



community. He stated he pledges that to everyone in the course of this year. He appreciates his fellow commissioners giving him the opportunity to serve in this role.

Chairman Jennings called for a motion to appoint Vice-Chairman. Commissioner Fricks made a MOTION to appoint Commissioner John Mayes as Vice-Chairman. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

**PUBLIC PARTICIPATION:**

**Alvin Jackson, 23 Conn Street**, thanked the Board for allowing him to be the first to participate as a public participant in this great facility. He stated it is an honor and truly a part of history. He stated the reason he is here today is to update them on the King Events that are coming up for the weekend. He stated Rome and Floyd County has the only four day celebration in the entire State of Georgia. It is the second largest celebration, other than Atlanta, in the entire State of Georgia. He stated he thinks that is something that Rome and Floyd County should be very proud of because it has grown every year. He stated it is a great honor to be Chairman of that organization. He stated beginning this Friday, January 12, 2007, they will have a play titled "Stony the Road We Trod" that was written by Ms. Willie Mae Samuels, who is a member of the King Commission. He stated it will be directed by her and all the talent will be local. He stated there will be somewhere between 100 – 150 participants in that production. He stated on Saturday morning they will have their annual Prayer Breakfast at the Holiday Inn Skytop. He stated the speaker for that event will be Reverend Raphael Gamaliel Warnock, senior pastor at Ebenezer Baptist Church in Atlanta. The event begins at 7:45 AM. He stated Saturday evening at 4:00 PM will be the MLK Talent Show, which will be held at Berry College in the Krannert Center. He stated Dr. Clarice Ford who is in charge of that event has done a wonderful job and they will be using local talent particularly their college and high school students and anyone else willing to participate. He stated then on Sunday, they will have their ecumenical service at Mount Calvary Baptist Church on East 14<sup>th</sup> Street with Reverend Terrell Shields. He stated the speaker of that event is Dr. Henry Lyons, past President of the National Baptist Association. He stated Monday morning they will have the annual march. They will assemble at 11:00 AM, and the march will begin at 11:30 at the corner of First Avenue and Broad Street. He stated the march will proceed to the City Auditorium where they will have their noon day service. The keynote speaker for that event will be Ms. B.J. Walker, Commissioner of the Department of Human Resources. Immediately following that event they will have a fellowship luncheon at the Civic Center

on Jackson Hill Drive. He stated one thing he would like to say again is that every event is free except for the Prayer Breakfast. He stated Rome and Floyd County has something to be proud of with the celebration. He stated this is their 21<sup>st</sup> year , and they really think it is an honor for Rome and Floyd County to be involved in this. He stated he appreciates their support.

Chairman Jennings stated he knows outside of the City of Atlanta that Rome and Floyd County has the largest King Celebration in the state. He stated that is a tribute to Mr. Jackson and the work of the King Commission, and they appreciate all that Mr. Jackson has done.

**ADOPTION OF MINUTES:**

Chairman Jennings asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Lumsden made a MOTION to adopt the minutes of the Regular Meeting of December 12, 2006. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

**PROCLAMATIONS:**

**NATIONAL MENTORING MONTH**

Chairman Jennings stated Nancy Griffin is here to receive a Proclamation recognizing January as National Mentoring Month. After the reading of the Proclamation, Ms. Griffin thanked the Board and stated she would like to introduce Ms. Sue Broome, retired Floyd County Clerk, who needs no introduction to them. Ms. Broome stated she is now the president of the Rome-Floyd Commission on Children and Youth, which is the umbrella agency for all the programs on children and youth in the community. She stated she would like to introduce Debbie Dawson, Match Coordinator for Big Brothers/ Big Sisters in Rome and Floyd County and Alvin Jackson who is with 100 Black Men. She stated she is with Communities in Schools and the Rome-Floyd School Mentor Program. She stated these are just a few of the programs that do mentoring in the community. She stated she would like to take this opportunity to thank the Board of Commissioners for the funding that they give the Commission of Children and Youth.

