

September 23, 2003

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
September 23, 2003 6:00 P.M.**

PRESENT: Chairman Garry Fricks, Commissioners Tom Bennett, Chuck Hufstetler, and John Mayes.

OTHERS

PRESENT: County Attorney Tom Manning, Clerk Michele Fountain, and Assistant County Manager Sammy Rich.

CALL TO ORDER: Chairman Fricks called the meeting to order.

INVOCATION: Commissioner Bennett led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Mayes.

PROCLAMATION

STERILE FERAL

Commissioner Hufstetler asked the representatives of Sterile Feral to introduce themselves. (*The names were not audible.*) Commissioner Hufstetler stated that they do a great service and raise a lot of volunteer money in the community for the spaying and neutering of animals. Commissioner Hufstetler then read the Proclamation and thanked them for the services they provide for this county. He noted that he had heard them on the radio and other venues advertising their services and stated they are proud of what they do.

Bill Hutchings stated that he could not begin to thank the people of Floyd County, the Commission and everybody who listens to what they are trying to tell them. This is a problem that has to be addressed and they are asking for everybody to support them. He stated that he will be approaching local businesses and local corporations for the upcoming month so that they can make October a spectacular month in their never ending goal. He asked that the word be passed around that when you see a pet and it belongs to somebody ask them if that pet is spayed or neutered and if not, get it done. He thanked the public and the Commission.

Jane Berry stated, to give the Commissioners some statistics, they started in December, 1999 and since then they have spayed/neutered almost 2,200 cats. They have been responsible for the spaying and neutering of almost 400 dogs either through their adoption program or from grant money through corporations nationwide. So they have been responsible for the spaying and neutering of almost 2,600 animals in the last four

years. She thanked the Commission. (*Comments by Commissioner Hufstetler were not audible.*) She stated that they are all up-to-date on their rabies shots.

PUBLIC PARTICIPATION

ISAAC RUDESEAL

Isaac Rudeseal, 17 East Camellia Road, Rome, Georgia has lived there about 15 years and has just recently tried to put up a little building and was told that he was in violation of some ordinances. They have tried to correct those problems by going through variance processes. They are still in the process of that. In the past month, he had sent each of the Commissioners a packet and he had another piece of information he would like to distribute to the Commissioners. He stated that he is just an old country boy, he lives in the country, compared to the City of Rome, in a nice little subdivision. He stated that if they have their packet with them, they will see the map showing the property that they own, four lots in one subdivision. Nobody is on the property in front of them or on either end of them. They do have two neighbors behind them, one that joins their property then on the very corner of the property he noted on the map, a triangle, that is where an Officer Greeson lives he thinks, but is not sure. When they attempted to put a building up, a carport, one of his neighbors got together with a lot of the other neighbors and told some things that weren't true and got a lot of people upset about what they do out there. When he went to the Planning Department to get a permit, he showed a picture that he was shown as to where he could put a building. He noted that two places highlighted and stated that one is just a corner of the front of the house which you couldn't park one vehicle in at that angle and the other is over his septic tank lines that come from the house to the septic tank. This is an on going procedure with the Zoning and Planning Board as far as whether they are going to be allowed to put the unit up or not. The community has been led to believe that they are trying to put a big garage there to do mechanic work. He stated that he did not have grease under his nails and he hates to get it under there. He uses a number of different mechanics in town to do mechanic work. He sometimes picks up a wrench, like this evening, when a water line broke.

He asked them turn to the letter dated September 23rd. As a result of this last planning/zoning appeal, whatever meeting they went to where they were trying to get authorization for the variance, there were a couple of things that came up. He stated he had provided them with a copy of the actual regulations showing "purpose and intent". He asked that they look at all of the items listed there, he would not take time to read them because he only had five minutes. He does not think they will find anyplace in there where it doesn't allow an owner of property use in a sensible manner. He stated, when he and his wife own those four lots, it would be stupid to put his carport behind his house on land that has a slope of over six feet per 100 feet when he has a totally empty lot on the corner that is almost but not quite level. There is no level. There is level land in the lower part and it floods out. The county has spent quite a few dollars up there trying to protect his neighbor on the other side of the street, in the last six weeks because of the flooding. He stated that he does not have any intention of putting anything down there

except grass and something to keep it trimmed. To him it makes sense to use his property in the best way he can and the best way for him is to put his carport beside his house, not behind his house.

The second paragraph “Customary accessory uses to a dwelling”. He stated that is really an interesting thing that came up at the last meeting that he had not a clue on, and maybe they have the answer. He would certainly like to have the answer. Does this provision, which, if you want to take time to read it after he finishes his statement and then answer him later, limit the property owners to owning and parking a maximum of four motor vehicles on their property? Is this the intent of the regulations to keep him from owning more than four vehicles? If it is, then so be it. If it is not, then it should be corrected. Or is it the intent to keep him from building a garage up there that would house four motor vehicles and what is considered a motor vehicle, a motorcycle, an automobile, a pick-up truck, a SUV, a RV? Are they counting everything or are they just counting a few things? He does not know. It is not clear and apparently not clear to a lot of other people. But, if they are in the business of telling people in the County that live in an S-R District that they can only own four vehicles and put them at their property, then he questions if that is good judgment and he also questions if that was the intent of the zoning regulations when they were established. He stated that was all he had to say, but would be happy to try to answer any questions at this time.

Commissioner Bennett asked Mr. Rudeseal where he was wanting to put this garage. His document was not highlighted. Mr. Rudeseal stated that when he first made application, he noted on the plat the two places they were told that it could be put. He noted a location they decided to put the garage. There were some common sense reasons that they did particularly like about that position. The common sense reasons were that they were already parking vehicles there, legally or otherwise, to be determined someday by the legal department. Because they are commercial vehicles, two of them that have been parked there since 1996. There are two vans. They assumed that they would create less problems in the neighborhood if they kept all of the vehicles parked in the same location so they were willing to put the carport near the other vehicles and walk all the way from the house. Because of the last meeting that they attended, and after that meeting there was another meeting with he, Ms. Hiller, Sammy Rich and Mike Ashley, they asked them to come up with an alternate location for their carport, which they have done. They have not presented it yet because they are waiting on specifications. The engineer was out today and said that the driveway could go “here”, and told them that they need a 15-inch pipe. He still has to have a plat from a surveyor to present this. The surveyor has already been contracted to provide this for them. He stated that this is a hassle for a carport, but if that is the way it has to be in this County that he lives in, then he will do it. They were trying to put it in the original location for two reasons. One, they were trying to keep everything in the same general location. And, two, it was going to cost them money. On that edge of the property it is flat with the road, you can just drive right off the road onto the property. On the other edge of the property, at the location he noted, it is probably about, whatever size ditch requires a 15 inch pipe, he would guess maybe three or four feet deep. The proposal they plan to bring to the Planning Board is to request permission to put it beside the side of the house but far

