

no nepotism violation because Planning Commissioners are not paid, they contribute quite a few hours to the job, however, they are all on a volunteer basis. Secondly, he finds it troubling that because both of the Jennings to serve the community, one of them should be barred from doing so. It further troubles him that Terry Jennings was a Planning Commissioner before her husband was a County Commissioner. Dr. Jerry Jennings has been elected twice since Mrs. Jennings became a Planning Commissioner, which leads him to believe that the people of Floyd County don't have a problem with the fact that a County Commissioner's spouse also chooses to serve her county. He stated that Terry Jennings is qualified, she is experienced and she has attended multiple Planning Training Seminars. Most importantly, she represents a very important segment of our community, which otherwise would go unrepresented on their Board. To lose an asset like Terry Jennings would be a tremendous blow to their Board and he stated that he trusted that they, as County Commissioners, will weigh her experience and qualifications when make a decision on her reappointment this month. Mr. Dixon thanked the Board for their time and consideration.

ADOPTION OF

MINUTES: County Attorney Tom Manning asked that the minutes be approved subject to his review. County Attorney Manning replied that they were in order. Commissioner Hufstetler made a MOTION to approved the minutes of the Regular Meeting of July 8, 2003 contingent on review by the Attorney. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
 " Mayes
 " Jennings
 " Bennett
 Chairman Fricks

Motion Carried

PROCLAMATION

NATIONAL KIDSDAY – AUGUST 3, 2003

Dan Jernigan, Executive Director for the Boys and Girls Clubs in Rome and Northwest Georgia, was there to accept the Proclamation on behalf of National KidsDay which is August 3, 2003. Commissioner Jennings presented the Proclamation and stated that they (*the Board*) appreciates the work they are doing. Mr. Jernigan stated that he would like to encourage everyone to bring their children and grandchildren to the Forum, on August 3, from 4 p.m. to 7 p.m. He noted that the event is free.

RESOLUTIONS

**ADOPT RESOLUTION AUTHORIZING
PLANNING DEPARTMENT TO SUBMIT
2004 – 2008 SHORT TERM WORK
PROGRAM TO DEPARTMENT OF
COMMUNITY AFFAIRS FOR REVIEW.**

Chairman Fricks asked if there were any questions since this had not been discussed during Caucus. There being no questions, MOTION was made by Commissioner Hufstetler that they adopt this Resolution. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

SECOND READING/PUBLIC HEARING
(FIRST READING HELD JULY 8, 2003A T 2:00 P.M.)

**FILE #38-2003Z, 5661 NEW CALHOUN
HIGHWAY, SHANNON, REQUEST
REZONING FROM H-I (HEAVY INDUSTRIAL)
TO H-C (HEAVY COMMERCIAL).
(PLANNING COMMISSION RECOMMENDATION:
APPROVAL [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

Ms. Sue Hiller, Rome/Floyd Planning Commission, noted the subject property on the map. She stated that it fronts on Calhoun Road, it is approximately 6.93 acres of land and it is currently zoned H-I. It is surrounded by H-I zoned property to the north, south and west. To the east it is zoned Suburban Residential, but it is actually a combination of residential and commercial uses. There is a building already on this property. The building is a metal prefab type building. It could lend itself to either commercial or industrial use. To the south, directly across the street are single family residential. She reviewed other pictures presented of the area. The applicant has requested rezoning to H-C in order to market and use the property for commercial use rather than industrial. Staff recommendation was to approve and the Planning Commission recommended approval.

Chairman Fricks asked if there was anyone wishing to speak in support or opposition of this issue. There was an individual present in support, but who did not wish to speak. MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to approve the rezoning request from H-I to H-C (Heavy Commercial). SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**FILE #41-2003Z, SUNSET DRIVE AND
PINEHURST DRIVE, REQUEST REZONING
FROM S-R (SUBURBAN RESIDENTIAL) TO
M-R (MULTI-RESIDENTIAL) TO BUILD
40 CONDOMINIUMS.
(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 Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Ms. Sue Hiller, Rome/Floyd Planning Commission, noted the subject property on the map. The request is to go from Single-Family Residential to Multi-Family Residential. Currently the development in this area is Single-Family Residential, but there is not a lot of development there now, many of the lots are vacant. She noted where the single-family residences are. Of two that are actually within the outline of the property, one is owned by the applicant and one she thought was actually outside of the area. The Staff recommendation was to approve this. One of the reasons was that even though it requires Multi-Family Residential zoning, the proposal is to put condominiums and to have the condominiums be owned individually rather than to have a natural apartment complex. They look like an apartment complex and have to be zoned like an apartment complex, but Single-Family Residential use owner/occupied is a little different than the typical Multi-Family Residential. She stated that a property that tends to be more owner/occupied is probably more compatible with this neighborhood than any Multi-Family Residential would be. There were three of neighbors that came to the meeting. One spoke in opposition of this project and the others spoke about concerns they had regarding access to their own property and drainage issues. They had talked about how their property would still be accessible via street, this project would not affect their access. Also the fact that, when they come in with a Site Plan for a project of this size, it has to include a Drainage Plan and Storm Runoff Plan. Again, the Staff recommendation was to approve and the Planning Commission recommendation was unanimously in favor of the project. Commissioner Jennings asked Ms. Hiller what was determined on the water, sewer and the road which is there. Ms. Hiller stated that it is her understanding that water and sewer are available. Sewer will have to be run to the property from down below and the applicant can explain that more. It is available, not necessarily right to the site, but it would be up to the developer to make sure that this is available. Commissioner Jennings asked if the road was wide enough. Chairman Fricks asked about the access. Ms. Hiller stated that the access will come in from the south into the property, from south of Ridgeway. She stated that she thought when it was discussed with Mr. Davis, they discussed the fact that since it will be a multi-family residential type project and not a subdivision. It can probably be done off an interior driveway. It would not necessarily be a public road coming into the property. Commissioner Jennings stated

that he was talking about the access road. It does not look like it is adequate to handle... Ms. Hiller stated that it is a fairly narrow road, the right of way widths don't preclude doing some improvements to the streets. Again, each one of the lots could be developed now as a single-family residence and that would add considerably to what is there now. She stated that this is talking about 40 condominiums in that area. It was noted that the County had just paved the road last year. Commissioner Jennings stated they are talking about 40 units in there. Chairman Fricks pointed out on the map the area where he thought there would be a problem. Chairman Fricks pointed out an area on the map and asked if that would be the access. Commissioner Bennett stated that was the road which had been closed, Ridgeway, and he pointed out on the map the area that he thinks will be the access.