**RESOLUTIONS:**

**1. MATTERS RELATED TO THE COLLECTION OF TAXES**

Chairman Jennings called for a motion on Matters Related to the Collection of Taxes. Commissioner Fricks made a MOTION to adopt the Resolution regarding Matters Related to the Collection of Taxes. SECOND by Commissioner Lumsden. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

**2. HIRING RESOLUTIONS:**

**a. COUNTY MANAGER**

Chairman Jennings called for a motion to appoint the County Manager. Commissioner Mayes made a MOTION to adopt the Resolution appointing Kevin Poe as County Manager. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

**b. COUNTY ATTORNEY**

Chairman Jennings called for a motion to appoint the County Attorney. He noted the firm is now McRae, Stegall, Peek, Harman, Smith and Manning, LLP. Commissioner Whitefield made a MOTION to adopt the Resolution appointing McRae, Stegall, Peek, Harman, Smith and Manning, LLP as County Attorney. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**c. COUNTY AUDITOR**

Chairman Jennings called for a motion to appoint the County Auditor. Commissioner Lumsden made a MOTION to adopt the Resolution appointing Mauldin & Jenkins as County Auditor for the year 2007. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**3. DESIGNATION OF DEPOSITORIES OF FLOYD COUNTY**

Chairman Jennings called for a motion concerning the Designation of Depositories of Floyd County. Commissioner Fricks made a MOTION to adopt the Resolution designating the Depositories of Floyd County. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**FIRST READINGS:**

**(SECOND READINGS/PUBLIC HEARINGS  
TO BE HELD JANUARY 23, 2007 AT 6:00 PM)**

- 1. FILE #01-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLICATE RESIDENTIAL) TO CONSTRUCT THREE DUPLICATE DWELLINGS ON PROPERTY LOCATED AT 677 WARREN ROAD. ZONING MAP J10-Y – PARCEL 029. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 10 – 0]):**
- 2. FILE #04-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO N-0-C (NEIGHBORHOOD OFFICE) FOR BUSINESS REAL ESTATE SALES OFFICE USE ON PROPERTY LOCATED AT 1 KINGS COURT. ZONING MAP K13Z – PARCEL 074. (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION [VOTE: 5 – 5]):**
- 3. FILE #123-2006Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO L-I (LIGHT INDUSTRIAL) TO CONSTRUCT MINI-WAREHOUSES ON PROPERTY LOCATED AT WAX ROAD AND ROCKMART HIGHWAY. ZONING MAP K17 – PARCEL 267. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS OF 50' SETBACK ON ROCKMART ROAD SIDE OF PROPERTY AND ENTRANCE ONLY ON WAX ROAD. [VOTE: 7 – 3]):**
- 4. ORDINANCE TO AMEND FLOYD COUNTY CODE RELATED TO DISTANCE REQUIREMENTS FOR MALT BEVERAGE AND WINE LICENSE (2007-001A):**

Chairman Jennings stated the Second Readings/ Public Hearings will be held Tuesday, January 23, 2007 at 6:00 P.M. for these items on First Readings.

**SECOND READINGS/PUBLIC HEARINGS:  
(FIRST READINGS HELD DECEMBER 12, 2006)**

Chairman Jennings reviewed the process for Public Hearings. He stated he will ask if there is anyone in the audience who would like to speak for or against the zoning request. He stated he will determine how many people wish to speak for and against. They will have ten minutes for those who are favor of the zoning change to speak. They will divide up the time depending upon the number of people who wish to speak. He stated that there will be ten minutes for those who are opposed to the zoning change and again divide up that time. He stated the third part of the hearing will be for those who are in favor of the change to respond only to anything that was raised by those in opposition. The Public Hearing will then be closed and the commission will

vote on the zoning change. He stated also part of that hearing will be a statement from Ms. Sue Hiller, Director of the Planning Department.

