

**(PLANNING COMMISSION RECOMMENDATION:
NO RECOMMENDATION)**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Sue Hiller, Rome/Floyd Planning Commission, noted the subject property on the map. She stated there are existing parts of this property that are dysfunctional, they are not operational, these are parts in front of the property which may be an acre and a half. The subject property is a total of almost 11 acres. There is a building on the front of the property. Under the County's current policy, this non-conforming use. If it was established prior to adoption of the ULDC and has been in continuous operation since it was established it could be expanded without any kind of zoning change. However, she was not sure that that can be established. She stated that there aren't a lot of cars on there, the weeds have grown up in and around them. The building itself does not look like it is in operation for anything right now, so she is not sure that the applicant could really establish that this has been in continuous use. She stated that she imagined that is also probably why it was not zoned H-I. If it wasn't in use as a junkyard and auto repair shop at the time the survey was done for the ULDC, if you drive around Floyd County and a lot of other rural areas. You see a lot of property with a few cars parked on them and rezoning every one of those as a junkyard would probably not be appropriate, and this probably falls into that category. She stated that to the north of the property is a single-family residence. There is land zoned as A-R (Agricultural Residential) and C-C (Community Commercial). To the south is a single-family residence zoned A-R (Agricultural Residential). To the east is single-family residential, zoned A-R (Agricultural Residential). She noted that the picture shown was actually looking to the west which is single-family residential and a communication tower, which is zoned H-I. The rest of that land is zoned A-R (Agricultural Residential). She stated that the pictures show that it is a rural residential type area. There is not a lot of commercial or industrial use in the area. Ms. Hiller stated that the Staff's recommendation was to deny the petition. The Planning Commission had a motion to approve it, with four people voting to recommend approval and three people who voted against that motion. For that reason, since there weren't six votes either way, this comes from the Planning Commission with no recommendation at all. Commissioner Bennett asked what the Planning Commission votes were. Ms. Hiller replied that it was five to three. Chairman Fricks asked what the Planning Commission motion was. Ms. Hiller replied that it was to approve the request.

Five people voted to recommend approval of the request and three people voted against the motion to recommend approval. Commissioner Jennings asked if he understood what was said, "if there was continuous use of this property as a auto repair shop or junkyard, then it would in fact be grandfathered in," but he thought he heard it said that the petitioner has not demonstrated that it has been in continuous use. Ms. Hiller stated that she thought his comments were that he started the business there in, she believes, 1987, which certainly establishes it prior to the adoption of the ULDC. However, they do not know if it was continuous. She stated that she did not have any evidence to show that. Commissioner Jennings asked the period of time. Ms. Hiller replied 12 months. Commissioner Jennings asked if the petitioner had been able to demonstrate, with receipts or whatever, that it was in use. Ms. Hiller stated that is what he would need to do, indicate that taxes had been paid on a business there, show receipts for that time period, indicate that he advertised, a letterhead or whatever. There are a number of ways that can be proved, but to date, she has not seen anything like that. Chairman Fricks asked if this had been asked for. Ms. Hiller replied that she had not asked for that at this point. She stated that he indicated that the reason that he wanted to rezone it to H-I is that he has a buyer who wants to do a junkyard business there and the buyer wants it rezoned to H-I. Commissioner Jennings asked what H-I, according to the ULDC, could include. Ms. Hiller stated that it could include a junkyard, as proposed, any kind of heavy industry, a landfill with a Special Use Permit. Typically H-I (Heavy Industrial), are the types of uses that require a lot of setback and a lot of space to keep them away from residential and other commercial type uses. Commissioner Bennett asked what was on the C-C parcel, and how did it become C-C. Ms. Hiller stated that it has a dwelling on it. Commissioner Bennett asked if this was Community Commercial. Commissioner Mayes asked what kind of side setbacks she was talking about, since she said it requires big setbacks and the property is rather narrow. Ms. Hiller stated that she did not have the code with her, but she thought that in H-I was 200' front and back and 100' on the sides. Commissioner Hufstetler stated that he was not sure he understood the answer on Commissioner Bennett's question. There is a dwelling on it, but how did it become Community Commercial? Commissioner Bennett stated that the adjacent property was C-C and that is what he is trying to find out. How did that get to be? Chairman Fricks asked if the metal building pictured in one of the photographs, was on this property. Ms. Hiller stated that the metal building and the cars are on the subject property, not the C-C property. The C-C property is developed with a dwelling. Chairman Fricks noted that the one with the metal building was zoned Agricultural Residential and the one with the dwelling was zoned C-C. Commissioner Hufstetler asked Ms. Hiller why she thought it was zoned C-C. She stated that she does not know. She had not done an investigation of that particular property. It is adjacent to the subject property, but it is not part of it. Commissioner Bennett stated that the H-I was zoned that way, only to place this tower on it. Ms. Hiller replied that it was to accommodate the cell tower. Commissioner Jennings noted that on the north side there was a single-family dwelling that has A-R (Agricultural Residential) and then Community Commercial. Ms. Hiller mentioned that the "T" on the Community Commercial indicates a manufactured home is located on that property. Commissioner Mayes stated that with the setbacks, he noted what seems to be approximately 100'. Ms. Hiller replied that was correct. The setbacks would be very difficult to establish on parts of the property.

Chairman Fricks asked, in a scenario where you do a rezoning on Heavy Industrial, he will have to meet the setback requirements in order to utilize the property. Ms. Hiller stated that he does for Heavy Industrial. He would have to meet the setbacks. Chairman Fricks asked if they went into the grandfathered-in clause, and he was existing use, would he still in that situation. If he wasn't asking for a zoning, and was just asking for a continuing use, would he then be required to do setback requirements? Ms. Hiller replied that is a gray area because what was proposed for the policy of allowing expansion of non-conforming uses, states that they have to meet setbacks, but it doesn't specify if they have to meet the setbacks of the zoning district where they are or the setbacks that would be appropriate for that use if it was in the correct zoning district.

Chairman Fricks asked if there was anyone present wishing to speak in support or opposition of this issue. Chairman Fricks explained the rules for Public Hearings.

