

November 11, 2003

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
November 11, 2003 2:00 P.M.

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

OTHERS

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

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

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

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

PRESENTATIONS

JUDGE WALTHER – SERVICE APPRECIATION PLAQUE

Chairman Fricks was joined by the other Commissioners in presenting a plaque to Judge Robert Walther in appreciation for his years of service to Floyd County. Judge Walther thanked the Commissioners.

**EMPLOYEE OF THE QUARTER,
THIRD QUARTER, 2003, BOB
COCHNER, PRISON.**

Chairman Fricks presented a Certificate to Bob Cochner of the Floyd County Prison in recognition of his being selected as the Employee of the Quarter, Third Quarter, 2003 and thanked Mr. Cochner for his service to Floyd County.

PUBLIC PARTICIPATION

**STAN STEPHENS REGARDING
REZONING FILE #63-2003Z.**

Stan Stephens, 11 Craton Road, Silver Creek, presented a petition objecting to this particular rezoning. He stated that first of all, he wanted to apologize to the Commission for the adversarial tone that he felt like they disrupted, or he helped to disrupt, the previous meeting somewhat and he stated that he sincerely apologized for that. Mr. Stephens stated that this is a

very serious matter for them. He and his wife live on 330 acres directly across the street from this particular rezoning. That is their home and they intend for it to be that forever. That is their plan. They also own 121 acres, which is about 300 feet to the north on the same side of the road as the subject property. Their plan there, and they are already working on the preliminary plans, to submit a subdivision site plan to the County for a design standard subdivision of 100 odd homes in the \$130,000 to \$160,000 price range. They think that is a significant contribution to the County. The rezoning they were there to discuss is, in his view, out of character with the neighborhood. There are several non-complying, non-conforming businesses that exist on tracts that were done prior to the Comprehensive Land Use Plan. That being the case does not change the character or tone of the area. It is quite rural, it is very residential and improving somewhat. There have been a number of significant new homes going in and since the Land Use Plan was adopted. There hasn't been a single new business created. With that in mind, he would like to encourage the Commission to deny this particular request. Chairman Fricks thanked Mr. Stephens.

ADOPTION OF

MINUTES: Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of October 28, 2003 as presented. SECOND by Commissioner Hufstetler. County Attorney Manning stated that there were a couple of small changes to be made to the minutes. The first being on the bottom of Page 8 after the Motion to approve the rezoning of the Larry Martin property on which Johnny Ivester spoke up on behalf of Martin Real Estate Company. After that Motion he recommended that inserted into the Minutes there be a statement "see Motion amended Motion on page 16." Then on page 16 where it says "Commissioner Hufstetler stated that he and the County Attorney had some discussions on the previous item." He recommended that they insert the block letters regarding File #55-2003Z, request rezoning from S-R, the same language that is contained on page 7 in the bold print. The third item is on the ULDC change on page 19. "Chairman Fricks called for a Motion. County Attorney Manning stated that Motion language." It should be that the Motion is for the language submitted for Article 1.4.3a(1)(d) and (e) of the ULDC pursuant to the recommendation of the Planning Commission and as adopted by the City of Rome be approved. Commissioner Mayes amended his MOTION to include the Attorney's recommendation. Commissioner Hufstetler SECONDED the amendment. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks stated that he apologized for not recognizing two other people who had signed up for Public Participation. Chairman Fricks determined that both of

these were in regard to rezoning File #63-2003Z and last week was the Public Hearing process. He stated that if they registered prior to the Agenda, they were registered to speak and asked the Commissioners what was the discretion about opening the Public Hearing back up. Commissioner Jennings stated that he thought the intent of this comment period was to provide opportunity for issues that are on Agenda. This is on the Agenda and though they had an official Public Hearing prior to that, he sees no problem with either of the individuals speaking. Commissioner Hufstetler clarified that they are not opening the Public Hearing. Chairman Fricks stated he is not going to reopening the Public Hearing. Commissioner Jennings stated that it is on the Agenda and that is the intent of the policy they have. Chairman Fricks asked that they give their name and address when they begin.

Karen Johnson, 2987 Old Rockmart Road, Silver Creek, stated that they drive up and down through there every day. This is a two-lane road and she does not like spot zoning in the first place so she is not really for having heavy commercial in a residential and agricultural area. There have been wrecks there through the years. She has lived there for 23 years and her husband lived there ever since the day he was born. In the last good many years there have been a lot of wrecks at the Center Road, which is road that comes out right beside that property. The other problem is that she never did see a sign and she had seen a real estate sign, but she never did see the public sign. It may be, when you top the little rise there, and she noted on the map the location of the little rise, that you cannot see beyond it. You are usually looking over to the left to try not to get killed down there at the Mini-Mart. So, it could be that it was there and she just never saw it. But, for some reason, and she had looked since then, there is no sign on that property that there was ever any zoning change. She thinks it is in a dangerous location. She thinks that unless they widen that road in that area, it is a very dangerous area for any additional commercial property. She thanked the Commissioners.