**1. FILE #92-2006Z, REQUEST REZONING FROM D-R (DUPLICATE RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) TO INSTALL SINGLE-FAMILY DWELLING (MANUFACTURED HOME) ON PROPERTY LOCATED AT 80 HENNON DRIVE ZONING MAP J11X – PARCEL 184. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITION THAT A PLAT BE RECORDED. [VOTE: 9 – 0]):**

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview. Ms. Hiller stated the subject property is on the corner of Hennon Drive and Dempsey Street with Ashley Oaks Subdivision to the north. She stated surrounding the property on all sides is actually D-R (Duplex Residential) zoning, with C-C (Community Commercial) zoning to the east further out along Martha Berry Highway. She stated there is a dwelling and an outbuilding on the property now. She stated south across the street is single-family residential, but some of the single-family residential in the area does consist of manufactured homes. She stated this is an area that is zoned D-R (Duplex Residential) although most of the properties in this area are developed with single-family dwellings. She stated those are allowed in the D-R zoning district however, manufactured homes single-family dwellings are not allowed in this zoning district. So while this would be a spot zone of this property it is not really a spot use. She stated it would accommodate a type of single-family residential but that is already on the property now. She stated Dempsey Street is not open so subdividing this property to accommodate two dwellings is going to have to front on Hennon Drive. She stated this request was actually submitted several months ago and was tabled because the applicant initially indicated that the dwelling on the property would be removed and replaced with a manufactured home. She stated that was their understanding, but what he actually would like to do is add a second dwelling to this

lot so he had to come back with a plat that showed that the property could be subdivided. She stated this is an area where water and sewer are available. She stated Dempsey and Hennon are both classified as local streets. This does come to the Board with a unanimous recommendation (9 – 0) from the Planning Commission that the Board approve the request.

Chairman Jennings asked if there is anyone here to speak for or against this zoning change.

**SUPPORT:**

**Hershel Sullins, 917 Moran Lake Road,** stated he is the co-owner of the property at 80 Hennon Drive. He stated when they initially purchased the property their intent was to add a single-family dwelling to that tract of land. He stated going through the permit process they found out that the zoning would not allow that so that is why they are here today. He stated they were asked by the Planning Commission to have that subdivided, provide a plat and have it recorded with the courthouse. He stated he has the receipt where it has been recorded. He stated there are a lot of mobile homes in the area already, and what they are wanting to do will not change the look of the neighborhood. They purchased this property from HUD and had to do considerable repair to bring it up to livable standards. He stated the mobile home that they plan to place here, if this is approved, is not an old dilapidated mobile home. He stated it is a 1997 model and it is small enough to fit in the space that they have, which is kind of restricted by all the setbacks but it did satisfy all the county requirements. He stated it has been approved by the County Engineer. He stated the Board's consideration on this is greatly appreciated.

County Manager Poe asked Ms. Hiller if the plat Mr. Sullins showed them was the plat referred to with the condition that a plat be recorded. He asked if that condition has been met. Ms. Hiller stated that is correct. County Manager asked does that still need to be part of that motion. She stated the plat was submitted but it has not been approved and recorded yet. County Manager Poe stated so they would still need to add that as a condition if they go along with the Planning Commission recommendation.

There being no one else present to speak for or against the request, Chairman Jennings called for a motion. Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES                      NO

Commissioner Fricks  
"                      Lumsden  
"                      Mayes  
"                      Whitefield  
Chairman Jennings

Motion Carried

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to approve the request for rezoning with the condition that a plat be recorded. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

**2. FILE #100-2006Z, REQUEST REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO H-I (HEAVY INDUSTRIAL) FOR RECYCLING WOOD PRODUCTS USE OF PROPERTY LOCATED ON HUFFAKER ROAD. ZONING MAP E13Y – PARCELS 031, 032, 033. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 9 – 0]):**