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

Randy Davis, the applicant, stated that there would be only one entrance coming in. He stated that on the plat he had given to the Commissioners, it looks like there would be two or three ways to get in, but the only way to come in will be off of Sunset Drive. Chairman Fricks asked if Sunset Drive is the one that is parallel with the Highway. Mr. Davis replied, "yes." He stated that he thought that road probably does have the right of way. He stated that he knew that Pinehurst Drive is not much more than one way so he knew they could not bring any traffic off of that road, so that is why they are just bringing one entrance off of Sunset Drive. He stated that it will be a gated condominium and the price range will be probably the low \$100s to \$150 range so it is just a starter type for young people. Mr. Davis stated that he thinks it will be a good addition for Rome and Floyd County. He is planning on doing a fantastic looking project. Commissioner Jennings asked how he would get water to the condominiums. Mr. Davis stated that water is on Sunset Drive. Commissioner Jennings asked if he would have a single meter on Sunset. Mr. Davis stated they had not done any engineering work at all, because they wanted the zoning approval first. He stated that the sewer is near Orkin, which is 300 or 400 feet away, which is below, so there will be enough gravity for the sewer. He does not see any problem on that and water is right at the property. He stated that they have talked with County Engineers and they say the line is large enough at Sunset to handle it. Commissioner Jennings asked if they would have individual meters at each one of these condominiums or if they would they have a single metering point at Sunset. Mr. Davis stated that he was not sure exactly how they are going to work that at this time. He is not sure if they individually meter them or have a meter for each set of buildings. That would be a minimum that they would have, a meter for each set of buildings. Commissioner Jennings stated that on a private drive, the County will not go down and put individual meters and read those meters at the condominiums. They will on a public road, so basically they would be... Mr. Davis stated that they will do whatever is required. Commissioner Bennett stated that it would be a private drive up in there because it is gated and you do not have the room to give the right of way for public driveway. Mr. Davis stated that he and the Engineer had discussed it with Sue (*Hiller*) and that is the way they decided to be the best way, to get the buffers and with everything around it. It will be totally private drive. He stated that

he thought that was the way most condominiums are set up anyway, they have an association fee that will take care of maintenance work on the driveway, so that will be something the County will not have to worry about.

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 zoning change from S-R to M-R. SECOND by Commissioner Mayes. Chairman Fricks asked if it should be stipulated that the entrance has to be solely on Sunset Drive. Commissioner Bennett stated that he had no problem with making an amendment to his Motion and asked Mr. Davis if there was a problem with the condition that the only entrance be off of Sunset. Mr. Davis replied that he did not have a problem with that condition. Commissioner Bennett **amended his Motion that zoning approval be conditioned upon the only entrance being from Sunset into the property.** Commissioner Mayes Seconded the amendment. VOTING:

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

Motion Carried

**FILE #42-2003Z, OLD CALHOUN ROAD,
REQUEST REZONING FROM S-R (SUBURBAN**

RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONSTRUCT AND OPERATE FIRE EXTINGUISHER SALES AND SERVICE.

(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

Ms. Sue Hiller, Rome/Floyd Planning Commission, stated that adjacent land uses include a junkyard to the north of this which is actually zoned C-C. Just south is a commercial building which looks to be abandoned, however, it is zoned S-R (Suburban Residential). To the east is some vacant land which is zoned S-R (Suburban Residential) and across the street is residential and agricultural. It looks like it is livestock production of some kind and it is Suburban Residential as well. She presented pictures of the surrounding area. There were no people at the meeting to speak against this. The Site Plan indicates that the applicant could put the size of building on the property that he would want to put on there and still be able to meet the setback and parking requirements if it is rezoned to allow him to do that. The Staff recommendation was to approve it and the Planning Commission recommendation was unanimously to approve it. Ms. Hiller pointed out that the Staff Report says it is 2.41 acres and it actually is .241 acre.

There being no one present wishing to speak in support or opposition, 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

Chairman Fricks called for a Motion. MOTION was made by Commissioner Bennett to **approve** the change in zoning from Suburban Residential to Community Commercial to operate a fire extinguisher sales and service operation. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**FILE #43-2003Z, DEMPSEY @ BERT ROAD,
REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL)
TO CONSTRUCT DUPLEXES.
(PLANNING COMMISSION RECOMMENDATION:
APPROVAL WITH THREE CONDITIONS – ALL
UNITS WOULD BE CONNECTED TO SEWER,
A MINIMUM 6 INCH WATER LINE WOULD
RUN TO THE PROPERTY FROM OLD CALHOUN
ROAD AND ALL STRUCTURES WOULD FACE
THE STREET FOR EASE OF UTILITY CONNECTION
[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

Ms. Sue Hiller, Rome/Floyd Planning Commission, referenced the property on the map shown. To the south are duplexes and the two corner triangles to the east and

west are manufactured homes. She noted the areas of single-family homes and another manufactured home on a lot. The property is currently undeveloped with the exception of the manufactured home. Pictures were shown of the surrounding area. She stated that there are a couple of issues involved in this case and there had been a fair amount of participation by some residents of this area. The issues that were raised by the Floyd County Water had to do with providing adequate water to this property. The water that actually goes by this property is only a 2" line and is not adequate now, much less to add additional units. That is why they requested a 6" line to the property from Old Calhoun Road. The other issue is whether there is sewer available or not. There apparently is, but they wanted to make sure that the applicant understood that on lots and sites for duplexes in particular, they (*Planning Commission*) did not think a septic tank would be appropriate and they would have to have sewer. The Water Department also asked to make sure when there are duplexes on individual lots, because individuals buy those and that they have to have individual water meters and they need to make sure that they face the street. It is very difficult to access if there is one behind it and that is the reason for the third condition which was placed on that. The discussion from the neighbors centered around drainage problems and flooding in the area and she thinks that whenever they have a case like this and a public hearing, it brings that to their attention. She noted that an article had been in the newspaper recently about that as well. There apparently is some problem with flooding in this area, but she does not know the effect of development of this property for duplexes as opposed to development of single-family residences. It could be developed as single-family residences today or tomorrow with no building action whatsoever. That one is necessarily better than the other, except that, because this is over .4 acres, the development wouldn't have to include any drainage plan for the site. If the same developer came in and put single-family residences on those lots and sold them to individual people, they wouldn't necessarily have to (*remainder of sentence not audible*). The Staff recommendation was for approval with those conditions and the Planning Commission recommendation was to approve with the conditions.

Chairman Fricks asked if there was anyone present wishing to speak in support or opposition.