Commissioner Hufstetler stated that there had been talk earlier about a 100 home subdivision. He asked Mrs. Johnson if she equally sees that as a threat to traffic. She stated that it has some pretty good sites for visibility and this is very dangerous. But that still is residential and that is not changing the area. Commissioner Mayes asked if she was concerned that this type of business is going to have a lot of traffic coming and going. (*Mrs. Johnson's reply was not audible.*)

Roy Miller, 2470 Morgan Valley Road, Rockmart, owner of the property. Mr. Miller stated that he apologized since the Commissioners had seen him cupping his ear. He realizes that his job is to overcome peoples objections. He heard most of Mr. Stephens objections, but he did not hear many of hers (*Mrs. Johnson*). Commissioner Mayes stated, in that case could he ask him two questions, and that may answer two of the objections. One question is, If he builds an average size facility, and he probably knows the answer, but he want him to tell everybody, that would be about approximately 200 units/doors, how many cars per day will come and go? He stated that he is sure that there are studies already for that. Mr. Miller stated that he does not have the actual studies to consult, but from personal experience of having owned storage buildings for a few years, it is seldom at the buildings he owns now that more than two people are on the

property at the same time. On a Saturday, when things are busy and people are coming and going from the storage units, occasionally two people are on the property at the same time, but that in itself is rare. So, the amount of traffic generated by storage building, as compared to an average commercial business, a convenience store, would be disproportionately low. There would be no reason for all of his customers to show up at the same time, so he would say that the traffic concerns are not well founded in as much as very few of his customers would be there at the same time. Commissioner Mayes stated that his other question is that the other concern is that you have to enter and leave the property and he asked if that is a State route. He asked if he would have to get a curb cut from the DOT. Mr. Miller stated that he has not dealt with the DOT yet, this was his first hurdle to jump over, and that will be his next step. Commissioner Mayes stated that is not their concern. Mr. Stephens stated that he does not know what they will require and it could be that they will require the acceleration lane and the decel lane, he does not know their requirements. Commissioner Mayes stated that the point is that is not their concern. Whether he gets it or doesn't get it, he will still have to deal with that. But, if he has to follow DOT specifications entering a road with a business, he will probably have to do some type of accel or decel. Mr. Miller stated that he does know that the few now, if you come away from Rome going toward the property, when you crest the little hill where the road cuts back to go to Lindale, he does not know an approximate number of feet, but he would say it would be at least a quarter of a mile of view, so if a vehicle or truck were to turn into his property there would be plenty of opportunity for the person behind to slow down, he would think at this point. He stated that he did hear Mr. Stephens's objection and Mr. Stephens objection was that his proposed property would be out of character with the neighborhood. He stated that most of them had seen the neighborhood; there are 17 other commercial businesses within a mile and a half each way. Whether or not it is out of character would be up to the Commissioners to determine and that is what they are there to decide today. If, in fact, it is out of character then he would suggest that they vote against it. But, if it is consistent with the fact that many businesses are located along that neighborhood then he would appreciate them allowing him to locate his business there. He offered to answer any questions and thanked the Commissioners.

FIRST READING

**(SECOND READING/PUBLIC HEARING TO
BE HELD NOVEMBER 25, 2003 AT 6:00 P.M.)**

**FILE #65-2003Z, REQUEST REZONING FROM
S-R (SUBURBAN-RESIDENTIAL) TO M-R
(MULTI-FAMILY RESIDENTIAL) TO
CONSTRUCT QUADRI-PLEXES ON
PROPERTY LOCATED ON WAX ROAD
AT MIDWAY PARK ROAD, ZONING
MAP 230-00-PART OF 028.**

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

**FILE #72-2003Z, REQUEST REZONING
FROM C-C (COMMUNITY COMMERCIAL)
TO H-C (HEAVY COMMERCIAL) TO
CONSTRUCT MINI-WAREHOUSES ON
PROPERTY LOCATED ON HIGHWAY 27
NORTH, ZONING MAP 508C-02-025.
(PLANNING COMMISSION RECOMMENDATION:
TABLE [VOTE – UNANIMOUS])**

**FILE #08-2003SUP, REQUEST SPECIAL
USE PERMIT FOR S-R (SUBURBAN
RESIDENTIAL) ZONING TO ALLOW
PERSONAL CARE HOME (3-6 PERSONS)
ON PROPERTY LOCATED AT 8876 CEDARTOWN
ROAD, ZONING MAP 824-00-009.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

**REVISE ARTICLE 3, TABLES 3.1 AND 3.2,
CONCERNING USES PERMITTED BY RIGHT
BUT WITH LIMITATIONS.
(PLANNING COMMISSION RECOMMENDATION:
TABLE [VOTE – UNANIMOUS])**

**REVISE OR DELETE ARTICLE 2.2.3A(2)
AND ARTICLE 2.11.7D(2) CONCERNING NOTICE
TO SURROUNDING PROPERTY OWNERS.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

SECOND READING/PUBLIC HEARING

**AMEND CODE TO ADD SECTION REGARDING
SCRAP TIRE MANAGEMENT.
(FIRST READING HELD OCTOBER 28, 2003
AT 6:00 P.M.)**

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 stated that the Public Hearing is open and asked if anyone would like to speak in support or opposition of the Amended Code to the section regarding Scrap Tire Management. There being no one present wishing to speak in support or opposition, 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

County Attorney Tom Manning stated that they had a Resolution, which was presented during Caucus to adopt the Floyd County Scrap Tire Management Ordinance. Commissioner Jennings made a MOTION to approve the adoption of the Resolution regarding the Floyd County Scrap Tire Management Ordinance. SECOND by Commissioner Mayes. Commissioner Mayes asked the County Attorney to explain what is being amended. County Attorney Manning stated that this is a new Section that would go into the Floyd County Code regarding Scrap Tire Management. He stated that he thinks that the reason it is being implemented is the State asked . . . Assistant County Manager Rich stated that they were audited by EPD and part of their recommendation was that they needed local authority to enforce the State Guidelines. He stated that what they have in front of them is basically the State draft, which has been adapted to fit Floyd County's needs. What it really does is gives us the teeth to enforce Scrap Tire Management on a local level. Commissioner Mayes noted that it has the possibility of jail time in there, and asked if that is what other communities have. Assistant County Manager Rich replied, "Yes, it is very comparable with other counties that do have Scrap Tire Management in place and basically the State put this out as guidelines and most have adopted it as such." VOTING:

YES

NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett

Chairman Fricks

Motion Carried

VOTE ONLY

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])
(DEFERRED FROM OCTOBER 28, 2003 MEETING)**

Commissioner Jennings made a MOTION to deny this request for rezoning from A-R to H-C. Chairman Fricks called for a Second. The Motion died from the lack of a Second.

