

October 28, 2003

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**October 28, 2003** **6:00 P.M.**

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

## OTHERS

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

**CALL TO ORDER:** Chairman Fricks called the meeting to order and stated that they had the honor of Rev. Carey Ingram being present to lead the Invocation.

**INVOCATION:** Rev. Carey Ingram led the Invocation.

## PLEDGE OF

**ALLEGIANCE:** The Pledge of Allegiance was led by a group from Southeast Elementary School. Chairman Fricks asked the members of the group to introduce themselves.  
(Names were not audible)

Chairman Fricks thanked everybody and mentioned Ralph Johnson who had worked hard to prepare for the Meeting to be held at the Fielder Center. He stated that he realized that it is hard, but as a Commission, they are trying to come out to the areas that they serve and let people know that they are here for them. He stated that Mr. Johnson had worked hard to prepare the Center and he noted that it was nice to see him again. The last time he had seen Mr. Johnson, he was on the football field and he (*Chairman Fricks*) was coaching. He also recognized Mr. Fielder, the namesake of this facility which they are proud of and thanked him for attending. He thanked everyone that attended and mentioned that Alvin (*Jackson*) had played a big role in getting them there. They had approached a number of different sites that they wanted to look at and Alvin asked that they make sure that they come to East Rome.

## PUBLIC PARTICIPATION

**ALAN BROWN REGARDING S-R COUNTY  
ZONING, TIME ALLOTTED FOR PUBLIC  
DISCUSSION AND PROCESS OF DISPUTE  
RESOLUTION.**

Alan Brown stated that during the time residents of Keown Road have been fighting (*to maintain their single-family neighborhood*), which all of the Commissioners with the exception of Commissioner Bennett, are familiar with. He noted that Commissioner Bennett was not around for all of the fun and games that started in the year 2000. He stated that a couple of things had

come up that the residents were concerned about and wanted him to bring to the Commissioners attention and ask if there was anything that could be done about it. One was the time allowed for public discussion. They always thought it was unfair that the developer was given an additional 10 minutes to rebut the arguments that the residents had against the rezoning he was requesting. The request was to change to M-R from the current S-R. When they asked about it, they were told that it was State law that dictated those times. He asked Representative Buddy Childers about that and he said that it doesn't sound really fair and if it is they will see what they can do to get it changed. Representative Childers had emailed him back a copy of a Statute that basically says each side is allowed 10 minutes. He stated that he has copies of the Statute that he will leave for them if they would like one. "Under that public meeting, shall specify a minimum time period at hearing on proposed zoning decisions, each zoning decision shall have a minimum time period for presentation by opponents of each proposed zoning decision, such minimum time period to be no less than 10 minutes per side." (*Mr. Brown was reading from a document.*) He stated that it does not say anything about an additional 10 minutes for the developer. They felt that it would be more fair to the residents instead of an additional 10 minutes for the developer that he got 5 minutes to rebut their argument, they in turn had 5 minutes to rebut whatever he had brought up. Too many times they sat there on their hands and could not answer questions because they were not asked. They would like to see, if the provisions of this Statute apply, the policy change to where each side would have an equal time for presentation and rebuttal.

The second issue that they ran into is that even though this property has just recently been annexed into the City, which they did not find out about because they are not required to notify anybody any more, two days after it was annexed, rezoning signs went up from S-R requesting the change to M-R. This Commission, as you well know, had turned down M-R zoning on that property on two formal votes and unofficially kicked out the first one, which was a car wash back in the year 2000. He stated that City Commissioner Pullen stated that it looked like to him they were shopping for zoning and he did not like the looks of that. Frankly they did not like that either. But, this brings up the S-R zoning. What they are faced with now, and ever since the year 2000, they have constantly been threatened with either approve this or else they will put trailers on the lot, manufactured housing. He had asked the difference between manufactured housing and trailers and he was told that they just run it up there, cut the wheels off and nail it together. They can put it on a 7,200-foot lot. Right now they are looking at having to make a decision to allow 36 upscale apartments, or if they fight it and it gets turned down, his (*the developer's*) next plan, is to put in 24 manufactured housing units that would require the entire lot to be scraped clean of trees and vegetation and it would not be anything but paved. They are still meeting and discussing that. They had a meeting with the developer about a week ago and he showed them his presentation. He thinks it is basically unfair for them to be in that position. In the City, on a single lot you cannot put a trailer unless you have a Special Use Permit, but you can put a manufactured subdivision in the City and County, as he understands it. He is sure that Ms. Hiller will correct him if he is wrong, but you can put it on there with some restrictions as to sewage and lot size, but basically it is a 7,200 or 7,500 foot lot. Ms. Hiller stated that she personally and the residents of Keown Road would like to see S-R zoning require a Special Use Permit for trailers or manufactured houses. That is not an appropriate use to put inside a subdivision. Like he says, they are still meeting and trying to decide what to do. But, he feels that manufactured housing, he realizes there is an extra step and he realizes that it is governmental policy, but the protection it would afford in certain circumstances where

manufactured housing would clearly damage the neighborhood and damage the property values, would be worth the extra effort of having to come here and get a Special Permit. That is what they would like. They would like to see some provision for manufactured housing subdivisions to have to get a Special Use Permit in S-R zoning. That is currently not the case.

The third item that came up was, and he had never seen this term, Dispute Resolution, until they went to the City Commission meeting to protest the rezoning. They got there and found out that the developer had pulled the petition and out beside it on the agenda, it said "Dispute Resolution". He stated that he asked and basically his understanding is that if the City approves a zoning on a piece of property that has been annexed and that piece of property has been denied the zoning that they approved when it was in the County, then the County has 15 days, if the City changes the zoning, to contest that zoning. Beyond that, he does not know, he thinks it goes to a Conference Committee and that is why he came here tonight, hopefully to get a better education on the issue. His question is, if that is the case, not speaking for themselves, just speaking in general, if anyone were to come to you and say, "Look, it got annexed into the City, you denied it three times, they changed the zoning, it is coming back in Dispute Resolution, we want you to back us up again and you, in affect, did back them up or back whoever up and say 'We don't agree with that rezoning', what happens then?"

Those are the three issues that they have learned about, the hard way, over the past mid-1999. One thing he did notice, that when the annexation papers were distributed, they were distributed to the County also. He stated that he believes he is correct in saying that a copy went to the County Manager asking for input. When they presented their case to the City Commissioners that night, they acted like they did not know that there was any problem with the zoning or that the zoning had been denied. When they told them how many times the Planning Commission had voted against rezoning that property from S-R to M-R, it was obvious that they did not know. He stated that he thinks there should be some stipulation, hopefully, in the future when a zoning request comes back to the County government somehow that they are able to provide the City with a past history of zoning requests or zoning votes in order to make them more informed when they vote to annex the property or not. That is basically the three things that he wanted to cover.

County Manager Kevin Poe stated that on the last one, the City was provided that information. Mr. Brown asked if it was provided to . . . He stated that he would say that there were some Commissioners that did not know it. Now, how . . . Mr. Brown stated that he was glad to know that, he really was. County Manager Poe stated they had talked about the Dispute Resolution process, at least he did with the Manager also. They knew the fact the County could . . . Mr. Brown stated that is why it may have been on there and that there was some discussion, but when he saw the term, he was not familiar with it and that is why he started asking questions. County Manager Poe stated that it was put into place exactly for these kinds of situations. If somebody tried to annex and do an end run, that . . . Mr. Brown stated that he would call two days after an annexation if the rezoning signs are stuck in the ground then that is pretty much of an end run to him. County Manager Poe stated that legally they can do that. Mr. Brown stated that he knew, but he thinks at some point, and he is not sure who is responsible for this, either the Planning Commission or whomever, they stopped notifying the adjacent property owners about rezoning and they print it in the paper. He doesn't know if they had read the legal ad, he thought it was

about six point type, but he can read them with his glasses on, but with his glasses off, he doesn't have a prayer. You have to read those all of the time. They would have been up there contesting the annexation had they known. They thought there was a procedure in place that they would have been told. He stated that their fight is coming to an end one way or the other. Chairman Fricks asked if he was talking about notification of annexation, not rezoning. Mr. Brown replied, "Notification of Annexation, that is correct." Chairman Fricks stated that he had said zoning. Mr. Brown stated that their fight is . . . He feels like they have fought the good fight and they have gained some things. The neighborhood had come together and theirs is coming to a head shortly. They either are going to settle it or go to court, one or the other. For the future people that get caught in this, for the future people that realize all of a sudden that the lot down the street has been annexed and they want to go commercial with it and it was S-R or something, this is sort of what he is thinking about. Chairman Fricks suggested that since he had spoken to Buddy Childers, he might want to talk with him about that because State law usually regulates that. Mr. Brown asked what he was referring to. Chairman Fricks replied about notifications and requirements and such. Mr. Brown stated that came up as an afterthought. That was not on the annexation. Chairman Fricks stated that might be a good idea. He agreed that notification might be a good issue, but they are initiated through the municipalities there and he does not know that they are required to do that. It is not a bad idea, but he thinks it would have to be required by State law or either voluntarily do it. Mr. Brown stated that he understands that they used to notify for annexation. He was told that they did and then the procedure was changed to where there was no notification given for annexation. It was just printed in the paper three weeks in a row and two hearings and that was it.

Commissioner Jennings stated that he would like to ask the County Attorney. He was under the impression that our procedure was mandated by State policy, by State law that they did the 10 minutes and 10 minutes and then the rebuttal 10 minutes. He stated that he thought what he was hearing now is that that is a procedure that Floyd County has been using for years and years and years but it is not mandated by State law. He stated that he believes the City uses the same 10/10/10 approach or policy. He asked the County Attorney if, to his knowledge, there any other than local procedure, is there any reason for them to continue that practice. County Attorney Tom Manning stated that is a new issue to him in terms of him having looked at that recently. He stated that he was just glancing at the Code, the ULDC speaks to 10 minutes for each side speaking and it doesn't speak for an additional 10 minutes for rebuttal, but it does set forth that the applicant is allowed a time to speak in rebuttal, but it doesn't say there is a 10 minutes for, 10 minutes against and then . . . Chairman Fricks stated that he does not know if they have ever said, he would have to go back and look in the minutes, that you get 10 minutes for rebuttal, he thought they always said, "You have the opportunity for rebuttal." He stated that they do identify that he can only address the items that are brought up in the opposition. County Attorney Manning stated that the ULDC speaks of that. Chairman Fricks stated that on behalf of this Commission, in 1999 when the majority of them took office, one of their goals was to make people feel more open and willing to speak and they try to make a strong effort to open their meetings so people can say what they want to say. Part of the limitation is to eliminate duplication. They will end up with the same people saying the same thing over and over again and a matter of time is what their factor is. It is not to keep anybody from giving their opinions or anything else. Mr. Brown stated that he understood. Chairman Fricks stated that on the rebuttal issue, he will say, they are following how the ULDC was written and presented to them.

