



**(PLANNING COMMISSION RECOMMENDATION:  
NO RECOMMENDATION [VOTE 5-2])  
(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Mayes to open the Public Hearing. Second by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**Ms. Sue Hiller, Planning Commission**, stated the property is located off of Big Texas Valley Road. Surrounding area is zoned A-R, with uses being recreation, forestry, agriculture and single-family residential. She noted that the applicant would like to have a retreat for medical patients where they would learn about their disease and treatment options. It will be for cancer patients. This is a use which is specifically listed in the ULDC, however, there is a provision if the use is not specifically listed, the building official and the Planning Director can concur that the use is similar enough to something else that it can be treated in the same way. The Staff Recommendation was for approval, since the particular use would not have more impact on the area than surrounding uses.

Commissioner Mahanay asked why it had not been presented in the original request that this will be for medical patients.

**Dr. Matt Mumber, Horseleg Creek Road**, an Radiologist Oncologist here in Rome, replied that basically this will be an outreach to work with cancer patients. He will be working with the group to give people exposure to non-traditional methods of cancer treatment. *Other comments were not audible.*

MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to approve the request for a Special Use Permit to operate the retreat in an A-R zone. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

Commissioner Jennings commended Dr. Mumber for the project, which is something they would definitely want to support in the county.

**FILE #11-2002Z, OLD DALTON ROAD,  
AT ROSEMARY CIRCLE, TAX MAP 510,  
AREA 00, PARCEL 016, SECTION B,  
LOTS 005, 007, 008, 009, 010, 011, 012,  
013, 014, 015, 016, 017, 018, 019, 020, 021,  
022, 023, 024, 025, 026, 027 AND 028; AND  
SECTION C, LOTS 003 – 016. REQUESTS  
REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO D-R (DUPLEX  
RESIDENTIAL) FOR CONSTRUCTION  
OF DUPLEXES.  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [VOTE 7 – 0])  
(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Hufstetler. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

**Ms. Sue Hiller, Planning Commission**, stated that this had been presented before but was returned to the Planning Commission to review again. She presented the layout of the property, noting that it is individual lots and to the north and west is the Airport and single-family residential to the south and east. The initial Staff Recommendation was for approval. S-R and D-R are residential. It is located at the end of an airport. Runway she felt it would not likely be developed as single-family residential, so the D-R use is not a bad use for the location. There are serious concerns about the road. One road shown on the layout has not been built and the other is Godfrey Road, which is a very narrow road with a 30' right of way. The road to be built would have to be to County standards. It was asked why the Planning Commission recommended denial. Ms. Hiller stated that the concern is with adding that many dwellings to be coming out on Godfrey Road. She stated that she did not think they were as concerned with the ones which would come off of the road to be built. They also thought that the concerns of the neighborhood were valid. It was questioned if the density would be greater or less if the lots on Godfrey Road were developed as single-family dwelling. Ms. Hiller stated that the density would be less, since duplex residential does not quite double the density. A duplex can be put on an 8,500 square foot lot if there is water and sewer. In Single-Family Residential a single-family house can be put on 7,000 square foot lot if you have water and sewer.

## **SUPPORT**

**Jeff Barnett, 2925 Old Dalton Road**, which is close to the site. He stated that this request had been brought to the Board previously, and the Planning Commission denied it mainly because of Godfrey Road. He originally asked for the duplexes. He noted the lots on Old Dalton Road and stated that he originally asked for nine duplexes. The Planning Commission was very concerned that he would have an increase in traffic with duplexes. He noted that the Planning Commission did not have a problem since the new road would be brought up to county specifications. He redesigned the tract of land and placed an easement on it. They were ready to deed it back to the county or whatever it takes to get it in compliance with the ULDC and reduced it to five duplexes. He also pointed out how the plans could be altered for mobile homes, double-wides, generally four bedrooms, some three and some four. He feels that the traffic from ten trailers would be more than from ten duplexes. The duplexes they build, he is currently building one on Green Acre Road, are rented for \$575 each side. It is seldom that there are more than two cars parked in front of each side. Normally it is three cars for the two duplexes. In front of the land he leases for double-wides, there will always be three cars, and at times four cars. He noted that this is vacant land, except for two houses, one, which is the owner, Mr. Godfrey, and of course Mr. Godfrey wants the land to stay vacant. Mr. Barnett stated that he would also, if he lived there, but unfortunately they bought the property and have to do something with it. He stated that he has bent over backwards to make the deal work. The staff at the Planning Commission has worked with him, helping him to come up with a plan they thought was viable and fair. They left all of the lots facing Old Dalton Road zoned residential and he does not plan to place trailers there, if he has \$3 million invested in duplexes nearby. It will be single-family custom built

houses. They will have to install sewage and there is county water currently there. Commissioner Mahanay asked how many acres the tract is. Mr. Barnett replied that it is 18 acres, which is presently divided into 43 different lots. There are six proposed houses to be built and 29 duplexes. Realistically there are 41 building lots.