enough away to not have the water coming off the carport going under the house. They just spent about \$1,500 on drainage to try to correct that problem. He stated that they have a nice basement under the house, with a concrete floor, which has flooded ever since they have been there, for a number of reasons. That is where they have been storing their lawn equipment and all of their garden equipment. You can see with that much property, if you are going to keep it decent, you have to have the equipment to work with, which includes chain saws, lawnmowers, weed eaters, you name it, they have it. They thought that when they built the carport, they would buy something they could put a couple of cars under and at the same time have 10' x 20' of storage in order to get the lawnmowers out of their existing carport and get the other equipment out of the basement. That was the reason that they wanted the structure in the first place, they needed a place to park the two cars and they thought that if they were going to put a carport up, they just as well go ahead and spend \$4,000 to get the other equipment out of the basement. If they intended to put up a shack, four posts and some tin, he could understand people being upset and he could understand the reaction of people in the community. Mr. Carr came up with a very well designed letter to get people upset. Now, legal or otherwise, they do operate a business out of their home. They are a residential business. He is in transportation. Most of his work is done by telephone. He has drivers that drive for him and on any given day you are not likely to find either one of his vans at his property. Some days, maybe a Saturday, you might find one parked there, but very seldom you find two of them parked at the same time because they run 18 to 20 hours a day. Those vans stay on the road. He stated that he did not intend to go into this, but if they want him to continue he will. The main thing he came today was to point out the fact that the regulations say, based on some people's interpretations, and that is why he is asking them if they are telling him that he can only own four vehicles and park them at his house, number one. Number two, does it make sense that when somebody owns this much property they should be forced to put a carport behind the house on a grade that drops six feet in less than 100 feet. His house has a basement in it and on the upper side, it is level with the ground, on the bottom side, the basement is level with the ground. Commissioner Mayes asked Mr. Rudeseal to point out again where his house is located. Mr. Rudeseal noted the area on the plat of the location of his house. Commissioner Bennett asked him which way the house faces, Camilla or Azalea. Mr. Rudeseal replied that it faces Camilla and Azalea is actually Kris now. Even if he wanted to put the carport behind the house, they could not without a variance because of the corner lot regulations. He stated that Mr. Willingham had explained to him, and had called Ms. Hiller in, what you need to do is apply for a variance, so they did. Because of the location of the house, anything he builds can be no closer to the road than the house, which means the corner of the house. So, if you draw a line the same distance from the corner of the house to the road, all the way, that is what you come up with, that is the regulation. Likewise they can only come as close to the other road as the front of the house so either corner, one corner there is not enough room and the other corner is over his septic tank line. Either one was totally unacceptable; he would do without before he would put something there. As far as the back part of the property, the house is about 80 feet long and they are looking at over a six-foot drop in 80 feet. He noted that frontage is 100 feet and the house covers most of that, about 80 feet, he did not have the exact measurements. The garage that they wanted to put there also has a roll-up door at the

back of it so that they can drive the lawnmowers in and park them at night and get them out from under their carports. That is the other reason they would like for it to be as level as possible so they don't have to drop down six feet to come out of the carport in order to use the utility building for their lawnmowers. He stated that these are not their decisions today, he is just bringing the information to them. This decision is going back to the Zoning Committee, Planning Board, Appeals Board, he does not know what the official name is. Like he said, he stays up in the country and does his job, plays with his hound dog. He heard them talking about the pets earlier. He has one hound dog which hasn't been neutered or spayed, but is kept in his house or fence, or if he is in the yard he is walking with him. He just wanted to point out the problems that he sees. He knew there was a zoning code, but he had never looked at it. He heard when they were planning it, that if you were doing something before the code, you could do it after the code. That was all he cared about; otherwise he would have been here trying to get acquainted with the Commission prior to now. He commended Chairman Fricks for his purported statement, he said purported because he did not know if he said it or not, to Mr. Carr that he may be in violation of regulations instead of that he was. As compared to another statement made by another person who said that he was in violation and that he had to quit what he is doing. They are still waiting for the hammer to fall. If it falls, then they will go. They will do whatever they are told by the law and then if they have to seek redress through the court system, then that is their only option. They were there in 1992 with their business, they were there in 1996 with their two vehicles, actually with their three vehicles. They are down to two vehicles now because of 9/11. They are in transportation. They do airport work and, believe him, their revenue dropped approximately 60% from September to October a couple of years ago. They are not intending to go out and get into debt for a bunch of equipment that they do not know that they can pay for. When they are in a position where they would rent more equipment than it would take to pay for it, then they might consider expansion, but they still would not consider putting a shop or garage up there in order to do mechanic work and maintenance. That is not what he is into. He doesn't even like to drive. He just likes to sit there, answer the telephone and talk to people. He stated that if you call Shuttle Tran, 90% of the time you will get his voice on the other end of the phone. You can call him anywhere from 7 o'clock in the morning, unfortunately today you won't get him because he is at this meeting, but normally to about 8 or 10 o'clock at night. He thought it was important that he come down here. Although he does not know the Commissioners, he knows Mr. Fricks by virtue of the where he is sitting and Mr. Mayes by virtue of the fact that he is the only black on the Board. The other three gentlemen, without the names, he would not know one from the other. He mentioned that he had met Sammy (*Rich*) the other day, and apologized for not remembering his last name, he did not realize he is a part of the Commission. Sammy was one of the people that he met with after the other meeting and they did have the engineer out to tell them what they needed to do as far as the pipe. Again, this is extra money and he would have rather not spent it. It is his money. If the County wanted to come out and put the pipe in and the driveway in and lay all of that stuff, it would have been great, but he does not think it happens that way. Two things, the logical reason, the one where they intended to go with it: One was that it would keep the vehicles in same area. Number two it was the least expensive route for them. He stated, well it wasn't the least expensive route, of course they could not have

put it there anyway. It would have been closer to Camilla than their house is. But, they had considered putting it in what they call the lower 40, which is the flat part of the property, the lower lots. They had had so much water in the basement that they decided not to consider putting anything down there that is going to get flooded. His neighbor across the street, when they have bad rains, has water problems. He has cleaned dirt out of his pool a number of times. It is just fortunate that they have the property and the opportunity to get the property that they have. The biggest problem out there is the fact that Mr. Carr went around and told the neighbors, basically that he was trying to put an office up there and expand his business and a garage and have all of this junk laying around. If it is going to do damage to his (*Mr. Carr's*) property, what will it do to his property. As far as any damage to his property, just as a matter of information, which will be in the record at the next meeting, in four years his property has devalued to the point that it was \$70,000 in value four years ago and now it is at \$89,000. He stated that his is at \$59,000 and it was as \$59,000 last year, hopefully, his will stay there. He stated that he has not seen anybody complaining about their property going down in value based on the County tax assessment. Chairman Fricks noted that it would not stay there if he builds the garage.