OPPOSITION

Mike Hamilton, 205 New Hermitage Road, stated that he owns the pasture property which is noted on the map. He stated that he was raised around here, and if you develop the S-R to what it needs to be to put the duplexes on it, you will dramatically put more water where the existing apartments are. All he has is cows so it won't make any difference with them, but it will impact the water at the other houses. He stated that he does not think the road there is sufficient, if any of them would and could put it off until school starts and go look at the problems that they have already. They have to have a police officer there where Model School comes out and where the Bert Road comes out. To put more apartments there is only going to worsen that problem for the children and kids and buses trying to get in and out. He asked if the Commissioners would and have time to put off their vote and final decision and ride through that road and look at the conditions of the relatively new apartments that are there now and what we (*the County*)

will be creating by putting more there. He does not think it is something they want. He would like to voice those two things: the extra trouble it will cause with the water and then the extra trouble it will cause on traffic right at the school. Commissioner Mayes stated to Mr. Hamilton that he did understand that houses could go there instead of duplexes and houses would cause similar problems. Mr. Hamilton replied, "to be honest with you, Mr. Mayes, anything that you put there pretty much is going to have some problems." Commissioner Mayes mentioned that there is a dip in there. Mr. Hamilton agreed, and stated that the first two sets (*of duplexes*) when you come off of Calhoun Road flood out just about every time it rains a little. He also stated that about halfway from where Commissioner Mayes had pointed and Highway 53, the Old Calhoun Road, it is completely inaccessible all the way around through the curve where you make the bend. When you get a pretty good rain, you can't even get in and out of there. Those folks with the apartments there are just locked in for a day or two if there is a heavy rain, especially like some we have had lately. He stated that those are relatively new apartments and look at their condition now. When it was the old Davis Estate and the Burtons owned it he hauled hay in there and he also hauled hay for the Dempseys. He thought it was now owned by Charlie Dempsey's daughter. He said he thinks that is the reason there hasn't been much built there. The one gentleman on the corner where the trailer is has a decent lot and there are two trailers there that join each other. Mainly, he thinks it is going to cause that much more of a water problem and traffic. He asked them, if they had the time, if there is any way not to vote on it and make a final decision tonight, to ride by and look at it, especially if the Commission can wait as long as September and look at the weather, and then look at the problem they will be allowing someone to create there by putting duplexes or homes either one. He does not think they will see somebody come in there and put a private home in there. He stated with all due respect to Mr. Mayes, he did not know if he (*Mr. Mayes*) had ever looked at it or not. Commissioner Mayes stated that he had looked at it and pointed out a house he had been to. Mr. Hamilton stated that about the best building spot on the property is where the trailer faces out to the highway. He stated that he was not saying that it was going to be monumental, but it is going to add to the problem that is already there. Commissioner Mayes stated that the problem is that the people that own the land, something is going to eventually happen to it. They are not going to just let it sit there forever. Mr. Hamilton agreed that it will not sit there forever. Commissioner Mayes stated that it could be houses or duplexes. Which is best, they do not know. He stated that Ms. Hiller was just saying that if you put duplexes there, they have to go by the ULDC which will require a Soil Erosion Plan. Mr. Hamilton apologized for not being there for the public hearing. He stated they were out of town at a previous commitment at a Horse Show in Fort Worth, Texas, or he would have been here then.

Commissioner Bennett stated that there is a Water Retention Plan that will be required and he thinks that is going to be a challenge, but that will be up to the person trying to do the development. He stated that this is bare curiosity, and pointed out a swale ditch which has been cleaned out by the County and it has no place to go. Commissioner Bennett stated that the only place the water can go that accumulates there is across the road. There is no cross ditch. He pointed on the map to where he assumed Mr. Hamilton's gate is to access his pasture. Mr. Hamilton replied, "Yes, where the

wood fencing is put up.” Commissioner Bennett stated that he is not necessarily speaking to the zoning at this point, but it is a matter that needs to be addressed by the Public Works Department. Where they go through the gate into the property there is, in fact, a pipe there but that pipe is full of trash with no way to drain. It was kind of snaky and wet when he looked at it so he was not going to go in there and be real adventurous. He noted on the map where there is a drainage area, but you can’t get to it because the pipe is stopped up and there is no cross drain underneath the street. Mr. Hamilton noted the area on the map where the property starts to rise, which is one thing that throws it back into that area. Commissioner Bennett stated that he was curious if the water ever drained. Mr. Hamilton stated that it does not. Commissioner Bennett stated that it had just always been a low spot that has just held there and over the years there has never been drainage; the area has always been a swamp. Mr. Hamilton stated, “Yes, and you can look back on the other side of the gate where the apartments are and there is probably a 30” drain that goes under the road. Commissioner Bennett stated, “But it does not go anywhere.” He stated that somehow it has to get across the pasture back down to the low ground to the creek and he is wondering did it ever and has not been impeded. He stated he is just curious, because he is hunting. Mr. Hamilton stated, “No, because about three or four hundred feet back, there is a wet weather spring which comes out, and pretty much four or five months out of the year until it gets real dry there and with the hill, it could go back down that pasture.” He offered to let Commissioner Bennett in the pasture anytime so he could go down there and see the hill and creek. Commissioner Bennett stated that he is just curious because he is on the Public Works Committee and they keep getting calls about flooded ditches and he went out there to look at that after the Planning Commission Meeting and he did not see a place that the water could go unless it runs over the road. It basically gets in there in the inside ditch and lies there until it evaporates, there is no outlet for it. Mr. Hamilton stated that, basically, there is not. Commissioner Hufstetler asked how far the pipe goes that way. Commissioner Bennett stated that the pipe is only a cross pipe for access into that pasture. As the road makes a turn, there is a ditch they have cleared out. They have cleared the ditch, but it is just a big pond. There is no cross pipe under the road in the area he noted on the map. There is nothing underneath the road unless it is stopped up also and under water where he could not see it. He noted the entrance into the pasture and there is a driveway pipe there. He noted an area where there is a little rise before it starts falling back off to go into the ... Mr. Hamilton stated that they had talked about putting a nice lake in the area mentioned. Commissioner Bennett stated that as the Planning Commission had said, it is not up to them to design water retention and all that. That is Building Inspection Department. With this in fact being a duplex, if it were single-family residential, anybody who wanted to put a house in there could just pretty much go ahead and do it. If they go with Duplex Residential, they will be required to do a Water Retention Plan. He doesn’t think there is much problem retaining it, there will be a bigger problem with draining it. The Building Inspection Department, because of the size of the lot and type development, will require a Water Retention Plan for this development. So, if anything can go in there, at least at this point it will be supervised that way. Mr. Hamilton asked, if it does, his concern is will they or you (*the County*) come in and tell them that they have to put a ditch or something down through there to drain this? Commissioner Bennett stated that he did not know that that would be a condition that they (*the County*) would. We might require it but he did

not think they could require Mr. Hamilton to do it. That would be his assumption. Mr. Hamilton stated they have not made any changes or done anything there as far as adding soil or anything like that. Commissioner Bennett stated that there is a ditch of some kind, but he does not know where it goes and he does not know that it ever drained that piece of property. When the road was put in there, even if there was a cross drain put across the road in the curve, he did not think the elevation would allow it to drain over and go through Mr. Hamilton's pipe because it is higher than the ditch on the other side. Mr. Hamilton stated that coming down off of Calhoun Road, down Bert Road on the left, the big tile and big pipe there is elevated, probably 2 feet higher than where the two trailers are in the corner, and that is the problem. It drains back in there and sits. Commissioner Bennett stated that supposedly they will address that if someone is able to build a duplex. It will be a challenge to figure out where the water is going to go. Mr. Hamilton stated that it seems that the Commissioners have looked at everything he is asking them to look at and he apologized for not being at the earlier meeting. Commissioner Bennett stated that he did not think they could require him to cut a ditch down through there to drain that water, personally. Maybe they can, but he is not aware of it. Mr. Hamilton thanked the Commission.