Chairman Jennings called for a motion to open the Public Hearing. Commissioner Lumsden made a MOTION to open the Public Hearing. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, for a brief overview. Ms. Hiller stated the subject property is surrounded by A-R (Agriculture Residential) zoning to the north and south, L-I (Light Industrial) and H-I (Heavy Industrial) to the east, and C-C (Community Commercial) to the west. She stated uses in the area range from commercial uses to light industrial and heavy industrial. However, to the north the land is rural residential. She stated there is a small wetland in one of the corners of this property. She stated although it is zoned A-R (Agriculture Residential) the property has been used for some time as a lot for storing

trucks and for storing timber. She stated as a legal non-conforming use they cannot change to another legal non-conforming use. She stated in order to become a wood products recycling company that would require the H-I zoning district to go into effect here. She stated no site plan was submitted with this particular request because the applicant intends to bring in a grinder or a chipper. She stated he would bring it in for six weeks or so at a time and grind wood. The wood products would be brought in, ground or chipped on the property and then hauled away for sale. She stated part of this property is cleared for the truck parking business at this time. To the north there is a power line, and across from that single-family residential dwellings. To the south there are some commercial uses and vacant land. To the east is mostly vacant land. To the west there is some commercial use, down closer to the Alabama Highway, but much of that land is undeveloped as well. She stated this comes to them with a recommendation from the Planning Commission to deny, and that was a unanimous 9 – 0 vote.

Chairman Jennings asked if there is anyone here to speak for or against this zoning change.

**OPPOSE:**

**Ms. Dale Robinson, 28 Honeysuckle Lane,** stated she is strongly opposed to Mr. Moore's request for rezoning, and when she looks at her farm on that map it looks very insignificant. She stated she has lived there 27 years and worked 38 years. She stated she just retired and did not retire to have to hear all of this racket that would be coming. She stated she would like to make a point that Mr. Moore is not a resident of Floyd County and would not be affected by the noise nuisance his equipment would create and the resulting loss of their property value. She stated everyone that signed the petition that they have in opposition to this rezoning is not only a Floyd County resident but is also a member of the community that would be affected by the noise nuisance and loss of their property value. She stated a lot of them could not come today because they could not get off work but she hopes that the Board will deny this request.

**Ms. Jenifer Burchett, 4683 Huffaker Road,** stated her property is the 7.96 acres of land adjacent to the subject property. She stated she bought it for peace and quiet. She stated there is now way they could buffer the noise from a grinder or a chipper. She stated the noise would be so unbearable that she would have to move, she would not be able to stand it. She stated he is grandfathered in currently to store trucks and timber, and he is obviously doing a lot more than that. She stated he has been doing some clearing and if they compared the map given to them to an ariel map from three years, they could see that there has been a lot of activity going on. She stated he has been selling dirt to Georgia Power, and he has been hauling dirt in and out of there constantly. That is distractful to her, the noise that that activity makes. She stated there is no way to buffer the noise. She stated he has the setback lines, but the noise would be such a nuisance to her that she would literally have to move and put her house up on the market for sale. She stated she does not think that she would be able to find a buyer. She stated that is the main thing, the property value and the noise. She stated she

did get a petition up from her neighbors. They all have acreage because they want to live in the country, they like the peace and quiet. She stated if they wanted to live beside heavy industry, they would have bought a property beside an industrial site. She stated she is concerned about the increase in traffic as well. She stated he is wanting to say that this is going to be a small business, that he is going to bring something in and do it for like 6 weeks at a time. She stated if they tie him to the railroad and they are going to be doing this for fuel purposes, it is not going to be a nickel and dime operation. She stated she thinks he is really downplaying what he wants to do to get the rezoning. She stated they are going to have their road widened so they are already going to have increased traffic. She stated she hopes the Board will deny this.