## **OPPOSITION**

**Preston Smith, 43 Twickenham Lane, Smith, Shaw, Maddox Law Firm,** stated that he represents Donald Godfrey. He stated that Mr. Godfrey purchased the property in 1963 and lives on the tract which is almost 20 acres, has an 8 acre lake and three homes. The proposal which was presented has several existing problems which have not been solved. The largest one is the one that he feels caused the Planning Commission to vote twice to deny the proposal. He noted that they had voted twice, once and then due to a typographical error it was sent back to them. He presented photographs of Godfrey Road. Godfrey Road and Old Dalton Road border the corner of the property and Godfrey Road is only about eight feet wide. It is not up to county standards, and does not come close to what would be required for a project such as this. Godfrey Road is a single car road. In the photo of two cars on the road, he noted that both of them were off the road. The proposal is for 58 units and 29 duplexes on the property. One thing not mentioned is the property owned by Mr. LeCroy is nine feet off of Godfrey Road and he would not be able to maintain his residence, according to the proposal. The first problem is that Godfrey Road cannot support the traffic this complex would require. The second is that Godfrey Road enters Old Dalton on a blind curve, which up until now has not been a major problem since there have only been two or three people living on Godfrey Road in its recent history. But, they are talking about adding 65 families into the area and all of them coming and going onto the Old Dalton Road on that blind curve. The increased population will certainly increase the danger, which is one of the things the Commission should look at to deny the petition. He noted that Rosemary Circle does not exist at this time. Mr. Godfrey is concerned that the sewage, storm drainage and sediment control will cause a problem since now there is runoff in Lake Geneva, which he owns with his property. Mr. Smith stated that he sees a problem with putting this high of a density into an area with the current water problems. Essentially, the increase in population density in that small area will increase the traffic, will increase what the land can handle and will decrease the property values of those who live there. The question the Board has when it looks at a decision is, is this the highest and best use of the land under the current code? He submitted that this is not the highest and best use. The highest and best use under the law presumes that it is single-family residential. This is a long standing existing residential neighborhood for decades, and that is the highest and best use for it. Mr. Smith stated that each time he comes before the Board opposing a duplex development such as this, the builder has said that if he does not get his way, with all due respects, he will put trailers there. He has heard this every time he has come. He understands that is a potential use under the code, the code just has to be enforced. Under the current development, they understand there is a risk of that, and that is always threatened, but the bottom line is he does not believe this land can support that type of development.

**Gary LeCroy, 1639 Old Dalton Road**, stated that Mr. Barnett is talking about putting a sediment pond in his bedroom window, it will be right beside his house. He feels that no one in the room would want that. There will be problems, including sanitation, and he will not be able to give away his house if this is done. He is opposed to the entire plan. The sediment pond will be approximately less than fifty feet from his bedroom window, and that is not far. Mr. Barnett had talked about running sewage into there, which is good, but you would still have the road dug up and mess after mess. Nothing can be done to Godfrey Road without buying him out or trying to run him out, because he is nine feet off of the road and the road is only eight feet wide. The area where they are talking about putting in another road is currently just pulp wood trees and pine trees, there is nothing else there. He stated that if he and Mr. Godfrey bought one more car, there would be too many on that road. The road cannot handle the additional traffic. Commissioner Mahanay asked if Godfrey Road is private or county maintained. It was noted that it is county maintained. Commissioner Hufstetler asked Mr. LeCroy the size of his lot. Mr. LeCroy stated that it is not wide and is approximately 140 to 150 feet long. It was noted that Mr. Barnett will donate the needed property for widening the road, but it would still be narrow at Mr. LeCroy's property. Ms. Hiller stated that the sediment pond plans had not been evaluated and that it will be up to Building Inspection as to whether it will look like this. Mr. LeCroy stated that it concerns him that Mr. Barnett has 19 acres and he is putting the sediment pond up against the only house on that side.