Commissioner Jennings stated that the map in their packet is not the same map that is being shown on the screen and he is confused by where the property is, but that map is totally different. Commissioner Bennett stated that came up before, and he thought there were more lots and he asked Ms. Hiller if she remembered. He stated that the map that is in the book comes through a portion which he noted on the map presented, and there are another couple of tracts. Commissioner Jennings mentioned the triangle at the top is Dempsey Road. Ms. Hiller stated that what was seen on the screen, is that they are attempting to use the new GIS information. Commissioner Jennings asked if the map in their books is the correct map. (*Ms. Hiller's response was not audible.*) Commissioner Jennings asked if the water and sewer was on the Old Calhoun Road. Ms. Hiller stated that there is a sewer line apparently on Bert Road and she had thought it was on Old Calhoun Road, but the applicant indicated that it is closer than that. There is also a water line closer than that, but it is not an adequate water line and that is why they attempted to go out from Bert Road for that. They did not specify where the sewer had to come from because they said there was some discrepancy. All they had gotten from the Water and Sewer Departments was that it was available to the site. Commissioner Jennings asked if the applicant knows the City and County regulations as far as extending water and sewer lines. Ms. Hiller replied, "Yes." County Manager Kevin Poe stated that he (*the applicant*) will have to go back to the six inch line and start from there to get a six inch from his property.

Commissioner Bennett stated that the point in the Planning Meeting, if he is remembering it correctly, he thought everybody there had some concern that he was actually going to be able to bring this development about with some of the limitations and conditions, especially the water retention plan. But, the position that they took in there was that it was not the Planning Commission's place to tell the applicant how to build the property. There were other places to do that. It was only their place to say, it is appropriate to zone it for this, not whether or not it was appropriate to build on it. Ms.

Hiller stated that she thought that was true. They send out for comments from the Water and Sewer Departments and because there are various other people, if any of those issues are identified ahead of time, they certainly enter into the decision of whether to recommend approval or not. The Code says it can be based on whether utilities are available. There is water and sewer there, and they explained to them what they would have to do in order to make it actually to the property and they seemed willing to do that. Ms. Hiller stated that they did not do anything but ask if there were drainage problems in the area. She stated that she thought that a drainage problem isn't nebulous but if you live in that neighborhood that flooding is very, very evident. Otherwise, it is not something that they always know about and she thought that was why they require development over them with insight on a drainage plan. They have to be able to show that they can deal with the runoff that they create on-site. That typically doesn't come up until after the Zoning Hearing. Commissioner Bennett stated that he thought that the Planning Commission was, basically, saying they weren't trying to design it for them, that would be up to them. It is whether or not the zoning was fitted for that use.

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

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

Motion Carried

MOTION was made by Commissioner Mayes to **approve with the conditions set forth by the Planning Commission.** SECOND by Commissioner Hufstetler.
VOTING:

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

Motion Carried

**FILE #44-2003Z, MIDWAY ROAD OFF WAX
ROAD, REQUEST REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO P-D (PLANNED**

**DEVELOPMENT) FOR GOVERNMENT SERVICES
MIXED USE FACILITY FOR PARK, FIRE STATION,
TRANSFER STATION.**

(PLANNING COMMISSION RECOMMENDATION:

**APPROVAL WITH TWO CONDITIONS: A 30 FOOT
BUFFER AROUND THE HOUSEHOLD WASTE/
RECYCLABLES DROP-OFF CENTER, WITH
NATURAL VEGETATION PRESERVED IF
FEASIBLE, AND A MINIMUM OF 20 FOOT BUFFER
AROUND THE REST OF THE PROPERTY WITH
NATURAL VEGETATION PRESERVED IF
FEASIBLE [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Ms. Sue Hiller, Rome/Floyd Planning Commission, stated that the subject property is currently zoned S-R with the surrounding property being A-R and is a combination of agriculture, forestry and single-family residential uses. When she and Assistant County Manager Sammy Rich initially talked about this they discussed the various building restrictions, which would be required (*remainder of comment was not audible*). They determined that maybe going with a planned development would give a little more flexibility, both with the regard to type of uses that would be there and also regard to the setbacks and buffers and so on. The ULDC says that they could do a combination of uses in P-D zone and you can set the setback and buffers according to a plan that is submitted and approved by the Staff. In other words, there are no set setbacks and buffers. But, the buffer is very important in P-D because it says that within that site, there more or less may be a variety of things, there will more or likely be a variety of densities and setbacks. She and County Manager Poe had talked about it later on and looking at the plans, they determined that the 30 foot buffer just around the corner where the recyclable and solid waste drop-off site would be would provide adequate buffer even if there a future development in the area. There aren't any residences within 20 feet of the area. There is some mature vegetation on the site, but it is not necessarily all around the edges of the site. She stated that they had received several phones calls from people who live in this area who had questions about this. The property owner directly to the

south contacted County Manager Poe and was concerned about this and offered to possibly sell their land in the back. Most of the people who called talked about what was going on and how it would affect their property. They were apparently satisfied because they did not have a lot of people (*remainder not audible*). Again, the Staff recommended approval with the two conditions and the Planning Commission unanimously voted to approve with the two conditions.

Chairman Fricks asked if there was anyone present wishing to speak in support or opposition. There being no one present wishing to speak, MOTION was made by Commissioner Jennings to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

Chairman Fricks called for a Motion and the MOTION was made by Commissioner Bennett to **approve** rezoning the Midway Park area from S-R to P-D **with the conditions set forth by the Planning Commission**. SECOND by Commissioner Hufstetler. VOTING:

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

Motion Carried

ULDC REVISIONS

County Manager Kevin Poe stated that there will not be a Public Hearing on the items which were tabled. He stated that they do want to have a Public Hearing on Item 6, but they will not take any action on approving it tonight.