Also by only addressing the issues that someone brings up in opposition, and he is not saying this is the case here, some people in some areas in opposition, bring up untrue factors. That can and will happen, people are not under oath, but they can bring up, and they can make accusations of things that are totally untrue. And this case is only giving the first person the ability to only defend the things that are said and to verify or either give the proper information. He stated that if Mr. Brown prefers, they will look at the structure again. He stated that he would promise him that their efforts are very honest in trying to be as fair a process as possible. If Mr. Brown has any recommendations of another way, they will be glad to review them. They have had this test and in 4½ years, he thought this is the first person that has ever come to them and said that they do not feel like they had the opportunity to speak as much as they wanted. Mr. Brown stated that there were times when they were at meetings that they would present their side and they deliberately handed out topics to different people to speak on so that they were not saying the same thing over and over again, but yet during the rebuttal phase there were liberal interpretations of facts or there were things said that they disagreed with. They felt like they had valid arguments against and they could not voice those because either they were not asked a question or else they were out of time. The developer had the rebuttal and they did not have any more time. He stated that all that they are asking is to take a look and just see if it would be fairer to allow two shorter sections of rebuttal. County Attorney Manning asked if Mr. Brown's objection is not necessarily with the developer or the person seeking the zoning change as a rebuttal, it is just that they do not have a surrebuttal time. Mr. Brown replied, "That is correct, they are sitting there with no rebuttal to his rebuttal." Chairman Fricks stated that in both of those, it must not have hurt their case too bad because he did not get the zoning on either case. Mr. Brown stated that they could thank the Commissioners for that. They felt they received a lot of support from the County Commission when they were there and he realizes that it was a tough decision but thinks they considered the overall neighborhood and supported the residents there. Had they had a further advance notice of the annexation, they would have had their crowd at the annexation hearing. They would have pointed out all of the zoning and whatnot. And maybe, perhaps, kept it in the County and then the Commissioners would have gotten to see them again in probably a year. That is the public discussion, the Special Use Permit for the S-R zoning for manufactured subdivisions and the question about the Dispute Resolution, if it came to Dispute Resolution and the County maintained their previous vote, what happens. County Attorney Manning stated that he thought the procedure was that it is an agreed upon binding arbitration that takes place with the County trying to persuade the arbitrator of their position that a zoning change should be allowed and the County trying to persuade this arbitrator that this should not be changed. Mr. Brown stated, "So an arbitrator hears the case and then decides." County Attorney Manning stated that is the way the code reads. Commissioner Jennings stated that if he remembers correctly, if the City were to make a decision, they would have 14 days to request the Binding Arbitration. County Attorney Manning replied that is correct. Mr. Brown stated that this information, if it gets out to the general public, can only help them in their zoning problems and attempting to maintain their neighborhoods. He stated that theirs is coming to a head one way or the other. They appreciate the Commissioners support in the past and he appreciates their input on these. Mr. Brown thanked the Commissioners.

## **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 October 14, 2003 and Called Meeting of October 21, 2003 as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

## RESOLUTIONS

### **WATER RESOLUTION FROM CRBI.**

Commissioner Bennett made a MOTION that they approve the Resolution that had been requested by CRBI with the following changes. In paragraph 6 where it says - and he does not think they are very significant, but it changes the tone of the document - "water management must be guided" he suggested that they change that to "should be guided by a comprehensive stated water study." Also the next following paragraph where it says "regulation of interbasin transfers must reflect scientific knowledge and protect the basins of origin" that they change "and" to "to." With those two minor changes, he would make a MOTION that they pass the Resolution as amended. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated the he apologized for skipping over something. He had been saying how fair they are in Public Participation and he went over the list and left everybody out. He stated that actually they would bring up some of the items, but asked if there was anyone who had signed up for Public Participation on anything other than any items that are on the Agenda for a zoning issue. He stated that they open up the Public Hearing on each one of the zoning issues and they will address that then and give them the opportunity to speak. He stated that he thought there were some who had signed

up for the South Rome Redevelopment and they will call the people up and let them address the Commission at that time on that issue.

Chairman Fricks asked if there was a problem with shifting some things around on the Agenda, moving the Second Reading items down to the back, and taking care of some of the business items first. Chairman Fricks stated that they would skip on down to the Manager's Report and take care of some of those issues.

## **MANAGER'S REPORT**

### **DISCUSS RECOMMENDATIONS FROM AIRPORT COMMISSION TO PURCHASE ASL TURBINE HANGER. (DEFERRED FROM SEPTEMBER 9 AND 23, 2003 AND OCTOBER 14, 2003 MEETINGS)**

County Manager Kevin Poe stated that this had been deferred from previous meetings and is related to the purchase of the hanger at the Airport. He stated that it is his understanding that they are not ready for any action at this time. Assistant County Manager Sammy Rich stated that was correct, that they are waiting on an architect to get back with some figures on what it would take to redo the upstairs of the terminal.

### **REQUEST FROM SOUTH ROME REDEVELOPMENT ASSOCIATION FOR FUNDING. (DEFERRED FROM A PREVIOUS MEETING)**

County Manager Kevin Poe stated that they had a request from the South Rome Redevelopment Association for funding. They have asked for \$50,000 and a presentation was made during the Caucus Session regarding that. He stated that one of the options that was thrown out there in regard to funding was to provide funding in FY03 in the amount of \$25,000 and then at the beginning of next year in the FY04 Budget provide the remaining \$25,000. All of that would be committed to helping fund their Master Plan Development. He stated that was before them for their recommendation and vote. Chairman Fricks asked if anyone wanted to address this.

County Manager Poe stated that one issue, which had been mentioned, was that County Attorney Tommy Manning wanted to note something in the minutes regarding the use of the funds. County Attorney Manning stated that, as was discussed in Caucus, if they could address it so it would be on record in the minutes the benefit quid pro quo that the County will be receiving in exchange for its contribution to the South Rome Development Project. He stated that he thought that would be helpful in case there were ever to be anybody raise any questions regarding the legitimacy of doing this.

**Roman Herrington, Executive Director, South Rome Redevelopment Corporation**, stated that before making any comments, he wanted to acknowledge a number of the Board Members who were in attendance. Attending were Reverend Carey Ingram, who gave the Invocation, their Vice Chairman Bob Kane, Dr. Mary Luchetti, Mrs. Pat Russell and also Reverend Bobby Braziel, all residents of South Rome and have an interest in trying to see something occur within the area. He thanked Chairman Fricks and all the members of the Commission for taking the time to listen to them, and to sit down and thoughtfully discuss what some of the options might be within the South Rome area. He thanked County Manager Kevin Poe and Assistant Manager Sammy Rich as well.

Mr. Herrington stated that part of the development of trying to do something in the South Rome area doesn't necessarily date to the creation of the South Rome Redevelopment Corporation. They can even look back five and ten years, maybe even longer than that. South Rome has been one of those areas that within the last 40 or 50 years has experienced a gradual and persistent decline. Many people attribute that to the redirection of Highway 27 off of Cave Spring and moving a little bit to the east, and the slow deterioration of South Rome as a result of that process. He stated that one of the things that has been exciting over the past five or ten years trying to be able to, as a community and people within not only South Rome but people throughout the area, trying to be able to come together to answer the question, "What could ever be done about South Rome?" In some small way the Rome and Floyd County 20/20 Plan spearheaded by the Chamber of Commerce helped accomplish some of that in trying to look at how can they broadly look into the future for the next 20 years and help define how we, as a community, help address some of those kinds of issues on a broad scale. Those were really brought together five years ago and some of those conversations, even at a smaller level in the South Rome area, started to then emerge to figure out if they could do something interesting and fascinating within South Rome. Such as work with, to empower the residents of South Rome; help bring some consistency to land use; help provide greater opportunities for housing; affordable housing; mixed use housing; try to find better opportunities for the development of businesses within the area; how to be able to define opportunities to be able to rehabilitate and restore many of the old Victorian homes that are located within the South Rome area; and be cadent to the idea of adaptive reuse and historic preservation. He stated that all of these really came to the head about two years ago with the community shed that was facilitated by a number of people, many of the people that are probably here in this room today, which led, as one of the recommendations the creation of the South Rome Redevelopment Corporation incorporating as a non-profit 501C3 organization. The thought process was, let's create an organization that is not a political body, a non-profit organization that can be able to receive and accept charitable gifts, that can be able to work with both bodies of local government, that can work with state government, federal government and individuals, corporations and a wide variety of different people. Really to serve as a conduit to focus the lights on how can things happen in the South Rome area. As a result, they have been created. He was formally retained as staff as of May. In June they selected a planning firm, W. K. Dixon which is based out of Atlanta. They have been actively working in the South Rome area since the beginning of September. They do have, as a result of that,

now in place, an infrastructure to really start to advance the idea of how can they broadly think big dreams about what could happen in South Rome and how they start to define those into a concrete set of ideas and thoughts so that they really start to build on it for the redevelopment of the South Rome area.

In their conversations they have thought that there were three major telling reasons why something interesting could be done in the South Rome area. First of all, they believe strongly that strong institutions make for strong communities. South Rome already has a number of strong and vibrant institutions. You have Darlington School, which is a national/international school, in the southern part. You have the Coosa Country Club at the northern end. There is also have Myrtle Hill Cemetery. You have historic neighborhoods in there such as the Mount Aventine District. You have all of these different areas and different neighborhoods where there are already strong institutions in place and the County Commissioners have already approved a new institution coming into the area, which is the Floyd County Health Department, which adds to the list of another strong institution moving into the area. There are already a number of definable assets that are there. Second of all, they think strongly that the redevelopment has a strong intangible economic development line to it. When they start looking at the redevelopment of a certain area, one of the things that they started looking at was the over 300 different vacant lots within the South Rome area. From the 1990 Census to the year 2000 Census, they noted over 250 homes that were in existence in 1990 that are no longer present, which decreases the tax roll for all bodies of local government within this community. They know that those 250 homes are supportable within the local infrastructure. If they started to then calculate, hypothetically, what would be the net return or value to the City, County and even the State of Georgia, which are the four taxing entities located in South Rome, If they started to create \$79,000 homes, which are the types of homes that the City in conjunction with local private banks are building on Branham Avenue at this moment, and they started to develop 300 as a hypothetical model in South Rome, they would actually then increase the tax base within the South Rome area to the tune of \$23 million, at which the net wind fall to Floyd County would be about \$74,000 in change. They think that is a very powerful and very compelling argument for wanting to be associated with a project like this. Third of all, there is also, when you engage in a project like this, the thing that is exciting is that it is not the first time it has been done. There are certainly other times and other communities that have taken on a process such that is very similar to what is being proposed here and have done it very successfully. One of those is the East Lake Subdivision in Atlanta, which was known euphuistically as Little Vietnam because of many of the problems that they had there. They had problems with crime, delinquency, low unemployment rates and such. Through really a partnership with local government, housing authority and private individuals, have noticed an increase in employment rates from 12% to 84%, a 94% decrease in crime rate and the first new investment of private development within that community with the Publix Supermarket being set in 2001, the first new investment in over 40 years within that neighborhood so certainly part of . . . The background of why he is giving this much detail, is to be able to answer the question of what is the net return, the quid pro quo of the definable benefit, one to the other. Part of it they see it from the County's position, is an increase in the tax base for Floyd County, but at the

same time you are also encouraging community participation in the process and helping encourage residents to be able to assume active democratic revitalization of the Rome community. Helping encourage them to be able to define opportunities for mixed income housing. Helping encourage residents to be able to find opportunities for economic development and to be able to take a leadership stake in seeing residents within South Rome to be able to see how they can better themselves at the same time.

Chairman Fricks asked if there were any further questions and thanked Mr. Herrington and stated that they appreciate what they (*South Rome Redevelopment Association*) do. Commissioner Mayes stated that he has a two-part MOTION, one is to move that the County will provide funds specifically for the development of a Master Plan in South Rome. Those funds will consist of \$25,000 this fiscal year and an additional \$25,000 in the following fiscal year, for a total of \$50,000. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

FIRST READING

**(SECOND READING/PUBLIC HEARING TO  
BE HELD NOVEMBER 11, 2003 AT 2:00 P.M.)**

**AMEND CODE TO ADD SECTION REGARDING  
SCRAP TIRE MANAGEMENT.**

County Manager Kevin Poe stated that if they would turn to their Agenda Package under First Reading, there is an ordinance entitled Floyd County Scrap Tire Management Ordinance. Assistant County Manager Sammy Rich stated that to give a brief synopsis, as most of them know, he has been working with the Police Department's Environmental Enforcement Unit. Part of that is they were audited by EPD, and one of the things the EPD told them was that they needed some local teeth into how they enforce the code. Traditionally they have just followed State guidelines, but by adopting this, it is going to allow them to have something local to fall back on and so they can effectively enforce the County. County Attorney Tom Manning is in the process of putting this into the legal format, which will be on the next Agenda for Second Reading/Public Hearing.

