. There was concern at the last meeting regarding confusion about the office. A sign has now been placed at the very front, also shown in the pictures. He noted the location where there will be a sign indicating an office. There is an office on the premises. There was concern at the last meeting from a neighbor complaining that people come to his house thinking it is the office. There is an office on the property and with signs properly placed; they think there should be no confusion about an office. The second page of the booklet contained a panorama view of Mrs. Bessie Burk's property, which is next door. He noted that Miss Bessie is Cecil's mother and she sold the property to Cecil and to Robin for the purpose of building these mini warehouses. Her property fronts on the highway and this property is really the back side of her property. He noted the location of the home of Mrs. Jones, who had expressed concerns at the last meeting. Commissioner Jennings asked about the discrepancy regarding whether Mrs. Burk lives in the home at the front of the property, but apparently she does not live there. He asked who does live there. Mr. Askew replied that presently he thought Mrs. Burk's daughter lives there. Mrs. Burk has lived there for years in the Burk family home. She recently moved out to the Riverwood Nursing Home for several reasons. One, she is 93 years of age, if you know Miss Bessie. Secondly, her sister moved into Riverwood and she wanted to accompany her. There was some concern about a safety factor regarding Miss Bessie and that was not so. There have never been any safety concerns about Miss Bessie. She actually managed and looked after the warehouse, and has been doing that since 1999. She simply left for reasons unrelated to the property. Commissioner Jennings asked who owns the front property. Mr. Askew replied that Miss Bessie Burk, Cecil's mother, owns the property. It was clarified which

property is owned by Cecil and Robin Burk. Commissioner Hufstetler asked when Mrs. Burk sold the property to them. It had been sold to them in December. Commissioner Jennings asked the zoning on the property when it was sold. Mr. Askew replied that he thought it was Suburban Residential and they are asking it to be Heavy Commercial. Mr. Askew noted that other pictures in the booklet show properties directly across the street from the mini-warehouses. There is commercial property on the corner, the Taylor Supermarket and the back side of the Mount Berry Nursery. He noted that the picture of the nursery is taken from the front of Mrs. Jones' house. Since there was concern by the Commission regarding fencing, they have looked at other mini-warehouses down the street. There are several of those that have fencing and gates and he noted that the gates are open 24-hours a day. He also had pictures of some, which do not have fencing or do not have fencing surrounding the property. Chairman Fricks asked if any of the ones not fenced or that are fenced, but not closed, are adjacent to residential. Cecil Burk replied that the Mount Berry Storage is adjacent to residential. Mr. Askew stated that the buffer zone, which had been discussed by Commissioner Jennings at the last meeting, they have worked out. They will have at least a ten-foot buffer zone, which will surround the property subject to the rezoning. The tree line in the area will be maintained. Regarding the lighting question at the previous meeting, there has been a realignment of the lights on the present facility so that they will no longer shine in into the neighbors' area. Mr. Thornton, who was here last time, is here today, and he has no objection to the proposed zoning. He noted that the location of the buildings in the new area have been realigned to where light will not shine on the neighbors, and everyone is in agreement on the lighting. He stated that he has already mentioned the office signs. Miss Bessie's property is on one side and Berry College, which has no objection, is on the other side. The Battle estate on the rear side has no objections. The safety issues he mentioned and Miss Bessie and her move to Riverwood, had nothing to do with safety. They are concerned about safety, as any other business establishment in Floyd County is concerned. They are concerned for their customers and future customers. They do have long-term plans to fence the property. Currently there has been a recent development of the property to have accel and decel lanes and satisfy DOT requirements, which have been very costly. They cannot, at the present time, afford to fence the entire property, but they intend to as quickly as they can afford to. They are prepared to put a fence up on the side of the property that faces Mrs. Jones' property and her property would be separated by, not only a fence and a tree line but other buffer areas, in a attempt to accommodate that. They are certainly willing to work with the Floyd County Police Department to have them patrol as regularly as they need to, and will do whatever is necessary to cooperate with them. He noted that there are other mini-warehouses, some fenced and some not, on Highway 27. In closing he pointed out that the Burks have been responsible citizens of Floyd County for a long time and have operated their various businesses in a professional and business-like manner, which have been a tribute to the county and they intend to do it with this as well. Commissioner Hufstetler asked who the property owner is on the south end where there is a cul-de-sac. Mr. Askew, using the plat, pointed out the adjoining property owners. Commissioner Hufstetler stated that he had driven to the property since the last meeting and it looks as if the cleared land comes close to the cul-de-sac. The response was 200 or 300 feet. *Other comments were not audible.* Commissioner Fricks asked if the concern about a fence which was mentioned at the previous meeting, was because of