REVISE OR DELETE ARTICLE 6.10 CONCERNING
SWALE DITCHES AND DRIVEWAYS.
(PLANNING COMMISSION RECOMMENDATION:

REVISION AS AMENDED APPROVED [VOTE – UNANIMOUS]

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

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

Motion Carried

Commissioner Hufstetler asked if they had ever held a Public Hearing on these. County Attorney Tom Manning stated that he thought the ULDC had called for a Public Hearing. Commissioner Hufstetler stated that he just wondered if they have ever done these or had just never opened a Public Hearing on them. County Manager Kevin Poe stated that they have had Public Hearings any time there has been any type of revision. Commissioner Hufstetler stated that he wondered if they had to have another Public Hearing. County Manager Poe stated that on this item, they were hoping to complete the procedural hearings and then not take any action and then would be capable of taking any action at a future meeting, if they determine they need to make that ... Commissioner Hufstetler asked if this is a Public Hearing for all of these items or just Number 6 (*ULDC Revisions, Item 6 on the Agenda*). Chairman Fricks stated that it was for just Number 6 at this time. Commissioner Hufstetler asked if they could all be done at the same time. Commissioner Bennett asked if this was the First Reading. County Manager Poe stated that at the Planning Commission they had individual Public Hearings. Chairman Fricks suggested they go ahead and open the Public Hearing on this one.

Chairman Fricks stated that the Public Hearing is open and asked if there was anyone who wanted to speak either in support or opposition. There being no one present wanting to speak, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

No action was taken.

It was again noted that the items which had been tabled would require no action.

**REVISE OR DELETE ARTICLE 1.4.3a(2)(e)
CONCERNING NON-CONFORMING USES.
(PLANNING COMMISSION RECOMMENDATION:
TABLED [VOTE – UNANIMOUS])**

**REVISE OR DELETE ARTICLE 6.6.3a REGARDING
THE REQUIREMENT FOR CONSTRUCTION OF
SIDEWALKS IN THE CITY AND IN UNINCORPORATED
AREAS OF FLOYD COUNTY.
(PLANNING COMMISSION RECOMMENDATION:
REVISION APPROVED [VOTE – UNANIMOUS])**

Commissioner Hufstetler made a MOTION to open the Public Hearing.
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 speak in Support or Opposition. There being no one present wanting to speak, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

County Manager Poe asked if there would be a vote taken. Chairman Fricks stated that he did not know if they were prepared to take action on this item. Commissioner Hufstetler mentioned that a contiguous area was a question that had been asked about. Chairman Fricks stated that he assumed they would not be taking any action but asked if anyone wanted to make a Motion.

No action was taken.

**REVISE OR DELETE ARTICLE 6.7.9.a AND 6.7.9.f
CONCERNING THE USE OF CONCRETE PIPE
STORM DRAINS.
(PLANNING COMMISSION RECOMMENDATION:
REVISION APPROVED [VOTE – UNANIMOUS])**

Commissioner Hufstetler made a MOTION to open the Public Hearing.
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 speak in support or opposition of this issue. There being no one present wanting to speak in support or opposition, MOTION was made by Commissioner Hufstetler to close the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if anyone would like to make a Motion, and if not, he would move on to the next item. Commissioner Hufstetler stated that he thought they could move on this item and asked Commissioner Bennett if this was reasonable. Commissioner Bennett stated that he thought they could act on this one.

MOTION was made by Commissioner Hufstetler to **approve the Planning Commission's recommendation**. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**REVISE OR DELETE ARTICLE 4.1.1e CONCERNING
TENANT DWELLINGS ON AGRICULTURAL LANDS.
PLANNING COMMISSION RECOMMENDATION:
REVISION APPROVED [VOTE – UNANIMOUS]**

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

Chairman Fricks asked if there was anyone present wanting to address this issue in support or opposition. There being no one present wanting to speak, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. Commissioner Hufstetler stated that, if he remembers correctly, this was saying that if someone had previously been on there and he asked if this was a duplication under the grandfathering. He stated that he did not think he was ready to move on this one. Chairman Fricks asked if anyone wanted to take action. Commissioner Mayes asked Ms. Hiller if she would explain this item.

Ms. Sue Hiller, Rome/Floyd Planning Commission, stated that currently there is a separate section of the code that says that a tenant dwelling on agricultural land can only be occupied by tenant farmers or farmers who are actually on hand on that property and you (*this portion not audible*) and you take a look at whether any of those that were built prior to adoption of the ULDC could be rental property. Staff supported this and the Planning Commission supports it. (*Some of comment not audible.*) She stated that she did not think there are very many of these out there, she does not think it affects very many people. There are some farmers who have built these little houses that they can't use now. They don't have farm hands living in them and they would like to be able to make them available. Commissioner Hufstetler asked if she was talking about the ones prior to the ULDC. Ms. Hiller replied, "that is correct." Commissioner Hufstetler stated that he thought they were grandfathered in so he is not sure of the need of this. Ms. Hiller stated that there is a specific section of the code which says they are not. It says that they cannot be rented, they can only be used for farm hands. Commissioner Bennett stated that this would then allow... Ms. Hiller stated that they were not built as rentals, they were built for use by farm hands on the farm. Commissioner Bennett asked if the ULDC forbids them to rent. Unless they are farm hands working on the farm, the revision would reverse that and allow them to rent the structure as a rental unit. Ms. Hiller replied, "That is correct, they can't build more with the idea that it is going to be rental property, but they would at least be able to use those properties they have now." Commissioner Bennett stated that right now they are forbidden to do it by specific wording in the ULDC, which is not subject to the grandfathering, evidently, because they are described as tenant farming houses. Ms. Hiller stated that they are not rental property

and they weren't rental property prior to the adoption of the ULDC, they were farm hand houses. Commissioner Bennett stated that it sounds like if we approve it then we will have the ... Commissioner Hufstetler stated that he is fine with approving it. He thinks it could be a duplication of where we are also saying something else, anything that was there prior to it is okay. Commissioner Mayes stated that he is for going on with it. MOTION was made by Commissioner Hufstetler for **approval**. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**REVISE OR DELETE ARTICLE 3.4 CONCERNING
FARM EQUIPMENT SALES AND SERVICE
BUSINESSES.**

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

No action required.

**REVISE OR DELETE ARTICLE 3.4 CONCERNING
COMMUNICATION TOWERS.**

**(PLANNING COMMISSION RECOMMENDATION:
REVISION APPROVED [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone present wanting to speak in support of opposition of this matter. There being no one present wishing to speak, MOTION was

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Jennings stated that he understands what they are saying is that it is making the chart compatible with the language that these communication towers are required to have a Special Use Permit and that there be setbacks from property lines equal to the height of the tower and asked if that is correct. Ms. Hiller stated that right now the table lists communication towers in four different places and they contradict each other. This will eliminate those contradictions. In some zoning districts they require a Special Use Permit and in some zoning districts, for example, Heavy Industrial, would not require a Special Use Permit. It is permitted by right, but in all zoning districts it would have to set back the height of the tower from the property line. Commissioner Bennett stated that this would clear up the tower they saw the other day on the other road that was in the middle of an Agricultural Suburban Residential area that was spot zoned as H-I, is that correct? So now they could be located with a Special Use Permit in almost any zoning without spot zoning that piece of property. Ms. Hiller replied, "That is right. You could get a Special Use Permit." Commissioner Bennett also stated that would be pending approval of the Special Use Permit. Commissioner Bennett made a MOTION to **approve** the Planning Commission's recommendation. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

REVISE OR DELETE ARTICLE 2.2.6 CONCERNING DEVELOPMENTS OF REGIONAL IMPACT (DRI). (PLANNING COMMISSION RECOMMENDATION: REVISION APPROVED [VOTE – UNANIMOUS])

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Jennings stated that as he understands it, this is just revising our code to concur with the new State guidelines as far as what constitutes a Development of Regional Impact. Ms. Hiller replied, "That is correct."