SECOND READING/PUBLIC HEARING

**(FIRST READING HELD OCTOBER 14, 2003  
AT 3:30 P.M.)**

**FILE #55-2003Z, REQUEST REZONING  
FROM S-R (SUBURBAN RESIDENTIAL)  
TO L-I (LIGHT INDUSTRIAL) TO  
CONSTRUCT WAREHOUSES AND A  
SPECIAL USE PERMIT FOR AN  
OUTDOOR STORAGE LOT ON  
PROPERTY LOCATED AT  
4621 ALABAMA HIGHWAY  
(ZONING MAP 752-00-78, 78C & 78D).  
(PLANNING COMMISSION RECOMMENDATION:  
NO RECOMMENDATION [VOTE – 3-5 AGAINST  
A MOTION TO RECOMMEND DENIAL])**

There was discussion among the Commissioners as to the Planning Commission vote and it was determined that five people were in favor of the rezoning and three were against. 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

**Sue Hiller, Rome/Floyd Planning Commission**, stated that the subject property is the gray area on the map. It is surrounded by S-R on four sides with some O-I across the Oreburg Road to the west. The surrounding land uses include a Credit Union, a restaurant, wooded property, single-family residential property and a commercial tool rental property. She presented pictures of the surrounding area. She stated that Staff Recommendation was to deny because this is more of a commercial and residential corridor than industrial corridor at this point. However, there is some industrial use as well. As it was pointed out, the Motion was to deny. There were three votes in favor of the Motion and five votes against the Motion so it comes to the Commission with no recommendation.

Commissioner Jennings asked if the Alabama Highway was on the upper portion of that. Ms. Hiller noted on the map the location of the Alabama Highway. Commissioner Jennings stated that there is a strip accessing the major part of the property. Ms. Hiller replied, "Correct," and noted the part that runs on the Alabama Highway and stated that the remainder is back, sort of behind the commercial corridor that is formed along the highway. Commissioner Jennings asked if those were residences on either side. Ms. Hiller replied that there are residences down there and noted that there is what looks like a house and a trucking company that may be on one side,

and a credit union and restaurant. Commissioner Bennett asked if there is a railroad, which runs right behind it. Ms. Hiller replied that it did. Chairman Fricks stated that generally on the maps they usually identify houses with a "T" or something. Ms. Hiller stated that they had discussed that and since they have gone to the GIS maps it is a lot harder to do that, but she thought that they were going to go back to doing that because it tells them a lot where the single-family residences are around a property. She stated that next time those will be back. Commissioner Jennings asked if the single-family residences are on either side of the strip that goes up to the Alabama Highway. Ms. Hiller replied, "No, on one side there is a tool company. There is a residence located to the east of the property." She noted on the map the residences along Oreburg Road. She also noted an area, much of which is undeveloped. There is a manufactured home park and she noted on the map where she thought it is located. She stated that it is kind of a mixed area, commercial, residential and as she said, some fairly heavy commercial uses as well.

Chairman Fricks asked if anyone wanted to speak in support or opposition of this item. There was one person for support who offered to answer any questions and there was no one in opposition. Commissioner Jennings asked if it is zoned Light Industrial in addition to warehouse, what else can go on that property? Ms. Hiller replied that L-I zoning district allows mini-warehouses, light manufacturing type uses, usually the manufacturing uses that don't involve raw material, they are more of assembly types of manufacturing.

**John Ivester**, stated that he represented Larry Martin, Martin Real Estate Company. They are the owner of the property. He stated that she (*Ms. Hiller*) pointed out the section marked "O" and "I" on the map as a truck rehabilitation facility. What it looks like is a truck repair shop. He asked Commissioner Bennett if he had driven out there and looked at the location. Commissioner Bennett replied that he is familiar with the property, but did not go out there specifically. Mr. Ivester stated that it is a big truck repair shop and it has a house, but he is not sure that is somebody's residence, it looks like maybe an office and then there is a big repair barn and then a bunch of trailers that haul timber to Inland Container are parked around in that yard on this side. She is correct in saying that on the right hand side it is a mixture of businesses. He pointed out the location of three residences, the Dollar General Store, Golden Gallon Convenience Store, Machine Tool Rental Shop, mini-warehouses owned by G. H. Riddle, lots owned by Allen Popham which have three mobile homes on them, Charles Hunter owns two lots which have three mobile homes, another lot owned by Mr. Hunter which looks like an auto repair shop which he is not exactly sure is a legal business. He stated that in the county you still don't have to have a business license so there was no way to check to see what he does, but there are cars stored all over the lot. The balance is in basically trees. He pointed out the railroad track and noted that the lot formerly belonged to C. L. McCord Trucking Company that carried lumber back and forth to the mill for years and years and years and he stored his trailers and worked on his trailers there. He sold truck parts there just like down the street at Ellison Truck Repair. He pointed out the shopping area called the County Vegetable Store and what used to be a restaurant called Nancy's Restaurant which has since been bulldozed. He stated that the concept when they bought this from the estate of Bob Early of Regions

Bank, was to create, possibly, mini-warehouses and temporarily a storage lot, which is why they asked for a conditional permit for a storage lot for some of their guys who are towers who pick up cars in the city and county and don't have any place to put them. That requires an L-I designation for both of those uses being mini-warehouses, etc. They are in the mini-warehouse business, so with Oreburg Road soon to become part of the Southwestern By-Pass a lot of the area will be destructed and reconstructed into various business interests and also lots of commercial interest will be along where the By-Pass is coming out on the Oreburg Road. Then there could be some industry that would be interested in a railroad possibly, but the only problem is they probably have 2,000 or 3,000 feet of railroad frontage and it probably cost \$100,000 or \$150,000 to put in a siding, but potentially that is a possibility. That is why they are asking for a Light Industrial zoning instead of C-C. Commissioner Jennings asked Mr. Ivester, because there are three residences there, as far as the front section of the property, how much of the front section of the property would be used for the car storage. Mr. Ivester replied that none of that would be used for that. That is obviously down the road if there is a commercial application, then obviously they would go back and resurvey and probably cut it off at a location which he pointed out on the map. He stated that everything they are planning to do now would be all of the use in the back which is eight acres, six acres, four acres and five acres, which is completely off the road and not visible to anybody. He stated that it would be crazy to take a portion that he noted on the map and not use it for some commercial purpose like the tool rental shop or something like that in the future. They might try to go back and rezone that to C-C or something or H-C and have it a commercial use for that property. Everything that they are talking about will be happening on the back of the property, completely out of site of the general public. Chairman Fricks thanked Mr. Ivester.

Chairman Fricks asked if there were any other questions, then called for a Motion to close the Public Hearing. Commissioner Mayes made a MOTION 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. Commissioner Bennett made a MOTION to **approve** the rezoning of this property to L-I. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes  
" Jennings  
" Bennett  
Chairman Fricks

Motion Carried

**\*\* See amended Motion for File #55-2003Z following File #65-2003Z.**

**FILE #62-2003Z, REQUEST REZONING  
FROM C-C (COMMUNITY COMMERCIAL)  
TO A-R (AGRICULTURAL RESIDENTIAL)  
TO CONTINUE PRESENT USE ON PROPERTY  
LOCATED AT 2406B PLEASANT VALLEY  
ROAD, SE (ZONING MAP 100 046 [L17-027]).  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [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

**Sue Hiller, Rome/Floyd Planning Commission**, noted the subject property on the map which is marked C-C and stated that it is developed as a single-family residential property. To the north there is a single-family residence zoned A-R. To the south there is a single family residence zoned A-R. The property to the south also includes what appears to be a business use. She suspects that what might have happened is that the people who did the zoning might have tried to zone that property C-C and just missed. This particular property is obviously residential and it is surrounded by residential. That is how it should be zoned. The Staff recommendation was to approve and the Planning Commission unanimously recommended approval.

Chairman Fricks asked if there was anyone who wanted to speak in either support or opposition of this issue. There was an individual present in support and offered to

answer any questions. There being no questions Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Hufstetler made a MOTION to **approve** the rezoning request from C-C to A-R. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**FILE #63-2003Z, REQUEST REZONING  
FROM A-R (AGRICULTURAL RESIDENTIAL)  
TO H-C (HEAVY COMMERCIAL) TO CONSTRUCT  
MINI WAREHOUSES ON PROPERTY LOCATED  
AT ROCKMART HIGHWAY/101 SOUTH  
(ZONING MAP 234-031, PART OF PARCEL [K18-006]).  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [VOTE – 6-2])**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

## Motion Carried

**Ms. Sue Hiller, Planning Commission**, noted the subject property on the map. It is surrounded by A-R zoning. To the north is single-family residential. To the south is a cabinetmaker, which is a non-conforming use, but it is also zoned A-R. To the east and west are single-family residential also zoned A-R. She showed pictures of the surrounding areas. She stated that it is a very rural residential area with the exception of the cabinetmaker. There is not much besides rural residential in this area. For that reason Staff recommended that the Planning Commission follow the 1998 Future Land Use Map, which specified that this area should be A-R (Agricultural Residential) because that is still the predominate development pattern in this area. She stated that the Motion was to deny, there were six votes in favor of the Motion and two votes against so it comes to the Commission with the recommendation to deny. Commissioner Mayes asked Ms. Hiller if the conversation at the meeting was about the neighborhood and character of the area. Ms. Hiller stated that they had discussed the fact that there are residences on three sides of this. There is actually a dwelling on this property and she thinks the applicant indicated that he would have to divide the property in order to do this. They talked about how there are some churches and scattered retail type usage. There is a cabinetmaker and there is a cemetery a little further down. But, it does appear to be predominately residential and rural in this area. She stated that not too long ago the Planning Commission had another application about a mile from here to put some mini-warehouses in and their recommendation at that point was to deny because of the character of this area. She stated that when you have the highway you tend to think that it is going to become commercial and industrial anyway and that may be inevitable at some point, but at this point that hadn't happened in this area. Chairman Fricks asked the outcome of the other application. Ms. Hiller stated that she believed after the Planning Commission heard it, the applicant withdrew it.

Chairman Fricks asked if there was anyone who wanted to speak in either support or opposition of this issue. He stated that the applicant would have the opportunity to speak up to 10 minutes, the opposition will have the opportunity after that to speak for 10 minutes as well and you can only address the issues on rebuttal that are brought up in opposition. He asked that they give their name and address when they begin.

## SUPPORT

**Roy Miller**, stated that he owns the property and requested the zoning change. He stated that he operates 200 mini-storage units in Rockmart and in Fish Creek. He stated that Fish Creek is between Rockmart and Cedartown. He bought the subject property in hopes that they would let him change the zoning and put some mini-storage buildings there. He stated that it has already been noted that the Zoning Planning Commission recommended to deny and they made that recommendation largely on the basis of this map. Unfortunately this map does not reflect the actual use of the land in the area. On his way to the meeting tonight, a mile and a half from this property he began to count and a mile and a half after his property he quit counting and he counted 17 commercial businesses within a mile and a half of the subject property. He presented pictures that show the

commercial businesses. In the Zoning Planning Meeting the statement was that the other businesses were not real evident and the fact of the matter is that standing in his driveway looking directly south there is a 70 foot tall building with 800 feet of road frontage, very clearly visible, he could hit it with a five iron from his property, it is about - well he could not hit it with a five iron it would probably be a three wood - about 250 yards away and immediately to the north is a commercial business that has been there for 50 years, an insulation business. He noted on the map property to the north was a commercial building, a block building, that has been used as a commercial building for 40 to 50 years and he pointed out the property with the cabinet shop and stated that is a building 60 or 70 feet tall and they have about 700 feet of road frontage. A little further to the south is a convenience store which also has about 500 feet of road frontage. He pointed out an area that has several local businesses. He stated that there were seven from a mile and a half out to his property and then beyond his property, there were another ten including a Federal Post Office that is just slightly over a mile away. He stated that he think it is inaccurate to say that the area is largely rural residential, he does not believe that is accurate, and if they had been out there, he thinks they would agree with him on that. It has also been stated by Ms. Hiller that a year ago the same request or a similar request was turned down. He thinks that is inaccurate as well. That request was for a piece of property immediately adjacent to Pleasant Hope Church and between their cemetery and the road. It is his understanding, and he was told this by a member, that several church members along with several local residents showed up in opposition. At the Zoning Planning Commission there were no local residents and there were no church members in opposition to his request. As Ms. Hiller had observed, he is a mile away and he does not think it will have direct effect on the church whatsoever. He stated that he would acknowledge that this map makes it look like he wants to build storage units in a wilderness area. That is not accurate. This map does not reflect the current usage and again, and he doesn't want to repeat himself and bore them, but the truth is, that they can't form an accurate picture of what is out there by looking at the map. It just does not reflect what is going on. If they had been out there and if they look at the pictures he sent them, they will see that there is a good bit of commercial business in that area. Mr. Miller asked if there were any questions.