SUPPORT

C. R. Blaylock, 9 Donley Drive, Rome, Georgia, stated that he owns the property at 360 Miller Mountain Road. He stated that he purchased the property in January, 1987, at a public auction. At that time, he stated to the people running the auction and the property owner, his intent to build a junkyard, sell used auto parts and do auto repairs there. At that time there was not building on it. Also, at that time, they sold the other pieces of property in front of it, the two five-acre tracts. Shortly after that he started construction on the metal building, and that first year, he put 125 cars on it. He has operated the business since then. About twenty or twenty-four months ago he had a fire there, which burned quite a number of cars and his tow vehicle. Since that time he has scaled back his operations there and is more into moving cars in and out. He stated that he has had several people approach him about buying the property to use as he has used it in the past. The problem with the zoning has to do with the actual zoning itself. In order to have car storage, you have to be in H-I. Auto repair falls into L-I. He stated that he has read the zoning and he does not care if it is H-I or not. He just wants to be able to operate the business as he has or have the opportunity to sell it to someone else that will operate it the same way. At one time he owned the land next to it that is zoned C-C. After he sold it, someone subdivided and sold it for people to put manufactured homes on. He stated that most of the people that adjoin the property came after his junkyard was there. Of all the people in the C-C, he had the junkyard there first. The owner in the front triangle next to the microwave tower, when he moved in, he stated that he would make a showplace out of it. Mr. Blaylock stated to the owner that he was next door to a junkyard, but he said that he would still make it into a showplace. He moved a lot of cars out of the way so that he (*the neighbor*) would have a view from the road, which he has absolutely no road frontage there, but he did that as a good neighbor. The other reason he bought this property is because it slopes away from the road and, with the placement of the building, you do not see any of the cars from the road. It is off the main road, which is another reason he bought the property. To him it is an ideal location to hide stuff, and that is what you want to do with junk, you want to hide it. Mr. Blaylock stated that he attends the Rome Auto Disposal Auctions here. Every two weeks they sell 300-325 cars, which is 6,000-7,000 cars a year, which are sold here in Rome. They have

to go somewhere. He asked that they approve this to allow him to either continue operating as he has or have the ability to sell it to someone else to do the same thing. He stated that, at the Planning Commission, several members of the Board wanted to know why it was zoned A-R to start with if there was already a junkyard there. If it was a junkyard to start with, why was it zoned A-R? One of the other men said (*at the Planning Commission meeting*) that all of these properties that are contrary to how they are being used and you get the continued use of it and grandfathered in, that he would like to see all of those people come in and get all of the property zoned like it is being used. Mr. Blaylock thanked the Commission.

Commissioner Hufstetler asked Mr. Blaylock if he said there is an auction every two weeks (*at this location*). Mr. Blaylock stated that it is in Rome and he buys cars there. He stated that there were 6,000 to 7,000 cars a year sold at the insurance auction, plus all of the backyard cars. They have to go somewhere. There is a need for a place like his in Floyd County. Mr. Blaylock stated that the best part about his junkyard is that it is not on the main road and people that drive by that area really do not see anything. At this time he is down to about three or four cars out front and all of his other cars are behind the building. He stated that he had been a good neighbor, up until this year, because he has been busy doing some other things which he said he would not go into since they do not have anything to do with his business.

Chairman Fricks asked how many cars he currently has. Mr. Blaylock replied that he has about 80 cars there and the maximum number of cars he has had there was 250. At that time he crushed 150 of them to get down to 100. He stated that he tries to keep it between 100 to 150 to 200 cars. He moves them in and out. It is like a used car lot. You don't sell very many 60's and 70's model cars now; therefore there is not a need to have them in the junkyard. You have to move those out, send them to the crusher. You deal primarily with 3 to 15 year old models of cars. He stated that he currently had marked another 20 cars that will be moved out. Two months ago, he had 30 of them crushed. They were hauled out of there and crushed at another location. Commissioner Mayes asked if he hauled them out to be crushed or had the crusher come in. Mr. Blaylock stated that he hauls them out to be crushed. One of the interested buyers was a car crusher and that is what he wanted to do there. All he was going to do was crush cars there. Mr. Blaylock stated that he told him that he did not think it would go with the neighborhood because there would be a lot of traffic in and out. The way it is used now is, primarily he sells mostly to the automobile repair places in town. He has sold a lot of engines and transmissions to the Honda dealership and to the Chevrolet source. He stated that he has a lot of customers who are out of town that call him for parts because he deals primarily in Honda's, Toyota's, Volvo's and that type, mostly foreign cars. Commissioner Bennett asked Mr. Blaylock if he had said he had 80 cars on the site now. Mr. Blaylock stated that now he has 80 cars. Commissioner Bennett mentioned that the three cars up front are not representative of ... Mr. Blaylock stated that if you look at the place, you can't see any cars except what is in front and that is one of the reasons he bought the place, because the land falls away from the road and it is not an eyesore.

Commissioner Jennings stated that the question he had asked Ms. Hiller was whether he can demonstrate continuous use of this property for his business. He asked Mr. Blaylock if he had the documentation that could be shared with them. Mr. Blaylock stated that was the first he had heard of that and he could not hear a lot of what Ms. Hiller said from where he was sitting in the room. Mr. Blaylock stated that the last tax bill he had is 2002. Commissioner Jennings asked if the tax bill was sufficient. (*Ms. Hiller's comments were not audible.*) Commissioner Jennings did not hear the reply and Chairman Fricks stated "typically, yes." Commissioner Mayes asked Mr. Blaylock if he had crusher receipts or car purchase receipts. Mr. Blaylock stated that he clears all of the titles and the state requires him to keep records of everything he does and he has those at home. At the last insurance auction here in Rome, this last week ago Thursday, he bought six automobiles. He stated that he has sold a complete car out of the yard to another rebuilder about two weeks before that and hauled it out. Commissioner Bennett asked if he had hauled any of those in that he bought. He stated that he was just trying to establish that he is continuing to do business, which would qualify him under the grandfather. Mr. Blaylock stated that he was there yesterday removing parts from a 1994 model car and delivered them to an individual.

Mr. Blaylock stated that this is his personal storage area and he deals mostly with licensed people or businesses. He has very little general retail trade because he was doing that quite a bit and found that he could not get away from there. He was there constantly so he got into another phase of the business in which he buys and sells wrecked automobiles. He also rebuilds them and then sells them. He is licensed by the State of Georgia. Commissioner Bennett asked if he was doing that at this site. Mr. Blaylock replied that he does some of it there and some of it is done at other locations. The ones he rebuilds, he takes to body shops. Sometimes he will buy three cars, build two out of it, buy three cars, build one out of it, and extra parts go to this location. Commissioner Bennett asked if he had been moving cars in and out, and just had not been running a retail business. Mr. Blaylock replied, "yes."

Commissioner Hufstetler asked about the C-C (Community Commercial). Mr. Blaylock stated that it is interesting that down the road from there, around the curve, the C-C in the bottom corner on the map has only been done in the last two or three months and there is a manufactured home there. The property was put up for sale and the next thing he saw, there was a request for rezoning. So that had been rezoned some time this year. When he was making this application, he pointed out to Mr. Helton that there was a manufactured home there. He asked, why is it Community Commercial? Mr. Blaylock noted the area where everybody had moved in after he started this business. He stated that he thinks there are only one or two individuals that are living in the area that were there when he started this. Commissioner Hufstetler asked if he knew of any reason why it would have been that way. Mr. Blaylock stated that the man that subdivided that, had 17 acres and he divided it into five lots and sold it and he thinks there are five mobile homes there. Commissioner Hufstetler asked about the other property zoned C-C and asked what the property was used for. If it came before the Board, he did not recall it at this time. Mr. Blaylock stated that the Request to Rezone sign was in the curve some time this year and it did not pertain to him, so he did not look into it.