**Mr. Steve Robinson, 28 Honeysuckle Lane,** stated he is opposed to this request for rezoning because of the extreme noise nuisance that will be forced on their existing nearby residential area and the resulting loss of property values. He stated at the December Planning Commission meeting Mr. Moore said he planned to bring in a portable grinder periodically for use on site. However, later he responded to questions from the chairman by stating he needed the property rezoned in order for the railroad to consider allowing him access to a railway site. He stated he also said he intended to try and market his product to ethanol manufacturers and to power plants for use as a fuel. He stated this is not a small, in and out, periodic operation that he is talking about. He stated it is clear from these later statements that he intends to do a substantial business moving as much product as possible. He stated what this would mean for their long established residential community is exposure to a frequent, if not constant, noise nuisance. He stated this equipment is very loud in operation. He stated it may meet all established safety standards, but it is still totally incompatible with close proximity to a residential area. He stated his home is about 500 yards from Mr. Moore's property. He stated when they ground over there in the past the noise he and his wife had been exposed to has been loud, constant and highly irritating. He stated it could only be a lot worse for those living closer such as Ms. Burchett and her neighbors. He stated use of this type of equipment would destroy the ability of the residents of the community to enjoy the peace that all of them are entitled to in their homes. He stated just as those of them already living in the area do not want constant exposure to this nuisance, no one they tried to sell their property to would want to hear it either. He stated as a result, the property values would drop significantly for these reasons. He stated the extreme noise nuisance to an established residential area and the significant loss in property value that would result he would strongly urge the Board to deny this request.

Chairman Jennings called for a motion. Commissioner Whitefield made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes

" Whitefield  
Chairman Jennings

Motion Carried

**Discussion:** Chairman Jennings stated as a matter of procedure the clerk has shared with the Board that the applicant has requested that they table this request per a phone call. County Attorney Manning stated they were correct in going forward with the Public Hearing, and they now have the ability to approve, deny or table the requested zoning change. Chairman Jennings stated he is uncomfortable tabling this from a phone call. He stated how do they know that this is the applicant. A gentleman from the audience stated he is an employee of Bristol Timber and their attorney, Preston Smith, was not able to attend this meeting. He stated he works for Bob Moore, and Preston Smith was tied up due to his obligation with the state. He stated therefore, they would like this matter tabled until next month. County Attorney Manning stated they could do that. He stated with that request made at the hearing they also have the ability if they so chose to deny this without prejudice which would give them the ability to come back so it is the Board's preference in how it desires to proceed. Chairman Jennings stated so approve or deny but if they denied it could be without prejudice which would allow them the opportunity to come back without waiting the normal time period.

Ms. Robinson asked why can't they vote today, explain that to her and why does the lawyer have to come? She asked does the lawyer speak extra for them? Ms. Burchett stated this has already been tabled twice and Mr. Moore had just as much notice as they did to be here. She stated they made time in their busy schedule to be here, to attend to their business, and he did not show them the same courtesy.

Chairman Jennings stated to the Board it looks like they have four choices in this situation. He stated one would be to table the request. Two would be to approve the request. Three would be to deny it, which if they deny it the applicant would have to wait 12 months to come back, or to deny without prejudice, which would allow the applicant to come back at 6 months. He stated if they denied with prejudice the applicant would have to go back through the entire process again. Ms. Hiller stated their code says that the applicant can not come back for 12 months if he is denied. She stated she thinks they have said that they can ask to be denied without prejudice but she believes under state law they should not be reducing that below 6 months even then. She stated they do have the option of doing it with or without prejudice, but there still is a waiting period. She stated at that point the applicant would have to reapply. She stated this is not like tabling or postponing, it is a denial. Chairman Jennings stated so if there is a motion to deny they need to determine whether that is with prejudice, which means that it is a 12 month time period to reapply or without prejudice would be a 6 month period to reapply. He stated so they have four choices. Commissioner Mayes stated he feels like heavy industrial is a very intense use especially for that particular area.