#### REBUTTAL

**Jeff Barnett**, stated that he is not an engineer and the location specified is a likely place for the sediment pond, there is also another likely place which he pointed out on the map. He is not sure which location or if both locations will be used. He stated that he is not a builder, he leases land. He presently has thirteen land leases to mobile homes. It is not an empty threat as has been seen before. This is what he does. Also, it was mentioned about sixty something families coming out of Godfrey Road, that is not the case. Most of the families will be using the other road, only ten would be using Godfrey Road. This is the same number of lots that he owns off Godfrey Road. He stated that he does not build three bedroom duplexes, and if the condition is that it be only two bedroom duplexes, it is fine with him. He stated that he has done everything that he can possibly do to make this project viable. He noted that the Airport property surrounds part of the property, which lessens the value of the land as single-family residential. It would be hard to sell a house, renters are not looking at this as they are going to live there forever. They are looking at it as they will live here a year or two. He feels it will be a great place for duplexes, as Ms. Hiller had pointed out, because of the Airport, it does make it less attractive for custom built homes. He stated that there is a recession, homebuilding will be going down. Rental property, especially duplexes, typically during a recession stay strong. As long as interest rates are low, the duplexes will stay strong. The only reason they are not seeing all the duplexes in Armuchee as are seen in Garden Lakes, around the Green Acre Golf Course area is because the land is not zoned for duplexes. The little amount that is zoned for duplexes is owned by him and they are presently building duplexes. The Commissioners questioned how he planned to serve the ten families, which would be on Godfrey Road. Mr. Barnett replied that Mr. LeCroy's

house is not eight feet from the road and the road is not eight feet wide, it is greatly exaggerated. Godfrey Road is 30 feet, and he agrees that it does not have 30 feet of pavement. It is tight for two cars, but one car has plenty of room on each side. Mr. Barnett stated that, at their expense, they would widen it and would not have to require any additional right of way along Mr. LeCroy's house. You can easily take two lanes of traffic through 30 feet. He noted the easement for sewage and water. They will not have gas, it will be total electric. He noted that the road they will be building and all the setbacks will meet the present requirements under the ULDC. Commissioner Mayes asked what other construction is going on on Old Dalton Road. Mr. Barnett stated that approximately two miles south, Cash Construction is preparing to put in another subdivision with many more houses than this. Commissioner Hufstetler expressed concern with this being a narrow road and a blind curve, could Godfrey Road be a one-way entrance. Mr. Barnett replied that there is not a blind curve there. There is a small slight curve, but it is not a blind curve. He pointed out the location of a blind curve, but it is a long way from this property. The Airport has many flying events and he point out where there is a road which is used. Mr. Barnett stated that on their property adjoining Godfrey Road, they are willing to deed 20 feet to the county and also install curb and gutter, whatever it takes to meet the ULDC. Commissioner Hufstetler asked County Manager Kevin Poe what could realistically be paved without additional right of way. County Manager Poe replied that it would be hard to build a standard road because you have to take care of drainage. The possibility of utilizing the road currently accessing the Airport property. It was mentioned that the widest amount of Godfrey Road possibly would be 18 feet. Mr. Barnett stated that he could pave, as he previously stated, on current county right of way. Commissioner Fricks mentioned tabling the matter until the next meeting and giving them time to look at the area and work with the Planning Commission to see if there is any configuration which will solve the problems. Ms. Hiller

suggested that Mr. Barnett confer with members of Building Inspection and see exactly what the requirements for both roads and the sediment pond will be, since that might make a difference in what the configurations would be. It was felt this could be done before the next meeting.

MOTION was made by Commissioner Mayes to close the Public Hearing.  
SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Commissioner Jennings stated that he felt the staff and Commissioners need to take a look at Godfrey Road, the right of ways, and the distance from the road off Mr. LeCroy's home. Commissioner Mayes recommended that each Commissioner visit the site. Chairman Fricks stated that no action will be taken on this item and if necessary information is received prior to the next meeting, action will be taken at that meeting. Chairman Fricks asked that any interested parties contact them prior to the next meeting to find out if action will be taken.

FILE #33-2002Z, WALKER MOUNTAIN  
**ROAD AT CAVE SPRING ROAD, TAX MAP  
570, AREA 00, PARCEL 023. REQUESTS  
REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO H-C (HEAVY  
COMMERCIAL) FOR CONSTRUCTION  
OF MINI-WAREHOUSES.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE 7 – 0])  
(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

MOTION was made by Commissioner Mayes to open the Public Hearing.  
SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**Ms. Sue Hiller, Planning Commission**, presented maps show the property, noting that to the west and north is single-family residential, and there are single-family residences on the property. To the south is C-C, a convenience store and across the highway is L-I, with commercial uses. She mentioned that since it is at an intersection, there is commercial to the south and light industrial across the way and the highway running past, make it very unlikely that it will ever have a single-family residential structure on it. It is at the intersection of two busy roads. If it is developed according to the ULDC, and it would have to be, there would be 20 feet of buffer between this use and both of the residences. Staff recommended approval and the Planning Commission voted unanimously to recommend approval.