Chairman Fricks asked if anyone was present wanting to speak in support or opposition of this issue. There being no one present wanting to speak in support or opposition, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. MOTION was made by Commissioner Bennett to **accept the Planning Commission's recommendation to revise the wording.** SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

REVISE OR DELETE ARTICLE 2.2.3a(2)(a) AND

**ARTICLE 2.11.7(d)(2)(a) CONCERNING NOTICE
TO SURROUNDING PROPERTY OWNERS.
(PLANNING COMMISSION RECOMMENDATION:
TABLED [VOTE – UNANIMOUS])**

No action required.

Commissioner Hufstetler asked if, on the items tabled, when the Planning Commission tables something, they go ahead and take action. County Attorney Tom Manning stated that he was looking at the Code and he does not see what authority they have to table it. The Planning Commission holds a Public Hearing and takes action to recommend approval or not recommend approval and he was curious what basis they are using for tabling. Otherwise, they could table something, like an amendment that was desired, indefinitely and hold up the process. Commissioner Bennett stated that they (*the Board*) would not have to accept that recommendation, they could go ahead and pass, approve or not. Commissioner Hufstetler stated that they could only do a “no action” he guessed. County Attorney Manning stated that he thought their purpose was to hold a Public Hearing, get input and then make a recommendation. If they don’t make a recommendation, then it goes on to the governing bodies to hold a Public Hearing and make a decision. Commissioner Bennett asked if they should table it to make it formal. Commissioner Bennett stated that they (*the Board*) could table it pending a Public Hearing. Commissioner Hufstetler asked if they should have a Public Hearing and take no action. He asked if a Public Hearing had been advertised if it was tabled. Ms. Hiller stated that they advertise the Public Hearings for the Planning Commission, City Commission and County Commission. Commissioner Hufstetler stated, “So we have advertised the Public Hearing for today on those that were tabled.” Chairman Fricks asked what would happen if they continue it on there. Would they have to readvertise it? Ms. Hiller replied that they would when it goes back to the Planning Commission. County Attorney Manning stated that he thought this body has authority to Table, but he does not see where the Planning Commission has authority. Commissioner Hufstetler asked if they would still have their Public Hearing. County Attorney Manning replied, “Yes.” Commissioner Jennings stated that in regard to the first one on non-conforming uses, to his knowledge, they have not given the Planning Commission recommendation for the change. He stated that they have given them three options he thought, but haven’t decided what option. County Manager Poe stated that on that item (*ULDC Revision, Item 7 on the Agenda*) and Item 14 (*ULDC Revision, Item 14 on the Agenda*), there was no recommended language. On Item 14, they (*the Board*) requested that it be considered based on a prior situation they had. The Planning Commission’s attorney advised, as of right now, he does not think that needs to be revised. County Attorney Manning stated that he guessed that has been sitting at the Planning Commission because that proposal took place a long time ago, prior to January 1. He stated that they haven’t sent the Planning Commission... County Manager Poe asked if he was referring to number 14. County Attorney Manning replied, number 7, non-conforming uses. County Manager Poe stated that he was talking about number 14. He stated that on those two there was not any proposed language submitted to the Planning Commission to consider. (*Comments by Ms. Hiller were not audible.*) Commissioner Hufstetler asked about going

ahead and having the Public Hearing on these and taking no action, then they don't have to spend money readvertising. Commissioner Bennett stated that sounded good to him. Commissioner Jennings stated that he did not know whether they are having a Public Hearing or not. Commissioner Bennett stated that they would do the ones they skip, 6, 7 and 8. Commissioner Hufstetler stated that they had advertised the Public Hearings so the Planning Commission had sent an advertisement in. Commissioner Mayes asked if it would be necessary to do another Public Hearing. County Attorney Manning stated that he thought it would unless they... He stated that they have a Public Hearing and then one of the options is to table, following that Public Hearing, but the Code Section requires a Public Hearing by this body at its second scheduled meeting following the Public Hearing of the Planning Commission. Commissioner Mayes stated that they should. Commissioner Hufstetler stated that they should have a Public Hearing. Commissioner Bennett stated that they can formally open it and then table any action, which allows them to bring it up at a later time pending further information. County Attorney Manning stated that was correct. Commissioner Jennings stated but then you have already held your Public Hearing, so like on Item 7, when they make the decision, as far as what that wording is, you don't allow for public input on that decision because you have already held the Public Hearing. Commissioner Mayes stated that the information could be different. County Attorney Manning stated that he thought the thinking behind the statute would be that you would have a Public Hearing regarding, for example, number 7 concerning non-conforming uses, the public would have an opportunity to weigh in on how they would like that to read and then you would have the option. He said, since we don't have the language that you want right now, he guessed what would happen, is when they pass that language, then it goes to other governing body under the current way the ULDC reads because the Planning Commission already held a Public Hearing on that. *(Comments by Ms. Hiller were not audible.)* County Attorney Manning stated that he does not agree with that *(Ms. Hiller's)* interpretation. He thinks that the ULDC as he reads it, the process is supposed to be "any body, the Planning Commission itself, the City or the County can initiate a proposed change to the ULDC. When one of those three bodies initiates a change, the Planning Commission sends out a public notice of a meeting and they hold a meeting, and they at that point are able to recommend approval, denial or no recommendation." He stated that he does not even see where they have the ability to table. Then, from that point it goes to the governing bodies to hold a Public Holding and they then take action, but the Code allows for them to table, if they want. He stated that he thought that was the process. Commissioner Jennings stated that using Item 7 as an example where that probably should not have shown up on the advertisement and should not have been tabled because there is no proposal. County Attorney Manning relied, "Yes, unless that goes back to some point where we have submitted no new language, that is correct." Commissioner Hufstetler stated that there have been proposals in the past, but there wasn't a new proposal. Commissioner Mayes asked what do they do today? County Attorney Manning stated that he agreed with Commissioner Jennings in regard to "7". When we do arrive at the language that the Commission desires and passes, then he thought that the process would be to submit that language to the Planning Commission, they would have a hearing, recommend thumbs up, thumbs down, come to us and then we would have a Public Hearing and then take a vote. Under the current ULDC then it would be required to go to City, but he thinks both