Commissioner Hufstetler stated that he would make a separate MOTION that they **approve** the rezoning request from A-R to H-C **with the condition that this be only for mini warehouses on the property and with the condition that it be done in the manner of the site plan that was presented.** SECOND by Commissioner Mayes. County Attorney Manning asked what site plan they were referring to. Commissioner Hufstetler replied that there is a site plan that shows a method of entry, a method of placement of different trees in a location, that it meet those conditions. Commissioner Hufstetler noted that he did not have his copy of the site plan with him. Assistant County Manager Rich stated that for point clarity, the Motion mentions based on the site plan and he would offer in addition to that, any other requirements of ULDC. Not that it would just be what the site plan, because some times they are conceptual in nature. Commissioner Hufstetler amended his Motion to **include any other items required by the ULDC.** It was noted that they need to make sure that a copy is received for the record.

Commissioner Jennings stated that he had a comment on the Motion in a question. He agreed with the comments that had been made about spot zoning, he thinks it is a mistake. He does not deny the fact that this area obviously is a growing area. It seems to him that they should be asking the Planning Commission to look at that area and carve out a commercial area so that mini warehouses and perhaps some convenience stores, perhaps some neighborhood shops could be part of a planned process as opposed to “okay, we’ll take this parcel here and this parcel here.” He stated that he would submit to his fellow Commissioners that Shorter Avenue used to be a rural area and step by step they created a monstrous sprawl out there in West Rome and he does not know that that is going to happen on the Rockmart Highway, but this is just one more step in the process. They should be thinking long term; they should be thinking about, okay, this is

a growing area, let's carve out 10 or 15 acres that could be commercial within that area, that could be developed in a planned way as opposed to a step by step way. He stated that he was disappointed. Commissioner Jennings stated that Mr. Miller shared with his fellow Commissioners pictures of the area. He never received any pictures. Apparently he knew in advance somehow that he did not have a sympathetic ear on his part, but he guessed that he felt like he had sympathetic ears in his fellow Commissioners and he was disappointed. He asked the County Attorney if there were any legal issues that they should be taking into consideration in this particular matter. Is there any legal problem with doing what they are talking about doing. County Attorney Manning stated that he thought the Commission had received a letter since the last meeting that raised constitutional concerns on behalf of Mr. Stephens, so the Commission potentially may face some litigation over this issue. And, with zoning litigation the ultimate outcome is not certain. Commissioner Jennings asked if they should not take this into consideration, should they not take it back to the Planning Commission to have further study before they jump into this. County Attorney Manning stated that one option that the Commission has under the ULDC is to refer the matter back to the Planning Commission and, if they did that, they could receive, from the Planning Commission itself, more extensive analysis on the issues of whether a change in zoning was proper. It would also give Mr. Miller and Mr. Stephens, if that was done, the opportunity also to present additional information regarding critical issues that a court might consider if this were to indeed become a matter that is litigated. He stated that that is an option for the Commission to consider and, if there is going to be litigation, and he does not know if there will be or not, that may be one of the, from a legal perspective, better options that the Commission has. Commissioner Jennings stated that at the same time it seemed to him that they could ask the question, where in this particular area does it make sense to do a planned commercial development area as opposed to by hook and by crook, whoever happens to come along, they spot zone and before they know it they have a nightmare on their hands on the Rockmart Highway. With that in mind, he would amend the Motion . . . Chairman Fricks stated that the Motion could not be amended since there was a Motion and Second. Commissioner Jennings stated that he thought he could offer a substitute Motion. Chairman Fricks stated that he thought they would have to withdraw the Motion before he could actually do that or either a recommendation that they amend the Motion. Commissioner Jennings asked County Attorney Manning if he could offer a substitute Motion. County Attorney Manning replied that Commissioners can introduce Subsidiary Motions that propose that the Board take a particular action on a Motion and he noted that was on Page 11, there are two classes of Subsidiary Motions, Debatable Subsidiary Motions and Un-debatable Subsidiary Motions. Such as to postpone indefinitely, amend, refer to committee and postpone to a certain time. Those would be examples of Debatable Subsidiary Motions so a Motion to amend would be appropriate if it received a Second. Chairman Fricks asked if it doesn't, don't they have to take action on their existing Motion? County Attorney Manning replied, "No, he thought there could be an effort to amend a Motion that is on the table that has been Seconded and if that effort to amend the Motion fails for lack of a Second, then they are back where they were. Commissioner Jennings stated that he would like to offer SUBSIDIARY MOTION to defer this back to the Planning Department to review legalities of what has been done up

to this point and also offer perhaps some suggestions as far as planned commercial development in this area. Chairman Fricks called for a Second.

Commissioner Hufstetler stated that if there is not a Second, in discussion on where he is coming from on this, he is not in favor of spot zoning either. However, looking at the map with all of the green in it, it looks like there were two churches in there spot zoned O-I in this area and the other businesses along there weren't zoned. He stated that he thinks to take this huge corridor and spot zone some things and not others when this was drawn up was a mistake. He does feel like there is commercial activity in the area and adjacent to it and he feels that limiting it not to any heavy commercial, but just simply to mini warehouses would be appropriate with the neighborhoods and in some way could be a service to the neighborhoods. He stated that he certainly does not agree that the 200 mini warehouses will create a lot of traffic, when most people, like when he has used them, he put stuff in them and leaves it for a couple or three months. If it is going to have the traffic of 100 homes, he hates to see that kind of argument when the 100 homes are clearly going to have way more traffic than these would have.