Commissioner Mayes made a MOTION to deny without prejudice. SECOND by Commissioner Whitefield.

**Further Discussion:** County Attorney Manning stated he just wants to make clear when he says without prejudice, he is saying they could back in 6 months. Commissioner Mayes stated if they wish to come back. Chairman Jennings they could back in 6 months and they would have to go through the entire process. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

- 3. FILE #126-2006Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO H-C (HEAVY COMMERCIAL) TO CONSTRUCT MINI-WAREHOUSES ON PROPERTY LOCATED AT BURLINGTON DRIVE IN SHANNON. ZONING MAP M10Y – PARCEL 137. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT ONLY MINI-WAREHOUSES BE BUILT ON PROPERTY. [VOTE: 8 – 1]):**

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Hiller to give a brief overview of this property, which he thinks they are familiar with because they are considering, and will consider later in this meeting, the purchase of that property to add to the Shannon Park. He stated he thinks the County Manager's question is, in terms of rezoning that property

as far as for their Shannon Park, this heavy commercial rezoned area probably would not apply but walk them through this piece of property.

Ms. Hiller stated the subject property is currently zoned O-I (Office Institutional), although it was formerly developed with mini-warehouses that have since been removed from the property. She stated to the north is zoned S-R (Single-family Residential). That it is a recreation park operated by the Rome and Floyd County Parks Authority. To the south is industrial and commercial use, to the east is vacant property and the railroad, and to the west is a recreational property as well. She stated this is an area where all public services are available to the property. She stated any redevelopment at this site, because the existing mini-warehouses have been removed, would have to comply with the ULDC and under the ULDC the O-I district would not allow mini-warehouses. She stated they have to rezone to C-C (Community Commercial) with a Special Use Permit to H-C (Heavy Commercial) or L-I (Light Industrial) and they have chosen the H-C classification. She stated the requirements that would be involved in this being adjacent a park would involve buffers, landscaping, setbacks and so on. She stated Minsheew Road is classified as a local road, Burlington Road is classified as a collector, and the property is within 2,000-feet of Highway 53. There are no mapped wetlands. The property has been developed in the past and it is not within a flood plain. She stated the motion made by the Planning Commission was to approve the request but to limit any potential future use to mini-warehouses. She stated she thinks that was a decision that was made because it is adjacent to the park and there was some feeling among the members of the Planning Commission that other H-C uses may not be compatible next to the park. She stated this does come to them with a recommendation to approve with an 8 – 1 vote.

Chairman Jennings asked is there anyone here to speak for or against this zoning change.

**SUPPORT:**

**Tommy Davidson, 402 Linda Lane**, stated he owns T & M Construction and he originally built this warehouse building that Ms. Hiller showed them the concrete pad for in 1998. He stated then when Floyd County rezoned they rezoned it to O-I. He stated the building burned down last year, in 2006, and the owner wants to replace it and go on with his mini-warehouse building. He stated when he went to apply to have it rezoned for him H-C was what Phil Helton told him he needed to go with to get it rezoned for warehouses. He stated then when he went to the Planning Commission meeting Ms. Hiller expressed that only warehouses could go on the property, he said that was exactly what the owner wanted and they approved it.

**Discussion:** County Manager Poe stated his recommendation would be to table the issue because the Board is going to take some action later regarding the possible purchase of the property. He stated if they do purchase the property and use it for its intended use they would not want it to be H-I. Chairman Jennings asked is the existing zoning compatible with recreational use. County Manager Poe stated yes, they can have community recreation facilities in O-I zoning.

