

Charles Layman, Floyd County Sheriff's Department, 30 years
Horace Williams, Jr., Public Works, 30 years
George Lemming, Floyd County Police Department, 30 years
Stanley Sutton, Floyd County Police Department, 30 years
Arthur Smallwood, Floyd County Police Department, 31 years
Jerry Boyd, Floyd County Police Department, 31 years
Tommy Shiflett, Floyd County Police Department, 31 years
M. J. Bishop, Public Works, 31 years
Randy Garrett, Engineering, 32 years
Dennis Rush, Public Works, 33 years
Jim Free, Floyd County Police Department, 34 years
Martha Amos, Clerk of Superior Court, 34 years
Houston Freeman, Floyd County Police Department, 34 years
Joe Johnston, Clerk of Superior Court, 40 years

PUBLIC PARTICIPATION

Stan Brooks, 5 Westridge Place, stated that he had attended a Board Meeting approximately two months ago and had received a zoning change on Smith Road to build duplexes. He had bought a permit and the paperwork stated that he had to have a five foot side yard setback and they had poured the footings seven feet from the line and now find out that the setback was incorrect. The setback had been listed for D-R and the setback for M-R, his zoning, is 15 feet. He stated that duplexes are allowed with a five-foot setback in Floyd County and he is asking that his be changed to D-R or allow him to go ahead a build. He stated that he did apply for a Zoning Variance. It will cost him several thousand dollars to change what they have done. He stated that he had found out since the zoning change was approved that he should have applied for D-R zoning to start with, but that was not what he was advised to do by the Planning Department. He stated that basically he did what they said for this project. He stated that Ms. Hiller had recommended at the Zoning Appeal that they decide in his favor, but that did not happen. Commissioner Hufstetler stated that this sounds like an unfortunate situation, but he felt no one deliberately gave him the wrong information. Mr. Brooks stated that he does not think they did. He had talked with Phil Helton, and he had apologized to him more than once and in his opinion, Phil Helton is one of the best employees Floyd County has. He does not think he (Phil Helton) would intentionally do anything to hurt anybody. Commissioner Mayes asked if he had been given the proper permit, what would the proper setback have been. Mr. Brooks stated that it would have been 15 feet. Commissioner Hufstetler mentioned that M-R is 15 feet and D-R is 5 feet, and 7 feet had been done. Mr. Brooks noted that the setback off the road is 25 feet and they have 50 feet. It is not like he is trying to push the limit to the setback. He stated again that he did not think this was done intentionally, that Mr. Helton had bent over backwards to try to help him. Commissioner Hufstetler asked Ms. Sue Hiller if this situation was addressed anywhere. Mr. Brooks stated that he is not trying to blame anybody. Ms. Hiller was asked to give the Commission a history of the situation.

Ms. Sue Hiller, Planning Commission, stated that the property had been rezoned from S-R (Suburban Residential) to M-R (Multi-Residential) a matter of a couple of months ago. The reason staff advised him to go with M-R rather than D-R was that he mentioned that he might like to later add more duplexes to his property. She noted that M-R allows for multiple duplexes on a lot rather than D-R, which doesn't. When he requested a permit, the wrong setback was given to him. They advised him that they felt it best to try to get a zoning variance and the staff had recommended that it be granted with a number of conditions placed on it. *The conditions stated were not audible.* She stated that she thought there were a number of reasons why that was granted, but the main reason was that the person that lives on the other side of that property line was very opposed to it. She stated that she (*the adjoining property owner*) felt that no amount of buffering would be okay for her. The Board of Adjustments did turn down the request.