Commissioner Hufstetler stated that this is really not their time to make a decision. It has to go through the process and then they would get involved. Mr. Rudeseal stated that the only reason he came he is about the four vehicles because even that question could not be answered at the meeting. He stated that it was tabled (*at the Planning Commission*) because they failed to post a sign at three locations, so any decision that they made would have been unenforceable either way. So that is the reason used to move it down 30 more days. He stated that personally he believes that it was tabled because there was so much mass confusion, so many mad people in the room, they just wanted them to get out of there. That is just an opinion. Everybody has theirs. But that was the legal reason for postponing the meeting. They did get into everything in the world except setbacks. Setbacks were what it was supposed to be about. Again, the real problem is not do they want to put a carport up, even the neighbors directly across from where they plan, where they park their vehicles, his first name is Johnny, but he is not sure about his last name, made the comment at the meeting "I don't blame Mr. Rudeseal for wanting a carport, if I had those two nice Cadillac's down there, I would want them under shelter too, I just don't want a garage up here and I want his vans gone." These are two different issues. If the legal department says the vans have to go then they will remove them. But, that is a legal question as he understands it and that is for the legal department.

Chairman Fricks stated that they appreciate all of the information Mr. Rudeseal provided them, because they will be able to make a well-informed decision if it comes to them and they appreciate him coming and talking to them today. He stated he thought that hopefully they will be working with him to try to resolve this situation. Mr. Rudeseal stated that he appreciated the Board taking the time to listen. Chairman Fricks stated that he may not even have to come see them. Mr. Rudeseal stated that he does vote every chance he gets and that is about as involved as he gets in politics one-way or the other. He stated that he is one of those not so fat cat Republicans and he knows that there may be a couple who may be and a couple who may not be.

He generally votes on who and what he believes in, whether it is Democrat or Republican. He stated that he has no intentions of coming back unless he has to, he has better things to do.

ADOPTION OF

MINUTES: Chairman Fricks asked County Attorney Tom Manning if the minutes were in order. County Attorney Manning replied that they were in order. Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of September 9, 2003 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

SECOND READING/PUBLIC HEARING
**(FIRST READING HELD SEPTEMBER 9, 2003
AT 2:00 P.M.)**

**FILE #07-2003SUP, REQUEST A SPECIAL
USE PERMIT FOR A RECREATIONAL
CAMP OR FARM RETREAT IN THE
A-R (AGRICULTURAL RESIDENTIAL)
DISTRICT ON PROPERTY LOCATED AT
FOUCHE GAP ROAD IN THE BIG TEXAS
VALLEY (ZONING MAP 766-00-004 & 013
AND 778-00-001 & 005).
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [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

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing was open and asked if there was anyone one to address this issue either in support or opposition. A representative of Trinity Real Estate stated that he was there in support as a representative of the landowner, who is out of town today. They are in the process of selling the land to Mr. Zakary should he get approval for a Special Use Permit. Chairman Fricks asked if he would like to address this formally or did he have anything else to add. He replied that he did not have anything else to add, but would answer any questions.

Ms. Sue Hiller, Rome/Floyd Planning Commission, stated that the subject property is currently undeveloped land accessed off of the Fouche Gap Road, which is off of Big Texas Valley Road. She showed slides showing the property, which is fairly heavily wooded in places and the surrounding area. She stated that the ULDC does allow for a camper retreat in this zoning district with a Special Use Permit. Staff Recommendation was to support this with the only concern being that site plan that was submitted shows nine permanent single-family residences on the property. There would be some staff who would live there year round and she thought that was probably acceptable. However, she thought there would be some concerns about unlimited single-family residences popping out of there. That would be, in essence, a subdivision without benefit of any of the subdivision regulations. Most importantly the one that says lots have to be accessed on a public road. Staff Recommendation actually was to approve it with the stipulation that no more than the nine permanent single-family residences shown are to be erected on the property.

Commissioner Mayes asked how many acres of property this is. It was noted that it is 290 acres. Commissioner Bennett asked if that was the 60-foot right of way on the Fouche Gap. He asked if that is the way it is subdivided now. The reply from the audience was, "Yes." Commissioner Bennett asked Ms. Hiller if there was any provision or any layout in this set of drawings that if, in fact, this came up for subdivision at a later time that it could actually be accomplished with the way this is laid out now. Ms. Hiller stated that she is not sure how wide the finger that goes out to Fouche Gap Road is. Commissioner Bennett stated that it was said to be 60-feet. Ms. Hiller stated that it could become a subdivision. It certainly could be divided up into individual lots with a publicly maintained road, which is what they would require. Commissioner Bennett stated that the only thing he is saying at this point is, of the houses that he is building, that he proposes to build now, if for some reason they decided to sub-divide this and to try and sell those houses if you closed the camp or something like that, will this site plan and the location of them accommodate the ability to do that so that they actually would be able to do it without some kind of problem? Ms. Hiller replied that she did not believe that he could sell the houses, he could possibly work out some kind of legal agreement where someone would have a long term lease or would possibly own the interior of the space. It could not be subdivided without a road being built in there so that every lot that was created would have frontage on a publicly maintained road. Commissioner Bennett stated that he understood that and what he is saying is does the site plan now presented, or is there in fact a site plan. He stated that he is trying to look after them down the road. He is not trying to make this hard, he is saying that, if at some time in the future that you stopped operating this property as a camp and said you only needed half of it and we are

going to camp out instead of having these and you need to sell the houses. Would that be possible under the site plan that he has now provided all the other subdivision requirements were met. Ms. Hiller replied that it should be a big enough lot for nine houses, nine house lots to be divided out of it if you were to put the road in and chose to do that. Commissioner Bennett stated that he still did not know if there was enough site plan, but he would caution her that if, in fact, that occurred some day in the future that they might consider that as an option to be able to do that, make sure they have property side lot set backs that you have access to what may be a future road coming into it, which would allow them to do that, so that they wouldn't be up here like somebody else and say well it just didn't work out and now I need to sell the houses and somebody is telling them no, they can't do that. Commissioner Mayes commented that was a good idea. Commissioner Bennett stated that he did not know that that would happen, but he believed he would plan on it.