Commissioner Bennett stated that he objects to spot zoning, he does not think it is a good idea and he thinks that this is something that needs to come up in the Planning Board to be brought back to the Commission to consider revisions. The only problem that he knows of on that is that they have been forced into spot zoning for something that seemed to be appropriate for an area because our code does not allow something to go into a zone that he personally would think that it would fit into. One of the first examples was the cell towers. They have heavy commercial zoning out through the county in the middle of farms for communication towers for cell phones. Commissioner Bennett stated that in this particular document they have showing the zoning, he noticed down the corridor of Highway 101, which is one of the heavier traveled corridors, in fact going to be more heavily traveled in the future. Of course it is planned for an upgrade, but maybe they will all live to see it like the 411/75 connector. He noticed with some interest down that corridor that there is no place to buy gasoline, no place to buy bread and milk, or soap or whatever you might want according to the design or the thought of our planners from the Wax Road area all the way to the Polk County line. That seems to be an oversight to him, even though he did not participate in this design, to go that distance, especially if there are going to be subdivisions or anything else in that area, if there is not place to buy those type products, which would be essential to subdivisions and this sort of things. He stated that he further agreed with Commissioner Jennings, to some extent, not completely, that he does think that a commercial district needs to be designated in there and should be done by the Planning Commission if they are going to expect to continue to follow these guidelines that were presented to them a couple of years ago. He stated that he thinks that the mini warehouse, especially with the cabinet shop next door is not a bad use for that piece of property. One reason is that it seems unlikely that someone would go adjacent to the cabinet shop and build a home in the future. He stated that he knows that there is one there now, but it basically is the use of that property. Without further prolonging this, he stated that he thinks there is an oversight in preparing this plan to not allow for commercials there, therefore he agrees that should be established and hopefully it will be a complement to the future residential subdivisions developed in that

area, that it would be convenient for them because that seems to be pretty common in other developed in areas.

Commissioner Jennings stated that there is an established commercial area, there is one cut off of the highway where all of those needs can be met. He stated that he does not think that anybody is going to be selling soap powder out of the back door of their mini warehouse. Commissioner Bennett agreed. That just doesn't make sense to take this one piece of property that has a very nice home on it now. Commissioner Jennings stated that he appreciated the comments of his fellow Commissioners about their opposition to spot zoning so he would guess that the vote on this Motion will represent their opposition to spot zoning because that is exactly what this particular circumstance is. So they will see whether they really do oppose spot zoning or whether they are for it.

Chairman Fricks asked if there was any other discussion. County Attorney Manning stated that there are a couple of things, just as a reminder. Number one, when he said one of their options was to refer this back to the Planning Commission. He said that, without giving an opinion one way or the other on the legitimacy of whether this could withstand a court challenge regarding the zoning, would simply give all parties and the Planning Commission if they did that, an opportunity to perfect their record in a better way regarding criteria used in reaching their decision. Secondly, they have in the ULDC, by way of information again on page 2-5, the Standards for Zoning Changes that the Commission is utilizing when it makes a decision in whether to vote for an approval or change in zoning. He stated that if any of them wanted to speak to any of the criteria listed, he pointed that out for the purpose of records. Chairman Fricks stated that one thing that he keeps referring back to is looking at the existing zoning and looking at A-R zoning and consideration of what is compatible and hopefully, is good for everybody here is the allowable uses in Agricultural-Residential. He thinks there are some that are a lot more objective in that usage than there would be than a mini-warehouse, just going through there and briefly looking, they talked earlier, riding stables, portable sawmills, mobile homes, manufactured home subdivision, personal care homes, nursing home, sales office, veterinarian, animal clinics, bed and breakfast, cemetery, commercial fishing lakes, kennels, pet grooming, lawn and gardening services. Looking in consideration of the existing zoning and hopefully keeping in consideration the surrounding areas, they have heard traffic, appearance and a lot of the other issues that were brought up. Commissioner Jennings noted property values. Chairman Fricks stated that was a questionable point, would the property values go down worse from a mini warehouse or a kennel, that is the factor. There are a lot of allowable uses, he would think, in his opinion, and he always tries to put himself in as a neighbor. There are a lot more allowable uses in the existing zoning than if they change it to Heavy Commercial and put a restriction that it is narrowed down to mini-warehouses. That, he thinks, makes the consideration pretty strong here. Chairman Fricks stated that there was a Motion and asked if there was other discussion.

Chairman Hufstetler stated that looking at the six factors the Supreme Court uses for informational purposes, existing uses of zoning of nearby property is first of the six and certainly he thinks the cabinet shop next door is nearby property. Number two is the

extent to which the value of the property is diminished by its present zoning and number three, the extent to which this reduced value promotes the health, safety, morals and general welfare of the public. He does not see this as a safety issue there and he thinks that the traffic is minimal. Number five, the suitability of the property for the presently zoned purpose, is he thinks, with the commercial businesses in the area, that it is suitable. As he stated before, he is not in favor of spot zoning, but when he thinks that the planners paint this huge picture of . . . and don't put in exceptions in there and don't have any plans for any businesses for miles and miles, he does not think this design is compatible with its present use or its future use.

Chairman asked if there was any other discussion. He then asked that the roll be called.

VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

Commissioner Jennings

" Bennett

Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Fricks stated that one of the issues that they want to bring up in this regard was the issue of appointments on committees and they have some. One that they have been postponing and need to address at this point is the Planning Commission appointee. He stated that he thought that what they will need to address on this issue is whether they want to continue or how will they be addressing appointment of family members. He stated that he had spoken with Commissioner Jennings and he did not bring this up at the last three meetings because he thought it was important that Commissioner Jennings be present for this discussion. The last meeting they were just too overwhelmed with too many things and there was not enough time to talk about it. Chairman Fricks asked if there was any discussion or thoughts in terms of the appointments. As they know, Commissioner Jennings' wife will be coming up for an appointment and they need to make a decision on that.