Commissioner Hufstetler asked Ms. Hiller what options the Board had. She stated that Mr. Brooks has a couple of options: he can appeal it, he can move the footings or he can come back and talk to the Board of Adjustments a second time. If he can come up with a plan for buffering, that would be suitable and that would mollify that neighbor to the point where she would be comfortable with it. Commissioner Jennings mentioned that the option of going through a zoning change to Duplex Residential would solve the immediate problem, but the long-term problem of putting additional duplexes there would not be possible if the zoning change is made. Ms. Hiller stated that is correct. She stated that they have allowed people to put up to two duplexes on a D-R lot. If they want more duplexes, they really should go to M-R where there are provisions for an interior driveway which is adequate for two vehicles and also M-R provides buffers. Commissioner Hufstetler asked if this was approved for three duplexes. Ms. Hiller stated that she thought it was zoned on a smaller piece of property than originally requested and for two duplexes with the idea that later on maybe he would increase the number.

Mr. Brooks stated that they developed one-acre and put the building way in the back. Mr. Brooks stated that the one unit is all that he has a problem with, they can work with the setback on everything else they do, but he is asking not to have to tear out those footings. They can live with the 15-foot setback from here on out. Commissioner Hufstetler stated that he would agree with Ms. Hiller's recommendation,

it is not a good situation overall, but he hates to see somebody have to spend several thousand dollars because of a mistake we made. Mr. Brooks mentioned again that he has no hard feelings toward Mr. Helton. Commissioner Jennings stated that Ms. Hiller had given options within the guidelines of the ULDC. (*Ms. Hiller's comments were not audible.*) Commissioner Hufstetler asked what is the procedure on the judiciary appeal she had mentioned, what is the procedure on that? Commissioner Jennings stated "or going back to the Board of Adjustments." (*Comments by Ms. Hiller were not audible.*) County Attorney Tom Manning mentioned input from the adjacent property owners. Mr. Brooks stated that he does not want this to drag out for six months, he wanted to go back on it tomorrow. Commissioner Mayes stated that the adjacent landowners would probably be the biggest roadblock in this. Mr. Brooks stated that he would put up a privacy fence if necessary, that would be cheaper than moving the footings. Mr. Brooks stated that they need to look at the overall code, five-foot setbacks are allowed in Floyd County in D-R and more than one duplex is allowed as well in D-R. Everyone is learning the ULDC, no one knows, we don't have an expert on it, we have people who know it, but no one here is an expert. He thinks they look at (*remainder of comment was not audible*). Chairman Fricks stated that the issue here is that they need to do some research on this and have County Manager Kevin Poe and Assistant County Manager Sammy Rich see what can be done, procedurally, to fix this. He stated they were sorry about the situation he is involved in and they are all understanding of that. Mr. Brooks stated that is all he is asking, and he realized that it will probably take a few more days, but he wants to be able to get back to work. He thinks this is something that is all new and no one knows exactly what to do. County Manager Poe stated that they also need to be working with the County Attorney on this. It was noted that the Board of Adjustments meets on the third Tuesday of every month and they (*remainder of comment was not audible*). Commissioner Hufstetler asked Mr. Brooks if he would go ahead and apply, since tomorrow's the deadline, for a rehearing in the meantime. If nothing else works out, at least he has that option

three weeks from now. Mr. Brooks stated that once they pour the slab today, these buildings will share a common driveway, so he needs to start progress on both buildings or he will have a finished building that he cannot finish the driveway on because he has an unfinished building. Chairman Fricks asked Mr. Brooks to meet with Assistant County Manager Sammy Rich tomorrow and he asked Assistant County Manager Rich to try to expedite some answers to this. He stated that he thought everyone was concerned about the situation. Assistant County Manager Rich was asked to contact Mr. Brooks the following day.