Chairman Fricks asked if the person in the audience had anything to add. Commissioner Hufstetler stated that they might explain for two or three minutes what they have planned.

Ray and Bobbie Zakary, 2979 Big Texas Valley Road, stated that they currently are staying at Zion Farms until they determine if they get the zoning Special Use Permit and then actually purchase the land, which the bank will have a big say so in. He stated that he is on active duty at Fort McPherson, downtown Atlanta, and has two more years before he can retire. He and his wife have had a dream for quite a few years of opening up a Christian Retreat. It is not going to be anything on a grand scale. They will have probably ten cabins, maybe around in that range. If they are blessed, they will build a larger lodge, which is in the site plan, which has been approved. There are a couple of springs and they will have a couple of big ponds and various trails throughout the area. That is generally it. They are not sure if they will have horses or not. He stated that it will be a pretty low key event. At the previous meeting, they met the other landowners around them who were worried just a little bit that there might be some problems with what they are doing, but they explained what their goals and plans were. He stated that from what he could see, there are no objections from any of the owners around. It looks like it is a go so far and he asked if there were any questions. Commissioner Hufstetler stated that Ms. Hiller mentioned their recommendation of the nine cabins, he did not know if they were cabins or houses. Mr. Zakary replied that they will be houses, rustic houses. Commissioner Hufstetler asked if he wanted to be able to do more than that. Mr. Zakary stated that, at this point, nine is ... The plan that they currently have is well beyond what their means are right now. They are putting one house on it. If they have couple of other families to come and join them, that is why they have the houses listed and just to give them that option. This is a big undertaking for them, he is just a Captain in the Army and he is paid well, but not well enough to develop something this large. Mrs. Zakary stated that one of the reasons they went with that many houses was they have four children and one of her dreams is to have her children, when they grow up, live near her. That is why they had nine, no particular reason they had nine, but she wanted to make sure that they had enough that their children could live there if they like them when they are old.

Commissioner Hufstetler stated that he is still a little confused on what Ms. Hiller was recommending. Mr. Zakary asked if he was referring to the houses, and they do not plan to have more than the nine houses. He stated that if they ever reach the nine-house limit, it would be 10 to 15 years down the road. They are hoping that within the next three to four years to have maybe two other houses because they had talked with a couple of other families about joining them. If things go well, maybe they will have three or four more cabins in the area, but he doesn't see them going above the nine houses. Commissioner Mayes stated that he likes the concept and is envious. Mr. Zakary stated that it is a big step, but with 300 acres of land, it gives them something to do with the rest of their lives, something that can be positive in the community. They have been talking with quite a few churches in the local area. That really is their long-term goal, they just want to provide an infrastructure for groups, families to come up and to enjoy the area and their plan is not to charge anything. They plan on just working and getting a few other couples together with them and they will finance the whole thing and just offer this up as hopefully a very beautiful place where people can take a day or two days or a week out of their lives and reconnect with God. That is their goal, what they hope to offer. Nothing big, it will be pretty low-key. Chairman Fricks thanked Mr. and Mrs. Zakary.

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

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. Commissioner Mayes made a MOTION to **approve**. Regarding discussion, Commissioner Hufstetler stated that Ms. Hiller is recommending that it be limited to nine houses and that they could come back later if they want do more. Ms. Hiller stated that was correct and if in the future they wanted more houses or indeed to subdivide, which Commissioner Bennett suggested, they could always come back and change that in the future. But as long as it is a retreat and is accessed down a narrow road or whatever they put in off of the highway, she thinks nine is probably a significant number of permanent residences. Commissioner Hufstetler stated that they seemed to be amenable to that. Commissioner Mayes stated that he adds that to his Motion. Commissioner Bennett stated that the only problem he was trying to point out was that, not to butt in but to try and head off some problem that you (Mr. Zakary) might have if your plan changes in the future, there are some subdivision regulations and if he was them, he would make sure that he had side lot setbacks, that they had a lot size, had the septic tanks in like they were supposed to, had water lines to

where you could do meters and all that sort of thing. He does not think that it would cost them very much if anything to do that now so that if in the future you decided to subdivide, if your plans change, you would be able to do that. *(Comments from the audience were not audible.)* Commissioner Mayes restated his Motion Amendment on the request of the Clerk. Commissioner Mayes stated that the amendment **was to allow up to nine residences on the property**. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

FILE #54-2003Z, REQUEST REZONING FROM
C-C (COMMUNITY COMMERCIAL)
TO S-R (SUBURBAN RESIDENTIAL)
TO BUILD A SINGLE FAMILY DWELLING
ON PROPERTY LOCATED ON MARTHA
BERRY HIGHWAY (ZONING MAP 506A-04-010).
**(PLANNING COMMISSION RECOMMENDATION:
NO RECOMMENDATION)**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone present wanting to speak in support or opposition of the item.