Commissioner Mayes stated that in the first place he thinks the Commission needs to form a policy on appointing family members. In this particular case, Mrs. Jennings has served quite a few years and has basically served well those years, not necessarily in his interest all of the time, but she is objective. He stated that he feels that they should

reappoint her, simply because she is already serving us and he thinks it will serve them to reappoint her, in her incident. But for future appointments, he thinks they need to set a policy that they are not going to appoint family members, at least the Commission is not going to appoint their family members on any boards. He stated that was his personal opinion about this particular appointment.

Chairman Fricks stated that one reason he brought this up and wanted to address it is the concern about appointing family members. He agreed that this needs to be a continuation of that policy. The application of this policy at this point in time, because they are actually making an appointment, is whether or not they consider . . . He stated that he would just say that one time in his consideration during this process over a couple of years, or few years, when they have been making appointments, he thinks there has only been one other case where they have had even a relative by marriage appointed to a committee and that was on the SPLOST Committee, and he thinks it was Commissioner Hufstetler's brother-in-law. He stated that he did have people bring it to his attention and he did not feel that he had any right or ability to say anything at that point in time because they weren't applying that across the board. He stated that he does not think there is ever anything wrong and they don't accuse anybody of doing anything wrong, but one thing this Board has always taken is a very strong stand on appearance. He stated that on that issue, he respects the position that she has taken and that she has given them a lot of time, but he thinks being careful with the appearance they have, that was the only reason this was brought up at this time, if they want to make continuation of those appointments or not. Chairman Fricks asked if there was any other discussion. He asked if everyone was fine with continuing as they go.

Commissioner Hufstetler stated that this is a real tough one. He stated that he guesses that he is uncomfortable with the immediate family members, but at the same time, he guesses that is one of the concerns that he has is that he feels uncomfortable even discussing it there. Chairman Fricks stated that to give an example, and he is not saying that it is justified by any means at all, approaching Mr. Miller and as to kind of say why did you not share your . . . At the last meeting he (*Commissioner Jennings*) acknowledged last time, and he was not aware of it, that you did not have all of the pictures and everything. As a citizen out there, he felt there was a skewed version because of that association. He is not saying it is justified, but he is saying that is the appearance that was given because of that association. She has already made her recommendation, she has already made her mind up and has probably shared it with her husband and it probably won't change. Chairman Fricks stated that unfortunately, he did not like that occurring, he hopes it shouldn't occur, he is not saying it is justified by any means. But, he hates to even give anybody an opportunity to think they don't have five Commissioners representing them on an equal basis. Commissioner Jennings stated, "absolutely, and it was very disappointing to hear." Chairman Fricks stated that it was bothersome to him, and he hopes and that is the only reason at this point in time that he has any kind of concern. He stated that he doesn't think there is anything that is a problem and he reiterates that fact, but he doesn't want anybody to feel that at an uncomfortable level that they are not represented well here. That was kind of the basis of his premise here. They need to talk about this and he knows it is a difficult thing to

discuss. He thinks they have avoided it as long as they possibly can, but it is time to make an appointment. He stated that he feels that is the overlying issue, he knows that it is with him.

Commissioner Mayes stated that if you think about it, no matter who is on the Planning Commission, there will always be people out there that feel like they are not going to be represented. We have a certain amount of real estate agents on there and people from the farming community on there. There is always going to be somebody that is going to think they are not going to represent them, that is going to vote a certain way that they don't like anyway. You are always going to have that kind of effect going on as far as what people feel the person who is on that commission, is going to be thinking or whatever, that is just human nature.

Commissioner Jennings stated that his understanding is that County Attorney Manning has explored it, from a legal perspective and had talked with the Attorney General he thought. He asked if, from a legal standpoint, is there any difficulty to appointing a family member to a voluntary Board. County Attorney Manning stated that he had looked at that, he had not talked with the Attorney General, but he did do some research there and can find no ethical or legal prohibition against an appointment of a family member to the Planning Commission. So, from a legal or ethical standpoint, the appointment would be fine. Commissioner Jennings stated that he thought clearly the question had to do with is this a paid position and they do have some policy in Floyd County in terms of paid positions he thought. He stated that, as noted, there are over 30 voluntary Boards that they appoint to and there are a number of other voluntary Boards in our community and their spouses, he thinks, are interested in this community and should, in his mind, not be excluded from participating because they are their spouses or relatives. Chairman Fricks stated that he had always encouraged his wife to do something else because she would give him a hard time at home if he overrode her decision.

Chairman Fricks stated that this is really not a policy set, he is just trying to get everybody's opinions about what they feel so they will know to do the application on appointments. That was the only concern that he had. He stated that he does not think it is a legal issue, he thinks they are legally fine with making the appointment as it stands and he just did not know what position the Commission itself wanted to take on it and he kind of wanted to throw it out there.

Commissioner Bennett stated that there is a policy, and he thinks that is why it is in effect, nepotism, which this probably doesn't fall directly under. Remuneration has something to do with it, but not always. He thinks there are good reasons for nepotism policies and he thinks they should adhere to them as much as possible. He stated that he did not know who came first, Terry on the Planning or Commissioner Jennings on the Commission. Commissioner Jennings stated that Mrs. Jennings was on the Planning Commission first. Commissioner Bennett stated that he does think this needs to be addressed as he said because the policy of what degree of kinship to go on these Boards and what type Boards. While it might wind up cumbersome it could also keep a lot of

questions from being asked, which he thinks appearance is important in what they do. In this particular incident, since she was there first, he does not have that big of a problem with this particular one. He would hate for that to seem like they are making an exception for one of their brethren on the Board, but there are some circumstances there that would give them direction if they could make an exception but he thinks they should do it and be formal about it.