Chairman Fricks stated that on the Staff Report, and this may be for Ms. Hiller, the cabinet shop was on the south and there was an insulation place on the north. Mr. Miller replied that was correct. Chairman Fricks stated that the application or report from the Planning Commission says single-family resident on the north side. (*Ms. Hiller's response was not audible.*) Mr. Miller showed a picture of the block building and a picture from his driveway. He stated that the fence that they see in the picture is his fence. Commissioner Mayes asked if the building was being used. Mr. Miller stated that it was his understanding that it has been a commercial building for many years, but he has not seen trucks coming and going from there, but he does believe it is an active commercial business.

## **OPPOSITION**

**Stan Stephens, 11 Craton Road, Silver Creek**, stated that he lives directly across the street. He noted his property on the map. He stated that he and his wife live on a farm, which is 330 acres. They have a neighbor, Mike Davis and his family who live to their

north, the Johnson family lives to the south and you will find that typical all up and down that highway. In fact, if you flew over this, and that is probably the best way to illustrate this, what you would see is nonconforming businesses spotted along the highway, which is an absolute testimony to the reason they are there tonight. That is because they do have zoning today they don't have to do this again. If they leave their home and drive north it is three-quarters of a mile, before you hit anything that starts to look commercial. He stated that when he says commercial, what they are blessed with, unfortunately is mini-warehouses, some very substandard duplexes, triplexes, quadraplexes, he is sure that most of them have been up and down this roadway, junkyards, auto body repair shops and that type of non-conforming use where people were able to build that stuff right along the highway on that little strip of land up and down the roadway and then behind that property you will find agricultural residential. In fact of the last few years that they have been there they are starting to see the place clean up a little bit. Some of the junkyards have been under a lot of pressure to improve their act as the environmental people have requested and they are seeing less of the duplex type approval. Unfortunately they do have this type of unpleasant or non-conforming use up and down the road, but if you stand on the top of the hill on his farm you can see as far as the eye can see with seeing absolutely nothing but the one cabinet shop that is directly across the street. This piece of property that is the subject here tonight is directly across street from their farm. It is a very beautiful piece of property, it is very level, it has a nice home on it now and there is a nice home on it next door and there is a nice home across the street and that goes both ways. He doesn't want to keep repeating this, but, this is going back to the old way, that was the reason that they are there tonight, and that is the benefit of having this type of zoning, that they can preserve this very beautiful little stretch that they are on. He stated that he wished that he had done a better job in preparation and brought some more pictures. He stated that he will say this, it is not the position of someone who is in opposition to request this, but should the Commission want to review this matter further, this is one that is important enough that they ought to consider at a later date if this decision can't be made tonight.

Commissioner Bennett asked Mr. Stephens if he would buy that lot that is under discussion now and put a single-family house on that for the future. There is one there now, but would he build a new house on there? Mr. Stephens replied that he would answer the question two ways, one, the house that is there is a very nice home so it wouldn't be a tear down, certainly it is a very nice home and secondly, yes, he would. His house, he is currently building a new 5,800 square foot house, about the same distance from the roadway that this house is, so he thinks he could . . . Commissioner Bennett stated that is just saying adjacent to the cabinet shop. Mr. Stephens stated that he (*Mr. Miller*) is probably not much further from the cabinet shop than he is, walking distance.

Commissioner Hufstetler stated that maybe that is what Commissioner Bennett is asking. He is looking at the pictures of the cabinet shop and he is saying if the mini-warehouses were that detracting, what about the cabinet shop in building a house here. Mr. Stephens replied that the cabinet shop is, of course, not what they would want in terms of residential. Commissioner Mayes mentioned that it had been there for 30 years. Mr. Stephens stated that the cabinet shop was already there and is not something they can do anything about, what they can stop is today. And do they destroy the value of the property

and restrict their rights? He does not think so in any way. They begin to go in the other direction by doing this.

**Kenneth Gibson, a resident of Rome representing Temple-Inland**, stated they have some property that would be in the northeast corner of this. He stated that they own approximately 300 acres that fronts Highway 101. They see their property, long-term, as being residential development. He stated that he works for Temple-Inland Land and Timber which is the real estate group for Temple-Inland. This particular piece of property is under their administration and is not part of their industrial forest landholdings. He stated that their concern is not so much if you brought in mini-warehouses, it is what does that open the door to down the road. If there was any way to guarantee that a mini-warehouse was going to be the only thing that was going to be there, then they are not so opposed, but down the road, what does heavy commercial bring. Does it bring trucking, a junkyard and that sort of thing, that is what their concern is. They are not saying that they are opposed to a mini-warehouse as long as there is a guarantee that is what it is and he is not sure that they can do that with this zoning. Chairman Fricks asked what the zoning of their property. Mr. Gibson replied, "A-R." Chairman Fricks thanked Mr. Gibson.

Commissioner Mayes asked Ms. Hiller if Mr. Miller had the option of getting this application either L-I or H-C for this particular use. Ms. Hiller replied that was correct. Commissioner Mayes asked if there was a reason for one or the other in this particular case. Ms. Hiller stated that although they both allow this use, the L-I, as had been discussed before, allows you to go more in the direction of Light Industrial uses, manufacturing uses, warehousing uses, etc., whereas the H-C is heavy commercial use, but it tends to allow retail as opposed to manufacturing type uses. Commissioner Jennings stated from the long-term plan are they looking at this corridor as a commercial corridor from Rome all the way out to the County line. Ms. Hiller stated that the Future Land Use Map that was adopted in 1998 shows this as an A-R (Agricultural-Residential) area. Chairman Fricks asked what the identification required to continue existing use on the adjacent piece of property. Ms. Hiller asked, "For the cabinet maker?" Chairman Fricks replied, "Right." Ms. Hiller replied L-I might be appropriate for that property, however, that is a non-conforming use. It is zoned A-R at the moment. Commissioner Hufstetler asked what are their options? One is to deny, one is to approve, another could be to approve to L-I. It is his understanding that when this comes up, they could pick another one and could they approve with the stipulation that it is only for mini-warehouses. Ms. Hiller stated that whether they can go to L-I when it is advertised for H-C would be a question for the attorney. They sometimes make the case that if you go into a lower zoning classification you can do that, but if you are going to a more intense classification, you cannot. It was advertised as H-C. Commissioner Bennett asked if L-I was more intensive than H-C. Ms. Hiller replied that industrial is typically considered more intensive than commercial use. Commissioner Mayes asked Assistant County Manager Rich if they were to approve with any stipulations, what kind would he recommend? Assistant County Manager Rich stated that he thought in this case they are looking at rezoning to H-C, which would be the less intensive use. To reiterate what has been said, looking at the corridor, to put on his planning hat, he is typically not a big fan of commercial strip development along corridors. When they do that as a planner, they always want to see it develop in nodes, you want to see frontage

roads. Personally he likes to see design standards. In his discussions with Mr. Miller, this kind of development could be done to blend into the neighborhood if given the right design standards, the right buffering, etc. That would be his recommendation, if they were looking at a way to blend this. Commissioner Mayes asked the County Attorney if that was legal. Assistant County Manager Rich stated that there is a mixed use in the neighborhood but it predominately zoned A-R with obviously some non-conforming uses. Commissioner Mayes asked if that can legally be stipulated. Assistant County Manager Rich stated that his opinion is that you can apply any condition to a rezoning, but as far as changing the zoning, he does not agree that you could change a zoning because it had been advertised. Commissioner Hufstetler stated that if they put a stipulation in there, it really doesn't matter anyway he does not guess. Assistant County Manager Rich stated that what they are talking about is rezoning with conditions and you do have the latitude to apply those conditions, they run with the land in perpetuity. Commissioner Mayes asked if they need to take time to consider those stipulations. Commissioner Bennett asked if they could defer until he (*Mr. Miller*) comes back with a plan that they might could approve and possibly, he is not asking for an agreement with neighbors, but, if in fact, it could meet some kind of standard. He stated that he hates to put off an issue, but if, in fact, they might give it some consideration because of it's Light Industrial neighbor and also the surrounding area, a mild objection to a major property owner who may be looking for residential development. He doesn't want to put words in his mouth, but he said he wants it to not go just randomly commercial out there, but something that could fit in would be alright. Commissioner Jennings stated that he thought that what this illustrates is random commercial and mini-warehouses; he has to have pretty intensive security lighting. What does that do to the character of the residences of the people who have an investment out there? In his mind, this is clearly a residential corridor that does have, from historic standpoint some commercial along the highway, but he does not think it is their intent to have a Alabama Highway type of circumstance. They just heard, and he voted in favor of that change primarily because of the character of the Alabama Highway. That is not the case out here, this is primarily residential area and they have the potential of major residential development out there. He just doesn't see them moving forward and making this zoning change. Commissioner Bennett asked Mr. Miller if this property was zoned A-R when he bought it. Mr. Miller replied, "Yes, sir." Chairman Fricks suggested that they go ahead with the rebuttal, if he had any. Chairman Fricks stated that Mr. Miller has an opportunity for any rebuttal and that only issues brought up in the opposition could be addressed.

### **REBUTTAL**

**Roy Miller** stated that he confessed that he lives in the country as well. He lives on 27 acres in Morgan Valley, which is a pretty part of Polk County. He stated that he understands the residents objections and he has seen his house and he sympathizes with his concern. He stated that he can only say that mini-warehouses are only of any use in a residential area. If you are going to store your grandmother's furniture or things that you have in excess of your own home, you want them close to your home. So, mini-warehouses, normally are not as desirable for the user in an industrial park. They are normally much more desirable in a residential area. He stated that he also understands his

concern because of the other mini-warehouses that are in the area and he would be the first to agree that those look terrible, and they are a detriment to the area. For that reason, he brought pictures of his, the 200 that he owns and operates to show them that he runs nice looking mini-warehouses, mini-warehouses that will be an asset to that community. He stated that he normally markets his mini-warehouses to the wives. Normally when there are some products to be stored, it has been his experience that the husband will say to the wife, "Honey, why don't you arrange to get this stored." So the wife contacts him. It is incumbent up on him to have a nice looking facility to be able to sell his product to the wife, so he has a nice looking facility in all cases. He passed the pictures to the Commissioners. He stated that is what he has, and he can only say in the response to that concern, that it is his pledge that the buildings that he builds, if they allow him to, will be an asset to the community. He plans to landscape them and he plans to do everything he can to make them desirable to renters. The only way that he can make a living is to make them look good from the road so that is what he intends to do. They will be an asset to the area as much as possible.

To address the second concern from Inland, he would be willing to condition his request and let them make it mini-storage warehouses only. It is only his intent at this point to build mini-warehouses there. He does not have any ulterior motive or secondary plans, so he would willing to let the Commission condition the approval, if they determine to do that and just let him build mini-storage warehouses. He asked Commissioner Jennings if there was a question concerning one of his pictures, he would be glad to answer it. Commissioner Jennings stated that he thought his point would be that if they carved out a commercial area and perhaps the frontage road and had a specific area within this community, he thought he would be in favor of mini-warehouses being a part of that, but he still has trouble seeing this as a kind of stand-alone structure. Mr. Miller stated that he understands that objection as well. That is why he brought the other pictures. If you look at the 17 pictures he brought of the other commercial businesses in the area, it is clear that it is not just residential and rural, it is not, and the pictures reflect that. The cabinet shop, as he said, has between 700 and 800 feet of frontage and a 60 or 70 foot tall building, it is very clearly commercial and it all but joins him. So, it would not be the only commercial business in that area. Mr. Miller stated to condition him if they feel like that is the case, but he would ask, and he appreciates Mr. Bennett's attempt at arriving at a compromise, but he would say to them, he may have made a foolish mistake to have bought this property not contingent upon the rezoning and he would acknowledge that. He stated that the couple who was there needed to sell it and, without seeming like someone that has too big of dose of religion to them, he will confess that he prayed that the Lord would provide him with another place to put warehouses. The couple prayed that the Lord would send them somebody to buy their house. When he first talked to them, it seemed like they had been brought together and he moved forward. He stated that if they decide not to let him do this, then he will assume that is the same circumstance telling him to try to do this someplace else and he will go away and not make a lot of racket, but he thinks it is a fair request based on what is out there and he would certainly appreciate them letting him do it. Chairman Fricks asked the Commissioners if there were any questions.