**SUPPORT**

**Jeff Barnett, 2925 Old Dalton Road**, stated that this is a very good site for mini-warehouses or possibly many other different businesses. He does not know of anyone who has opposed it in any way. Mr. Barnett reviewed the site plan, stating there will be a buffer around it. They already know there is a demand for mini-warehouses in this area. They presently own 160 units and have a yellow page ad and get many calls for a mini-warehouse in that area. He noted that their road will not be close to the corner and he does not know where the sediment pond will be, that will be determined by the engineers. That is quite expensive so they try to get approval on the projects before the engineers are hired. It was noted that the property is currently vacant.

MOTION was made by Commissioner Hufstetler to close the Public Hearing.  
SECOND by Chairman Fricks. VOTING:

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

Motion Carried

MOTION was made by Commissioner Hufstetler to **approve** the rezoning request from Single-Residential to Heavy-Commercial, **with the restriction that this only be for mini-warehouses**. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

**FILE #34-2002Z, BUTTERMILK ROAD,  
TAX MAP 828, AREA 00, PARCEL 11.  
REQUESTS REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO A-R  
(AGRICULTURAL RESIDENTIAL) TO  
CONTINUE AGRICULTURAL AND  
RESIDENTIAL USE.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE 6 – 1])**

**(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Hufstetler to open the Public Hearing. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

**Sue Hiller, Planning Commission**, reviewed the request, stating that it is in a fairly rural area and is surrounded A-R, with some S-R on one side. Along Buttermilk Road there is a fair amount of Suburban Residential development. This tract is a large tract and is currently in agricultural use. It was noted that the main difference between Agricultural Residential (A-R) and Suburban Residential (S-R) in terms of agricultural uses, row crops are allowed in both, but in A-R you are allowed to keep livestock and in S-R a Special Use Permit would be required. Staff Recommendation was that this be approved with rezoning back to A-R, with the stipulation that if someone wanted to a have livestock feedlot, they would have to get a Special Use Permit. The Planning Commission recommended approval with no conditions. Commissioner Jennings asked the type of water on the site. The owner replied that there are springs on the property, his driveway is 3/10 of a mile long and his house feeds off of one of the springs.

**Jim Benton, 210 Buttermilk Road**, owner of the property stated that he has recently purchased the triangular section between his property and property previously owned by Mr. Tate. In front of his house there is a 17-acre Coastal Bermuda hay field. The livestock for the most part stays to the back. Occasionally they are in the front area to feed on the grass. This has always been a farm, previously row crops had been attempted on the property, but for the last 20 years they have worked to return it to the original use. It was originally a dairy farm, but he has beef cattle. The spring which feeds his house is an old dairy farm cooling tank where milk was once stored. The farm is mostly hay and he has 25 cows. Commissioner Jennings asked if restrictions from concentrated animal feeding operations are required anyone who owned the property to come before the Board for a Special Use Permit to do that, would you have any objections. Mr. Benton replied that he did not know what the requirements or stipulations would be. He noted that to his knowledge there is not a feedlot in Floyd County and he does not plan to be the first because he lives there, and it would be foolish on such a small acreage of land. He would prefer not having any restrictions, just as the Commissioner would rather not have any restrictions on their property, but he is not going to put a feedlot there. Mr. Benton noted that the 26-acres adjoining his property on

the east side has recently been brought to the Board to be rezoned Agricultural also. He stated that he would like to pass this on to some of his family one day, as a farm and as Suburban Residential he could not do that. Even though he is grandfathered in, there would be a problem with someone replacing a barn or whatever later on in life. Ms. Hiller stated that in Suburban Residential they can have agricultural, he can continue to raise livestock there. The code states that any use prior to the ULDC and is allowed by a Special Use Permit is not treated as a non-conforming use. The only thing that would be a different use is a confined feed lot of some type or confined chicken feeding operation. Commissioner Mahanay asked if he plans to change his operations. Mr. Benton replied that he will continue as he is now doing. It was also noted that the zoning goes with the land and not the owner, so Mr. Benton could leave the property to someone else and they could continue the use or rebuild any structures if necessary. Commissioner Mahanay asked if he plans to increase the number of cattle he has. Mr. Benton replied, not dramatically. Mr. Benton stated that the law was changed and could be changed again in the future and he prefers to have it where he will not have problems in the future.

MOTION was made by Commissioner Mahanay to close the Public Hearing.  
SECOND by Commissioner Hufstetler. VOTING:

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

Motion Carried

MOTION was made by Commissioner Jennings to **approve** the change from Suburban Residential to Agricultural Residential **with the restriction that a concentrated animal feeding operation would require a Special Use Permit** on this property. SECOND by Commissioner Hufstetler.  
VOTING:

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

Motion Carried

**REQUESTS REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO A-R  
(AGRICULTURAL RESIDENTIAL) TO  
CONTINUE AGRICULTURAL AND  
RESIDENTIAL USE.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE 6 – 1])  
(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Jennings. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**Sue Hiller, Planning Commission**, reviewed details of the request and stated that her comments are essentially the same as the previous request. In this case there is Suburban Residential on three sides and agricultural use on the south side. It is more of a significant difference because the Planning Commission recently approved a subdivision in the area. She feels that single-family residences and agricultural can co-exist, but a concentrated feedlot is not suitable next to residential. Staff Recommendation was to approve to A-R with the stipulation that a concentrated feedlot would require a Special Use Permit.