Chairman Fricks stated that he felt that one reason they need to bring it up, no matter what decision they make about this appointment, he thinks they need to show that it is something that they put under consideration and put a lot of thought to. That it is not just a randomly, yes, we are going to do this or not. He stated that he had had people address him with it and so it is one of the things that at least people know they put it under strong consideration and really care about it instead of just moving right along and trying to put the peoples representation in consideration. Chairman Fricks stated that at this point, he is assuming from the majority of everybody that they are okay with the continuation of Terry's (*Jennings*) appointment but kind of take a position that at this point further that they abide by somewhat of their Nepotism Policy about appointing immediate family members. Commissioner Mayes stated that is what he was suggesting, although that was against what Commissioner Jennings said a while ago, but he is talking about if they make this reappointment because of the particular situation, she is already in there, she is serving well and has served a while and they should reappoint her because they need her, but from here on they should not do that anymore. He stated that he is not talking about her, he is talking about any other appointments unless they want to do something different. That was his recommendation.

Commissioner Bennett asked if they are ready for a Motion on the appointments. Chairman Fricks stated that they have two seats up for appointment. Commissioner Bennett made a MOTION to reappoint Terry Jennings and Von Lambert to serve on the Rome/Floyd Planning Commission. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Bennett

Chairman Fricks

Motion Carried

**** Commission Jennings abstained from voting.**

Chairman Fricks stated that they need to submit an additional three names for the Hospital Authority. He stated that Al Hales had been selected from the previous list submitted and they are ready to submit three additional names. Commissioner Hufstetler stated that he had not heard that Mr. Hales had been chosen and he is glad that he was reappointed to his seat. Chairman Fricks stated that the other names submitted previously was David Johnson and Sam

Burrell. He stated that it is his understanding that there was a very favorable support on both of those from the Grand Jury. Commissioner Hufstetler stated that Sam Burrell's seat is up next and he would like to make a MOTION that they recommend Sam Burrell, Sr., David Johnson and Charles Kimbrell, who is real involved in a lot of stuff there, names be sent to the Grand Jury. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there were any other appointments that they needed to look at today.

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE.

AMEND PERSONNEL POLICY REGARDING IDENTIFICATION BADGES.

Commissioner Hufstetler, Committee Chairman, stated that this had been presented to the Department Heads at the Department Head Meeting. Basically this is just something that they need to get in place and then there is a list under exemptions, the last thing says that "The Department Director is of the opinion employer/employees in the department should be exempt from any or all portion of this policy, such as an Undercover Drug Agent, then they may put their request in writing to the County Manager completely explaining why the exemption should be granted." So, there is a procedure in there for that. It was the recommendation at the Administrative/Finance Committee that they adopt this. Commissioner Hufstetler made that recommendation in the form of a MOTION. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Jennings stated that he was to make perhaps a point there. "Identification badges must be worn by employees at all times while performing official duties of Floyd County." He noted that the County Clerk was the only one there that had on a badge. He asked if they are saying and perhaps they should set a model for employees of Floyd County that they wear badges when they are on official business. Commissioner Hufstetler stated that he thought they should and that he had already gotten his printed up. He stated that one issue is customers being able to recognize you and the other issue is there has been a lot of concern with the Judges about security and people having identification on them when they are in the building.

WATER COMMITTEE

Commissioner Jennings stated that the Water Committee will be hearing from Mr. Barnett and Mr. Morgan at their meeting on next Tuesday.

SPECIAL COMMITTEE REPORTS

NEW HEALTH DEPARTMENT FACILITY.

Commissioner Jennings stated that County Attorney Manning has explored the footpath issue and basically his opinion is that they could, on Floyd County property use SPLOST money for the footpath and he thinks they need to communicate that to Mayor Ronnie Wallace. He stated that he did not know if they were willing to spend whatever money they need to extend the footpath on their property. He thought that if that were amenable to everybody, they could in fact make that a part of the letter of response to the City on that issue. Chairman Fricks stated that they are right now at the phase of developing that eastside parking, and are even on site. This is a good opportunity to do any development of the footpath because they are doing in-house paving on some of that area to access that and it would probably be the opportunity to do it. Actually there have been funds reserved in order for continuation of the eastside parking and for the development over there. Chairman Fricks stated that they will write an appropriate letter including the Attorney's opinion, as long as they stay on what they call the Stadium site and do some path development on there, he thinks that would be sufficient.

Commissioner Jennings stated that at this point their Program Manager (*for the New Health Department*) is working with the Architect and he thought their next step will be to determine whether they are going to do the Hard Bid or the Manager for the Construction at Risk type of contract. He thinks they have developed an opinion about that, but they need to bring that to the Commission and formalize that so that they can do the Request for Proposals. Chairman Fricks asked how quick a turnaround would they get on Request for Proposals generally. Assistant County Manager Sammy Rich stated that generally they have the latitude to set the due day depending on the scope of the project. Commissioner Bennett stated that it is typically about three weeks or so, four weeks at the most. Commissioner Bennett commented that all of the Subs wait until about 1 o'clock that afternoon, the day of the bid, to figure it anyway so they can do a

week or month or whatever they want to do. Chairman Fricks stated that he could not remember what the time frame was on that was.

EXISTING PRISON USE.

Commissioner Hufstetler stated that with the change in the Senior Judge, that now is probably an appropriate time to address this and he knows that Commissioner Jennings had had some conversations with the new Senior Judge about Drug Court and various things that may tie into this. It is his understanding that he is willing to come to the Caucus and discuss this a little bit. He thinks it will require everybody being on the same page for something to be successful and he thinks that is the next step in that is for him to come to their Caucus. Commissioner Mayes stated that even District Attorney Patterson has expressed interest in helping them with this effort. Commissioner Hufstetler suggested that perhaps they could invite the two of them to a Caucus. He was not sure that the next Caucus would be a good time or the one after that to get their thoughts on it. Chairman Fricks stated that he is concerned that someone will start using those building if they let them sit out there too long.

CONSOLIDATED TASK FORCE.