security, or so that a gate could be put at the entrance and it could be closed at business hours, so people would not be there after certain hours. Mr. Askew replied that he had not attended the meeting, but he gathered that the concern, which had been voiced, was one in the same; the Commission wanted a fence, so there would be a gate. Of course there is existing property that is not fenced and it is zoned and there is no issue there. This is just the back side of the property. He stated that the Burks are in a position where, if they are forced, at this point, to fence the property, it would be financially prohibitive for them to develop the mini-warehouses. That was the purpose of his showing them in the booklet, that along Highway 27, there are a number of mini-warehouses that exist, some of which have no fencing, some of which have some fencing, but are not completely fenced, and others that are fenced. Commissioner Jennings stated that one of the main objections of the neighbors to the whole project is that it is not secure. Mr. Askew stated that, from a practical standpoint, to have a fenced mini-warehouse down the street that has its gate open 24-hours a day is not necessarily the safety issue. It is not any less safe than anybody else. He stated that they are not aware of any Floyd County complaints that have been filed there or any incidents which have been reported to them or the Police Department. He stated that he is really not sure of who is complaining and what incidents they are particularly complaining about. Chairman Fricks asked if they have looked that information up. Mr. Askew replied that he assumed that the police would have made them aware had they been down there looking on the property. If any complaints had been filed, they would have made it known to them. Chairman Fricks asked if there had ever been a break-in on the property. Mr. Askew replied that there have been break-ins, but he thought the concern was that there were people standing around on the property when they should not be there, and loitering, more or less. Chairman Fricks asked if the break-ins were not referred to as incidents; or if they were they reported as incidents. Mr. Askew replied that they have had break-ins, but not unlike mini-warehouses in Rome. Chairman Fricks expressed concern that they did not consider break-ins as incidents. Mr. Askew stated that he was referring to complaints at the last meeting about people loitering or being on the property that had no business being there. Certainly a break-in would concern them and anyone else involved. Commissioner Jennings stated that there is still an issue of security. Mr. Askew stated that he thought the concern regarding the people going to a neighbor's back door at 2 o'clock in the morning was because there were not sufficient signs to show where the office was. That was the purpose of the sign, which had been installed at the entrance, and there will be another sign indicating where the office is, so that should no longer be a misunderstanding. He stated that when Miss Bessie operated the mini-warehouse, people often came to her house to get keys and to rent the facility. Their efforts are to stop that from continuing and he thinks it is more a misunderstanding rather than a safety issue. They hope to address this issue through signage and other procedures. There is an office with a telephone on the facility site, any time the office is not manned, the telephone rings to Cecil Burk's cell phone, so there will be someone available to answer the phone 24 hours a day. Commissioner Hufstetler asked Mr. Burk the hours that the office will be manned. Mr. Burk replied that they do not have any set hours. During the week there is not a lot of activity, but on the weekends there is some activity. But, as stated by Mr. Askew, there is a telephone, which is forwarded to them and most of the time when people rent a mini-warehouse, they will call you to see if one

is available and ask the prices. Commissioner Hufstetler suggested that there should be a sign stating no keys are available and that the phone is answered 24-hours a day. Mr. Burk stated that there is a sign on the office building, but it is on the opposite side from where the picture had been taken. Commissioner Hufstetler and Commissioner Mahanay both had visited the location and did not see the sign. Mr. Burk replied that the sign had been put up the previous Tuesday. Chairman Fricks stated that he had seen the sign. Commissioner Hufstetler noted that one of the complaints they had heard was that people are knocking on doors trying to find a key. Mr. Burk replied that when someone rents a storage unit, they are given a lock and key. They do not keep a key. Commissioner Mahanay asked for clarification on the location of where the fence will be installed. Mr. Askew showed on the plat the location of the fence and stated that it will be between the Burk property and Mrs. Jones' property along with a buffer zone. He noted that the property to be zoned is located behind the lake on the plat, the other property has been zoned Heavy Commercial for a number of years and these mini-warehouses have been out there since 1998. Commissioner Jennings asked Ms. Hiller the regulation regarding mobile homes being used in a setting like this for an office. Ms. Hiller replied that there are manufactured units, which are designed to be used for offices and they are all right as long as they meet all the building requirements. She stated that since it is there and they have not heard from the Building Inspection Department, she assumes that it was properly permitted. Commissioner Hufstetler asked Mr. Burk if he had obtained a permit for the mobile home. Mr. Askew stated that they are in compliance and he is not aware of any building code problems or violations they have ever had. He also noted that they will apply for the new buildings. Commissioner Hufstetler asked for clarification if a permit had been obtained for the office. *The response was not audible.* Commissioner Hufstetler stated their reply was that it currently exists as a construction trailer. Mr. Askew stated that they intend to build a permanent office. Commissioner Jennings asked if that is appropriate. Ms. Hiller replied that it is appropriate to have a construction trailer, but she is not sure at what point you can say, we have decided that this is our office and it will stay here permanently. She stated that when someone is allowed to use a manufactured building on site, they expect it to be outfitted for ADA accessibility and with water, sewer and electricity as if it were a permanent construction. It was noted that the trailer does not have water and sewage, but there is power connected to it. Mr. Askew stated that to the extent that corrections need to be done in the building area, those issues are separate and apart from the zoning, and certainly they will do whatever is necessary to comply with the law in regard to any structures on the property. He stated that the trailer is located on property, which is really not the subject of the rezoning application. That property has been zoned for a number of years. Chairman Fricks stated that the reason they have a consideration for that is that Heavy Commercial is not compatible with Suburban Residential adjacent unless it is a conditional zoning. He feels they are trying to come to a conditional zoning where they feel it addresses all of the issues of reasons for not putting Heavy Commercial next to Suburban Residential. Mr. Askew stated that it is zoning with conditions as opposed to what is normally considered a straight conditional zoning and he does not think that is exactly appropriate. He stated that the question is what conditions are appropriate and what conditions are appropriate from a practical perspective. Chairman Fricks stated that the adjacent piece of property has an effect on the operation of the other property that is why they are looking at