SUPPORT

Jeff Barnett, stated that he lives in Armuchee, not far from the property. He asked Ms. Hiller if there was a picture of the property. He noted that the lot requested was shown as a gray area and is only 38 feet wide. It is in an area that is going to be heavy commercial. It is really not quite there yet, but it will be soon. It states that he

wants to build on it. That is not true. He wants to move a mobile home on the property, it is a new single-wide vinyl siding, shingle roof and is a 2003. He stated that he does not want to build on it because he thinks that one day maybe Burger King or he hopes Wendy's or somebody like that will want to purchase the property and at that time they will back the truck in and move it. Since the property is only 38 feet wide, to meet the current side-line setbacks from the ULDC for a piece of property that is zoned C-C, it requires a 15 foot building setback. According to Building Inspection, that setback starts at the eave of the roof so if he built a structure that had a 2-foot overhang, the widest structure he could build on is 4-feet. That would be kind of tough, even for a snow cone stand. Chairman Fricks asked if it would fit minimum lot size on this anyway. *(Comments by Ms. Hiller were not audible.)* Commissioner Bennett asked why would they zone anything Suburban Residential when it is obviously not Suburban Residential. ... Some kind of special use or something like that. He stated that Mr. Barnett is warehousing the property until somebody comes along with a better offer and asked if that was right? Mr. Barnett replied, "Just like, one of the neighbors presently is a brick home and he lives there, he owns the property. He is just like him, he is waiting for Burger King also. On the other side of it is the Ambulance Service. Commissioner Bennett asked if that was the Redmond Medical Office. Chairman Fricks asked the zoning on the two adjacent pieces of property. *(Reply by Ms. Hiller was not audible.)* Commissioner Bennett asked what the "yellow" property to the east was. *(Reply by Ms. Hiller was not audible.)* Mr. Barnett stated that even though they are zoned D-R, that structure on the piece of property joining his property on the back is a trailer also. It is not a duplex. It is an old trailer. Commissioner Bennett stated that he did not have a problem, personally, with doing this, they get into starting to rezone property for what it is not and then you get to come back and rezone it back to what it is. Commissioner Hufstetler asked if they could put a mobile home on it and not rezone it. Commissioner Bennett replied that he did not know, but it had already come out of the Planning Commission this way. Mr. Barnett stated that they will not allow a mobile home in a C-C zone, not for residential. He thought you could for a business, but it would have to be modified to wheel chair accessible bathrooms and some other building regulations. Commissioner Bennett asked Assistant County Manager Rich if this comes close to what they have been talking about, what they are trying to do as opposed to what the City is trying to do. They *(the City)* are insisting on rezoning everything and we had a case the other day where, in the City but it was not affected by us, somebody had a house in a commercial area and basically rather than grandfathering it in, they rezoned it back to residential. He asked Ms. Hiller if she remembered the piece of property he was talking about. *(Ms. Hiller's response was not audible.)* He stated that he remembered the location but did not know the name of the street, but that basically is rezoning property back to what it really isn't in order to try and meet the code. Assistant County Manager Rich stated that he would say that this is a classic case of spot zoning. But the reason there is probably not more opposition, is because this is a down zone, which is very rare to have. The way some zoning codes address this is that anything less intensive is a permitted use. Our code does not allow that. That is a little different, that is why you have that, so you don't have things that kind of stick out, like a manufactured home would in a Community Commercial area. For whatever reason, that is how our code is and this is sort of an awkward thing anytime you do a down zone. He sees a temporary

use and does not see the long-term impact being there because he thinks that at some point it will be back here before us to go the other direction. Commissioner Bennett stated that it will probably be commercial. Mr. Barnett stated that it will be soon, the way it is growing out there. The lot next to it, even though it is zoned commercial, is a residential house. It is used residential. Mr. Barnett stated that another thing he would like to point out is if they put a mobile home in there, that mobile home is going to be taxed and he will be paying about \$400 plus in tax a year so it won't just be him gaining, the County will get a temporary positive affect from it while they are waiting on commercialization of 27 North. Commissioner Bennett stated that he is happy for him to put it in there he is just trying to get the... He doesn't have to justify it to give us more money. Mr. Barnett stated that if he does not put a mobile home in there, basically it is going to be unusable because there is just nothing you can put on the property. He promised them that he is not going to stick build a home on this narrow lot. Commissioner Bennett stated that he did not think they would. Commissioner Bennett stated that he just raised a philosophical point that we are spot zoning. He understands Mr. Barnett's desire to use it, that it doesn't have to lay there vacant and as Assistant County Manager Rich had said, a less intensive use in some codes, if you want to go out there a build a half a million dollar house on it, he does not care, then he could pay \$5,000 a year tax on it, that would be even better. Commissioner Mayes asked for clarification that he does plan on putting one and not two. Mr. Barnett replied, "One." It is on sewage so you can only put one, and you can put two if it were on septic tank. Commissioner Bennett stated that he didn't have anything else, he was just trying to figure another way to do it. He hates to see spot zoning because somebody will be back in here someday trying to get that changed. Mr. Barnett stated that it is not that much trouble to come before the Board, it terrifies some people. Commissioner Bennett stated that they are not worried about the terror involved, they are all pretty nice folks, but it is just the fact that they have to come, is all that it amounts to. Mr. Barnett stated that he might be there anyway. Commissioner Bennett stated that he would probably have to tell them what they had done when he requests it being changed back because they probably won't be here so they will just have to leave it up to him anyway.

Chairman Fricks noted that Ms. Hiller had not made her presentation but the Commissioners felt that they have enough information to vote.

Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. Commissioner Bennett made a MOTION to **approve**. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

FILE #57-2003Z, REQUEST REZONING FROM L-I (LIGHT INDUSTRIAL) TO H-TR (HIGH DENSITY TRADITIONAL RESIDENTIAL) TO CONSTRUCT A SINGLE FAMILY DWELLING ON PROPERTY LOCATED ON CENTRAL AVENUE, LINDALE (ZONING MAP 394-02-PART OF 44). (PLANNING COMMISSION RECOMMENDATION: APPROVED WITH CONDITION THAT A PLAT WOULD BE RECORDED [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

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone who wanted to speak in support or opposition of this issue.

He asked Ms Hiller to make her presentation and then he can present his presentation in support.

Ms. Sue Hiller, Rome/Floyd Planning Commission, noted the subject property on the map. The H-I area to the west of it is *(Remainder of comment not audible.)* She noted the Old Lindale Mill area, the L-I district that lies between the Lindale Mills and the residential area is undeveloped at this point and has been undeveloped she thought for a very long time, if there was ever anything there. The neighborhood is a mixture of duplexes. Mostly there are single-family residential uses and the big park and Park

Avenue which becomes Maple as it goes into the City of Rome. The applicant came in and asked if he could get a subdivision plat recorded because he wanted to buy this little parcel of land to put a house on. The lot wasn't big enough to be a plat in the L-I zoning district so he could not go ahead and record the plat without rezoning it. Typically they do not like to rezone unless there is a recorded plat because zoning is supposed to follow lot lines. That is the reason for the recommendation from the Staff and from the Planning Commission that it be conditioned on getting the plat recorded. It is sort of a vicious circle, you can't do one without the other. Slides of the surrounding area and subject property were shown. Commissioner Bennett stated that just backs up into the buffer area around the Heavy Industrial. Commissioner Hufstetler asked if this is being broken off from another piece of property. Ms. Hiller stated, "Yes, he has his lot platted out from the bigger piece which goes all the way around the residential area." Commissioner Bennett asked if he was going to build a single-family house. Ms. Hiller replied, "Yes." There was discussion among the Commissioners as to the location of the subject property. Commissioner Bennett stated that it is a beautiful setting, hardwood trees and all and he is glad to see something being done with it. *(Comments by Ms. Hiller from the audience were not audible.)* Commissioner Hufstetler asked what the circles on the map represented. Ms. Hiller replied, "single-family residences." He then asked about the other lots. Ms. Hiller stated that she thought most of those are also developed as single-family residential and could not explain why they *(Remainder of comment not audible)*. Commissioner Bennett noted that they mixed duplexes in the area with rental property, when the mill was built.