Chairman Fricks asked what prompted Mr. Blaylock to go through the zoning change. Mr. Blaylock stated that the man that was interested in buying, that he really wanted to sell to, wanted it primarily to store older model automobiles. He deals primarily in 50's and 60's models cars and he has approximately 200 of them and he was going to use that facility to store the cars and then he was going to put in a repair shop to start rebuilding and restoring them. Anytime you start on a '55, '56 or '57 Chevrolet, you have to have three or four cars just to get one out of it, because of all of the parts you have to find and you wind up with a lot of leftovers.

OPPOSITION

Calvin Smith, 512 Miller Mountain Road, which is just down the street from where they are talking about. He stated that he had a petition signed by people in the area requesting the Board to deny the application for rezoning. He has been living there since 19... , they have had the property since 1985 and he goes up and down the road all of the time and he has probably seen somebody at the location maybe twice or three times in the time that he has been there that he can remember. He stated that he does know that some of the property being rezoned on Booger Hollow, he called on and it was going from commercial back to agricultural. He did not know if that was what was discussed. He said the reason he is here, is he went out Sunday and talked to some of the people that live directly on Miller Mountain Road. Mr. Banks told him he was pushing 70 years old and he may not even live too much longer, but he said he would like to keep the land the way it is for his children. He went to Mr. Duke's house, who grows a garden every year, and asked him how he did that. The reply was "hard work, hard work." He was one of the first to sign the petition. He went next door to his neighbor, who was mowing his grass, keeping his house as neat and orderly as he can, and "when he opens up his door and looks across the street he will see a junkyard. How many of you want a junkyard in your backyard?" He doesn't think many of them. He stated that he had seen four or five cars there, but he was in Baton Rouge, Louisiana this morning working and it meant enough to him for the old people that live on that street and the way they think of that property to fly home to be here. He stated it is not right to sit there and listen to this. A junkyard in your backyard. He does not think so. "You don't want it, you wouldn't even want it in your business area." The only reason he (*Mr. Blaylock*) wants that junkyard there is so he can sell it and make a big profit. "Once it is zoned, then they can do anything they want to with it, and you know it." He stated that it is not right and you better reach down in your heart and you better think of those people out there on Miller Mountain Road and the people who signed the petition, and you better deny it. Mr. Smith stated that was all he had to say. (*Comment made away from microphone was not audible.*)

John Banks, 532 Miller Mountain Road, stated that he is hard of hearing and could not understand most of what was said, but he did understand Mr. Blaylock say that those cars that were there previously were not viewable from the road, but clearly they are according to the photograph which was shown. You can see the cars there and they will be an eyesore as Mr. Smith mentioned. As it has been in the past, it has not been too

bad as a salvage yard, a junkyard so to speak, as far as the looks, but if it gets any bigger, it will be something similar to the junkyard which is on Booze Mountain Road now, behind Floyd College and he is pretty sure that all of the Commissioners and what the people have seen, that view, is just not a healthy place to have a residential area. There are places. He is in that business and that is good, everybody has to be in business of some type or another and they have to dispose of these cars. But, there is a place for everything and those cars, junk salvage, junk whatnot should be off in a remote area, not in a residential area, such as Mr. Duke who has lived there over fifty years. He had lived on Highway 27 and had to move because of improvement on the road so he came up there. He built a new home across from the location in question and this is going to be right in his front yard. As far as no houses being...he believes Roland Justice and Mr. Blaylock originally opened this business. He did not know if Mr. Blaylock was the original owner or not. There were many people there, there were a bunch of houses prior to the junkyard being put there. Mr. Banks stated that he appreciated their consideration in denying this request.

Commissioner Hufstetler, referring to the picture Mr. Banks had talked about, asked if a particular area was the boundaries coming in or how wide is the... Mr. Banks stated that Miller Mountain Road is the white line at the bottom of the picture, and to the left is the building and the cars that are obvious from the road. Commissioner Hufstetler asked where the driveway was that would come into the property. Mr. Banks replied that it was slightly to the right. Mr. Banks said there is an old house which has been there 70 years or more that is diagonally across the street from there. An older gentleman and his wife live there. Mr. Banks stated that the driveway is slightly to the right. Commissioner Bennett asked if it was shown as the dotted line, so you are coming into a rollup door to the side of that building. (*Comment from audience was not audible.*) Commissioners Hufstetler and Bennett asked where the cars were located. Mr. Blaylock stated there were four or five sitting at a location he pointed out to the Commissioners and mainly the cars are to the rear and really the only place you can see it is from left to right, coming up the hill. You will see some of the cars behind the building, but you will not see any other than what is in front of the building, because the building hides them. He stated that usually the broom sage is up pretty high and you can't see the cars from the road. He noted the area of property that falls away from the road. Mr. Banks stated that it is obvious from the road. Mr. Blaylock replied that, yes, you can see the ... Mr. Banks stated that before the fire you could see a bunch of cars. Mr. Banks stated that if it gets to the point where it looks like, [he believes Mr. Otting owns it] the junkyard on Booze Mountain Road, and he is sure that everyone has driven by there and they just don't want that out there period. There are over 50 something people's names on the petition and they do not want it out there. Everyone he talked to out there said "no, please don't. Go up there and get a petition to try to stop it." One person, only one person that he contacted, refused to sign it, and whether he was for or against, he did not know, but he did not sign it. But, everybody else was opposed, they said, "Please try and stop it," and that is what they are trying to do. Mr. Banks stated they are asking for their (*Board's*) consideration.

REBUTTAL

C. R. Blaylock, 9 Donley Drive, stated that the only thing he would say is that Mr. Hughes built his house after the junkyard was there. He had hired Mr. Hughes several times to bush hog his property. That was when he lived down on Highway 27. He knew that he had a junkyard there. Everybody that moved in next door to it knew that he had a junkyard there. It is like the man next door to him who said he was going to make a showplace out of his place, right next door a junkyard. He moved 30 to 40 cars out of the way to be a good neighbor. He thinks that the last man that spoke indicated that he (*Mr. Blaylock*) was somewhat of a good neighbor because he did keep most of the cars out of the way. The other thing is, it is just like the people on the Zoning Board said, it doesn't matter, it is grandfathered in. He operated a junkyard there, he can continue to operate a junkyard there, he can sell it to somebody else who can operate a junkyard there. To him, that is the silly part, why was it zoned A-R to start with, if he had a junkyard there to start with, why did they zone it A-R?