conditional zoning. Mr. Askew stated that it would be an addition to and expansion of the existing site. Their feeling is the location is such and they have made adjustments with the neighbors to such a degree that they think it is compatible with the area. Certainly it is putting this property to its highest and best use. It is on the back side and somewhat far back from the highway and is adjacent to and can be made a part of this operation. Commissioner Hufstetler stated that on driving through the property adjoining Mrs. Jones' property there is a pile of what looks like furniture. Mr. Askew replied that there is some debris at the back side, which will be hauled to the landfill. They are in the construction phase and obviously they haven't gone into grading and actually clearing the property for final construction because of the consideration of this Commission. Commissioner Hufstetler asked what the debris is from. *Response was not audible.* Commissioner Hufstetler stated that if he lived in the cul-de-sac, he would be concerned if someone was piling up furniture in his backyard. County Attorney Wade Hoyt asked Mr. Askew if the Planning Commission approved this with the condition that the mini-warehouse operation would be enclosed with a security fence. As he understands it, they are not going to be able to comply with the total recommendation. Mr. Askew replied, not presently. County Attorney Hoyt noted that they propose to fence Mrs. Jones away from the property and then add the other fence when they can afford to. Mr. Askew replied, yes, and he would represent to them that as soon as possible. They think somewhere in the 18 to 24 month period, they will be able to afford to fence, not only the property presently under consideration, but the entire operation. But they cannot afford to do it now.

**Nathan Self**, stated that his concern is the rezoning for Jason Free, the property at Riverside. They all have attended the other meetings and the other council meetings also which were prior to this. They are trying to add that they are all in agreement that they are opposed to it being rezoned to D-R from I-O. They understand what I-O is at this time and they would like to ask the Commission to take a vote today. They have taken time off. They have taken time off from work and from their families to attend the meetings to try to protect their neighborhood. He stated that there is nothing in writing. Every time they attend a meeting there has been a change in what they actually want to do with this property. They are running around in circles trying to figure out what they want to do with this property. This is why they would like to see a vote today that would give them maybe enough time to bring this back at a much later date and have it prepared so they would know what is actually going on with the property. Commissioner Hufstetler replied that his opinion is that he had thrown out at the last meeting the possibility of Suburban Residential, single-family homes. The applicant has stated that he is wanting some time to look at that as a possibility, which would be coming to what they would like to be done with it. He feels that if he is trying, in good faith, to do what they would like, that the Board should give him time to come up with that. Chairman Fricks note that Mr. Self had made the comment in the last meeting that would be an acceptable use to them. Mr. Self stated that single-family dwelling would be nice if it could be zoned back to a restricted S-R. Commissioner Hufstetler stated that as he understands Mr. Free's comments, that is one of the options he is looking at and feels he should be given the month to look at it to see if he can do what they want done with the land, instead of penalizing him for trying to work with the neighbors, by making him not

come back for six months. Mr. Self stated that six months is a good amount of time to have everything together and be able to meet with everyone he needs to meet with and get his plans in order because they had a three-day notice for attending the last meeting. Then they had to add another one that none of the Commissioners were able to attend yesterday. They had to take off work for the meeting the previous day and had less than a week's notice to get ready for it. He noted that there was not a good turnout for that. Commissioner Jennings stated that he felt that suggesting that they vote today would send a message to the applicant as well as the neighborhood as far as the sense of the Commission, in terms of duplex residential. Chairman Fricks stated that the property owner is willing to work by adjusting his needs and desires based on the concerns of the neighbors. It had been mentioned at the last meeting that single family residential would be a suitable use. Chairman Fricks stated that Mr. Self's recommendation will be considered.