**SUPPORT**

**Quincy Ingram, 1345 New Freeman Ferry Road**, stated that her father, Robert Ingram, and her uncles, John A. Ingram and Doug Ingram, own the property. They are asking for the rezoning to continue land uses that they are currently using. When her grandparents bought it in 1941, it was used for agricultural purposes, there was a dairy and hog farm there. They do not have a dairy or hog farm, but they do have cattle and horses and there are several crops grown in bulk, soybeans, corn and things of that nature. The Planning Commission did pass this with no restrictions and they ask that the Board pass it with no restrictions due to the fact that her grandparents grandchildren are getting older and have plans of expanding, not necessarily concentrated feeding production. It is possible they might, but they would like the freedom to decide how that land is being used since their grandparents came there and did use it in certain ways such as that. They were unaware that it was zoned Suburban Residential. They believe it was zoned in error because the land across the road is also owned by them. They have approximately 240

acres and part was zoned agricultural and part is Suburban Residential when both land parcels were being used for the exact same purposes. As she previously stated the grandchildren are getting older and they do intend to live on the property and to continue farming and possibly expand it. She stated that she did not know what the expansion would be other than the cattle. They are aware that they are in violation because they have cattle, which are expanding rapidly since it is spring, and their herd size will double once all of the new calves are born, so they are in violation of the Suburban Residential zoning. Ms. Hiller noted they are not in violation if there were cattle on the property at the time the ULDC went into effect. On this property they can expand their use. On the property zoned S-R, if they are currently keeping cattle on it, they can continue, if their barn burns down they can rebuild it, or can build another barn. Ms. Ingram asked, since they have 240 acres, how would it impose on anyone if they had a feedlot? It is not as if they are trying to put anything that imposes on people on 220 acres. She is requesting no restrictions since there are several members of the family younger than she is and with restrictions, they will have to go through this again each time they want to do something with the land. This will make it easier as it is passed down through the family. It will remain that way because it has been in the family since 1941. Commissioner Jennings stated there could be a debate as to what concentrated animal feeding operations do to the air and the water quality. Ms. Ingram stated that there would be regulations they would have to adhere to that would protect the environment. At this time they have approximately 30 cattle and that number will probably double. It was noted that the property zoned A-R consists of approximately 190 acres and is in a flood plain. The acreage they are requesting the rezoning for is adjacent to a recently approved subdivision.

**Robert Ingram, 1345 New Freeman Ferry Road**, stated that he was not aware of the error until lately. This has always been farmland so his income potential is limited if he has to expand the farming. He requested that it be passed with no restrictions. This has been in the family for 60 years, it has been in farming 100 to 150 years.

**Doug Ingram**, Robert Ingram's brother, stated that he has the same problem, he owns the back corner which equals 102 and he needs all the consideration he can get. He is retired from General Electric and this has been a family farm, he grew up on it. He has spent many hours farming the property in his lifetime.

MOTION was made by Commissioner Mahanay to close the Public Hearing.  
 SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

Commissioner Jennings stated that he is very supportive of family farms and appreciates the work that the farming community does. He is troubled by the potential of concentrated animal feeding operations and they do have an affect on air quality. We are seeing it in water quality in Carter's Lake now. Commissioner Jennings made a MOTION that the change from Suburban Residential to Agricultural Residential be approved with the restriction that any concentrated animal feeding operation requires a Special Use Permit. Commissioner Hufstetler asked what type of buffer would be required if put on the approval. Ms. Hiller replied that there would be no buffers. There was discussion as to the distance in feet. *Comments from the audience were not audible.* The Motion died for lack of a Second.

MOTION was made by Commissioner Hufstetler to **approve** the rezoning request from S-R to A-R with no restrictions. SECOND by Commissioner Mahanay.

Commissioner Jennings stated that he continues to be troubled from an air quality standpoint. For example, chicken manure spread on fields emits an ammonia smell that is *noxious* to the people around these operations and also if there is a major storm event, there is the runoff of the nitrogen from the chicken manure that gets into the Etowah River which is close to this property and just downstream is Rome's intake, which they are using now. It was noted that there are other farms in the area and one should not be picked out. Commissioner Jennings stated that he would support a change in the ULDC that would require any concentrated animal feeding operation in Suburban Residential or Agricultural Residential to obtain a Special Use Permit. Chairman Fricks noted that the original proposals required a 50 or 100 foot setback from any tributaries, and he thought that the study group deleted this item.