Commissioner Bennett asked Ms. Hiller if she had stated that there will be a 500' front and rear setback on this property, if it is Heavy Industrial and the side lot setback also. Ms. Hiller stated that in the H-I zoning district, the setbacks are 100' on the front, 200' on the side and 200' on the rear. Under automobile wrecking or junkyards, it states that no activity shall be conducted within 100' of any property line or 200' of any property zoned or used for residential purposes so there would probably be some additional setbacks. Commissioner Mayes asked if there was any reason for the Planning Department to establish continued use. Ms. Hiller replied that in a case like this, it is a difficult thing for the staff to make recommendations. They typically defer to the County staff to make that determination in this case because their (*the County*) policy is different from the adopted code. So usually they submit whatever they have to Sammy or have the person talk to Sammy and he makes that determination. Commissioner Mayes asked what the code says. Ms. Hiller replied that the code says that you cannot expand a non-conforming use. County Manager Kevin Poe asked if she was saying that this could be handled administratively. Ms. Hiller stated that she is saying that if he just wants to expand his use and he can present evidence to Sammy that it is an established and standing use, in other words there has been no gap in that use, then he could expand it anyway. The gray area is the setbacks. Chairman Fricks asked the definition of expanding. If it is a junkyard, if he is adding an additional car, he would have to ask for a new reading every time he adds another car. Ms. Hiller stated that again, there is some gray area. There is the same thing about whether a junkyard, as long as there are cars there, is a junkyard or does it actually have to have cars coming in and out to be a junkyard? Junkyards tend to be there forever in terms of the cars being there, but whether that is an operational business or not is probably not a good question. Assistant County Manager Sammy Rich stated to Ms. Hiller that what they are talking about is the use of the County's Non-Conforming Uses Amendment, and that is sort of the gray area. That is the issue, if the use wants to stay there today, that is fine, but at this point there hasn't been any kind of request of the County. Those have been reviewed case to case. Chairman Fricks suggested that if it is not understood what the policy is intended to do, the minutes should be pulled because it is very well defined in the minutes. Ms. Hiller replied that was true, but right now that is not what the code says and that is why the staff

of the Planning and Zoning Office has asked Sammy or Kevin to make the determination on those cases until such time as that amendment can be adopted. Chairman Fricks asked if Ms. Hiller had reviewed the minutes. "If you don't understand the policy have you ever reviewed the minutes?" Ms. Hiller replied that she was there when the policy was passed. Chairman Fricks stated "on the third shot." There were three times that it had been passed. Ms. Hiller stated that it had never been passed as an amendment, what you are discussing is actually the policy. Chairman Fricks stated that the thought their intentions in the minutes reflected, he had reviewed them just the other day, is very well defined in their intent. Ms. Hiller stated that she is not debating that, she is saying that they leave that determination up to Sammy and Kevin to make because it has not been adopted as an amendment to the Code. She stated that in this particular case, the reason the gentleman came in and asked for rezoning is because he wanted to sell the property, that is how he stated it at the time and he wanted it to be rezoned. Commissioner Jennings asked if there is a different owner and he is grandfathered in the current use, is the new owner grandfathered in with the current use. Ms. Hiller replied, "right, that would be the case." Commissioner Jennings stated that the current use would be defined at the level that it is being used today. Ms. Hiller stated that was correct. Commissioner Jennings stated that when he said "at the level", that probably means the number of cars that are there or what. Ms. Hiller replied, the number of cars, the amount of area that is currently being used for that use. Commissioner Hufstetler asked if that was the cars that have ever been used or cars on Thursday of a certain month. County Manager Poe asked if they walked to the back of the property this evening, they would find 80 cars back in the woods and at one point there were as many as ... He stated that the thought that if someone came to them and said it was non-conforming use, that would be the evidence there. Commissioner Hufstetler said to Mr. Blaylock, when he is asking about rezoning it to Heavy Industrial, if it is zoned to Heavy Industrial there are a lot of other applications that could be done beside a junkyard. Commissioner Hufstetler stated that he knew that was not what he is asking, but he is trying to explain why you might grandfather something in so that you can continue your present, but might not... say we are going to change it to Heavy Industrial, where with a Special Use Permit you could operate, say, a crematory or something. Mr. Blaylock stated that his question with the zoning rules, *(remainder of comment not audible)*. Commissioner Bennett stated that basically what he is trying to get at is, with all of the setback requirements, we already got into that once when a guy came in requesting something to be rezoned to fit it inside of the limits of what they say you can do. He wound up with a postage size piece of ground and he can absolutely not use it for what he intended to use it for with the new zoning and he thinks you will find that same situation. With this piece of property, if it goes Heavy Industrial, he does not think he *(Mr. Blaylock)* can use it for what he wants to because of the setbacks. *(Comments by Mr. Blaylock from the audience were not audible.)* Commissioner Bennett stated that was another issue. That is what it is and he does not disagree with him. But he is saying that is what it is and if it is zoned for that, in order to be able to use it as an auto storage yard. People call '55 Chevrolets junk until they start paying \$45,000-\$50,000 for them. Not many weeds grow around them when they are fixed. With the setback requirements which he *(Mr. Blaylock)* will be restricted with, unless he gets a variance, which he does not think would ever happen if it was zoned Heavy Industrial, he does not think he could use it at all. It seems to him that the

grandfathering in is the way he needs to go. It preserves the character of that neighborhood in the future. If it ever shuts down or whatever happens, if it ever ceases to be used for that, it reverts back. Or, we either run this man, or his successor, out of the junkyard business. You have to clean that up and you can only sell it to somebody that is going to put a house on it, or you can continue to operate the business. County Manager Poe commented that they were saying that he could continue using that property as is, because of being grandfathered. Commissioner Bennett said, "don't say that I said that," but that is what it sounded like to him, but he is not sure. County Manager Poe stated that if he wants to continue using it as a junkyard, there is no need to go through a rezoning request, but from a standpoint, and he thought that Commissioner Hufstetler had made this point, he is asking for it to be H-I but if you (*the Board*) approves for it to be changed to H-I, there is a lot of other things that can be put on it. Commissioner Hufstetler stated that opens it up to a lot of other things and he does not think they want to do that. Commissioner Bennett noted on the map that he has 100' setback on the front, is that right, 200' on the rear, which is not real significant, but when you get to the side lot setbacks with other considerations of junkyards, you might hardly even have room for a road to get back to the back side if you were carrying a junk car back there. He stated that he understands that it is not helping him. (*Comment from audience was not audible.*) Commissioner Bennett stated that he did not know why they were in Heavy Industrial either. Commissioner Jennings asked Ms. Hiller if there was not a repair shop now, then if it stayed grandfathered, he could not build an auto repair shop there. (*Ms. Hiller's response and question/comments from the audience were not audible.*) Commissioners Jennings and Bennett replied that was a different issue. Commissioner Bennett also stated that he did not know, they would have to ask them (?). Chairman Fricks stated that he is bringing up a question, when we refer to setbacks, when he thinks about a setback, he thinks about a structure. They had talked previously about a setback for parking and whatever. When you go to residential and you have a setback, that does not mean you cannot utilize that land, or put your driveway through it, but it means that you can't build your house on it. He stated that he guessed that they are starting to define setbacks as where you can't park a car. Commissioner Bennett and County Manager Poe stated they were now called buffer areas. Chairman Fricks stated that he wished they would get a better definition on that too. He stated that he is a little confused on that. Commissioner Jennings stated that when you are talking about Heavy Industrial use and you read through the list of the kinds of things that can go into Heavy Industrial, you probably do want to have a 200' setback. Chairman Fricks agreed with Commissioner Jennings comment, but said that would be a structure. Commissioner Hufstetler asked what they needed to do at this point, there are probably the votes to just say we will let it continue its present operation, but there are not the votes to go Heavy Industrial on this site, so do we even take any action? Commissioner Bennett stated that he is wondering if they take any action or leave it alone and asked if there was direction from someone. Assistant County Manager Rich stated that he did not think there was any need for rezoning action. The bottom line was that he can continue the use. If someone comes to request an addition, it goes back to the non-conforming uses amendment and this is where we look at it on a case-by-case basis. That is where they make a judgment call. That has encouraged a strict rezoning question, does it appear to be in the best interest for continued use? Commissioner Mayes asked, even if he sells it, can the new owner