**ADOPTION OF**

**MINUTES:** Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of February 26, 2002 as presented. SECOND by Commissioner Mahanay.

VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

Commissioner Hufstetler asked the Chairman if they could go ahead and address the two issues so that they could leave. County Attorney Hoyt stated that no action was taken on the rezoning on Dogwood Street and informed them that the next meeting on this would be April 30<sup>th</sup> at 6:00 p.m.

**SECOND READING/PUBLIC HEARING**

**FILE #10-2002Z, DOGWOOD STREET,  
TAX MAP 500, AREA 00, PARCEL 021,  
REQUESTS REZONING FROM 0-1  
(OFFICE INDUSTRIAL) TO D-R  
(DUPLEX RESIDENTIAL).  
(SECOND READING/PUBLIC HEARING HELD  
FEBRUARY 26, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [8 – 1 VOTE])**

**FILE #17-2002Z, 4753 MARTHA BERRY  
HIGHWAY, TAX MAP 512, AREA 00,  
PARCEL 118, REQUESTS REZONING  
FROM S-R (SUBURBAN RESIDENTIAL)  
TO H-C (HEAVY COMMERCIAL).  
(SECOND READING/PUBLIC HEARING HELD  
FEBRUARY 26, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE WITH CONDITION THAT THE  
MINI-WAREHOUSE OPERATION BE ENCLOSED  
IN A SECURITY FENCE [UNANIMOUS VOTE])**

Chairman Fricks stated that Public Hearing had previously been held on these items. Regarding the first item, no action would be taken. It was noted that there would not be a Public Hearing, but concerned residents would be allowed two minutes to ask questions.

**Bill Thornton**, stated that he had talked with Robin Burk about the lights. When it was mentioned that he had withdrawn his complaint, he did not know at that time about the fencing. At the previous meeting, the recommendation he heard was that there would be fencing. He stated that he had been very cooperative with them and can work with them, but he feels that it needs to be clarified, since there is no doubt that they will be built, no matter how he complains, they are already there. He stated that he is willing to accept that, but he lives in the house in the cul-de-sac, closest to the property, and he is concerned about the fencing. He has granddaughters that play at his house all the time and other people in the community. He knows that these people are responsible people, but that is a concern, not only to him but of other people who could not make the meeting today. He wanted to clarify that point. He is working with Robin and has met with him on a couple of occasions and has been to the site and they are working together. The fencing issue is a new point to him and is something he feels needs to be clarified before they leave today.

**Carolyn Jones**, stated that she feels there should be a fence there before they go any further. As she had stated, someone has already broken into her home and they pulled in from there to the back door. She does not want that to happen again, they have children playing there. With a fence, they will feel much safer about the whole thing. Chairman Fricks asked when the break-in occurred. Mrs. Jones replied, on December 27<sup>th</sup> and she had the police report if they would like to see it.

Commissioner Jennings stated that he is concerned with the attorney for the Burks saying they had no idea of any kind of security problems and no police reports. Here we have an incident of just what they are concerned about and why a security fence is an issue. **Mr. Askew**, stated that he did not know enough about the circumstances to tell him that there is any evidence that anybody came from the mini-warehouse, whether someone on their property went to her property. He does not know that that is true and

he does not know if she knows it is true. It may be true, but he is not aware of that, that anyone was tracked from their property to her property. Whether or not that was an incident that occurred, regardless of the neighbors, particularly them, he is unable to talk about, he is not aware of that incident. In talking with Mr. Burk, they can, within the time that the buildings are built, fence that property off so that the people going from the property which is the subject of the zoning, would have to come across existing property. They can afford to fence that property off. He stated that, as he understood the proposal from the Planning Commission meeting, it is not particularly clear on what they call "conditioned upon fencing". He stated that he presumed that no one could authorize or think that the Planning Commission could require already existing commercial zoned property to be fenced as a condition. They had to be referring to the property being requested to be rezoned, and they are prepared to do that. Commissioner Mayes asked County Attorney Hoyt his opinion, since they are increasing the use and increasing the intensity. County Attorney Hoyt replied that he is not sure what the Planning Commission considered, but his opinion is, if the Planning Commission directed that they fence off the entire operation, that would probably not be legal. He thinks that the issue before the Planning Commission was the new property to be rezoned and if the Planning Commission meant that the new rezoned area should be fenced off, then that would be appropriate, if that is what they thought. He does not believe that they could reach out and force the entire property to be fenced. Chairman Fricks stated that in the discussion at the previous meeting, the consideration was about hours of operation, which was the factor of accessibility with specific hours. We are talking about a segment, but are they not talking about the operation as a whole? Can you segment that area and control hours of operation just as in that area? Mr. Askew stated that this is a piece of property, which has been zoned for a long time and in operation in compliance with the ordinances of the county. The Planning Commission, in the application, relates to this property, which they can fence. They intend, as soon as financially possible, for their own purposes to fence the entire property. If the Commission says that the new zoning law says that condition would include the setting of operational hours for any business, not just this one, he thinks that far exceeded any statute or case law that he is aware of. That step would authorize this Commission or any Commission in the state of Georgia to put restrictions. They are in competition with mini-warehouses all the way down the street and this would be putting conditions of operation on them and not on other people. What is being presented to them and what they are responding to is the addition, the new portion. He does not think that they had in mind everything that existed. Ms. Hiller replied that she thinks they did, she had asked Mr. Hoyt, because they had discussed this at some length, and their idea was that a fence that was open ended on either end did not really do the job. She could not comment on whether it was legal or not, but she thinks that is what they had in mind. They often will consider things like hours of operation in their consideration of what kind of impact it will have. Commissioner Hufstetler suggested a fence in a certain area, which would prevent someone from driving directly through. Mr. Askew said that the property he noted belongs to Mrs. Burk. The alternative might be for them to look at whether it should be Heavy Commercial, against the cul-de-sac. Commissioner Mayes asked if most of the property is fairly low and unless filled would it be hard to drive through? Mr. Askew responded that it will take considerable work to the property in order for them to build there. Commissioner Jennings stated that he