ADOPTION OF

MINUTES: County Attorney Tom Manning stated that the minutes were in order, with the exception of the approval of the Greg Lovell contract. It was his recollection, and they could ask Commissioner Jennings, that it was subject to attorney's review and they could be approved subject to that one clarification. County Clerk Michele Fountain noted that "review by the attorney" was not a part of her handwritten notes and the only way to find out is to listen to the meeting tape again. She asked the County Attorney how that would have to be done, would it be revoted? Commissioner Jennings stated that he knows that was discussed during Caucus, but County Clerk Fountain is saying that they may not be able to document it as a part of the official Motion. County Manager Poe stated they could recommend that the Chairman not sign it until it is completed. County Attorney Manning stated that when the document is not available with a Motion, it would say "recommended approval of a contract." Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of March 11, 2003 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

PROCLAMATIONS

**RECOGNITION OF ACHIEVEMENTS OF
ADMIRAL JOHN TOWERS.**

Commissioner Hufstetler presented the proclamation to Howie Lowden. Mr. Lowden thanked the Commissioners for the proclamation and in recognizing their

committee, The Admiral John Henry Towers Memorial Committee. He stated that Admiral Towers was probably the most famous person to come from Rome, Georgia and if he were alive today, he would have been there tonight. He noted that one of the things not mentioned was that he was the first person to fly across the Atlantic Ocean and was the first person to receive flight status in the U. S. Navy. They are wanting to keep his name in recognition for generations to come in Rome.

**SECOND READING/PUBLIC HEARING
(FIRST READING HELD MARCH 11, 2003
AT 2:00 P.M.)**

**FILE #17-2003Z, REQUESTS REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO D-R (DUPLEX RESIDENTIAL) TO
BUILD DUPLEXES ON OLD SUMMERVILLE
ROAD. (ZONING MAP 506C-06-023)
(PLANNING COMMISSION RECOMMENDATION:
ACCEPT SITE PLAN AND APPROVE REQUEST
[VOTE – UNANIMOUS])**

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

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone present wishing to speak in support or opposition of this request. He then asked Ms. Sue Hiller to give a brief presentation on the request.

Ms. Sue Hiller, Planning Commission, stated that the property cross-sectioned on the map is not the entire property requested. The property to the south is zoned D-R and was rezoned by the Board in the last couple of months. She stated that Mr. Barnett came back and is purchasing the property to the north and also a sliver of land to the east. He will combine all of this into one piece of land and subdivide that into lots. Ms. Hiller stated that this is a much better site plan than he originally had. However, regarding the condition about accepting the site plan, the ULDC does not allow rezoning a portion of the plot, they have to rezone the whole plot. *(Some Comments not audible.)* So they *(the Planning Commission)* conditioned their approval on receiving a plat that was

recorded, and that would show the actual lots. She stated that the staff recommendation was to approve, conditioned on providing a site plan map. She also presented pictures of surrounding use.

Jeff Barnett, Old Dalton Road, Armuchee, stated that they do not have any opposition to this project, mainly because most of the residents in the area are happy that the first trailer is gone and are looking forward to the day the second trailer is gone. They hope to put six duplexes in there and spend around \$700,000. They will be all brick, very nice, and something to rent from \$600-\$700 per month, depending on whether they are two or three bedrooms. He offered to answer any questions.

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to **accept the Planning Commission's recommendation** on the rezoning request. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**FILE #20-2003Z, REQUESTS REZONING
FROM O-I (OFFICE INSTITUTIONAL)
TO S-R (SUBURBAN RESIDENTIAL)
FOR CONSTRUCTION OF A SINGLE
FAMILY DWELLING ON PROPERTY
LOCATED ON HORSELEG CREEK
ROAD BETWEEN CREEKSIDE AND
SHORTER COLLEGE. (ZONING MAP**

**412-11-PART OF 001 AND 562-00-19)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

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

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

Motion Carried

Chairman Fricks asked if there was anyone wishing to speak in support or opposition of this request.