continue the use? Commissioner Jennings stated that he did not know if the residents there understood that the Zoning Code was adopted in December, 1998 and uses that existed prior to the adoption of the Code, as it appears this junkyard was being used before 1998, basically, we can't say that he can't continue the use. So the use gets grandfathered in. So we can't deny the existing or continued use, but we can take a look at any sort of zoning changes.

Ed Duke, Miller Mountain Road, stated that he had lived on Miller Mountain for 39 years and the Mr. Duke mentioned earlier is his Dad. He stated that he realizes that this junkyard started before the zoning and it is not a pretty picture, but there is other things over that way that are not that pretty too. They have just lived with that and understood that it was there, but when Mr. Blaylock had the sign put up for Heavy Industry, it was like he was waving a red flag. He had mentioned several times about maybe selling. Once he sells, if somebody else has it and it is zoned Heavy Industry or what, they do not want like the Ottings over there. That is what the people are mainly concerned about. Commissioner Jennings stated that they echo that concern.

(Speaker not audible) If it were to be grandfathered in and he sold it, is the next purchaser grandfathered in automatically. Commissioner Hufstetler stated for its present use, not for other uses. She asked if it would be larger or just like it is now. Commissioner Mayes mentioned getting someone to police that. Chairman Fricks stated that he understood that it could be larger. Commissioner Hufstetler stated that at some point there have been 200 cars and 80 cars at another point, he does not think that if he sells it and it has 50 cars that does not mean that he could not put 51 cars there. Commissioner Jennings stated that 1,000 or 500 cars, because of historic use would be problematic. Commissioner Mayes stated that he thought expanding use would be expanding onto other property, if maybe he bought more adjacent property. County Manager Poe stated that he could not go on adjacent property, but within that piece of property, he could go back to having 200 vehicles. Chairman Fricks stated that in reverse, he would refer back to, if they said there was a residence on the Community Commercial, if you didn't grandfather the use in, it would be like them *(the Board)* coming in and telling those people they would have to move out of their home and build a business there. You have a residence and someone lives there and it is zoned Community Commercial. If they did not grandfather in the use on that Community Commercial because it is zoned that way, we basically tomorrow could walk in there and say you are not zoned properly and you have to move out of your house. Commissioner Bennett stated or tear it down, it does not conform. Chairman Fricks stated that what they are trying to give is continued rights, they do not feel that zoning needs to put people out of business or move them out of their homes or different scenarios, we are trying to fix what the problems are when they were originally identified. Commissioner Bennett stated that he thought their concern about Heavy Industrial zoning, which is what he is trying to communicate to them is that, he does not know if they really want heavy industrial. *(Comment from the audience was not audible.)* Commissioner Bennett responded that was another issue, but he sees what they are trying to do, and understands all of the residents point. They would read down the list of what is allowed in Heavy Industrial and some of it would be less acceptable than what is there. He stated that he

could understand their concern. There are loud noises from manufacturing, all kinds of things in Heavy Industrial, which would not be allowed unless it were rezoned. Commissioner Bennett stated that he understands their opposition to having it zoned Heavy Industrial, because he did not think it was in the best interest to do that. That would dramatically change its ability to be used for something else which would be even more unsatisfactory, say that somebody is trying to be a good neighbor, hopefully, and cooperating with everybody and got a piece of ground that is not obvious if you get the cars out of the front yard and get them behind the building and cut the grass and make it look nice, that is not a house, but it would be better than what could be put in there in Heavy Industrial.

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

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

Motion Carried

Commissioner Bennett asked what were their options. Commissioner Hufstetler stated that they were agreeing that if you meet the requirements, you are grandfathered in, but that you can't change its use to something else Heavy Industrial. Chairman Fricks stated that they could take action to deny the Heavy Industrial. Commissioner Bennett asked Ms. Hiller if they needed to take action on this to get it off the plate or will it be hanging there in limbo. Chairman Fricks mentioned that he would still have the opportunity to operate under the grandfathered-in clause. Chairman Fricks called for a Motion. MOTION was made by Commissioner Bennett to **deny** the request. SECOND by Commissioner Jennings.

Commissioner Hufstetler asked the County Attorney if that is the right way to do this. County Attorney Tom Manning stated that they could allow him to withdraw with or without prejudice, it is their discretion. Commissioner Mayes asked Mr. Blaylock if he wanted to withdraw the request. (*Response by Mr. Blaylock and another member of the audience were not audible.*) Commissioner Jennings responded that, if it is not for a 12-month period, if it is not used in its current use, then it reverts back to Agricultural Residential, which leads to his question earlier to Mr. Blaylock if he could document or prove that he has had this in continuous use as a junkyard for 12-months. He further stated that, if it is not used as this junkyard for 12-months then, it does revert back. Commissioner Mayes stated that as long as he has cars there, he understands that it is a junkyard. Commissioner Hufstetler stated that there was a Motion on the floor and asked if it needs to be withdrawn and have him withdraw with or without prejudice. County

Attorney Tom Manning stated that the Commission needs to either approve, deny it, or allow him to withdraw it, if they take no action, he does not think that is one of the options. Commissioner Mayes asked what the Motion was. Commissioner Hufstetler stated that the Motion on the table was to deny, but he asked if they could withdraw it. Commissioner Bennett withdrew his MOTION. Commissioner Mayes SECONDED the withdrawal. Commissioner Hufstetler stated that he would prefer to withdraw it without prejudice if the applicant was willing. Commissioner Jennings stated that the issue is for Mr. Blaylock to officially withdraw his request. *(Comments from the audience were not audible.)* Commissioner Hufstetler asked if the Board approved it or does it have to go back to the Planning Commission. Assistant County Manager Sammy Rich stated that they approve it either with or without prejudice, and he thought that in this case “without” would allow the owner or a future buyer to come back at another point. Commissioner Hufstetler made a MOTION to **accept his (Mr. Blaylock’s) withdrawal without prejudice**. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

FILE #33-2003Z, 74 DAVIS STREET, REQUEST TO REZONE FROM H-TR (HIGH DENSITY TRADITIONAL RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL), TO INSTALL MANUFACTURED HOME. (PLANNING COMMISSION RECOMMENDATION: APPROVAL [VOTE – UNANIMOUS])

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Mayes. SECOND by Commissioner Hufstetler. 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 issue. Bob Moss stated that he was there in support and would speak if there was any opposition.