An unidentified member of the audience noted that all the way around a section he pointed out on the map, when the Mill built all of that back in the 1900's the area known at the Jamestown area was built for supervisors. They were a little better houses and a little bigger and all single. He noted that on the right where this property is was zoned Light Industrial, the only thing in his life that he remembers ever being on that was some garages that the Mill let these supervisors and their families use years ago. He stated that he did not know why ... He knows that the one in the corner with the circle has been done within the last forty years probably and he is sure that it was zoned Light Industrial as the other was. They probably got that done within... He stated that this is the only lot that he wants, he just wants one to put his home on and this is the only one. Commissioner Hufstetler stated that he did not own all of it, he is just buying that little spot. He replied, "that one lot." Commissioner Bennett asked who owns the property, the people who bought the Mill. He stated that William Benefield from Cedartown bought everything outside of the Mill he thought when they closed down. At the request of the Clerk, Chairman Fricks asked the gentleman to give his name and address. He stated that he is **Ken Burkhalter, 27 Summit Drive, Lindale**. Commissioner Bennett suggested that he could find himself some neighbors for the area next to him and it would be real nice. Mr. Burkhalter agreed. Mr. Burkhalter stated that when they were talking about the Plat it was not recorded. It is stipulated in his contract that it has to meet all Floyd County Building Codes, any speculations. If he cannot get it rezoned, he does not want to lose his money. If this is approved, as soon as in the morning, he can make a call and he will, they will have it done as soon as possible.

Chairman Fricks asked if there were any other questions. Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. Commissioner Hufstetler made a MOTION to **approve** the rezoning request from L-I to H-TR to construct a single-family dwelling. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

**FILE #58-2003Z, REQUEST REZONING FROM
S-R (SUBURBAN RESIDENTIAL) TO C-C
(COMMUNITY COMMERCIAL) FOR MARKETING
PURPOSES OF PROPERTY LOCATED AT 150 BURTON
ROAD (ZONING MAP 218-00-086).
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

Chairman Fricks asked if there was anyone who wanted to address this issue in support or opposition. Commissioner Bennett made a MOTION to open the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing was open and asked Ms. Hiller to make her presentation.

Ms. Sue Hiller, Rome/Floyd Planning Commission, stated that the gray area is the subject property with the National Guard Armory located to the South. She stated that there was a mini-golf to the north, commercially zoned property, some of which is vacant, to the east is the East Rome By-Pass. To the west is what is essentially a single-family residential area; there is a church and a school located between Burton Road and Calhoun Road. The rest of the gray areas are mainly single-family residences. She said that Staff's recommendation was actually to deny this with the reason being that although it is in the corridor along East Rome By-Pass which probably will become commercial at some point, it also intrudes into what is still developed pretty much as a single-family residential area. In spite of that the Planning Commission recommendation was to approve the petition as presented.

Chairman Fricks asked which parcel they were discussing. It was noted that the subject property is the gray area. Ms. Hiller noted that surrounding property usage.

Chairman Fricks asked if the unidentified member of the audience who was there is support of this item, had anything he would like to add. He stated that he wanted to point out that part of this property is zoned commercial and part is zoned residential and all they are asking is to have it all zoned commercial and meet the area that is being developed there and the property would have over 1,500 feet on the By-Pass. He stated that as they well know, the By-Pass is designated as a commercial area and there is going to be all of the way around. They are just asking to make all of the property commercial. Chairman Fricks asked the gentleman to give his name and address for the records. He stated that his name is **LeRoy Matthews, 16 Commerce Court, Rome**. Commissioner Mayes asked how much land space. Mr. Matthews replied that it will be approximately 20 acres. *(Question asked by Ms. Hiller was not audible.)* Mr. Matthews replied, "no, he owns another 3.66 acres that has already gone commercial." He stated that where the Putt-Putt court is, that is 3.66 acres commercial and where the house is there is 15.81 acres so it is approximately 20 acres. Commissioner Bennett asked if there was a buffer. There was discussion as to whether the map was correct. Mr. Matthews stated that there is a buffer all the way around the Armory. There was discussion among the Commissioners as to the location of the property and of the uses of the area. Commissioner Mayes asked if there was a plat copy of how it actually looks.

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

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing is closed and called for a Motion. Commissioner Hufstetler made a MOTION to **approve** the rezoning request. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that he will have to leave the Meeting is approximately 10 minutes so he will jump to the items which require 4/5 vote.

MANAGER'S REPORT

**AUTHORIZE FILING OF APPLICATION FOR
LOCAL LAW ENFORCEMENT BLOCK GRANT
AND DESIGNATE DARRELL WHEELER AS THE
OFFICIAL CONTACT PERSON FOR THE
COUNTY AND KEVIN POE AS THE OFFICIAL
REPRESENTATIVE OF THE APPLICANT TO
ACT IN CONNECTION WITH THE APPLICATION.
(4/5 VOTE REQUIRED)**

**APPROVE ACCEPTANCE AND EXECUTION OF
HAZARDOUS MITIGATION GRANT.
(4/5 VOTE REQUIRED)**

Chairman Fricks asked for a motion for items nine and ten on the County Manager's report, both of which required a 4/5 vote. Commissioner Mayes made a MOTION to put items nine and ten on the agenda. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if the Board wanted to go ahead and take action on these. All agreed.