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Chairman Jennings stated they have heard the County Manager's recommendation that they table this request pending their action later in this meeting. Commissioner Whitefield made a MOTION to table the rezoning request. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**4. FILE #127-2006Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO L-I (LIGHT INDUSTRIAL) TO MARKET FOR OFFICE AND/OR WAREHOUSE USE PROPERTY LOCATED AT 2567 CEDARTOWN HIGHWAY. ZONING MAP I16X – PARCEL 075. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0]):**

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield

Chairman Jennings

Motion Carried

Ms. Sue Hiller, Planning Department Director, stated to the north of the subject property is commercial uses that are zoned L-I (Light Industrial). To the south is a church and to the east is wooded property zoned S-R (Single-family Residential). To the west is mobile home sales zoned H-C (Heavy Commercial) and a church zoned O-I (Office Institutional). She stated this is an area where public services and utilities are available. Cedartown Highway is classified as a major arterial. Much of the property is within the floodplain but not the floodway of Prentis Branch. There are no mapped wetlands on the property. She stated this did not come with a site plan because it is a speculative rezoning. They are asking to market the property either as a light industrial or office use. They could do office use with the current zoning of the property, but they could not do warehousing and that is why the request is before the Board today. She stated this comes to them with a 9 – 0 vote recommending that they approve with no conditions.

**SUPPORT:**

**Jack Busbin, 611 Turner McCall Blvd.,** stated he represents Mr. Thomas and Martha Bowen who own the property. He stated they have four prospects for the property. Two to buy, one to lease, and one under a lease purchase. However, at the present time, under the O-I zoning, they are unable to sell them the property or even lease it to them under the zoning regulations. He stated so they are asking that the Board go ahead and change the zoning to L-I (Light Industrial) and they will conform to everything there.

There being no one else to speak for or against the rezoning request, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Commissioner Fricks made a MOTION to approve the zoning change. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden

" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**ULDC REVISIONS**

**1. REVISE OR DELETE ARTICLE 4.1.9(b) CONCERNING  
OUTDOOR PLAY AREAS AT DAY CARES AND  
KINDERGARTENS. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE [VOTE: 9 – 0]):**

Chairman Jennings called for a motion. Commissioner Lumsden made a MOTION to open the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Chairman Jennings asked Sue Hiller, Planning Department Director, for a brief overview. Ms. Hiller stated this came up because a couple of daycare centers in town had developed a daycare center in conformance with the local codes and expanded those daycare centers after that. She stated both of these were in churches where they were able to expand into existing space with no review by building inspection. When they went to re-license with the state they were informed that because they had expanded their capacity for children without expanding their outdoor play area they were no longer able to get a license. They still met the state requirement for outdoor play space but they did not meet the county's requirement, which was more stringent and required more play space per child. She stated the county requires 100-square feet per child enrolled. The state requires 100-square feet per child enrolled, groups of children may be rotated, but it has to be no less than 1/3 of the total enrollment. She stated that is what they are asking the Board to approve today. The Planning Commission discussed whether maybe they should just refer back to the state rules, but this is a requirement that tends to fall through the cracks. She stated if they are a property adjacent a daycare center there is always some concern about whether there is enough space for the children to play without that being an issue so they went ahead and left it in. She stated they just ask them to make this revision that puts them in line with the state requirement. Chairman Jennings stated to Ms. Hiller, she is just asking

the Board to comply with state regulations officially in the code. Ms. Hiller stated that is correct.

Chairman Jennings called for a motion. Commissioner Fricks made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

Chairman Jennings asked for a motion regarding the change in the ULDC. Commissioner Fricks made a MOTION to approve the recommended revision as presented. SECOND by Commissioner Lumsden. VOTING:

	YES	NO
Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

## **CHAIRMAN'S REPORT:**

### **1. Appointments:**

- a. Northwest Georgia Region I Emergency Medical Services Coordinating Council, 2-year term expires January 15, 2007 (currently held by Tony Cooper). (Deferred December 12, 2006).**

Defer.

## **COMMISSIONER'S REPORT:**

Chairman Jennings stated they will defer on Commissioner's Reports until the next meeting where they will officially make committee appointments.