VOTING:

YES

NO

Commissioner Hufstetler

Commissioner Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion to open the Public Hearing on Items 6 through 10. MOTION was made by Commissioner Hufstetler to open the Public Hearing for Items 6 through 10 on the Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing is open and asked if there was anyone wishing to speak in opposition or support of Items 6 through 10. There being no one present to speak in support or opposition to these items, MOTION was made by Commissioner Mayes to close the Public Hearing. SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to **approve** the revision of the following. SECOND by Chairman Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**REVISION OF ARTICLE 3.4 (TABLE 3.2) OF THE  
ULDC REGARDING CLARIFICATION OF THE  
CATEGORY OF SINGLE-FAMILY DETACHED DWELLING.  
(PLANNING COMMISSION RECOMMENDATION: APPROVE  
[VOTE - UNANIMOUS])  
(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

**REVISION OF ARTICLE 1.4.3A(2)(D) AND  
ARTICLE 1.4.3B (2)(C) OF THE ULDC REGARDING  
MAINTENANCE AND REPAIR OF NON-CONFORMING**

**USES AND STRUCTURES.**

**(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE - UNANIMOUS])**

**(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

**REVISION OF ARTICLE 3.4 (TABLE 3.2) OF THE ULDC  
REGARDING THE REQUIREMENT THAT A  
SPECIAL USE PERMIT BE OBTAINED FOR  
A “NIGHT WATCHMEN QUARTERS”.**

**(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE – UNANIMOUS])**

**(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

**REVISION OF ARTICLE 2.2.6A(9) OF THE ULDC  
REGARDING THE THRESHOLD FOR DEVELOPMENTS  
OF REGIONAL IMPACTS.**

**(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE – UNANIMOUS])**

**(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

**REVISION OF ARTICLE 6.14.6C OF THE ULDC  
REGARDING THE PLACEMENT OF FILL AROUND  
NONRESIDENTIAL BUILDINGS THAT ARE LOCATED  
WITHIN A FLOODPLAIN.**

**(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE – UNANIMOUS])**

**(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

There was discussion regarding the status of Tax Maps being on a website and also how a zoning is decided on when there is no actual zoning for that type. Items, which are not covered under zoning which are city or county owned, were discussed as well as other zoning questions.

MOTION was made by Commissioner Hufstetler to recess the meeting for five minutes. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to re-convene the meeting.  
SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**SWIMMING POOL ORDINANCE.  
(FIRST READING HELD MAY 14, 2002 AT 2:00 P.M.)**

MOTION was made by Commissioner Hufstetler to open the Public Hearing.  
SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to close the Public Hearing.  
SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

County Attorney Wade Hoyt recommended the Board approve amending the Code of Floyd County by adding a new Section, Section 2-6-6 entitled Rules and Regulations Concerning Swimming Pools, Spas and Recreational Water Parks, adopting Section 290-5-57 of the Rules and Regulations of the Georgia Department of Human Resources with the changes as recommended by the Floyd County Health Department.

MOTION was made by Commissioner Hufstetler to approve the amendment as recommended by County Attorney Hoyt. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS

There were no appointments to be made.

**DISCUSS NON-PROFIT FUNDING REQUESTS.  
(DEFERRED FROM MAY 14, 2002 MEETING)**

Deferred to next meeting.

**DISCUSS THE CAPITAL IMPROVEMENT PROGRAM.  
(DEFERRED FROM MAY 14, 2002 MEETING)**

MOTION was made by Commissioner Hufstetler to approve the Capital Improvement Program as outlined by Al Leonard. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

RECOMMENDATION FROM RECREATION  
AUTHORITY TO INTENSIFY AUDIT TO  
**COVER CASH HANDLING PROCEDURES  
IN THE RECREATION DEPARTMENT.  
(4/5 VOTE REQUIRED)**

Chairman Fricks presented this item, which is a recommendation from the Recreation Authority. The Recreation Authority has requested to intensify our audit to continue to cover cash handling procedures and make a recommendation back in the audit process. The estimate for additional funding is \$4,500. He requested the Board's support for this item. Commissioner Mayes asked for clarification of what this will include. Chairman Fricks stated that when Floyd County's audit was done last year, some department's cash handling procedures were audited and since the county is taking over the financing, they would like to have the cash handling procedures and/or do a more intensive audit. MOTION was made by Commissioner Hufstetler to place this item on the Agenda. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to approve up to \$4,500 for a more intensive audit of the Recreation Department to analyze cash collection procedures similar to what has been done in other departments. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

#### COMMISSIONER'S REPORT

#### PUBLIC SAFETY COMMITTEE

Commissioner Mahanay, Committee Chairman, reported that the next meeting will be June 12, 2002.