appreciates the change in consideration for the security fencing, but he is concerned about the alleged office, which is not really an office because it does not meet basic standards for an office. One door does not have steps and the other door has wooden steps and is not handicap accessible. It could not pass our building standards to be labeled an office and yet they received documents showing that it is an office. There is no septic system or water connected to it. County Attorney Hoyt asked Mr. Askew, based on that question, if clients would have an objection, assuming there is a conditional approval, with a condition that the people who rent mini-warehouses on that property have access to an office location, whatever it takes for Mr. Burk to do that, whether it be the Building Permit Office. Commissioner Mayes stated that most of these units around town do not have an office on-site. He owns some of these and you do not have to have an office near the units. Mr. Askew stated that quite candidly, if the Burks thought or knew that they were out of compliance, they would not tell them that they were. If it is not proper, that is an issue in which they can deal with the Building Inspector, and they will be in compliance whether it takes removing the trailer and not have any office there at all or building an office that satisfies the building code. He thinks that the Burks, since the last meeting, have tried to find some way to alert people to come to this location and use their telephone rather than to bother others. It was noted that the trailer had been brought to the location in December as a construction trailer for the construction on the current mini-warehouse site. Commissioner Hufstetler stated that the economic argument concerns him. There is 27 North Mini-Warehouses fenced with a gate, Mount Berry Storage fenced with gate, Kendrick Storage with three sides fenced. He understands that they say they get a premium for these, they are better units and a better price, and he would think that the land, assuming since it is family land, was not a really a factor. He does not buy the economic argument that they cannot afford to put a fence up. Mr. Cecil Burk replied that they paid \$11,000 per acre for the property, and other acreage on 27 North is \$10,000 per acre. Commissioner Hufstetler stated that he feels there should be a fence on at least the entire side, which is facing the neighborhood, which is affected. Commissioner Jennings stated that they have not talked about the lighting issue, although the direction of the lights have been changed. He asked if there is anything they could do on that. County Attorney Hoyt replied that there could be a condition that in some way the lights must be redirected away from the neighborhood. He stated that he thinks this has already been addressed, but the Commission needs to make clear, concise and in the record, if they wanted to approve it. Mr. Askew stated that they had addressed this issue with the people who had complained, and he thinks it has been resolved. It was noted that the vegetation buffer will be left in as shown on their drawing. Commissioner Jennings asked if it would help if the lights were the softer type light. Robin Burk replied that the brighter the light, the better the light as far as keeping people out, because you can drive through and see from the highway any movement there. With the yellow street lights, they use less electricity and are cheaper to operation, but there are darker areas. Chairman Fricks stated, regarding legality, they are limited as to the conditions they can require. Mr. Thornton asked for clarification on the location of the fence. There was discussion among the residents, owners, Mr. Askew and the Commissioners and they looked at the plans presented. Commissioner Hufstetler asked Cecil Burk if he was not agreeing to fence the area they were requesting. Mr. Burk replied that it will be done, but they are running a business, and it will be done within 18 months. County Attorney Hoyt