Ms. Sue Hiller, Planning Commission, stated that actually the subject property is not the cross-hatched area, it is the oddly shaped parcel which is marked 19 O-I, which wraps around it to the north and west. Initially this application had two parcels of land, the area to the west, parcel 001 which is to the north, had been eliminated from the application because it is owned by Shorter College. This property was zoned O-I, no doubt because it adjacent to Shorter College. There is S-R zoning to the south, east, and west, and most of this is developed with single-family residences. *(Some comments not audible.)* Ms. Hiller presented pictures of the surrounding area. Chairman Fricks ask the location of Shorter College on the map. *(Comments from a member of the audience were not audible.)*

Ed Watters, 1524 Blacks Bluff Road, stated that when he developed Creekside in 1990, it was all zoned in the County's "O" zone and he was unaware until a couple of weeks ago that it had been zoned O-I. He stated that he had always planned on that being residential. He noted that there are residences on both sides. Where it adjoins Shorter College is in the flood plain and there is no way Shorter College could ever develop that.

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

	YES	NO
Commissioner Hufstetler		
" Mayes		
" Jennings		
" Bennett		

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Bennett to **approve** the request. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

There were no appointments to be made.

COMMISSIONER'S REPORT

**DISCUSS BUDGET REQUEST FROM
DR. JOHN LINATOC.**

Commissioner Hufstetler, Committee Chairman, stated that this item had been discussed and he recommended a cost of living increase equal to the Consumer Price Index for last year for Dr. John Linatoc and his assistant. Commissioner Hufstetler stated that this is a MOTION. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**DISCUSS REFINANCING SERIES 1993
WATER REVENUE BONDS.**

Commissioner Hufstetler, Committee Chairman, stated that they need to be in the process of refinancing the 1993 Series Water Revenue Bonds. He stated that there is a saving potential of approximately \$1.4 million, \$128,000 per year for the life of the bonds. Commissioner Hufstetler made a MOTION that they begin the process. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

**RECLASSIFICATION OF MEDICAL
OFFICE ASSISTANT (PAYGRADE 107)
TO ADMINISTRATIVE ASSISTANT –
MEDICAL (PAYGRADE 109).**

Commissioner Hufstetler, Committee Chairman, stated that the Medical Office Assistant which has been at a Paygrade 107, had been recommended, by a study done through the Administrative Finance Committee, to raise that to Administrative Assistant – Medical, Paygrade 109. Commissioner Hufstetler made a MOTION for approval of the recommendation. SECOND by Commission Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

**DISCUSS PROPERTY & LIABILITY
INSURANCE RENEWAL.**

Commissioner Hufstetler, Committee Chairman, stated that they had been working on the Property & Liability Insurance renewal. He stated they are trying to obtain more information on that. They ran into a problem in one particular area and he would like to seek the Commission's permission to go ahead and authorize the signing

off of that part of it if that comes up. Commissioner Hufstetler made a MOTION that they approve the Administrative Finance Committee Chairman to authorize the insurance, hopefully they will come back with more information on that later. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Mayes asked if the Motion should be for the Chairman to sign. County Manager Poe stated that if could be either way, he was not sure there were any formal documents to sign, but if there are, they can be put in the minutes at a later date.

PUBLIC WORKS COMMITTEE

Commissioner Bennett, Committee Chairman, reported that it has stopped raining and that will give them the opportunity to clean out some ditches and hopefully water will not be running through peoples yards so badly.

SPECIAL COMMITTEE REPORTS

BASEBALL STADIUM .

HISTORY OF BASEBALL DISPLAY COMMITTEE.

Chairman Fricks reminded everyone that there will be a Ribbon Cutting Ceremony on April 6 at 1:30 p.m., dedication of the History of Baseball panels at 2:00 p.m. and then they will open the doors for the citizens to see what their penny sales tax built.

NEW HEALTH DEPARTMENT FACILITY.

Commissioner Jennings stated that they will be meeting with the architect next week.

EXISTING PRISON USE.

DOWNTOWN PARKING DECK.

SPLOST COMMITTEE.

Commissioner Jennings stated that they had had an amicable meeting with the Cities of Rome and Cave Spring.

CONSOLIDATION TASK FORCE.