Commissioner Hufstetler asked Assistant County Manager Rich, if they had talked about conditioning this, but he has heard other talk of buffers and things like that, is this something that, as he had suggested, they might need to come up with a little bit more detailed plan? Mr. Miller stated that he had submitted a plan to the Zoning and Planning Commission that showed the configuration of the buildings and he wrongly assumed that that would be passed to the Commissioners and he is sorry but he did not bring additional plans, but what he would plan to do is to landscape around it in such a way to try to make it look more appealing, Leyland Cyprus, etc. and on the road as well. Although, he will confess that was not in the plan. He stated that he had carried Assistant County Manager Rich out there. He was good enough to take some time and ride with him out there. He stated that he thought Assistant County Manager Rich is someone that they have confidence in and certainly you don't know him (*Mr. Miller*). He stated that Assistant County Manager Rich could testify to what the other businesses are in that area and he would trust him to be fair and honest with the Commissioners if they want to question him about what he has seen out there and he thought that was very fair. Commissioner Mayes stated that he had ridden out there also. Commissioner Bennett stated that he has been by it many times and he is not trying to prolong anything, he is just trying to see if there is a way to work it out, and he is not saying which way he is going to vote. Mr. Miller stated that he appreciates that. Commissioner Bennett stated that he and Mr. Miller had talked and he is looking for more information. They have an objection here tonight that did not present itself at another time. He is trying to figure out if they could make that objection, if not go completely away, moderate it, because it does have a building setting there that is going to be there another 10, 15 or 20 years. That is a commercial building that was there when they bought their places he would imagine because it has been there for quite a long time. Mr. Miller stated that he would confess that when he bought the property that he bought, in looking immediately on the north and seeing the commercial building, looking immediately to the south, he would confess that he did not think the zoning would be a major issue because, and that was wrong of him, but he felt like it was a reasonable request and that it would be easy, frankly. Commissioner Bennett stated that he is not trying to bail Mr. Miller out, he is just . . . that is his problem if he bought the land . . . Mr. Miller replied, "No, he appreciates that and that is up to him." Commissioner Bennett stated that it is tough now that there is someone coming to them with comments about it.

Mr. Stephens stated that he it is not in character with the area. If they have driven down that street and looked at the situation there it doesn't fit. He stated that he understands. They are absolutely correct, the other building is there and is significant and has been there a long time and it was there when they moved in, but that doesn't mean they need more of it. There is no way for them tonight to come up with a plan that mitigates the impact of this; there is no way to do that here. If he could appeal to the Commission to have them, at least, table this and bring it back at a later date and review this when all of them have had a chance to look at it from a different perspective. Commissioner Hufstetler stated that they could take no action. He stated that what he would like to do, is similar to that, he knows that Mr. Stephens had stated the Leyland Cyprus and things like that were in what was given to the Planning Commission, but he would like to get something fairly detailed and see if they can't get a comfort that this is going to be as hidden from view as possible and that it is detailed.

Mr. Miller stated that he appreciated Mr. Stephens objection and the way he is presenting himself, but the fact of the matter is, will Leyland Cyprus and landscaping overcome his objection? Mr. Stephens replied, "No, it is not a matter of them talking about landscaping here tonight, that is his point, they don't have a plan that they can work from and he thinks it is unreasonable to say his mini-warehouses are better than your mini-warehouses." He thinks that maybe they can improve on the situation here at least, but he thinks to make a decision tonight is kind of hasty. This is something they are going to have to live with for a very long time. Commissioner Bennett stated, not to grill Mr. Stephens, but knowing he still may not approve whatever Mr. Miller does, would he give it consideration to try and work with him to, not to rescue him, it is his problem, he bought that piece of land unzoned without a contingency for whatever reason, but it is reasonable he thinks for him (*Mr. Miller*) to assume that with the adjacent pieces of property he wasn't zoning into a pristine area to ask for something that is kind of low impact as far as commercial application goes. He stated that he is having some problems with this also in trying to make a fair decision, it would be a whole lot easier if you (*Mr. Stephens*) and he (*Mr. Miller*) could come to some agreement amongst yourselves. If they don't, then they will just do the vote. If it is possible to put it off and just like neighbors, he (*Mr. Miller*) used the term and he does not think he used it condescendingly he thinks if they could work it out as neighbors, maybe they could come to accommodations that would suit them both. Commissioner Bennett stated, not that they have to, you don't have to do that. Mr. Stephens stated that he is not trying to be unreasonable at all, he is actually surprised that the Commission would consider it so seriously when the whole idea behind the Land Use Plan and the rezoning was to keep things from keeping on going this way. He stated that also they made a valid point, there is a building there. Commissioner Bennett stated that if that were pristine land and he (*Mr. Miller*) wanted to put it on his (*Mr. Stephens*) side of the road next door to him and this building was within 200 yards of it, "No." But side door neighbors between the two gives him a chance to have some consideration, he still has not said which way he is going to vote. Mr. Stephens stated that they would be 100 feet apart. Commissioner Bennett stated that he understands, but basically Mr. Miller's piece of property is basically taken off the market if something happens to that house, if the cabinet shop has not disappeared. He stated that was just his opinion, he understands that Mr. Stephens does not agree. Commissioner Jennings noted that Mr. Stephens lives equally as far from the cabinet shop as the house that is on this piece of property. Mr. Stephens stated that he lives closer. Commissioner Jennings also noted that he is choosing to build a new 5,700 square foot house. It was noted that his residence is not that close, his property is that close. Mr. Stephens stated that he thinks there is a much better chance of resolving this if it can be tabled today. Commissioner Bennett asked Mr. Stephens if he thought he and Mr. Miller could get together and try to work this out, since he would hate to defer it and then at the next meeting them say that they didn't have time, not that they are required to do that. Commissioner Bennett stated that he would make a Motion to table it if they would. Chairman Fricks stated that they could just basically take no action.

Mr. Miller stated that he thought what was being asked for was a change in the system. In as much as he has done everything that he was supposed to do as far as go through the various steps to get here tonight to have this question asked. He stated that he

(*Mr. Stephens*) is essentially asking for more time, which from his perspective would allow him the opportunity to go out and get up some neighbor opposition, which of course it would and if he were in his position, he would go door to door and oppose it. Those people had an opportunity to be here, they were notified in every way that they are legally notified. They have chosen not to be here. Although he acknowledges the gentleman's concerns, he thinks that he represents only himself, but if he is given another month or two months, certainly if he has any influence, he can get up other people to be here and oppose. He stated that he has already said that, he asked about the landscaping and the Leyland Cyprus and he has testified that really would not matter to him. So it is unlikely to him that he is going to be able to make him satisfied about this process. He stated that he did not want to be hard headed at all, but he needs to move forward and he thinks that he has made a very fair request. His (*Mr. Stephens*) statement that it doesn't fit is entirely inaccurate and he has demonstrated that by the evidence he has shown. To be honest with them, he would prefer that they fairly consider the issue tonight and take some action. He stated that if they decide to not go along with him, then he will go ahead and dispose of the property and do something else and that will take care of their concern and it will let him go ahead with an investment someplace else. He stated that he did not say that to be a hard head at all, he doesn't think it would be in either of their interest to wait a month or two months, because it is clear to him what would happen. He stated that he can't go out and get the neighbors, very unlikely he could get them to come out in support of him, although he did influence the gentlemen from Inland to come in support him with a condition. What he would like for them to do tonight, he (*Mr. Stephens*) has asked that they disapprove, he asked that they approve with the condition for mini-warehouses only.

Commissioner Hufstetler stated that he did not think that they wanted to delay it a month or two and the next meeting is November 11 at 2 p.m. and he would also say that he would not want to open up the Public Hearing again, he thinks they have had the Public Hearing. He would like to see, for the protection of the neighborhood, a specific plan that would say this is what they are going to have there. Commissioner Bennett stated that he would like to see them (*Mr. Miller and Mr. Stephens*) come to a compromise agreement. Both of them standing there saying that it doesn't matter what the other guy does, I am not going to do it, then they will vote. Mr. Miller stated that he did not know how he could satisfy his (*Mr. Stephens*) objection. Mr. Stephens stated that he did not think he was in a position to negotiate tonight, he thinks there is no way for him to make that work and he understands that he (*Mr. Miller*) believes that his chances of forcing the vote and that it is going to go that way, that may be the thing to do. Mr. Miller stated that force would be his (*Mr. Stephens*) choice of words, not his (*Mr. Miller*), he does not mean to force the Commission to do anything. He just thinks that he has observed the process and he is fairly entitled to a vote if they determine that. Chairman Fricks stated that they needed to come to some conclusion on this and he thanked Mr. Miller and Mr. Stephens for their comments and they will discuss this among the Commissioners.

Chairman Fricks asked if there was a recommendation. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was a recommendation. Commissioner Bennett stated that he did not think they could force these people to do anything at all about meeting, but again he thinks things can be worked out amongst neighbors if they want to be neighbors and you can't force them to do that so he would make a MOTION, again, not to prolong this, that they defer this to the next Commission Meeting and they can either get a plan or not, if they don't, then they vote. Chairman Fricks stated that they are not required to make a Motion, they just take no action. Commissioner Bennett stated that he would like for it to be a Motion so they could put that stipulation on it, if that is not out of order. Chairman Fricks stated that they have a Motion. Commissioner Hufstetler asked if Commissioner Bennett was strongly encouraging them to work together. Commissioner Bennett stated that, yes, he is encouraging them to do that, even if at this point they may not and he does not know if Mr. Miller is willing to talk to his neighbor, if he is not, he is not, he would like to give one more opportunity to try and make this work. Chairman Fricks stated that one thing they could also say was that, it is a position that they, unless the Commissioners chooses there, they do not open the opportunity for public input again, this is it on the Public Hearing. Commissioner Bennett stated that they have had the Public Hearing and they do not need more witnesses to it. SECOND by Commissioner Hufstetler. County Clerk Michele Fountain asked that the Motion be restated. Commissioner Bennett stated that his MOTION was that they would defer this until the next meeting to give Mr. Miller and Mr. Stephens an opportunity to come to some compromise even though it may not be total. Commissioner Jennings stated that just as a point of discussion, he thought Mr. Stephens. It is clear that he has an investment in his home in Floyd County and he thinks that investment is in some jeopardy with mini-warehouses being within 100 feet of his property and he thinks they have an obligation as a Commission to be concerned about that investment and protect that investment. He is thinking about himself as a property owner in rural Floyd County with mini-warehouses being located adjacent to his property, he thinks he would be pretty unhappy about the kind of investment he has made in his home and property so he, quite frankly, is ready to vote tonight, but if it is the will of the Commission to defer this, he will certainly go along with that. Chairman Fricks asked that the role be called. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings  
" Bennett  
Chairman Fricks

Motion Carried

FILE #65-2003Z, REQUEST REZONING  
**FROM S-R (SUBURBAN RESIDENTIAL) TO  
M-R (MULTI-FAMILY RESIDENTIAL) TO  
CONSTRUCTION QUADPLEXES ON PROPERTY  
LOCATED ON WAX ROAD @ MIDWAY PARK  
ROAD (ZONING MAP 230-PART OF 028 [K17-456]).  
(PLANNING COMMISSION RECOMMENDATION:  
WITHDRAWN)**