Commissioner Hufstetler stated that they had a meeting yesterday and some very new information was presented that he had never heard before that nobody from any system had brought up. That information was from Calvin Brown, who had done the study. He had based the study around what would the State look at as far as a school configuration and the reason that is important is apparently there is quite a bit of money, millions of dollars that the State has for merger incentive. They want to encourage that the school systems do consolidate. He stated that he is surprised that this has not come up before at their meetings. He is not sure that they would even want to necessarily participate in that money, but the study that the State does for that money is free of charge. One of the things in it, just looking at the rough numbers, they seem to have the appropriate number of middle schools. The data would say that there are five high schools and really they should have four, but geographically he does not know that they should have four. He did not know if the study looks at where they are at now or what they project the student population to be. If they are there at the Middle Schools, when those students get into High School are they going to be at the appropriate High Schools, all of these issues, but it was completely different information that had not been presented by anybody from any Board to them. The Task Force recommended that the two Superintendents request that this study be done by the State. The two Superintendents stated that they would do that if the Board told them that is what they wanted them to do. Apparently they are the only ones that can make this request to the State. The data on that was positive in most areas. There was one exception and that was transportation, which could be a negative factor, depending on what the alignment of the schools was. He thought that presently the holdup is all the questions that they have on the schools at this point; he thought that the Government Committee was way ahead of the School Committee. He stated that he thought this study should have been done a long time ago. Commissioner Bennett stated that it was done a long time ago. He stated that he noticed

one thing as a side, he had to leave early and did not hear the last part of the recommendation, but it seems that they have several schools which are under children now as far as the State's ideal size school. He heard this morning, and it kind of came across to him where he heard some comments that this would require closing of schools. He stated that he did not get that out of the discussion. It seemed to him, if that were the case, the fact that the school systems might consolidate and would consolidate under a consolidated government, that is not going to create any more schools or less schools or children. If you have too few children, according to the State standards in a school, separate, the same thing occurs when they are combined. The fact of combining them would not force these schools to be closed, they would operate basically as they operate now. It surprised him that Armuchee High School was 200 or 300 students shy on that report and in fact that is one of the fastest growing areas in the County. So if somebody used that report to make the statement that if we consolidate then Armuchee High School would have to be closed, he does not think that would be an accurate statement. Basically according to a State Standard, what they consider to be the ideal school, which is used for some funding criteria, Armuchee is 250 students shy of what they say is optimal. But, again in the plan, with that being the fastest growing area of the community, he thinks they would see right quick that probably Armuchee would need to be expanded within ten years or so if the population kept going. This report did not say that there would be school closings as the result of consolidation. It just said that if the State looked at it and they were using their formula, they may request or suggest that. He stated that he submitted that would be the case anyway. If you have five or four primary schools and three of them don't have enough students, you either subsidize it with local money because the State won't reimburse you or you will have to close the school whether the systems consolidate or not. Consolidation will have nothing to do with whether or not schools are closed.

Commissioner Hufstetler stated that under the current school setup, it was almost a break even but the funding according to his numbers will actually increase by about \$50,000 to a combined system over what they are currently receiving from the State. The only issue on the schools was that this is separate, almost what he wanted to call grant money, that you get as a merger incentive. If you got into that, that would mean that they would have to study it and look at the school alignment and hopefully they would look at population projections too in something like that. He would assume that they would. It doesn't address, the particular guy, Calvin Brown, doesn't address any potential savings that might be realized through not having two Purchasing Departments, two Maintenance Departments, two Personnel Departments, two Administrative, such as who is in charge of the curriculum for the Middle School, do you have two different people getting two different curriculums. None of those issues were in his study, he was simply looking at what is the financial impact of the money that the State is giving them right now, under a consolidated government and the financial impact. He (*Mr. Brown*) stated that it can change from year to year, but under current numbers it would increase by about \$50,000. But, the schools setup had to do with this merger incentive money, which he had never heard about until yesterday. He thought the State was pretty well broke, but apparently they have money sitting there for merger incentives and Americus and some other communities that have consolidated have gotten some of this money. So on the

education side, that is where they are at. That study needs to be done next, and should have been done months ago, had they realized what was there. Chairman Fricks stated that Athens-Clarke or one of the other communities that came in, were talking about some of the incentive grants that were available and that they took advantage of to do some of these studies. He thought it had been referred to as Efficiency in Government.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated that there were three items on the Agenda, which she submitted for approval. Commissioner Hufstetler made a MOTION to approve the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

1. Tax Refunds:

- Cedartown, \$109.60
- a. Clara Adams, % Elizabeth Oliver, 2763 Lee Chapel Road,
 - b. Bo Rome #5, 15 East Fifth Avenue, Suite B, \$82.17
 - c. Danny Mulkey, 251 Center Road, SE, \$195.54
 - d. Faith Missionary Baptist Church, P.O. Box 574, Armuchee, \$4.40

2. Authorize Chairman to sign contract with Karen Wilkes to provide indigent defense (\$3,380 per month).

3. License Applications:

- a. Malt Beverage – Blenda R. Laird, Neeliya, LLC, 2295 Cedartown Highway – Convenience Store (**contingent upon clarification of establishment name**).

MANAGER'S REPORT.

DISCUSS RECOMMENDATION FROM
**AIRPORT COMMISSION TO PURCHASE
ASL TURBINE HANGER.**

**(DEFERRED FROM SEPTEMBER 9 AND 23, 2003
AND OCTOBER 14 AND 28, 2003 MEETINGS)**

Assistant County Manager Sammy Rich stated that this item had been deferred.