There being no one present wishing to speak in opposition MOTION was made by Commissioner Bennett to close the Public Hearing. SECOND by Commissioner Mayes. Chairman Fricks asked if the Commissioners had any questions for Ms. Hiller. There were no questions. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing was closed and he called for a Motion. MOTION was made by Commissioner Hufstetler to **approve** the request to rezone from H-TR to S-R. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

FILE #34-2003Z, 1689 OLD SUMMERVILLE ROAD, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL), TO CONSTRUCT DUPLEXES. (PLANNING COMMISSION RECOMMENDATION: APPROVAL [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 wanting to speak in opposition or support. Since the Planning Commission's recommendation was unanimous, it was felt that a presentation by Ms. Hiller was not needed. MOTION was made by Commissioner Bennett to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler

" Mayes
" Jennings
" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. MOTION was made by Commissioner Mayes to **approve** the rezoning request from S-R to D-R. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler

" Mayes
" Jennings
" Bennett

Chairman Fricks

Motion Carried

FILE #36-2003Z, BLANKENSHIP PLACE OFF SHORTER AVENUE, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL) TO USE AS CAR STORAGE YARD.

(PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – 7–1])

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 wanting to address this issue in either support or opposition. Assistant County Manager Sammy Rich stated that he had received a written notification from the applicant today that they wish to withdraw this without prejudice. In light of the Planning Commission findings, they would like to resubmit under a different zoning classification.

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 **allow the applicant to withdraw without prejudice**. SECOND by Commissioner Jennings. Chairman Fricks noted that he thought this property had been used for some type of trailer storage in the past and could also possibly have been grandfathered in. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

FILE #38-2003Z, 5561 NEW CALHOUN

**HIGHWAY, SHANNON, REQUEST
REZONING FROM H-I (HEAVY
INDUSTRIAL) TO H-C (HEAVY
COMMERCIAL).**

**PLANNING COMMISSION RECOMMENDATION:
TABLED [VOTE – UNANIMOUS]**

No action was required on this item.

**FILE #40-2003Z, OLD SUMMERSVILLE ROAD,
REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL),
TO CONSTRUCT TWO (2) DUPLEXES.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE WITH CONDITION THAT THE
PROPERTY ONLY HAVE TWO UNITS [VOTE 7-1])**

Commissioner Mayes made a MOTION to open the Public Hearing. SECOND
by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone present either in support or opposition
of this issue. There was one person in support of the item. 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

Commissioner Hufstetler made a MOTION to **approve** the rezoning request from S-R to D-R **and accept the Planning Commission's recommendation that the property only have two units.** SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Fricks asked if there were any appointments. Clerk Michele Fountain stated at the Agenda Session **Robert Noble** had been recommended for appointment to the **ULDC Board of Adjustments and Appeals**. The Agenda Session recommended **Debbie Burnett** for the **Board of Family and Children Services**. Chairman Fricks called for a Motion on those recommendations. MOTION was made by Commissioner Bennett to accept the recommendations. SECOND by Commissioner Hufstetler.

VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

REQUEST FROM STAR HOUSE FOR INCREASE IN PER DIEM.

Deferred to next meeting.

The Manager's report was moved due to the Manager having an appointment elsewhere.

MANAGER'S REPORT.

**AWARD BID FOR TWO (2) 30 YARD
ROLL OFF CONTAINERS FOR
RECYCLE CENTER.**

County Manager Kevin Poe stated that sealed bids were taken and Nancy Lam recommended that the bid be awarded to Best Pack for \$6,940. This is the lowest bid that meets specifications. He recommended that they accept the recommendation of the Purchasing Director and award the purchase of two (2) 30 Yard Roll Off Containers to Best Pack for \$6,940.

Chairman Fricks suggested taking action on items one through three on the Manager's Report at the same time.

**REQUEST FROM EMERGENCY
MANAGEMENT TO REPLACE BASE
STATION AT COST OF APPROXIMATELY
\$5,000.**

County Manager Kevin Poe stated this is request from Emergency Management Director Hugh Atkins. They have lost the low ban Base Station on Mount Alto which is used Emergency Management and requesting that their budget be amended to approve the purchase of a new Low Ban Base Station for an approximate cost of \$5,000. Chairman Fricks asked how it was lost. County Manager Poe replied that it had just quit working several months back, due to age and lack of parts and it cannot be repaired. Lightening had also gone in on the other station, making it inoperable.

**DISCUSS REQUEST FROM KEVIN
EVANS FOR JOINT USE OF OVERFLOW
PARKING LOT AT BASEBALL STADIUM.**

County Manager Kevin Poe stated that it had been basically decided that they would work with the Evans to come up with some language and a proposed plan to add to the deed as a supplemental agreement when the property is actually deeded to us for East Overflow Parking Lot. No action was necessary for this item.

Chairman Fricks called for a Motion to approve items one and two on the Manager's Report. MOTION was made by Commissioner Hufstetler to accept the Manager's recommendation on items one and two. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett

Chairman Fricks

Motion Carried

**APPROVE EMERGENCY SERVICES
CONTRACT WITH GEORGIA
CORRECTIONAL HEALTH, LLC
FOR INMATE MEDICAL CARE AT
THE FLOYD COUNTY JAIL AND
FLOYD COUNTY PRISON.
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe requested that this item be added to the Agenda. Commissioner Mayes made a MOTION to add this to the Agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