FILE #55-2003Z, REQUEST REZONING  
**FROM S-R (SUBURBAN RESIDENTIAL)  
TO L-I (LIGHT INDUSTRIAL) TO  
CONSTRUCT WAREHOUSES AND A  
SPECIAL USE PERMIT FOR AN  
OUTDOOR STORAGE LOT ON  
PROPERTY LOCATED AT  
4621 ALABAMA HIGHWAY  
(ZONING MAP 752-00-78, 78C & 78D).  
(PLANNING COMMISSION RECOMMENDATION:  
NO RECOMMENDATION [VOTE – 3-5 AGAINST  
A MOTION TO RECOMMEND DENIAL])**

Commissioner Hufstetler stated that he and the County Attorney had had some discussion on the previous Item #1, #55-2003Z. There was discussion as to how this should be handled. County Attorney Tom Manning suggested that someone make a Motion to amend the previous decision today of the Commission to Rezone 4621 Alabama Highway by adding the Special Use Permit for an outdoor storage lot. Commissioner Hufstetler made a MOTION to amend the Motion on File #55-2003Z to include a Special Use Permit for an outdoor storage lot on the property. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler  
" Mayes  
" Jennings  
" Bennett  
Chairman Fricks

Motion Carried

**FILE #66-2003Z, REQUEST REZONING  
FROM O-I (OFFICE INSTITUTIONAL) TO  
L-I (LIGHT INDUSTRIAL) FOR CONTINUED  
USE OF PROPERTY LOCATED AT 100 NORTH  
AVENUE (ZONING MAP 500-008B [J13W-261]).  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [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

**Sue Hiller, Rome/Floyd Planning Commission**, stated that this is a property that is zoned O-I. However, it is developed with light industrial use, warehousing and some light manufacturing. To the north is duplex residential, but mostly vacant land zoned S-R, O-I and L-I. To the south are the City of Rome Transit Department Offices and Bus Yard and this would be a light industrial use, however, because of it's connection to the City of Rome it is zoned O-I. To the east is an asphalt plant zoned L-I and to the west is Riverside Industrial Park, which is zoned O-I and L-I, light industrial. She stated that she thinks in order to make the current use of this property match the zoning L-I is appropriate. She thinks that L-I will be compatible with the surrounding uses which tend to be either vacant land or light industrial uses and for that reason Staff recommended approval. The Planning Commission recommended approval unanimously. Chairman Fricks asked if this is the land that they have started grading and clearing beside the railroad track. Ms. Hiller stated that she is not sure anything has happened to it, it is already developed with a warehousing and manufacturing building on it and a parking lot.

Chairman Fricks asked if there was anyone wanting to speak in opposition or support. There being no one present wishing 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

Chairman Fricks called for a Motion. Commissioner Hufstetler made a MOTION to **approve** the rezoning request from O-I to L-I for continued use of this property. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler  
" Mayes  
" Jennings  
" Bennett  
Chairman Fricks

Motion Carried

**REVISE OR DELETE ARTICLE 1.4.3a(2)(e)  
CONCERNING NON-CONFORMING USES.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [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

**Sue Hiller, Planning Commission**, stated that they had advertised this many times as a revision as it was announced by the Commission. It was pointed out by the City Attorney that what County Attorney Manning proposed may actually have applied to Article 1.4.3a(1)(d) and (e) and the City Commission actually voted on that amendment and she asked them to do the same tonight. Chairman Fricks stated that he is confused. Ms. Hiller stated that initially they thought that is where the change to the Code would be, however, when County Attorney Manning came back to check, she believes it was a(1). County Attorney Manning asked if the City Commission, he sees the “proposed by

Planning Commission”, a little addition on “e.” Ms. Hiller stated that Planning didn’t recommend that and the City Commission didn’t adopt that. County Attorney Manning stated, “So they adopted the language that the County submitted. Ms. Hiller stated exactly as he proposed it.

Commissioner Hufstetler asked if County Attorney Manning had looked at this. He stated that in the Planning Commission they revised that article. County Manager Poe stated that they approved the way it was presented by the County Attorney. County Attorney Manning stated that they approved the top part, (d) and (e) on proposed by . . . County Manager Poe stated that their Committee had proposed the revision, but the Planning Commission approved the way it was presented by the County Attorney. He stated that in his letter he did refer to 1.4.3(a)(1)(d), which is how you (*County Attorney*) referred to it in your letter, and somehow it got on the Agenda with a different number. Chairman Fricks called for a Motion to close 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

Chairman Fricks called for a Motion. County Attorney Manning stated that the Motion is for the language he had submitted for Article 1.4.3a(1)(d) and (e) of the ULDC pursuant to the recommendation of the Planning Commission and the City of Rome. Commissioner Mayes made a MOTION stating that the information referenced by County Attorney Manning is a part of his Motion. SECOND by Commission Hufstetler.

Commissioner Jennings stated that while he believes that this is the best of the worst choices, he still contends that, in his mind, a Special Use Permit for increases in non-conforming uses is the best way to go that protects the adjacent property owners and gives the community some input in the process, so he will be consistent in his vote. Commissioner Mayes asked Commissioner Jennings to repeat his comment so he could understand what he was saying. Commissioner Jennings stated that the wording there that requires the non-conforming use to conform to the zoning that it would be if it were correctly zoned is the best of the bad alternative. He intends to be consistent in his vote because he thinks a Special Use Permit is still the best way to go that protects the public.

VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

Commissioner Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that Mr. Miller and Mr. Stephens had returned and he asked if any progress had been made. Mr. Miller stated that the truth of the matter was that they are not going to arrive at a compromise. He went, in good faith, and suggested that he was willing, he (*Mr. Stephens*) told him that his intention is that between now and the next meeting to go and rally the neighbors and have them call you and lobby you individually even though they can't speak in the public meeting. He stated that he personally thinks that is unfair. He stated that he has also acknowledged that either way it goes, he knows he (*Mr. Miller*) will build a good product and he doesn't have anything to lose. Mr. Miller stated that he did not think that was fair. So, for that reason, he requested that they do what is right and allow him to go ahead and build these.

Mr. Stephens stated that he wanted to say publicly that it was not his idea to come back into the meeting, he thinks it is inappropriate and he thinks that all they are doing there is playing politics and he will take them into his confidence and come back, and he thinks he paints this picture as different than it really is. He is asking the Commission to leave things as they are, they had made the recommendation to table it and defer it to the next meeting, leave it as it stands. He has no part in anything else other than that. Mr. Miller asked if he has misquoted Mr. Stephens on anything. Mr. Stephens stated that he did not authorize him to come in there, they did not ... He asked again if he had misquoted him. Mr. Miller stated that he did not misquote Mr. Stephens and he (*Mr. Stephens*) had acknowledged that. Chairman Fricks thanked them and stated that it doesn't look like they have come to a compromise. Mr. Miller stated that he is willing to do what it takes, but nothing he can do would make him happy. Chairman Fricks asked if everybody was fine with where they are at right now.

Chairman Fricks acknowledged the two representatives from Leadership Rome who had stayed for this long meeting.

**REVISE ARTICLE 3, TABLE 3.1, HOME  
OFFICES IN THE D-R AND M-R DISTRICTS.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [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

Chairman Fricks asked if there was anyone who wished to speak in opposition or support or were there any questions for Ms. Hiller. There was no one present wishing to speak or any questions for Ms. Hiller so Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. Commissioner Hufstetler made a MOTION to **approve** the revision of Article 3, Table 3.1, home offices in the D-R and M-R Districts. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**REVISE ARTICLE 3.2.1, CONCERNING  
THE OFFICIAL ZONING MAPS.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone wishing to speak in opposition or support or had questions for Ms. Hiller. Commissioner Mayes requested that Ms. Hiller make her presentation.

**Sue Hiller, Rome/Floyd Planning Commission**, stated that they have been working for about three years to build a GIS system. It will include Parcel Base Mapping, information about those parcels and Overlays that would be things like zoning, flood plains and wetlands. She stated that if they have not been to the web page to look at that, please do take a look at it. It is there, it is great, it is impressive. You can look your property up and find out all kinds of things you didn't know about it before. Now that they do have that electronic based mapping, they need to adopt that as the Official Zoning Map and no longer consider the old paper maps as the Official Zoning Map. How it will work is that the electronic version that is in Marshall Plant's computer, the official keeper of that, will be the Official Zoning Map. Every quarter they will print out a set of paper maps and also put it on a disk so it will start developing a record and a history of what the zoning was on certain property. They are asking the Commission to adopt that so that they will continue to have an Official Zoning Map. It will just be in a different format and again take a look at that if you haven't. Chairman Fricks asked how this will affect accuracy and revisions. Ms. Hiller stated that they will be able to make revisions as quickly or more quickly than they were before. They should be up there the day after you make decisions those zoning changes can be made. Officially they are supposed to wait until they get something from Michele (*Fountain*). Ms. Hiller stated that she usually goes back and tells them what happened so they can make those changes right then. Chairman Fricks asked if there was anyway they could speed the process up that would assist them in that. She said that it would speed things up is that they can do it as quickly as they hear from them. The other thing is, as far as accuracy, there is always going to be a process where the Commission makes a decision, the City makes a decision and then someone has to make that change to the map. The Planning Department's accuracy on the paper map had been very good. They intend to continue to do that very well. They discussed this at length at the Planning Commission Meeting and now if they find something that is wrong, they just fix it because they have the history, they know what changes that have been voted were. They just fix anything that they find that is wrong, but they have been very few mistakes like that. Commissioner Bennett stated that did come up and it was him because of the long discussion about that due to the possibility of keypunch error. The fact that they adopted that map as the official map,

if in fact it could be shown through other data or records or history that it would be corrected and not require rezoning in the formal process. If they could show, through hard copy and history of the property, that there was in fact an error, that error would be addressed and corrected. Ms. Hiller stated that she wanted to reiterate that the Official Map is going to be what is on Marshall's computer. What is on the Internet and what is on Gizmo. If you have access to Gizmo, it does now have a disclaimer that they should contact the Zoning Department. Chairman Fricks asked how quick would the revisions be made on the website. She stated that they can be made tomorrow, the changes made tonight will be on there tomorrow. Chairman Fricks asked if they would take place simultaneously. Ms. Hiller stated that the changes made tonight can be on there tomorrow, but they are not officially supposed to do that until they hear from Michele. Chairman Fricks stated that the website will actually change even though they are not addressed as an Official Map, the changes will be reflected. Ms. Hiller stated that periodically what is on Marshall's map gets rebooted to the website and the Gizmo site.

Commissioner Hufstetler made a MOTION to close the Public Hearing.  
SECOND By Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. Commissioner Hufstetler made a MOTION to **approve** the Revision of Article 3.2.1 concerning the Official Zoning Maps.  
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

LOCAL LAW ENFORCEMENT BLOCK  
**GRANT.**  
**(PUBLIC HEARING – NO VOTE REQUIRED)**

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 on this item. County Manager Kevin Poe stated that basically Floyd County is eligible for Local Law Enforcement Block Grants through the U. S. Bureau of Justice. Procedurally they are required to have a Public Hearing and have any input from the public in regard to the acceptance of that Block Grant. Typically in the past they have used it to help pay for enhanced 911 and to put video cameras in the patrol vehicles. This year they are looking to put additional cameras in more of the County Police vehicles. Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

#### CHAIRMAN'S REPORT

#### APPOINTMENTS.

There were not appointments.