Commissioner Hufstetler made a MOTION that they **authorize** the filing of the application for the Local Law Enforcement Block Grant, designating Darrell Wheeler as the official contact person and Kevin Poe as the official representative to act in connection with the application and that we also **approve** the acceptance and execution of the Hazardous Mitigation Grant. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks informed all assembled that he was preparing to leave the meeting. Commissioner Hufstetler stated the only question he would have is on five through eight (of the Second Reading Public Hearing items). He asked if those items were straightforward. Chairman Fricks stated he thought they were not really ready to take... "I mean number six. I think we talked about not doing any change at this time. We are waiting for some wording." He asked if the Board was required to take action at this time. Assistant County Manager Rich stated that some of the discussion may be that this item is just referred back to the Planning Commission. He stated he thought that the discussion centered on adding some different language, stressing that we may strive to do that. Commissioner Bennett stated that (item) six was to submit the language that they requested or for them to consider, right? Assistant County Manager Rich stated, "Correct." Chairman Fricks stated, "As well as eight, I think, too. We did come up..." Commissioner Bennett said he did not remember eight. Commissioner Hufstetler asked, "Number eight was what, now?" Commissioner Bennett stated, "I don't remember eight." He said he thought the commission agreed that numbers five and seven were okay. Chairman Fricks agreed. He stated, "Excuse me, I thought we had a..." County Attorney Manning said we (*the Board*) hadn't talked about it but he was not sure they had a problem with eight. He reminded them that they discussed that a meeting or two ago. He said, if he recalled correctly, that was where someone could withdraw at the Planning Commission stage and then they weren't bound to the - what was it - the year requirement before they could come back? Planning Director, Sue Hiller commented from the audience but *her comments were inaudible*. Commissioner Bennett commented that we (*the Commission*) don't have to vote on it like you've been having to do. In other words, he can say, "I decided I didn't want to do this," and you can say, "Okay. It doesn't have to come up." Commissioner Hufstetler said he was okay with that one too.

He thought we could go on. Chairman Fricks transferred the chairmanship of the meeting to the Vice-Chairman. He then left the meeting.

Vice-Chairman Hufstetler stated they would move on to item number five under the Public Hearings.

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

**(PLANNING COMMISSION RECOMMENDATION:
CHANGE THE TEXT TO THE PROPOSED REVISION
OF: “ADD AN OPEN CIRCLE TO THE TABLE TO
INDICATE THAT THE USE WOULD BE PERMITTED
IN THE C-C DISTRICT WITH A SPECIAL USE
PERMIT [VOTE – 6-1])**

Vice-Chairman Hufstetler asked if there was a Motion to open the Public Hearing. MOTION by Commissioner Bennett. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

Vice-Chairman Hufstetler stated the Public Hearing was open and asked if there was anyone wanting to speak in support or opposition of this issue. As there was no one wishing to speak, MOTION was made by Commissioner Mayes to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

Vice-Chairman Hufstetler asked if there was a Motion on this. MOTION by Commissioner Bennett to **approve** item five, revising in accordance with the Planning Commission's recommendations 3.4 of the ULDC. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

**REVISE OR DELETE ARTICLE 2.2.3A(2)(A) AND
ARTICLE 2.11.7D(2)(A) CONCERNING NOTICE TO
SURROUNDING PROPERTY OWNERS.**

**(PLANNING COMMISSION RECOMMENDATION:
NO CHANGE AT THIS TIME [VOTE – UNANIMOUS])**

Vice-Chairman Hufstetler asked if it was necessary to open the Public Hearing to which County Attorney Manning replied, “No.” Vice-Chairman Hufstetler then stated they would move on to item number seven on the Agenda.

**REVISE OR DELETE ARTICLE 6.7.9A.(2)
CONCERNING STREET CROSS DRAINS
BE CONSTRUCTED OF CLASS III
REINFORCED CONCRETE.
(PLANNING COMMISSION RECOMMENDATION:
CHANGE THE TEXT TO THE PROPOSED REVISION
OF: “STREET CROSS DRAINS SHALL BE CONSTRUCTED
OF CLASS III REINFORCED CONCRETE”
APPROVE [VOTE – UNANIMOUS])**

Vice-Chairman Hufstetler asked if there was a Motion to open the Public Hearing. MOTION by Commissioner Mayes. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

Vice-Chairman Hufstetler asked if there was anyone wanting to speak in support or opposition. There being no present wishing to speak, MOTION was made by Commissioner Bennett to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes
" Bennett

Motion Carried

Vice-Chairman Hufstetler asked if there was a Motion on the table. MOTION by Commissioner Mayes to **approve** item number seven in accordance with the Planning Commission's recommendation. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Bennett

Motion Carried

**REVISE OR DELETE ARTICLE 2.2.5B
CONCERNING WITHDRAWAL OF
ZONING APPLICATIONS.
(PLANNING COMMISSION RECOMMENDATION:
CHANGE THE TEXT OF THE PROPOSED REVISION
OF: "IF NOTICE HAS BEEN PUBLISHED BUT THE
APPLICATION HAS NOT BEEN HEARD BY THE
PLANNING COMMISSION, THE APPLICATION
SHALL BE WITHDRAWN ADMINISTRATIVELY
BY THE DIRECTOR OF PLANNING UPON RECEIPT
OF A WRITTEN REQUEST. AN APPLICATION FOR
ZONING CHANGE ON THE PROPERTY MAY THEN
BE RESUBMITTED BY THE APPLICANT, WITHOUT
WAITING THE PERIOD OF SIX (6) MONTHS. IF
A SECOND APPLICATION FOR REZONING IS
WITHDRAWN WITHIN SIX (6) MONTHS OF
WITHDRAWAL OF AN APPLICATION FOR
REZONING OF THE SAME PROPERTY, A THIRD
APPLICATION FOR REZONING OF
THE PROPERTY MAY NOT BE RESUBMITTED
FOR SIX (6) MONTHS. [VOTE – UNANIMOUS])**

Vice-Chairman Hufstetler asked for a motion to open the Public Hearing. MOTION by Commissioner Mayes. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes

" Bennett

Motion Carried

Vice-Chairman Hufstetler stated the Public Hearing was open. He asked if there was anyone wanting to speak in support or opposition. There was no one wishing to speak. MOTION was made by Commissioner Bennett to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

Vice-Chairman Hufstetler declared the Public Hearing closed and asked if there was a Motion on the table. Commissioner Bennett made a MOTION to **approve** the revision of article 2.2.5b concerning withdrawal of zoning applications consistent with the Planning Commission's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

Vice-Chairman Hufstetler stated they were done with the Public Hearings.