#### WATER COMMITTEE

Commissioner Jennings, Committee Chairman, referred to Floyd County's Water Quality Report. Statement in the report says "We are proud that your drinking water meets or exceeds all federal or state

requirements.” This is from a required customer comment form which is sent to all water customers and it says that Floyd County’s water system is running very well in providing quality water to our customers.

**CLERK’S REPORT**

**CONSENT AGENDA.**

County Clerk Michele Fountain stated there are five items on the Consent Agenda, with Item 4 requiring a 4/5 vote to add it to the Agenda, then they are submitted for approval.

MOTION was made by Commissioner Mayes to add Item 4 to the Consent Agenda. SECOND by Commissioner Hufstetler. Commissioner Hufstetler asked if this is the CISM grant which was approved previously. Commissioner Jennings replied that the Governor granted \$8,750 from his Discretionary Fund and he gave it to the DCA Emergency Fund and we need to authorize the Chairman to sign and then we will receive the funds. These funds will be used to cover expenses already incurred.

Commissioner

Jennings noted that the County appropriated \$4,000 and the City of Rome appropriated \$4,000 and that will cover the training. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Mayes to accept the Consent Agenda. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

1. Tax Refunds:

- a. Schuman & Associates, P.O. Box 3267, \$109.04
- b. Michael R. Marsh, 7 Villamar Street, \$233.41
- c. Florida Rock Industries, 155 East 21st Street, Jacksonville, \$22.61
- d. Luther M. McGuire, 2721 Hermitage Road, NE, Kingston, \$130.63

- e. Norma Jean Stephens, 333 Autry Road, NE, Adairsville, \$441.90
- f. Evelyn Dickson, 6 Buck Trail, Armuchee, \$480.73
- g. Ernest E. Cribb, 312 Henson Road, SW, Cave Spring, \$112.64
- h. Reeca A. Dodd, % Chris & Faye Weeks, 1100 Rush Chapel Road, Adairsville, \$36.16
- i. Sammy Bartley, 1900 Wayside Road, Kingston, \$18.57
- j. John William & Charlene Davis, 6 Chester Avenue, \$.00
- k. James C. Bradfield, 14 Rollingwood Drive, \$4.06
- l. David J. & Bonnie Hughes, 30 Forest Meadow Drive, SW, \$23.15

Authorize execution of Department of Human Resources FY2003 Technical and Cost Proposal and Memorandum of Understanding for Transportation for the Elderly, between Coosa Valley Regional Development Center and Floyd County.

- 3. Authorize execution of DCA Emergency Fund Grant in the amount of \$8,750 to fund Critical Incident Stress Management training.
- 4. Malt Beverage License Application for Debra S. Reddish Peek, One Second Trip, 2995 Cedartown Highway, SE, Rome (convenience store). (4/5 vote required)
- 5. Approve Subordination Agreement with Jeffrey and Tracy Baker.

**MANAGER'S REPORT.**

**DISCUSS PROPOSAL FROM JANET BURCH REGARDING THE EXPENDITURE USE OF 5 PERCENT ADD ON FINE MONEY.**

County Manager Kevin Poe presented the proposal from Janet Burch, Victim Witness Director, regarding expenditures of the 5 percent Add On Fine for Victim Witness Services. He recommended accepting her proposal as submitted to Al Leonard in a letter dated April 16, 2002 which is contained in the Agenda Package. Commissioner Hufstetler asked if Items 1 through 8 could be approved together. County Attorney replied they could if they are each read and the Commissioners have no problem not have a discussion on each item.

**ACCEPT GRANT AWARD FROM GEORGIA EPD LOCAL GOVERNMENT ENFORCEMENT AND EDUCATION GRANT PROGRAM.**

County Manager Kevin Poe recommended acceptance of the grant award in the amount of \$53,980.80 with a local match of \$13,504.00.

**DECLARE PROPERTY ON HARMONY ROAD**

**(FORMER HARMONY ROAD COURTHOUSE)  
SURPLUS.**

County Manager Kevin Poe recommended declaring property on Harmony Road surplus as detailed in the Agenda Package.

**DECLARE PROPERTY ON VAN TASSLE  
DRIVE SURPLUS.**

County Manager Kevin Poe recommended declaring property on Van Tassle Drive surplus as described in the Agenda Package.

**APPROVE CORRECTION TO BID AWARD  
FOR PUBLIC WORKS TRACK LOADER.**

County Manager Kevin Poe recommended correcting the Bid Award for the Public Works Track Loader and award it to the low bid, Yancey Brothers, which would include a five-year warranty, in the amount of \$208,110, which is still lower than the second lowest bid from Metrac.