County Manager Kevin Poe stated that during the Caucus Session he had submitted to the Commissioners a document entitled Emergency Proposal for Inmate Health Care, Floyd County Jail and Correctional Institute. He recommended that they approve entering into an agreement with Georgia Correctional Health, LLC as detailed in the proposal submitted. Basically this will be for annualized cost of \$1.95 million for \$162,000 per month. There is an aggregate cap on outside medical care of \$250,000. The monthly invoice will be \$162,500. They will provide complete medical services for both the Jail and Correctional Institute, or what we call the Prison. This will be a turnkey situation with totally privatized inmate medical care. He stated that this would be contingent upon the attorney working with Georgia Correctional Health to review and recommend a contract that meets the requirements of the County Attorney. County Manager Poe stated that Dr. Carlo Musso, President of Georgia Correctional Health, LLC, is there if anyone has any particular questions. County Manager Poe stated that Dr. Musso had been there most of the day, had to go back to Atlanta for some business and then came back. They are planning to go to the Jail at 8 o'clock and start meeting with employees of the Medical Department to inform them of the action that is being taken this evening. County Manager Poe stated that basically the plan of Georgia Correctional Health, LLC is that the County is compiling information about what each employee makes and to keep them at the same salary. They do have a full benefits package that includes a private form of retirement plan through IRA and they have health benefits and

other benefits available. They (*the employees*) would be on a 90-day probationary period, where they would evaluate them to determine if they remain or not. Commissioner Jennings stated they have a psychologist who supervises mental health components and a counselor who actually does the day to day work and he asked if they would be eligible to continue. Dr. Musso replied, “absolutely.” Commissioner Jennings stated that County Manager Poe had mentioned that they have a Staff Psychiatrist and that definitely is appealing to him as far as insuring that we have adequate coverage and professional people overseeing the medication and the psychiatric services. Dr. Musso stated that they look forward to working with the mental health staff that is currently on site. He stated that he thinks the Staff Psychiatrist will augment the prescriptive team that is currently there. Commissioner Jennings stated that at the current state they had a family practitioner who was signing off on the psychotropic medicines and they need more professional coverage there, so that is a real plus. Dr. Musso stated that would even make him a little uncomfortable as a physician. Chairman Fricks asked the length of term on this contract. County Manager Poe stated that it was set up initially as an emergency service contract and is on a month to month basis. He stated that they fully understand that before they go out and retain anybody on an annual contractual basis that they have to go through a competitive process and they understand that they are coming in under those conditions. They have done background checks and checked references. They are starting in Athens/Clarke County July 1st also and recently took over the Carroll County facility and they already have Clayton, Henry, Rockdale and ten jail and correctional facilities in north Georgia. He noted that this is a Georgia based company. Dr. Musso stated that they are gearing up and looking forward to providing the inmate medical care here. They do this full time, that is their only job they currently do as a company and are very specialized and prepared to come in and help out in the Jail and the Prison. MOTION was made by Commissioner Mayes to approve the Manager’s recommendation. SECOND by Commissioner Hufstetler. It was noted that County Manager Poe, Larry Johnson and Dr. Musso would meet with as many of the employees as possible tonight and were attempting to contact them all as quickly as possible to inform them of what is going on. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

County Manager Kevin Poe left the meeting at this time.

**DISCUSS INTEGRATED STORM
WATER MANAGEMENT AGREEMENT.**

Assistant County Manager Sammy Rich stated that this is a recommendation to allow the County to participate with the Coosa Valley Regional Development Center. In March of this year we had to submit our Notice of Intent as Floyd County became one of the regulated communities under the National Pollutant Discharge Elimination System or the NPDES Phase II as it is called. Basically what Coosa Valley Regional Development Center is looking at is similar communities and that to comply with this, so it makes the logical choice for them to oversee this process and act as the local resource center. There will be a funding commitment for the County and approval of this would entail us to commit funding up to almost \$11,000 for three years and the funding would begin in July, 2004. This is a Section 319(h) grant application, which would support our activities. Coosa Valley Regional Development would act as the resource, they would help do our training. We could send staff to the RDC for training. They will be the local center and create a public education video for the North Georgia region so it could be custom tailored to the issues we face from here to Dade, Catoosa, those sort of counties. He stated that this is basically a regulated thing, but is the more logical way for it to be addressed. Commissioner Jennings stated that it makes sense to do this on a regional basis and certainly the City of Rome is a part of this. Assistant County Manager Rich stated that initially counties were contacted within the RDC district, depending on what cities participate that will determine the amount the approximate \$11,000 cost will be reduced. This is just saying that we will fund no more than the \$11,000 annually. He stated that ideally everyone would get on board, since if you have to do this, why not have everyone on the same page and do the same program? Commissioner Bennett asked if we would we sign on to accept all recommendations of that group or would we have any flexibility if we happen to notice something in their requirements, regulations, ordinances or whatever that we say that this does not apply to Floyd County? Assistant County Manager Rich stated that was correct and that what they had submitted in March was our Notice of Intent, basically saying here is what we are going to do and how we are going to address these elements. Once the RDC develops their additions and/or deletions, it may be that some of those do not fit Floyd County, maybe some do, training aspects, things like, additional BMPs that the County wants to use. We have the option of amending our NOI to include those. Commissioner Bennett asked if the County would be required to get their approval to do that, or if this is a guideline for us to adopt. Assistant County Manager Rich stated that we are basically buying in to let them help us.

MOTION was made by Commissioner Jennings to approve joining the Integrated Storm Water Management Program sponsored by the Coosa Valley Regional Development Center. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE

DISCUSS MODIFICATIONS TO TAX BILL.

Commissioner Hufstetler, Committee Chairman, stated that there had been questions at the last meeting regarding cost and deadlines. He stated that apparently the cost will be no different by adding this and we would still meet the deadline. The modifications would simply give more information. It will be broken down such as, General Government, Tax Administration, Judicial, Sheriff's Operations, Recreational Authority, which would not mean that the Recreational Authority would set their own Millage rate, it will just simply be giving information concerning what the Millage rate is. The Millage rate will still be set by the Commission. He stated that County Manager Kevin Poe had stated, and Ladell Jacobs and Nancy Lam, who have been working on this, that they would need to proceed by the end of this month. Commissioner Bennett stated he (*Commissioner Hufstetler*) was basically stating that this would be more informative at no additional cost to do that and that makes a lot of sense. Commissioner Jennings asked if this was the most effective way for them to inform the citizens of Floyd County as to the cost of those operations. Commissioner Hufstetler stated that he thought that in the past, and he was not sure when it was taken off, there was a pie chart, but the feeling is, from discussions, that having it in a line item form would be easier to read than the previous pie charts that tried to spread it out. Commissioner Bennett stated that it would be nicer if the Millage could be converted to dollars also in that same line. He stated that people understand dollars better than Millage. Commissioner Hufstetler mentioned dollars per thousand. Commissioner Bennett stated that if a man's tax bill came up to \$1,000, you could give a breakdown of the dollars in those categories rather than so many Mills. He stated that he did not mean to make problems for the program. Commissioner Hufstetler stated that he was not sure that could be done this year. Chairman Fricks stated that had been done one year in the progress ad. They took an average \$100,000 house and showed how many dollars on the tax bill was applied to each service area. Commissioner Bennett stated that he only pointed this out in the interest of helping people to understand in dollars and cents what each segment of the government cost them. Commissioner Jennings stated that he is wondering if that doesn't confuse the taxpayers as much as inform them. He stated that he totally agrees about informing the taxpayers of the cost of the different operations, he just wonders whether there is a better venue to do that as opposed to putting it on the tax bill which, at least in the past, has confused taxpayers. Commissioner Hufstetler stated that, as was mentioned by Chairman Fricks, we have done that in ads. Everybody that pays taxes gets a tax bill. They may not all get a newspaper. He stated that he would like to do it, and if there is a way we can tweak it or make it better next year, he would certainly be willing to look at that. He thinks this would be a good way to show how much the Recreation Authority is, how it breaks down, as an example, and what general government costs and of course the school

system is separate from all of this. He had indication that people would like to leave that issue for another day.