**AWARD BID FOR CALL LOGGING
RECORDER EQUIPMENT FOR 911.**

Assistant County Manager Sammy Rich stated that this is a request from E911 to purchase a Logging Recorder. The Department had accepted bids and the recommendation is to go with Milner Voice and Data. They were the low bid on a lease at \$6,552 per year and that would be a five-year lease and it does include maintenance. That would be a savings over what is currently being paid on maintenance, a little over \$7,000. He submitted this for their approval. Commissioner Hufstetler made a MOTION to award the five-year lease option, including maintenance to Milner Voice and Data for \$6,552 per year for a total of \$32,760 over five years. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**DISCUSS REQUEST FROM JACK
MORGAN REGARDING ROAD
ACCEPTANCE IN EDENFIELD ESTATES.**

Assistant County Manager Sammy Rich stated that Item 3 is the consideration of Jack Morgan's road in Edenfield Estates. He stated that during Caucus he had passed out a sheet with four conditions and he recommended acceptance of the maintenance subject to all four of the conditions as outlined. Commissioner Jennings asked what the four conditions were basically. Assistant County Manager Rich replied that the gist is that he would have to submit all necessary plans that would have been required under a typical development and he would agree to pay or hire a geotechnical engineer to go out and sample some of the road material, do some testing, make sure that it is up to par. Other requirements include drainage issues, looking at the ULDC again, does he have all of the right catch basins? Are they spaced adequately? Mr. Morgan would be agreeing to add additional, and/or move if that be the case. The last item is basically just any other regulations that any other developer has to comply with on the ULDC. He stated that there would basically be no leniency. Commissioner Bennett stated that there would be no exceptions, it is just being done in arrears instead of upfront, the requirements would

be the same. Commissioner Bennett made a MOTION that they accept the Assistant County Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

DECLARE SURPLUS PROPERTY.

Assistant County Manager Sammy Rich stated that Item 4 is the Declaration of Surplus Property. There was a spreadsheet distributed during the Caucus Session that states "Floyd County Surplus Property" at the top and has a list of 50 parcels. He recommended they be declared Surplus for the pending auction. Chairman Fricks called for a Motion. Commissioner Hufstetler asked if this could be revised later on if they wanted to. Assistant County Manager Rich replied that was correct, this list is just basically being done between now and the auction. Commissioner Hufstetler made a MOTION to declare the items on the list as Surplus. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

DISCUSS SELECTION OF AUCTIONEER FOR SURPLUS SALE.

Assistant County Manager Sammy Rich stated that they had accepted bids for Auctioneering Services for their auction and he recommended entering into a contract with J. L. Todd for Auctioneering Services for the Auction which will be held on December 10, 2003. This would be subject to the Attorney's approval of the contract. It was noted that the County stands to earn more revenue with their proposal. County Attorney Tom Manning stated that they want to disclose precisely how the Buyer's Premium is going to . . . Assistant County Manager Rich stated that he thought that if they develop a contract they will outline that and just as a proposal, they will charge a 5%

buyer's premium and that would be used to pay for the auction cost and any remaining funds would go into the General Fund such as the sales proceeds. Commissioner Bennett made a MOTION to authorize the Attorney to draw a contract with J. L. Todd Auction Company for the auction of the County Surplus Property. Chairman Fricks stated that there was a Motion and he called for a Second. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

**REQUEST FROM DISTRICT ATTORNEY
FOR PURCHASE OF COMPUTERS AND
LASER PRINTERS.**

Assistant County Manager Sammy Rich stated that Item 6 would be deferred to the Administrative/Finance Committee.

**REQUEST APPROVAL FOR CHANGE
ORDER FOR CARVER AND CARVER
PLUMBING FOR SEWER EXTENSION
AT NORTH FLOYD PARK IN THE AMOUNT
OF \$16,220.**

Assistant County Manager Sammy Rich stated that Item 7 would require a 4/5 vote for a Change Order for North Floyd Park. Commissioner Mayes made a MOTION to add this item to the Agenda for the Change Order at North Floyd Park. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Assistant County Manager Rich stated that the recommendation is to approve a Change Order in the amount of \$16,220 for sewer extensions at North Floyd Park. Carver and Carver is currently working out at the site and this would allow them to keep ahead of schedule in moving forward and developing the Park. This would be some additional cost that wasn't in the initial SPLOST and part of this would be that the Recreation Department would have to shift work or projects to recuperate that burden somehow, maybe in alternative work that they can offer as projects. Roughly half of the cost is done in-house, roughly \$8,000. He recommended approval of the Change Order. Commissioner Hufstetler made a MOTION to approve the Change Order for Carver and Carver Plumbing in the amount of \$16,220 with the stipulation that the Recreation Department help offset the additional cost in other areas later. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if the Commission would be interested in at some point in time going as a group out there and reviewing the project and see where they are at. He stated that maybe they could arrange this at some point in time and talk with them about where they are in the future and what kind of schedule they are talking about and get a update on it. Commissioner Mayes mentioned tracing the water line. Commissioner Jennings stated that it might be helpful to just look at the water line issues along Highway 27 in that area. Commissioner Hufstetler asked if there is a meeting planned for that area. County Clerk Fountain stated that she did not have that information with her, but she would get back with him on that. Commissioner Hufstetler stated that if the meeting is real soon they might could tie it in with that, otherwise they might want to go ahead and do it. County Clerk Fountain stated that there is one scheduled for Armuchee but she was not sure when. Chairman Fricks stated that he thought it may be on next year. Chairman Fricks asked Assistant County Manager Rich if there were sketches or building designs, or how are they . . . Assistant County Manager Rich replied that he is not familiar with the project enough. Chairman Fricks stated that the thought it would be good for them to be knowledgeable about where they are at and he goes by to look but it would not be bad to have a little more information. Assistant County Manager Rich will set that up.

ATTORNEY'S REPORT.

County Attorney Tom Manning stated that other than information already discussed, he had no report.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

COMMISSIONERS

CHAIRMAN

FLOYD COUNTY BOARD OF

GARRY E. FRICKS,