**DISCUSS REVISION TO INCENTIVE PAY  
PROGRAM.**

County Manager Kevin Poe recommended accepting the language that was submitted regarding an amendment to the Educational Incentive Pay Program as submitted in a letter from Larry Johnson to County Manager Poe, dated May 6, 2002, which is included in the Agenda Package.

**DISCUSS PURCHASE OF PROPERTY  
ADJACENT TO MIDWAY PARK FROM  
CHARLES BAILEY.**

County Manager Kevin Poe recommended authorizing the Chairman to execute the Option to Purchase Agreement with Charles Bailey for the possible purchase of property adjacent to Midway Park.

**AWARD BID FOR PAINTING, CLEANING  
AND REPAIRS TO THE HISTORIC  
COURTHOUSE BUILDING.**

County Manager Kevin Poe recommended awarding the bid for painting, cleaning and repairs to the Historic Courthouse to A & D Painting, which was the low bidder at \$62,640.

MOTION was made by Commissioner Hufstetler to accept the Manager's recommendation on Items 1 through 8 in the Manager's Report. SECOND by Commissioner Jennings.  
VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

AUTHORIZE EXECUTION OF DOCUMENTS  
PERTAINING TO DEPARTMENT OF  
TRANSPORTATION PROJECT TSAP 1 (247),  
FOR TURN LANES, DRIVEWAY AND SIGNAL  
UPGRADE – SR 1 @ ARMUCHEE RECREATIONAL  
PARK.

County Manager Kevin Poe stated this is regarding the new entrance road into North Floyd Recreation Park and he recommended the Chairman and Clerk be authorized to execute the Department of Transportation documents that have been presented regarding this project. MOTION was made by

Commissioner Hufstetler to authorize execution of the documents and authorize the Chairman and Clerk to sign the necessary documents. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

PROPOSAL REGARDING MARKETING  
AT THE FORUM.

No action taken, deferred to next meeting.

DISCUSS REQUEST FROM JIMMY JACKS  
REGARDING PAYMENT OF UNUSED SICK  
LEAVE.

County Manager Kevin Poe stated that this does not require action at this time. Chairman Fricks asked what the next step is on this item. Commissioner Jennings asked for an opinion from the County Attorney. He stated his opinion is that, there may be issues above, but he feels that Mr. Jacks should be paid and take up the issues of how it happened with the parties who made it happen. County Attorney Hoyt stated that he will be glad to issue a memo to the Board outlining all of the positions and give his recommendation. There was discussion as to how this could be prevented in the future. The Sheriff has been put on notice that he is to abide by the County Personnel Policy. It was noted that all Constitutional Officers have agreed for their employees to be a part of the Merit System. Larry

Johnson and Mr. Price, Jimmy Jacks' attorney, will be asked to attend the next Caucus Session. It was felt that it would be helpful if Mr. Jacks attended with his attorney.

**INCREASE ANIMAL CONTROL BOARDING FEE.**

County Manager Kevin Poe stated that a request had been received from the Animal Control Welfare Board for the Board to consider increasing Boarding Fees from \$5 to \$10. If the Board is interested in pursuing this, a resolution would be prepared to amend the Fee Schedule Book to change the fees. If necessary a representative of the Animal Control Welfare Board will be asked to attend the next meeting. A resolution will be prepared and presented at the next meeting.

**ATTORNEY'S REPORT**

**RESOLUTION AND AMENDED CONTRACT FOR FLOYD MEDICAL CENTER BONDS.**

County Attorney Wade Hoyt stated that three documents from Bond Counsel representing Floyd Medical Center regarding the bonds which the Board had previously approved guaranteeing, were a part of the Agenda Package. The documents do not change anything, but the bonds have been sold and the purchasers of the bonds require that there be a closing. The first document is a Continuing Disclosure Certificate, where the county agrees to make an annual report to the people who purchase the bonds. Al Leonard tells him that is already in the budget and audit. There is a Supplemental Resolution of the Board of Commissioners and a Supplemental Contract. They do not change anything, the amount is still the same. It was noted that they received a tremendous interest rate for the bonds. We are agreeing again to approve and support and guarantee this bond debt, but are doing it after the fact and it is a bond closing. County Attorney Hoyt stated that a Motion is needed authorizing the Chairman to sign the Continuing Disclosure Certificate, the Supplemental Resolution and the Supplemental Contract. It was noted that the interest rate was 5.23%. MOTION was made by Commissioner Hufstetler to approve and authorize the Chairman to sign the Continuing Disclosure Certificate, the Supplemental Resolution of the Board and the Supplemental Contract regarding the Hospital Authority of Floyd County Bonds as recommended by the County Attorney. 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 Mahanay, SECOND by Commissioner Jennings, 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**