bodies are looking at the issue of whether that is constitutionally an amendment process that would survive court scrutiny. Commissioner Bennett stated that this is just a procedural matter. If they submitted the language to the ULDC Board, they then did not approve our language, but then offered a substitute of what we sent to them for submittal back to us and if we did not like what they substituted to what was submitted to them, can we then reinstate what we submitted to them and pass that to send to the other body? County Attorney Manning replied, "Yes." He was not sure under his reading of the ULDC that they could offer a substitute until they went through the process of notifying the other bodies of a proposed change. Commissioner Bennett stated that they may have done that, but they would have to ... County Attorney Manning stated, "No, they would have to vote for a proposed change." Commissioner Bennett stated that they (*the Board*) would not have to agree with what they voted. They could then substitute what it was they originally asked for and then submit that to the other bodies. County Attorney Manning replied, "Yes, if they begin the process." Commissioner Jennings stated on the farm equipment sales and service, what he is reading is that there were two alternatives, and he asked Ms. Hiller and Mr. Dixon what the thinking was. Did they need more information about the two of those? Did they need a recommendation from the County and the City about those? One is that it would be allowed, with a Special Use Permit, in a C-C district or the use would be permitted by right in the Community Commercial district. (*Comments by Ms. Hiller were not audible.*) Commissioner Jennings stated that on there (*the Agenda*), it says that it was tabled. (*Comments by Ms. Hiller were not audible.*) Commissioner Jennings stated that, basically, again this table is saying we need some more time. He did not think, that they needed to take action on the second one either. Commissioner Hufstetler stated that they needed to open the Public Hearing, didn't they? They have advertised one. Commissioner Jennings asked which one was he referring to. Commissioner Hufstetler responded, "Number 11." Commissioner Jennings stated that apparently on number 11 there were two alternatives here and the alternative recommended creates some contradiction with other classes of equipment and vehicles in that. What Sue is saying is that they are requesting more time to make sure that it is compatible with the rest of the Code. Commissioner Hufstetler asked if they could open it up, ask for public input, close it and then wait for their recommendation and take no action. Commissioner Jennings stated "That gets back to the same point then." Commissioner Hufstetler asked why they were advertising a Public Hearing that they were not having. County Attorney Manning asked who initiated the process on number 11. County Manager Poe stated it was the Planning Commission. (*Comments by Ms. Hiller were not audible.*) County Manager Poe stated, "But, it did not come from the City or County." County Attorney Manning asked if any body, which include the City, County or Planning Commission, voted for a text change. Ms. Hiller replied, "No." County Attorney Manning stated that he did not think they (*the Board*) are even able to consider it. Commissioner Hufstetler stated, "So these should have never shown up and we should not be spending money advertising then." County Attorney Manning stated that the pertinent section in the ULDC is on page 218, which is under 2.10.1 and, with regard to amendments to the ULDC, the governing body or the Planning Commission may initiate a proposed change to the text of this development code by a majority vote of those voting. That is the way the process is started. Commissioner Jennings stated that he thought Commissioner Hufstetler was right, it should not even show up on our Agenda

and really should not be advertised until some action is taken by the Planning Commission. Commissioner Mayes stated then they would not have wasted 30 minutes talking about it. Commissioner Hufstetler stated that the other point would be that if the County or the City initiates something that goes to them, at that point they couldn't table it, they could take no action, approve it or disapprove it. County Attorney Manning stated that was his reading. His reading was that one of the bodies, City, County or Planning Commission, votes for a text change. The next step is the Planning Commission holds a hearing, gives a recommendation, thumbs up, thumbs down, and then it goes to the governing body to hold a public hearing and then they vote or table a particular item. That is the way he reads the process. Chairman Fricks stated that actually they do not need to take action.

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE.

Commissioner Hufstetler, Committee Chairman, stated their meeting scheduled for yesterday was postponed due to the retreat and will be rescheduled.

PUBLIC SAFETY COMMITTEE.

RECOMMEND REVISION TO POLICE DEPARTMENT BUDGET TO PURCHASE FIELD INTERVIEW AND EVIDENCE TRACKING SOFTWARE.

Commissioner Mayes, Committee Chairman, stated that Chief Free, at the Public Safety Committee Meeting, asked that they revise his budget to allow him to purchase Field Interview and Evidence Tracking Software. He stated that he did not think this was in addition to the budget, but just an adjustment. County Manager Kevin Poe stated that it is an adjustment within his budget. Commissioner Mayes made a MOTION that they allow the Police Department Budget to be revised. Commissioner Hufstetler asked if this was in his Equipment Budget or are you talking about taking money from somewhere else. County Manager Poe stated that it is in his Data Processing Budget and what he is asking is that they take his money from his Salaries Line Item to cover it. It takes Board action to take money out of salaries or make adjustments to Salaries Line Item or the Equipment Line Item. That is why it is coming to the Board. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Mayes

" Jennings
" Bennett
Chairman Fricks

Motion Carried

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that the Water Committee meets tomorrow at 2:00 p.m.

CLERK'S REPORT

CONSENT AGENDA.

Clerk Michele Fountain stated that there are three items on the Consent Agenda that she submitted for approval. MOTION was made by Commissioner Mayes to approve the Clerk's Report as presented. SECOND by Commissioner Hufstetler.
VOTING:

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

Motion Carried

1. Tax Refunds:
 - a. Debra J. Hold, 202 Valley Brook Drive, \$25.12
 - b. Randolph R. Michael, Jr., 106 Etowah Terrace, \$36.94
 - c. Otis Milner, 804 Charlton Street, SW, \$23.78
 - d. Floyd E. & Charlotte B. Robinson, 49 Glenda Drive, \$6.76
2. Authorize Submission of Grant for Purchase of Services for Juvenile Offenders Program.
3. Request from Tax Commissioner for release of taxes from digest of property purchased by Floyd County at the April 1, 2003 and July 1, 2003 Tax Sales.

MANAGER'S REPORT

CONSIDER OPTION TO PURCHASE PROPERTY OFF EAST 12TH STREET FOR NEW HEALTH DEPARTMENT FACILITY. (DEFERRED FROM JULY 8, 2003 MEETING.)