asked if it could be done by the time the mini-warehouses are completed. Mr. Burk replied that this is a three- year project for them. It is a slow project. Mr. Burk noted that he could fence immediately that area and the remaining fencing will be completed within 18 months. Commissioner Jennings asked how close can they come to the property line. Ms. Hiller replied that she did not know the exact amount, but when commercial adjoins residential, whatever the setback is, is considered the buffer, so that would have to be worked out with Building Inspection. It was noted that the front will be the frontage on the road, that if the property is rezoned, it will be considered one piece of land. There was a question about the discrepancy of the zone of the adjoining property, whether it is H-C or L-C. Commissioner Jennings reviewed the conditions considered: that it be rezoned for mini-warehouses only, that it has lighting that does not encroach on adjacent property, that it has a permanent office that meets building standards, that it has a security fence that is placed around the all of the rezoned property immediately and the remainder of the south side of the property has a security fence within 18 months or completion of the project, whichever comes first, and it has a vegetative and forest buffer that meets building set-back standards. Commissioner Mayes stated that, if you survey the situation with the rest of the storage facilities around town, most of them do not have a permanent office. They may have several locations with mini-warehouses and one office which services all locations. It was discussed that instead of a permanent office, there would be signage that clearly identifies who to get in touch with. Commissioner Hufstetler stated that he felt it would be a good idea for the sign to state that keys were not located there. Chairman Fricks asked County Attorney Hoyt if the Motion, as proposed, contained reasonable conditions. County Attorney Hoyt replied that he thought they were. Commissioner Jennings made a MOTION to **approve** the rezoning from Suburban Residential to Heavy Commercial **on the condition that this be for mini-warehouses only, that it has lighting that does not encroach on adjacent property, that it has appropriate signage indicating who to contact in emergency situations or for business purposes, that it have a security fence around the rezoned section of the property within 60 days and that the security fence be continued along the south property line to Highway 27 within 18 months of today or at a time when the project is completed, whichever comes first, and that there be a vegetative and forest buffer around the rezoned property that meets building setback standards.** SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**FIRST READING**

**FILE #24-2002Z, 3299 ALABAMA ROAD,  
TAX MAP 666, PARCEL 72, REQUESTS  
REZONING FROM L-I (LIGHT INDUSTRIAL)  
TO A-R (AGRICULTURAL RESIDENTIAL).  
(SECOND READING/PUBLIC HEARING TO BE  
HELD MARCH 26, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])**

**FILE #22-2002Z, HUFFAKER ROAD, TAX  
MAP 460, AREA 03, PARCEL 003, REQUESTS  
REZONING FROM S-R (SUBURBAN RESIDENTIAL)  
TO D-R (DUPLEX RESIDENTIAL).  
(SECOND READING/PUBLIC HEARING TO BE  
HELD MARCH 26, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])**

**FILE #21-2002Z, HUFFAKER ROAD, TAX  
MAP 460, AREA 3, PARCEL 002, REQUESTS  
REZONING FROM S-R (SUBURBAN RESIDENTIAL)  
TO D-R (DUPLEX RESIDENTIAL).  
(SECOND READING/PUBLIC HEARING TO BE  
HELD MARCH 26, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])**

**AMEND CODE OF FLOYD COUNTY RELATED  
TO IMPLEMENTATION OF THE STATEWIDE  
MINIMUM FIRE CODE.**

**PROPOSED REVISIONS TO THE UNIFIED LAND  
DEVELOPMENT CODE (U.L.D.C).  
(4/5 VOTE REQUIRED)**

MOTION was made by Commissioner Hufstetler to add Item 5 to the Agenda.  
SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks stated that all of these items are on First Reading and no action is needed.

## **CHAIRMAN'S REPORT**

### **APPOINTMENTS**

It was noted that there is one appointment which is to the **Tallatoona Economic Development Authority Board of Directors**. MOTION was made by Commissioner Hufstetler to appoint **Susan Cooley** to fill the position of Ken McEver. SECOND by Commissioner Mahanay. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

### **HIRING RESOLUTION FOR COUNTY PHYSICIAN. (DEFERRED FROM FEBRUARY 12 AND 26, 2002 MEETINGS)**

MOTION was made by Commissioner Mahanay to recommend the Hiring Resolution for County Physician, Dr. Marc Wall, effective immediately. SECOND by Chairman Fricks. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

### **REQUEST FROM ACTION MINISTRIES FOR A LETTER OF SUPPORT FOR DEPARTMENT OF COMMUNITY**

**AFFAIRS GRANT.**

MOTION was made by Commissioner Hufstetler to authorize the Chairman to sign a Letter of Support to the Department of Community Affairs for Action Ministries. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

**DISCUSS GREENSPACE COMMITTEE APPOINTMENTS.**

No action was taken on this item.