MOTION was made by Commissioner Hufstetler to approve the modifications to the tax bill that would spread out the County M & O into General Government, Recreation Authority, Judicial, Tax Administration and Sheriff's Operation. SECOND by Commissioner Bennett. Chairman Fricks asked if that, in the future, it would show a history. Commissioner Hufstetler stated that what could be done is a history could be shown of this year versus last year. Commissioner Mayes noted that it shows two years now and this one will show two years. Commissioner Jennings stated that he would like to amend the Motion so that they invite all of the affected people, the Sheriff, Judge Walther, the Tax Commissioner and Bob Saylor from the Recreation Department and have them look at this proposal and how we are going to do it so that we get as effective a presentation as we can possibly get. That those people be consulted in the process of putting together the information on the tax bill. Commissioner Hufstetler stated that the information is pretty straightforward, it is not like they are putting a whole bunch of stuff there. Commissioner Jennings stated that he would like for them to see it. Commissioner Bennett stated that he did not know if this was a Motion item, but that it would be appropriate to inform them of what is being done, the data should be evident based on the budget. We budget by those departments, therefore, that is a simple calculation of what the Millage or dollars are and if somebody took the time to read the County Budget or financial statements, it is public information. To invite them to participate, he does not think that would be inappropriate, to let them know what they are planning on doing. Commissioner Hufstetler stated that he was not sure that is part of a motion necessarily. Commissioner Bennett stated that was what he was saying; it could die from lack of a Second or be withdrawn. Commissioner Jennings stated that he thought he could support the Motion if it was made a part of the procedure. For them to be forward, there be a meeting amongst those persons, they share with them what is being proposed and get their input and feedback in the process. He stated that he wanted to make sure that they understand and know what is being done. Commissioner Hufstetler replied, "okay, and we have been working with the Tax Commissioner, in particular on this, and they have looked at stuff before that they did not continue on, but he does not know why they could not get the other... Commissioner Mayes stated that he has no problem with that, but they are still voting to either do it or not. Chairman Fricks stated that they are voting actually to do it, but they are just making it part of the procedure. Commissioner Jennings stated that he removed his amendment. Chairman Fricks asked if capital fell in these categories also or do they do a separate line item. Commissioner Hufstetler stated that he did not know if that was on the current sheet or not, but he knew that they had talked Economic Development as a possibility. Chairman Fricks stated that on Recreational Capital, they budget capital and operation. Would that be broken out and all of that applied toward Recreation? He stated that was just a question, which he thought could be worked out. Commissioner Hufstetler stated they could look at that and come back with revisions if time permits. Chairman Fricks stated there was a Motion and Second and asked that the roll be called. VOTING:

YES

NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

CLERK'S REPORT

CONSENT AGENDA.

Clerk Michele Fountain stated that there were two items on the Consent Agenda for Board approval. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

1. Tax Refunds:
 - a. Mattie E. Smith, 7 Dwyatt Street, NE, \$79.60
 - b. Christine O. Mills, 478 Floyd Highway South, \$600.00
 - c. John P. Hine, 112 Fieldwood Road, \$64.50
 - d. D. Lee & Sue E. Hampton, 18 Norman Lane, NW, \$189.64
 - e. Walter E. & Nora E. Dundervill, 4 Fox Chase Drive, SW, \$188.38
 - f. Artilia Jones, 21 Ross Street, \$14.44
 - g. Diane M. Kew, 106 Raymond Avenue, \$10.98
 - h. A. J. Jones, Jr., 148 North Lakeside Drive, \$126.34
 - i. Maplewood East Homeowner's Association, % Giles Chapman 23 S. Ivy Ridge Road, SE, \$276.59
 - j. Daniel Brown, 202 Nixon Avenue, \$7.55
 - k. Edwin & Elizabeth Matthews, 18 Timberlane Terrace, \$12.80
 - l. Terry & Pam McAbee, 600 Bidy Road, SE, \$920.06
 - m. Alfred R. Mitchell & Billie Simmons, 10 Bale Street, \$109.26
 - n. Ronald & Barbara L. Lynch, P.O. Box 1681, \$11.48
 - o. Frederick N. Marshall, 26 Morningside Drive, \$6.96

- p. Wells Fargo EQ Finance, Inc., P.O. Box 35528,, Greensboro, NC \$11,752.44
- q. D. G. & Clara McCoy, 25 Beverly Drive, \$2.39
- r. Calvin L. & Frances Chatham, 7 Jefferson Drive, \$88.51
- s. Robert W. Lambert, 76 Lock & Dam Road, \$16.26
- t. Clarence & Jane McDonald, 710 River Avenue, \$49.56
- u. Arthur E. Martin, 777 Rentz Avenue, \$.81
- v. Neal Featherston, 409 East 11th Street, \$22.41
- w. Teresa Booker, 22 Bellemont Road, SW, \$107.83
- x. Jefferson N. Duncan, 100 Woodcrest Drive, \$49.04
- y. Willie & Katie Hicks, 489 McClain Road, \$120.54
- z. Homer L. Mathis, 13 Westlyn Drive, \$4.25

2. License Application:

- a. Malt Beverage – Roger L. Tate/Weavers Convenience Store, 7740 Alabama Highway, Rome (convenience store).

ATTORNEY’S REPORT

ADOPT RESOLUTION DECLARING RESULTS OF SPLOST REFERENDUM.

County Attorney Tom Manning stated that the Commission was presented in Caucus with a proposed Resolution declaring the results of the SPLOST Election. Attached to that motion is the Consolidated Election Returns that have been executed by the Chairperson of the Floyd County Board of Elections and Registration, setting forth what those returns were. He stated that this was for their consideration. Chairman Fricks called for a Motion. County Attorney Manning stated that the Resolution needs to be adopted and it is also used in connection with moving forward with the ... Commissioner Jennings made a MOTION to adopt the Resolution certifying the results of the SPLOST Election. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

(Resolution on Page 22)

Commissioner Bennett noted that there is a Public Hearing being held on the Southeast By-Pass at the Civic Center.

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