County Manager Kevin Poe stated that he had gone back to his office to try to get some more additional information and basically in the short time he had to go through the file he had come up with much. He stated that he had gone back and looked at the proposal which had been submitted to the Citizens Committee. In that proposal, they had it estimated at \$9 million. In going back and looking at the square footage and what Mike Page is estimating. The building cost at 60,700 square feet, he had that priced at \$7 million and the site work at \$500,000. He did not see any one thing that had it all itemized, but if you take that building cost at \$7 million; \$500,000 for the site work; you add a 5% contingency and that is an additional \$350,000; and then \$100,000 for various professional fees, consultant fees such as environmental, Phase I reports, surveying, geotechnical consulting work, and legal fees, architectural fees; we have a contract with P & C Design Build for a lump sum of \$375,000; the land would be at \$275,000 and that puts you at \$8.6 million. Chairman Fricks asked if that was inclusive of the \$350,000 and \$500,000. County Manager Poe replied, "\$500,000 for site work." He stated that what they are talking about, is that one of the issues is above and beyond that \$500,000. They are looking another \$150,000. They are at \$8.6 million so he is assuming what they will do is round that off. Commissioner Bennett stated that it went through SPLOST at \$9.5 (*million*) so they still have a contingency. It was again noted that it is \$8.6 (*million*). Commissioner Hufstetler stated that the \$375,000 includes the architect managing the project and asked if they do have a Project Manager, do they revisit that. County Manager Poe stated that they would have to add that to the cost. Commissioner Hufstetler stated that what he was saying was that if for some reason they decided that he is not going to manage it, then the scope of his work would be different than what this is. County Manager Poe stated that still he will have to go out and inspect the work. Commissioner Bennett stated that management and inspection are two different things. County Manager Poe stated that he thought that even the Program Manager would require the architect to go out and inspect the work and review invoices. That is where you do get a little bit of duplication of services. Commissioner Mayes stated that the scope of his contract would be like the architect did at the Prison, sort of oversee the project. County Manager Poe replied, "Yes, monthly meetings, deal with change orders." Commissioner Mayes stated that it is almost like what they had with the Baseball Stadium. County Manager Poe stated that the baseball setting was different. Commissioner Mayes agreed that it was quite a bit different and this is a much smaller project. County Manager Poe stated that the way this will be set up is the way they did the Prison Project. Commissioner Hufstetler stated that was a separate issue, but he did have some concerns in that area. Commissioner Mayes stated that they could still look at it. Commissioner Jennings stated that at this point their concerns about the property had

been addressed and concerns about what the additional \$150,000 would do to the budget have been addressed. He stated that it seems to him it is time for them to move forward and purchase the property. He stated that he did not know if anyone had any objections, but he was going to make a Motion to that effect. Commissioner Hufstetler stated that he thought they had gotten the information, but he did want to say that it is a little bit frustrating that when they were trying to do their due diligence that they had a lot of people questioning why they did not move ahead and accusing them of trying to change the site when all they were trying to do was their due diligence. Commissioner Jennings stated that was their job. Commissioner Mayes stated that they have to do it. Chairman Fricks stated that he thought one of the key issues for today is that they are the public eyes to maintain the budget. Their theme for the Baseball Stadium was "Under Budget, On Time" and they should continue that theme with this project. Commissioner Mayes stated that he agreed. Chairman Fricks stated that by going through these checks and balances they should be able to do that. Commissioner Jennings stated that he thought the time is upon them to call all parties back together again and make sure that they are all on the same page. He noted that Roman Herrington was there tonight and they had heard some discussion about a Primary Care Office that is somewhere seeking funding for that office. He is unclear as far as where they are talking about. Instead of having communications take place with a variety of people at a variety of times, we need to bring everybody together. We need to get Health Department folks, Pat Townley, Dr. Sellers, a representative from the Health Board, Mike Page, Roman from South Rome Development Corporation, himself and Commissioner Bennett. He stated that he did not know who else, but they need to make sure they get everybody on the same page. Then make plans to regularly meet with that group, especially as the project moves forward.

Commissioner Jennings made a MOTION that they purchase the property off of East Twelfth Street for the new Health Department facility at a price of \$275,000, minus the \$5,000 option already paid. Chairman Fricks stated that as he understands it, a portion will be designated as Greenspace. County Manager Poe stated that they will split it up, there is still a little bit of information that he has to get from the appraisals on the property for the Greenspace portion and find out exactly how much can be allocated for the Greenspace part. When they buy the property, they have 30 days to close and will do like they did with North Floyd. The County already has separate surveys and will have separate deeds because of special restrictions on the Greenspace part. They will also cut checks from two different funds. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

**AUTHORIZE SUBMITTAL OF GEMA
HOMELAND SECURITY GRANT.**

County Manager Kevin Poe stated that this item is a request for approval to submit two grants to the Georgia Emergency Management Agency for Homeland Security funds. The first grant would be in the amount of \$24,149 and of that amount \$3,343 would be designated to pay for Georgia Tech to complete the location emergency operations plan and the remainder of the funds to be used as allowed through the grant. The second grant would be for equipment for the Floyd County Emergency Management Agency. Specifically they are requesting two vehicles in a total amount of \$80,000. This will just authorize them to submit the grant. Commissioner Bennett asked if this is just authorization to submit the grant, but not necessarily authorization to buy the specific equipment. Commissioner Hufstetler made a MOTION to authorize submittal of the grant. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

**AUTHORIZE EXECUTION OF MEMORANDUM
OF AGREEMENT WITH CARL VINSON
INSTITUTION OF GOVERNMENT ON BEHALF
OF THE UNIVERSITY OF GEORGIA TO PROVIDE
AN ACCURATE PARCEL BASED LAND USE MAP.**

County Manager Kevin Poe stated that this will be deferred. He stated that they are looking at working with the Tax Assessor's Office to see what kind of information they can gather from them. They are going to each parcel of property and taking digital photographs and measuring buildings to put on their Computer Aided Drafting and try to see how that can be incorporated into this process.

**AWARD PURCHASE OF TASER WEAPONS
FOR POLICE DEPARTMENT TO TASER**

INTERNATIONAL IN THE AMOUNT OF \$21,547.76.

County Manager Kevin Poe presented a recommendation for the purchase of Taser Weapons for the Floyd County Police Department. It is shown as being a sole source purchase through Taser International, the distributor for Georgia’s DDG Taser, so that is who they will actually be purchasing the Tasers from. He noted that this is being done in place of one of the vehicles that they had approved for purchase and will be in the

amount of \$21,547.76. Commissioner Bennett made a MOTION for approval. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

AWARD PURCHASE OF FOUR (4) IN-CAR VIDEO SYSTEMS FOR POLICE DEPARTMENT TO MOBILE VISION IN THE AMOUNT OF \$4,015 EACH (\$16,060 TOTAL).

County Manager Kevin Poe stated that no action will be taken on this item. They will be bidding the video systems and will come back to the Board with a recommendation after it is bid.

ATTORNEY’S REPORT.

DISCUSS G.E.

Chairman Fricks stated that this had been discussed during Caucus. County Attorney Tom Manning stated that other than the presentation made earlier, he had no other report.

Chairman Fricks thanked everybody for a hard day’s work, it had started about 7 o’clock this morning and they had endured quite a few hours of business today and he appreciated everyone doing that. He stated that he thought they had accomplished a lot

today and yesterday and he appreciated everybody making that commitment and attending.

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Bennett, SECOND by Commissioner Hufstetler, 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**