#### COMMISSIONER'S REPORT

#### ADMINISTRATIVE/FINANCE.

Commissioner Hufstetler, Committee Chairman, stated that he and Commissioner Mayes are on the Fire Overview Committee. He stated that he thought everyone is aware that the ten-year agreement with the City is rapidly approaching an end. There had been

a study done on that. There are some differences of opinion on what is more important, whether you have service or how long the truck runs to make the call. The bottom line is what the City is proposing for the upcoming year is an increase of 8% to the County on their cost or about \$368,000 and an increase to the City of, he thought, about 1/10 of 1%. He stated that they have some problems with that. The other thing that they are talking about is that there are some issues out there as to what they have felt there needs to be some more coverage in the unincorporated area. They think there are a couple of stations needed. They have met with some resistance on that in the past. They think that they need to do a study to really look at that. An example of that is that the City's point that the people in the unincorporated area that gets a Class 5 are not that much difference than a Class 3. They would say that the insurance that would rate a Class 3 brick home at 1.0 would only rate a Class 5 at 1.2. The point he has with that is that if you take the new station going up on Burnett Ferry, if there is really no difference or significant difference, nine is where the difference is. If that station had been put out there say at the By-Pass location, the three way stop out there, then they would have given virtually that whole area a Class 5 coverage, including both the City and County. The stations are really not benefiting. With paying the majority of the cost, they need to look at what their alternative are there. Chairman Fricks asked how long he thought a study would . . . They have agreed to is that instead of a ten-year, they only do a one-year extension and that the study be done and that could also be included in a SPLOST. The problem with a ten-year is, the current agreement says that if there are any stations that want to be added it is 100% to one party if the other side doesn't agree and yet the County would still be paying for stations for the unincorporated residents. It just would really throw it out of balance. The problem he has with the consultant's study on the length of runs, if you put all those stations out at the county lines, say at Polk County, Bartow, then it actually would increase the cost to the City because the trucks would be making longer runs to their fires. But do they have better service for their dollars? No, they have worse service. There are problems with the whole basic assumption.

He stated that they will be meeting again in a couple of weeks. His recommendation would be that they just do the one-year extension. The City has agreed to that but he certainly doesn't agree with our cost going up 8% and theirs going up a tenth of a percent. Commissioner Bennett asked if that means like 4% overall, is that what the budget, just out of curiosity. Commissioner Hufstetler replied, roughly overall, he thought it was 4. something overall. They are also using some Fund Balance, it is actually higher than 4%, they are using about \$50,000 or \$35,000 of Fund Balance to also pay for next year. County Manager Poe asked if he was talking about doing a one-year extension, doing it as the current funding split, which is 50/50. Commissioner Hufstetler stated that they had been at a 50/50. He does not feel that is equitable to the County, but the City does not feel that is equitable to them. Chairman Fricks asked if they should send them a proposal letter that we would like to continue the existing rate for the next year until we can secure the information from the study. Commissioner Mayes stated that they had said that they wouldn't do it. Commissioner Hufstetler stated that George had said that he is not voting for that, but he thinks they should do that.

Commissioner Jennings asked what data they used to support the notion that the County merits an 8% increase. Commissioner Hufstetler replied that basically what their consultant is saying is that it bases a lot on the number of calls which are roughly equivalent between the City and the County and the length of the run. If you are right next door to the Fire Station you have great coverage but it is not going to run very far to get to you. The guy that it goes ten miles to his house, it has probably burned down by then, but yet that is a more costly run. Commissioner Bennett asked if they factor in the cost of going from the station to it. Commissioner Hufstetler stated that in essence, most cost are fixed cost, the Station is there, the employees are there, to him it should be who is getting the service, who is getting the insurance benefits and all of that. Gas and oil is just nothing. Commissioner Bennett stated that he would say to throw in another buck for gas would be alright, but when you multiply it times ten instead of .5, it makes a big difference. Commissioner Jennings stated that not only are gas and the maintenance of the engine considered in this 8% increase but also they are putting into that personnel and operation of the station. He stated that he could see length of run being a factor that looks at only the gas, oil, maintenance piece, but not the whole pie. He also stated that the number of calls is the primary factor, he would think. Commissioner Hufstetler stated that the primary factor is that when you put up a station, you have to man it 24-hours, you have utilities, you have the building, the trucks and all that. That is your cost. Commissioner Jennings stated that if the calls are equal then that should be shared. Commissioner Hufstetler stated that then the question should be who benefits from that Station being there, he thinks that should be a factor. They could offer to run it for Bartow County and then they would be Class 10 and we could say you have longer runs, you pay more. Obviously they would not go for that. Commissioner Bennett noted that it would be a lot less coverage, and they would be better off to say don't come on out here. Commissioner Hufstetler stated that he did not know what the solution is there. Chairman Fricks stated that he thought there are points in there and they look at them from a different perspective. It doesn't appear that they are going to be able to come to an agreement by the end of the year. Commissioner Hufstetler stated that the two things that he would say are that, number one, the stations that are in the County could be run for significantly less than what they are paying. Or, they could run those and probably a couple of new stations that they could build for about what they are paying. Conversely there is no way they could run what they are running for what they are paying, it would be significantly more. He stated that he is not saying that is the way to go, he is just saying we are . . . Chairman Fricks asked if he feels that they should go ahead and proceed and ask for a continuation of the existing contract for a period of one year. Commissioner Hufstetler stated that he thinks they would agree to one year. Chairman Fricks stated also until they secure the data. Commissioner Hufstetler noted that he thought they would agree to the one year, but not the 50/50 split. Chairman Fricks asked how long they feel that the study will take, what will be the duration time. County Manager Poe stated that if nothing happened, he thought it could be done in three months. Chairman Fricks asked what if they were to compromise on that. To say continue on the 50/50 split for a period of six months until they can receive the data. Commissioner Mayes stated that they want to go 48/52. Chairman Fricks stated that he knows, but for a shorter period of time, send a proposal to keep the existing split for maybe six months. Chairman Fricks stated that he thinks it is a fair compromise and if

they choose not to do it then that . . . Chairman Fricks stated that it has been suitable, fair and equitable right now to them on the agreement this past year and they are keeping it that same way. Commissioner Jennings stated that the purpose of this study is to address these cost issues to see if . . . Commissioner Hufstetler stated that they would want to look at a couple of things. One, if they put in couple of more stations, what would that do to our coverage. How many more people would get coverage. There is also the possibility of a different scenario. John Bennett had recommended that a bridge potentially could be built that long term would cost a lot less money that could provide coverage for people too, in part of the area. If that was going to be a part of it, then the two stations that are built might be built differently. There is also talk, they want to study too, he thinks because they look at their station close over there that maybe it should be out at Chulio, they are developing the 411 Corridor. Could they still have their 3-mile coverage with what they have but yet extend the coverage out with areas that they need more coverage on? Commissioner Jennings stated that would be the prime purpose of this study. Commissioner Hufstetler replied, "Yes, to look at station relocations." He stated that one of the things, there had been some relocations from the previous SPLOST, before they were there, that have been still ongoing. That data that was used to base those relocations is now over ten years old. The community has changed in those ten years. There was no GIS available and he does not think there was some information there and he thinks it is a little bit outdated. It needs a good look, the people go and they look at water, they look at schools, and they look at fire protection. That is a huge impact on their insurance. Commissioner Hufstetler stated that he thought the first thing would be to propose the 50/50 for a year because he is not sure they could get it done in six months. He stated that there was only one other thing and that was sewer and maybe that could wait. Chairman Fricks asked if they needed to vote to send that proposal.

Commissioner Hufstetler stated that he did not know if they had seen the Water/Sewer Study that had come back. County Manager Poe stated that he did not think everybody had received it and would distribute it the next day. Commissioner Hufstetler stated that one thing that was interesting to him was that on the sewer miles per customer inside the incorporated area is .018 and outside is .020 so it is not like it is double or anything, it is maybe 10% less dense in the customers outside the incorporated area but they did come up with a 2.2 differential in their opinion. He stated that he thinks that again they need to probably have some research on this. He asked County Manager Poe if he could bring a proposal on that to the next meeting. County Manager Poe stated that by getting somebody representing them to take a look at it. They had asked for input in the study and reviewing the numbers as they put it together but nothing happened. Commissioner Bennett asked if ACCG have any consultants. County Manager Poe stated that they had given him a list of four and unfortunately the first ones he called he found out that they had been employed by the City of Rome for something else and can't work for the County, but he has a couple of others they have recommended.

Commissioner Hufstetler stated that just for an update on the Inmate phones, he knows that Michele (*Fountain*), Finance and AT&T have met on that issue. AT&T is supposed to be getting back with us and he thinks there is some real problems with

AT&T there, he does not think they are giving the credit that they should have and so that hopefully will come back with something better. They need to keep a watch on that.

Commissioner Hufstetler stated that regarding property casualty insurance, they are looking at, according to them, a pretty significant increase. One of the areas that seems to be going up is liability for public officials and that they might get a 15% to 20% increase there even though the average lawsuits for an area our size is an average of 12 per year on zoning type issues and we are averaging one per year. Between two lawsuits they have a pretty bad loss history so they are looking at some problems there. He stated that the good news is that Sales Tax was up over last year by about 3%.

One other item, and he did not know if the Commissioners had been approached, but there is a way for Floyd Health Care to get additional funding on prescription medicines. They have made huge strides in getting credit for that. Indigent care had also dropped. There are documents that need to be signed and he was not sure if County Manager Poe, County Attorney Manning or who needs to get them. This is just another way for an agency to give them discounts. County Manager Poe asked if they are looking for the Chairman to sign. Commissioner Hufstetler stated, "Yes, it is no cost to us." It was noted that Board action is not required today, Commissioner Hufstetler just needed to know who needed to receive the documents. County Manager Poe stated that if it is a legal contract to let County Attorney Manning look at it.

#### **PUBLIC WORKS COMMITTEE.**

Commissioner Bennett, Committee Chairman, asked Assistant County Manager Rich if they are ready on the Driveway Pipe Ordinance. Assistant County Manager Rich stated that they were not ready for this. Commissioner Bennett then asked about the Pulpwood Ordinance. Assistant County Manager Rich stated that he had made some revisions to that and had sent it over to Brian Roberts and he anticipated that he will get back with him and then bring it to the next Public Works Committee and from there back to the Commissioners.

Commissioner Bennett stated that the other thing was the property tax foreclosure on the private roads and that sort of thing. He stated that he would need to see County Attorney Manning after the meeting.

#### **WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman, stated that in Caucus they had a presentation and discussion of some water projects and he is prepared to offer a Motion that they prepare a Bid Package. The engineering has already been approved and almost completed, for the Ware Road line replacement, the Hennon Drive line replacement that included the upgrade crossing Highway 27 and going past North Floyd Park to Russell Drive and thirdly, the Hasty Road/Lewis Barrett Blvd. line replacement. Commissioner Jennings made a MOTION that they approve creating a bid package for those three projects. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

## SPECIAL COMMITTEE REPORTS

### BASEBALL STADIUM

Commissioner Jennings stated that a request had been received from the City of Rome regarding a trail extending from where a trail ends along the Oostanaula, somewhere behind Chieftains or in front of Chieftains, extending that trail to the Baseball Stadium. It is his understanding that they did come in under the \$50 million budget for the Baseball Stadium. It seems to make sense for them to explore appropriating some money to increase that trail out to the Stadium. Commissioner Hufstetler stated that he did not know the legalities of that, he knows that the first thing you do with that money is pay off debt and his understanding is that is what they have done. Chairman Fricks stated that one of the considerations and thoughts when they have been looking at it is putting in consideration to, he thinks, applying SPLOST to an additional project that is offsite is going to be an issue. He stated that in reviewing it and thinking about it, site development could probably continue on site there, and take it to that bridge site because they have more parking lot development there. He thinks pursuing on that offsite, he is not sure if it would actually fall under the ability to do that under SPLOST law. It is definitely stipulated pretty rigidly about what you can do after that. County Attorney Manning stated that was his recollection, but he hasn't looked at it recently. Commissioner Jennings asked County Attorney Manning to check that out. County Attorney Manning asked if the question is, "Could they use the leftover SPLOST funds to extend that sidewalk offsite from the Baseball Stadium." Commissioner Jennings stated that basically what he is hearing is that they could do the trail from the bridge that crosses the Oostanaula there at the By-Pass to the Parking Lot at the Baseball Stadium. The question is could they use the SPLOST money to extend that trail from the bridge to where the trail currently ends there, right at Chieftains? County Attorney Manning stated that he would be glad to look at that. Commissioner Hufstetler asked if he is talking about going all the way over to the By-Pass with it. Chairman Fricks replied, "Yes, basically." Commissioner Hufstetler stated that just to be safe they should look at that too, because that is really not our property over there. County Manager Poe stated that he is not sure what the latest cost estimate was, but if they go all of the way, he is not sure they would have the money to do it. If they did the portion from the parking lot to the By-Pass, within the site, is a fairly easy project. Going on the rest of the way, there are a couple of bridges that he thought would have to be put in there and tougher terrain to get

through, harder access to get in there. Chairman Fricks stated that actually at this point in time they do not even have all of the right of way to get to there, from what he understands. Commissioner Jennings asked if they could work with the City and explore the answers to those questions. Do we have the right of way? What would it take to go from the bridge to Chieftains and what would it take to go from the bridge around to the Stadium? He asked County Attorney Manning to check on the legalities of those issues. He also asked that cost estimates be done and find out what needs to be done there. Then they would be in a good position to go back to the City and say, "Okay, here is the portion of this project that we can do, assuming that we could do it, and here is the amount of money that we are willing to appropriate for it. Commissioner Jennings stated that he thinks it makes sense to have that trail that comes out to the Stadium and it is a question of how does it get done and who pays for it and he would like to initiate that, at least the exploration of that.