**COMMISSIONER'S REPORT**

**ADMINISTRATIVE/FINANCE COMMITTEE:**

**HEALTH INSURANCE.**

Commissioner Hufstetler, Committee Chairman, made a MOTION to change our plan with the effective date of the expiration date of the plan we currently have with United to the Blue Cross Blue Shield plan submitted by our agents, McBurnett & Szabolcsi for a similar PPO program. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

**DISCUSS DRUG TESTING POLICY.**

Commissioner Hufstetler made a MOTION to expand the Drug Testing Policy to include all county employees. Commissioner Jennings asked if this includes Commissioners and County Manager. It was noted that County Manager Poe is already included on the program and that this will include anyone on the payroll and that up to this point in time it has been voluntary for the Commissioners. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**ASSISTANT MAPPER POSITION.**

MOTION was made by Commissioner Hufstetler to approve an upgrade in the Tax Appraiser Office from an Assistant Mapper Position from paygrade 7 to 12. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**RECLASSIFICATION OF NURSE POSITION.**

MOTION was made by Commissioner Hufstetler to approve a two-step increase for them, as recommended by the County Manager. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

#### **PUBLIC SAFETY COMMITTEE.**

Commissioner Mahanay, Committee Chairman, reported that another positive report from the Prison had been received and the report will be given by the Warden to the Public Safety Committee at their meeting tomorrow at 2:00 p.m.

#### **PUBLIC WORKS COMMITTEE.**

Commissioner Mayes, Committee Chairman reported that the next meeting will be Thursday at 9:00 a.m.

#### **WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman reported that the next Water Committee meeting will be on Wednesday, March 27<sup>th</sup>.

#### **CLERK'S REPORT**

#### **CONSENT AGENDA.**

County Clerk Michele Fountain submitted the Consent Agenda which consists of two items to the Board for approval. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Mayes. VOTING:

1. Tax Refunds:
2. Malt Beverage License: Rakeshbhai Patel, Taylor Grocery and Tobacco Outlet, 4672 Martha Berry Highway, NE (convenience store).

#### **MANAGER'S REPORT**

#### **FORUM TICKETING OPTION (DEFERRED FROM FEBURARY 26, 2002 MEETING)**

No action taken.

**AWARD BID FOR NEW ROOF FOR  
SIGN AND TIRE SHOP.**

County Manager Kevin Poe stated that sealed bids were accepted for a new roof for the Sign and Tire Shop at the Public Works Complex. Three bids had been received, with the low bid being from T. L. Gowen in the amount of \$6,600. He recommended accepting the low bid. MOTION was made by Commissioner Jennings. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**AWARD BID FOR NEW ROOF FOR  
JAIL LAUNDRY.**

County Manager Kevin Poe stated that sealed bids had been accepted for a new roof on the addition made at the Jail for the Laundry. Two bids had been received, and the low bid was from S. Garrett & Company in the amount of \$5,627 and he recommended accepting the low bid. MOTION was made by Commissioner Mahanay to award the bid to the lowest bidder for the new roof on the Jail Laundry. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**DECLARE PROPERTY SURPLUS –  
LAND LOT 150, 23<sup>RD</sup> DISTRICT,  
3<sup>RD</sup> SECTION, LOT 30A.**

County Manager Kevin Poe stated this is a small tract of property located on the Calhoun Road. This property was used by the Water Department at one time and currently there is an easement with Atlanta Gas Light to utilize the property for a transmission line. He recommended declaring the property surplus and to sell the property. MOTION was made by Commissioner Hufstetler to declare this property surplus. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**DISCUSS PROMOTIONAL BUDGET  
FOR RECYCLING PROGRAM.**

County Manager Kevin Poe stated that Marta Turner, Recycling Center, had made a presentation during the Caucus Session. He recommended adding \$5,000 to the Recycling Center Promotional Budget. MOTION was made by Commissioner Jennings to add \$5,000 to the Recycling Program for their Promotional Budget. SECOND by Chairman Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**AUTHORIZE PURCHASE OF  
RIGHT-OF-WAY ON TURNER  
BEND ROAD.**

County Manager Kevin Poe stated they had been working on acquiring right-of-way for improvements to Turner Bend Road. A spreadsheet showing the different parcels which they had negotiated right-of-way acquisition on, was a part of the Agenda Package. He recommended accepting the offers on Parcels 1, 5, 6, 7 and 8. On Parcel 3, the offer of approximately \$8,000 over the appraised value. However, it would probably cost that much to go through a condemnation procedure, but the Judge or jury could decide they should receive more than \$20,000. He recommended acquisition of the right-of-ways as submitted in the spreadsheet. MOTION was made by Commissioner Mahanay to approve the acquisition of the right-of-way for Parcels 1, 3, 5, 6, 7 and 8 as listed on the spreadsheet. SECOND by Commissioner Hufstetler.

County Manager Poe noted that there are only two more parcels of property. They do have an agreement, in the appraised value range, with the Hospital Authority and would like to ask them to consider a donation. The other larger parcel is General Shale and their intentions are that if the county can provide them some additional drive-way entrances onto the road, they will donate the right-of-way. They are the largest parcel on the project and this would be a tremendous cost savings.

VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**APPROVE REQUEST TO DEPARTMENT  
OF TRANSPORTATION FOR SCHOOL  
BEACON SIGNALS TO BE INSTALLED  
ON HIGHWAY 101 AT MIDWAY  
ELEMENTARY SCHOOL.**

County Manager Kevin Poe stated they had been presented a Request for Traffic Signal from the Department of Transportation for a School Beacon Signal to be installed on Highway 101 in the area of Midway Primary School. This would operate during school hours and would create a school zone. This is in response to concerns about traffic safety in the area. The county would be responsible for installing the signs and paying the power bill, which is a small amount. The cost will be minimal, but will be worth it to increase traffic safety in that area. He recommended authorizing the Chairman to sign the Request for Traffic Signal. MOTION was made by Commissioner Hufstetler to approve the request of the DOT for School Beacon Signals to be installed on Highway 101. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**PROPOSAL TO LOCATE RADIO  
REPEATER ON TOWER OWNED  
BY ADVANCED COMMUNICATIONS.  
(DEFERRED FROM FEBRUARY 26, 2002 MEETING)**

County Manager Kevin Poe stated that he had discussed this during Caucus. The proposal is to lease space on a tower owned by Advanced Communications of Rome, Inc. for \$1,250 per year and accept their Proposal B for installation of a Repeater through a Band Pass Filter at a one-time cost of \$2,995. MOTION was made by Commissioner Mayes. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**DISCUSS AMENDING RECREATION  
AUTHORITY BUDGET FOR THE PURPOSE  
OF EQUALIZING CORRECTIONAL  
OFFICER'S PAY IN THE RECREATIONAL  
DEPARTMENT WITH CORRECTIONAL  
OFFICER'S PAY AT THE COUNTY PRISON  
AND PUBLIC WORKS.  
(DEFERRED FROM FEBRUARY 26, 2002 MEETING)**

County Manager Kevin Poe stated that during budget deliberations, they had met with the Recreation Authority and discussed their budget. One of the issues discussed was trying to equalize Correctional Officers pay in the Recreation Department with Correctional Officers pay at the Prison and Public Works. He presented a proposal for a cost summary showing the salary adjustments would cost on an annual basis. The

amount is \$27,922 to upgrade ten (10) positions in the Recreation Department to equalize them with similar county positions. County Manager Poe recommended approval of the proposal. MOTION was made by Commissioner Jennings to accept the proposed equalization of Corrections Officers pay in the Recreation Department with Correction Officers pay at the County Prison and Public Works. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**DISCUSS RENEWAL OF COUNTY'S  
PROPERTY AND CASUALTY INSURANCE.**

County Manager Kevin Poe stated they are working on renewal of the insurance and will be prepared with a recommendation at the next meeting. Commissioner Jennings asked if the issue of exclusivity of a particular insurance company having an exclusive agent had been settled. It was noted that this issue has been settled.

**DISCUSS REQUEST FROM WARREN  
JONES TO NAME SECOND AVENUE  
BRIDGE THE "ELLEN AXSON WILSON  
MEMORIAL BRIDGE".**

County Manager Kevin Poe stated this item was referred to us from the Rome City Commission. Warren Jones had made a suggestion to the Rome City Commission for the naming the Second Avenue Bridge after Ellen Axson Wilson. The Second Avenue Bridge comes under Floyd County jurisdiction as well as several other bridges in town. Commissioner Jennings suggested that they open this up to the community to submit other proposals and give them the justification for the proposals, and then look at the alternatives. Commissioner Mayes asked to see an inventory on the bridges and similar structures that are unnamed. County Manager Poe stated that Mr. Jones was responding to an article in the Rome News and had noted that the only bridge in the downtown area which was not named was that bridge. Action will be taken on this matter at a latter date when further information is obtained.

**APPROVE CHANGE ORDER WITH  
KECK & WOOD, INC. FOR GIS  
SERVICES AS DETAILED IN  
CHANGE ORDER NUMBER 1  
DATED FEBRUARY 12, 2002.**

County Manager Kevin Poe stated that in working on the GIS Program and moving forward with that, they had solicited a proposal from Keck & Wood, Inc. to add services to the existing contract that they already have related to digitizing the maps. There is a backlog of adding splits and changes and is covered in part of the Change Order. He recommended accepting a proposal from Keck & Wood, Inc. and approve Change Order Number 1 as submitted. MOTION was made by Commissioner Mahanay to approve Change Order Number 1 with Keck & Wood, Inc. for GIS Services as detailed in the Change Order dated February 12, 2002. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

**ADJOURNMENT:**

There being no further business to come before the Board, MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay, that the meeting be adjourned. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF  
GARRY E. FRICKS, CHAIRMAN**