CHAIRMAN'S REPORT

There were no appointments to be made at this time.

COMMISSIONER'S REPORT

ADMINISTRATIVE AND FINANCE COMMITTEE

Vice-Chairman Hufstetler reported that the Administrative and Finance Committee had held a meeting and there was nothing needing to be brought forward to the Commission meeting. He stated that Commissioner Bennett had also been working with him and the staff on insurance issues. They had their last meeting last week on that

and would be coming forward with a recommendation shortly after some more questions are answered.

PUBLIC SAFETY COMMITTEE

Commissioner Mayes stated he had nothing to report.

PUBLIC WORKS

ADD MCCRARY DRIVE TO THE FLOYD COUNTY RESURFACING LIST.

Commissioner Bennett made a MOTION that McCrary Drive be **added** to the Floyd County Resurfacing List. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

WATER COMMITTEE

There was no report.

SPECIAL COMMITTEE REPORTS

Vice-Chairman Hufstetler asked Commissioner Bennett if there was anything on the new Health Department to bring up at this meeting. He replied that there was not.

CLERK'S REPORT

CONSENT AGENDA

County Clerk Michele Fountain stated there were three items on the Consent Agenda, which she submitted to the Board for their approval. MOTION to **approve** was made by Commissioner Mayes. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

1. Tax Refunds:
 - a. Cherokee Lodge #66, P.O. Box 703, \$53.88
 - b. Stanley Kelley, 4002 Cave Spring Road, SW, \$11.53
 - c. Hugh L. Montgomery, Jr., 76 Cunningham Road, SW, \$2,037.53
 - d. Cisco Systems Capital Corp., P.O. Box 171168, San Antonio, TX, \$2.48
 - e. Zartic, Inc., 438 Lavender Drive, \$176.00

Request from Tax Commissioner to release taxes from the digest for property purchased by Floyd County at the September 2, 2003 Tax Sale.

3. Authorize Chairman to sign In-School Probation Officer grant agreement.

MANAGER'S REPORT (CONTINUED)

**DISCUSS RECOMMENDATION FROM
AIRPORT COMMISSION TO PURCHASE
ASL TURBINE HANGAR.
(DEFERRED FROM SEPTEMBER 9, 2003 MEETING.)**

Vice-Chairman Hufstetler stated that he understood item one had been tabled.

**DISCUSS RECOMMENDATION FROM
AIRPORT COMMISSION TO APPROVE
NEW LEASE AGREEMENT WITH
CAPITOLINE PRODUCTS, INC.
(DEFERRED FROM SEPTEMBER 9, 2003 MEETING.)**

Commissioner Hufstetler asked Assistant County Manager Rich to discuss item number 2. Assistant County Manager Rich stated that they had before them a recommendation from the Airport Commission to approve the new lease agreement with Capitoline Products. He recommended that they approve the lease. MOTION by Commissioner Bennett to **approve** subject to the County Attorney's review. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

**AWARD BIDS FOR THREE-QUARTER TON
PICKUP TRUCK, FLATBED DUMP TRUCK,
ROAD TRACTOR, TANDEM DUMP TRUCK
& BRAKE LATHE FOR PUBLIC WORKS.**

Assistant County Manager stated they had bids for public works for the following items:

\$16,550	A Three-Quarter Ton Pickup Truck from Rome Ford in the amount of
\$40,411.86	A Flatbed Dump Truck from Lee Smith Trucks in the amount of
\$69,659.00	A Road Tractor from Peach State Ford in the amount of \$71,262.00 A Tandem Dump Truck from Peach State Ford in the amount of
	A Brake Lathe from American Tire Distributors for \$5,210

He stated all those items were submitted to the Board for their approval.

MOTION was made by

Commissioner Mayes to **approve** the low bids as submitted by the Assistant County Manager. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

**AWARD BID FOR IMPROVEMENTS
TO TURNER BEND ROAD AND EAGLE DRIVE.**

Assistant County Manager Rich stated this was a recommendation to approve the low bid for improvements in Turner Bend Road and Eagle Drive of which the low bid was from Spriggs Paving Company in the amount of \$567,712.52. Commissioner Bennett commented that this was under the ... Assistant County Manager Rich stated that was correct. The County had originally budgeted \$670,000 for this project. About \$200,000 of that would be

from Water Department funds and about \$153,000 plus would be from State Department of Transportation. MOTION to **award** the bid for improvements to Turner Bend Road and Eagle Drive. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

**REQUEST FROM JUDGE JERRY WOOD
TO AMEND EQUIPMENT BUDGET.**

This item was deferred.

**APPROVE EASEMENT AGREEMENT
BETWEEN FLOYD COUNTY AND GEORGIA
POWER FOR PLACEMENT OF A NEW
DISTRIBUTION LINE.**

Assistant County Manager Rich stated that this was an easement agreement with Georgia Power for property out on Mathis Road. He stated that this easement was for the new Wal-Mart. MOTION to **approve** the

easement agreement by Commissioner Mayes. SECOND by Commissioner Bennett.
VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

**DISCUSS REQUEST FROM E-911
DIRECTOR TO LEASE OR PURCHASE
NEW CALL LOGGING EQUIPMENT
FOR THE 911 CENTER.**

No action was taken.

Vice-Chairman Hufstetler asked if he understood correctly that she could go ahead on that. Commissioner Bennett said he thought she was going to solicit some information for the Board's consideration. He did not know if she was doing a Request for Proposal or anything official but that she was going to get the Board some more information.

Vice-Chairman Hufstetler stated items number nine and ten had already been acted upon earlier in the meeting. He asked if there were any other items they needed to bring forward. Assistant County Manager Rich stated there were no additional items. County Clerk Michele Fountain requested that Commissioner Bennett be more specific on his motion to award the bid on item four. Commissioner Bennett amended his MOTION to award the bid to "the low bidder, Spriggs Paving." SECOND by John Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

**DISCUSS REQUEST FROM DISTRICT
ATTORNEY TO ADD AN ASSISTANT
DISTRICT ATTORNEY POSITION.
(DEFERRED FROM SEPTEMBER 9, 2003 MEETING.)**

No action was taken.

ATTORNEY'S REPORT

County Attorney Tommy Manning stated he had no report.

OTHER BUSINESS

There was no other business.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Motion Carried

COMMISSIONERS
CHAIRMAN

FLOYD COUNTY BOARD OF
GARRY E. FRICKS,