## NEW HEALTH DEPARTMENT

### DISCUSS SELECTION OF PROGRAM MANAGER FOR HEALTH DEPARTMENT PROJECT.

Commissioner Jennings stated that the five of them had the opportunities to meet with the two candidates for the Program Manager position for the New Health Department Facility. He thinks they all came away from that discussion saying, "boy, do we have two competent, experienced firms that could potentially do this project and that makes this decision a particularly difficult, particularly tough decision to make." The Adams Group, based in Floyd County, with offices in the Denver area and out in Los Angeles has an impressive portfolio of projects. The Carter Group, based also here in Georgia, obviously not in Rome and Floyd County, but here in Georgia. He thinks Commissioner Hufstetler and Chairman Fricks working on the Stadium, were impressed with the work that Carter had done for us. They have a firm that does have a track record of working with the County, of working within our accounting system and they have an Accounting Department that actually reviews all of the bills and they indicated that they would have a professional engineer on the job site. He stated that this is a tough recommendation for him to make, but in light of that experience and track record with the County and potential of Carter doing some other projects in some other areas other than health care. His thought is, that they would go with Carter to provide the Program Management Services for our New Health Department. He stated that he is prepared to make a MOTION, but would like to open it to the rest of the Commissioners who were there for comments that they would like to make. Chairman Fricks asked if they wanted to go for a Second or go for discussion. SECOND by Commissioner Mayes. Chairman Fricks asked if there were any comments. Commissioner Bennett stated that he thought it was well put and it was the first time he had been exposed to Carter and the services they provide. It turned out to be a real hard decision that he did not anticipate having to make. He likes to deal with hometown folks and thinks it takes nothing away from them, but based on the past experience that the County has had with Carter, which is not always gone with the determining factor, but of course, in this one it wasn't. They had done a

terrific job, the services were comparable and possibly, as he saw, the scope of work that Carter proposed to furnish for the County for basically the same fee, that their services were more extensive than the other firm. He stated for that reason, he did not reluctantly make it, but it is a hard decision to make. They are two very well qualified firms.

VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

#### CLERK'S REPORT

#### CONSENT AGENDA.

County Clerk Michele Fountain stated there were two items on the Consent Agenda which she submitted for approval. Chairman Fricks called for a Motion. Commissioner Hufstetler made a MOTION to approve the Consent Agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Bennett

Chairman Fricks

Motion Carried

\* Commissioner Mayes was out of the room at the time of this vote.

1. Tax Refunds:
  - a. Inland Paperboard & Packing, Inc., P.O. Box 1149, Austin, TX, \$36,685.15
  - b. Edwin W. Dunagan, 390 Armuchee Trail, NE, \$59.99
  - c. Bo Rome, Inc. #1, 15 East 5th Avenue, \$552.85
  - d. Coosa Medical Group, 20 Riverbend Drive, \$183.46

2. Authorize execution of agreement for independent contractor services for Victim Witness Assistance Program – Floyd County Juvenile Court and Sue Lagerman (March, 2003 – March 2004).

#### MANAGER'S REPORT

#### **DISCUSS REQUEST FROM DISTRICT ATTORNEY TO ADD AN ASSISTANT DISTRICT ATTORNEY POSITION. (DEFERRED FROM SEPTEMBER 9 AND 23, 2003 MEETINGS)**

County Manager Kevin Poe stated this item is a request from the District Attorney to add an Assistant District Attorney position and presented it for their consideration. Commissioner Jennings made a MOTION to accept the request from the District Attorney to add the Assistant District Attorney position. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

Commissioner Mayes

"

Jennings

"

Bennett

Chairman Fricks

Motion Carried

#### **DISCUSS REQUEST FROM JOE JOHNSTON, SUPERIOR COURT CLERK TO AMEND BUDGET TO PURCHASE A COMPUTER.**

County Manager Kevin Poe stated that this item will be deferred.

#### **DISCUSS REQUEST FROM SHERIFF TOMMY RICKMAN AND DR. MUSSO FOR ADDITIONAL SECURITY STAFF IN MEDICAL DIVISION AT THE JAIL.**

County Manager Kevin Poe stated that there was some discussion about possibly doing a Staffing Study, but he does not know if anyone has a particular Motion that they want to make at this time on that request. Commissioner Hufstetler stated that they had had one organization do a couple of studies in there and they keep coming back and saying there are flaws in it so he thinks they need to look at somebody different. Commissioner Mayes stated that they had not had a study since the new firm had been in there and they are operating totally different. Commissioner Hufstetler stated that

County Manager Poe needed to look at some possibilities and then come back to the Commission.

**CONSIDER PROPOSAL FROM WILLIAMS,  
SWEITZER AND BARNUM TO PROVIDE  
STORMWATER MONITORING SERVICES  
ON TURNER BEND ROAD CONSTRUCTION  
PROJECT.**

County Manager Kevin Poe stated that this item is a proposal from Williams, Sweitzer and Barnum to provide Stormwater Monitoring Services on the Turner Bend Road. They are the Engineer of Record for the project and they have provided us a proposal to do the monitoring that is required by State law in the amount of \$9,240. This is basically an estimated fee, it all depends on how many rain events you actually have during the course of the construction. He stated that their hope is that they would get the grading stabilized or completed and the ground stabilized and grassed as quickly as possible so that they would not have to utilize their services any longer than needed. County Manager Poe recommended acceptance of the proposal submitted from Williams, Sweitzer and Barnum. Commissioner Bennett made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**DISCUSS REQUEST FROM DR. MUSSO  
REGARDING PURCHASE OF NEW  
COPIER FOR MEDICAL OFFICE  
AT JAIL.**

County Manager Poe stated that they had taken bids to purchase a copier for Medical Office at the Jail. The budget was put together by the previous Medical Staff and had only requested \$2,800. After looking at what their needs were and getting the best price, it looks like the price range would be \$5,656 to \$6,032. He stated that there is about \$14,553 left in the equipment budget that at this point in time they are not looking to spend. Basically they are just asking them to go over the amount set aside without having to amend the overall departmental budget. He recommended that they allow them to purchase the copier in the price range submitted. Commissioner Hufstetler made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**DISCUSS REQUEST FROM AIRPORT  
COMMISSION FOR \$4,907 IN FUNDING  
TO COMPLETE AVIATION PLANNING/  
AERIAL MAPPING SERVICES AT THE  
AIRPORT.**

County Manager Kevin Poe stated this is a request from the Airport Commission to provide some funding to help with what they call Aviation Planning Services, specifically Aerial Mapping Services to create an accurate current map for the Airport to help with their master planning. Approximately \$7,283 would come from FAA and the local match would be \$4,907 out of the \$12,190 project. He stated that he thinks the information that they will obtain is going to be very important for them to proceed on with providing an up-to-date Master Plan.

Assistant County Manager Rich stated that there had been development on this issue. He stated that he had spoken with Darrell Wheeler at 3 o'clock today and the money left over was the leftover Entitlement Funds that they were going to roll to pay for this project and evidently those are no longer available. With that being the case, he recommended that they defer this. He stated that basically this is a reimbursable type project, but if it is approved tonight, they would have to approve the entire \$12,190 and there might be some other considerations.

**ATTORNEY'S REPORT.**

County Attorney Tom Manning stated that the Chairman should have before him two resolutions regarding the Hospital Authority Bonds that are being issued. One that pertains to normal approval they had, whether we back the bonds or not, entitled "Resolution of the Board of Commissioners of Floyd County, Georgia Approving the Issuance of Revenue Anticipation Certificates by the Hospital Authority of Floyd County for the Benefit of Floyd Healthcare Management, Inc. d/b/a Floyd Medical Center." The

second is the Resolution of the Board of Commissioners of Floyd County authorizing the County to enter into, among other things, a contract with the Hospital Authority where they are going to guarantee those bonds. Commissioner Mayes stated that he had not seen this before and on the Contract it states that it may be executed by the Chairman or Vice Chairman. He stated that he had never seen a contract written that they have done like that. It was noted that this was in case something happened to the Chairman, it could be executed by the Vice Chairman. Commissioner Hufstetler stated that when they do that over there (*Hospital Authority*) they authorize either Roger Sumner, the Chairman, or Bill Wigley, the Vice Chairman to sign it so that is probably why it is written that way. County Attorney Manning stated that just for review he stated that he had spent a lot of time on this and so had Matt Nichols, on behalf of the County, with Sutherland & Asbill. They had also met with County Manager Poe, Chairman Fricks and Commissioner Hufstetler after the last Agenda Meeting and reviewed it with them. He stated that he is comfortable that they have added some additional protections over and beyond what the County had in backing the last 1993 bonds. He stated that they have also inserted some provisions, worse case scenario, if the Management Board were to default on these bonds, there is some potential for them to recoup some of the money that the County would have to pay in connection with backing these bonds, whereas, before in the last Bond Issue that money is just gone.

Commissioner Hufstetler stated that the point being, and nobody expects to get to that point, but in the last one, the way the language was, there is a default and the County starts paying and then sell the assets or something, you can't go back and recoup what you have already put in there. This way you can go back. He stated that he guesses that this is the preliminary approval and they have to do a final one in December, after the bonds are issued and the interest rate and all are agreed upon. County Attorney Manning stated that this is authorizing the execution of the Contract with the Hospital Authority, but there is going to be a little more wrap-up work for the Commission in terms of a future resolution. Commissioner Hufstetler stated that he believes from being in on their meetings, the final approval will probably be about December 11<sup>th</sup> or whenever their meeting is.

County Attorney Manning stated that these items needed to be voted on separately. Chairman Fricks called for a Motion. Commissioner Hufstetler made a MOTION that they adopt this Resolution, which is the Hospital Authority of Floyd County was duly created pursuant to the Hospital Authorities Law as amended and activated by a resolution of the County Board of Roads and Revenues, Georgia (the "Board"), duly adopted on April 2, 1942, as amended by a resolution of the Board duly adopted on May 7, 1953, and the Authority is now legally created and existing and, among other things, this authorizes the Chairman or Vice Chairman to enter into the contract with the Hospital Authority regarding the value of these bonds. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

\* Commissioner Jennings abstained because of his consultant work with Floyd Medical Center.

Commissioner Hufstetler stated that the other Resolution is the Board of Commissioners approving the issuance of Revenue Anticipation Certificates by the Hospital Authority of Floyd County for the benefit of Floyd Healthcare Management, Inc., and he offered this up as a MOTION. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

\* Commissioner Jennings abstained because of his consultant work with Floyd Medical Center.

County Attorney Manning stated that he had no other report, but he does have the ABEEP easement which he will have the Chairman sign after the meeting and then they can sign the Resolutions and Contracts.

Commissioner Hufstetler stated that most of them knew that Jerry Pless had passed away today in a deer/car accident. As most people know, he was their former Purchasing Agent. Personally the sad part to him was that two or three years ago with his wife, who is now deceased, Sandra,

they had a conversation where she had hit a deer and her airbag had broken several of her ribs. It is a tragic situation, but they certainly want to be with his family and keep them in their prayers at this difficult time. They certainly appreciate his work as a employee and as a friend.

**ADJOURNMENT:**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**GARRY E. FRICKS,**

**CHAIRMAN**