Chairman Fricks stated that they had met yesterday and hopefully they are getting the procedural items in order and be moving along soon.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there were two items on the Consent Agenda, which she submitted for approval. MOTION was made by Commissioner Hufstetler for approval of the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

1. Tax Refunds:

- a. Friendship Baptist Church, 2283 Calhoun Road, NE, \$111.90
- b. John Eric Epperson, 410 Reeceburg Road, \$576.64
- c. Helen M. & Donnie L. Hyatt, Jr., 2564 E. Hermitage Road, \$554.50
- d. William H. Garrett, Jr., P.O. Box 576,, Cave Spring \$39.98
- e. Lois Freeman Culberson, 9 Whiteway Drive, \$49.28
- f. Terry McAbee, D/B/A Top Hat Formal Wear, 300 Broad Street, \$131.88
- g. Edith McGraw, 216 S. Marable Street, Rockmart, \$
- h. A-1 Alterations, 702 Shorter Avenue, NW, \$93.21
- i. Mary Brock & Stephanie Lane, 4 Richland Court, \$6.07
- j. W. E. Salmon, 414 East 20th Street, \$16.20
- k. Northern Illinois Aircraft Museum, Inc., 39 W. 140 Freeman Road, Gilberts, IL, \$161.41
- l. Charles Ford, D/B/A Fords, P.O. Box 3027, \$50.04
- m. William L. Johnston, 352 Bells Ferry Road, NE, \$69.05

- n. AGM, D/B/A Western Sizzlin, 801 Martha Berry Blvd., \$755.03
 - o. Billy J. Nicholson, Jr. or B. J. Nicholson, Sr., 85 Larry Street, SE, \$146.05
 - p. Comcast Cablevision of the South, 1500 Market Street, Tax Dept., \$3,075.59
 - q. John L. & Margaret A. Williams, 2735 Sand Springs Road, \$744.09
 - r. Sherry & P. Wayne Dougherty, 2150 Kingston Highway, SE, \$5.96
 - s. Dellinger, Inc., Eugene Barnet, 75 Eden Valley Road, \$1,070.59
2. Ferry Crossing Subdivision, Unit One, Acceptance of Roads and Detention Pond on Floyd County Maintenance (Wagon Court, Ferry Crossing Drive and the Detention Pond between lots 52 and 53). Developer is Tom Hackett, 115 Armstrong Street, Rome.

MANAGER’S REPORT

AWARD BID FOR PURCHASE OF PATROL CARS FOR SHERIFF’S DEPARTMENT AND POLICE DEPARTMENT.

County Manager Kevin Poe, recommended purchase of three patrol vehicles for the Sheriff’s Department from Jackie Jones Ford in the amount of \$21, 442 each, which is the low bid for the specifications and that six vehicles be purchased for the Police Department from Rome Ford in the amount of \$20,899.50 each, which was the low bid. MOTION was made by Commissioner Hufstetler to accept the Manager’s recommendation. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

APPROVE AMENDMENT TO LEASE BETWEEN HOSPITALITY HOUSE, CITY OF ROME AND FLOYD COUNTY.

County Manager Kevin Poe presented a minor amendment to the Lease between Hospitality House, City of Rome and Floyd County, dealing with the landscape buffer

zone. He recommended approval of the Amendment to the Lease, as presented. MOTION was made by Commissioner Hufstetler to approve the Amended Lease. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**DISCUSS BIDS RECEIVED FOR
REMOVAL OF ASBESTOS IN THE
4TH AVENUE COURTHOUSE.**

County Manager Kevin Poe stated that bids had recently been accepted for the removal of asbestos in the 4th Avenue Courthouse. There had been a number of bids received and a Bid Tabulation Sheet and a letter from Environmental Services, consultant on the project, was a part of the Agenda Packet. For the reasons recommended in the letter, County Manager Poe recommended going with the third low bidder, DPC General Contractors, Inc., in the amount of \$45,880. MOTION was made by Commissioner Bennett to approve the Manager's recommendation. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Mayes
" Jennings
" Bennett

Chairman Fricks

Motion Carried

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