## **CLERK'S REPORT:**

## CONSENT AGENDA

County Clerk Kathy Arp stated there are five items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Mayes made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

### 1. Tax Refunds:

- a. B.J. Nicholson, 85 Larry Street, \$333.03
- b. Richard & Ann Leigh, 811 Collinwood Road, \$73.91
- c. Robert Angel / Joel Dyer, 2445 Gadsden Road, Cave Spring, \$82.98
- d. Marion & Glenda J. Autry, 786 Ward Mountain Road, \$14.79
- e. Barbara Welsh Austin, 1 Shorter Circle, \$6.72
- f. Sheryl Daniel Allen, 27 Tate Estate Road, 8.79
- g. Euel & Gladys Ayers, 213 Woodward Street, \$1.47
- h. Thomas W. & Linda Astin, 3 Holmes Avenue, \$23.86
- i. Treasure Homes & Properties, Inc., P.O. Box 3033, Cartersville, \$740.91

2. Authorize relief of real property tax bills of less than \$5.00, totaling \$177.58, from tax digest.

3. Authorize execution of Amendment to ACCG Third Restated Defined Benefit Plan.

4. Authorize relief of taxes from the tax digest totaling \$2,863.79 for 2004 and 2005.

5. Authorize relief of taxes from the tax digest in the amount of \$1,901.95 for 2004 for Parcel L11Y-043.

## MANAGER'S REPORT:

1. DISCUSS REQUEST FROM CHAMBER OF COMMERCE FOR THE COUNTY TO SHARE FUNDING FOR THE COMPLETION OF A COMMUNITY AND ECONOMIC

**DEVELOPMENT STRATEGY:**

County Manager Kevin Poe stated they discussed this item during Caucus and he would recommend that the Board consider allocating \$21,826 to the Rome-Floyd Development Authority for the next two years.

Commissioner Whitefield made a MOTION to accept the Manager's recommendation to provide the \$21,826 over the next two years to the Rome-Floyd Development Authority. SECOND by Commissioner Mayes.

**Discussion:** Commissioner Fricks asked do they need to specify use for that funding. He asked if it is in that funding for the Economic Development that they are sending to the Development Authority, do they need to specify use. County Attorney Manning stated they are certainly hoping the Development Authority is going to use that for Economic Development and he thinks that the correct answer is without such a condition. Chairman Jennings stated he thinks the Commission's intent is clear in this regard. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**2. DISCUSS REIMBURSEMENT TO BRANSON MACHINERY, LLC (BRANSON TRACTORS) FOR CERTAIN TAXES PAID IN 2005:**

County Manager Kevin Poe stated again, they discussed this in Caucus session regarding the situation with Branson Machinery, LLC paying certain taxes in 2005. He stated his recommendation is that they reimburse Branson Machinery, LLC for the portion of county taxes paid in 2005, which would be \$7,619.16 in taxes, \$1,100.15 in interest, and \$785.82 in penalty cost.

Commissioner Mayes made a MOTION to approve the Manager's recommendation. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden

" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Commissioner Fricks abstained due to his association with Branson Machinery, LLC.

**3. DISCUSS HIRING ENGINEER FOR PHASE II OF THE HUFFAKER ROAD WIDENING PROJECT AND THE ACQUISITION OF RIGHT OF WAY FOR FUTURE FRONTAGE ROADS ALONG HIGHWAY 411:**

County Manager Kevin Poe stated proposals were accepted to provide engineering services on Phase II of the Huffaker Road widening project. He recommended that they award the contract to Williams, Sweitzer and Barnum. He stated the engineering fee will be 6.1% of the construction cost with the fee not to exceed a construction cost of \$8 million, 3.5% of construction cost for construction inspection with the construction cost not to exceed \$8 million and \$20,000 for surveying services.

Commissioner Fricks made a MOTION to accept the recommendation of the Manager to award the contract to Williams, Sweitzer and Barnum. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

County Manager Poe recommended awarding the engineering and surveying services of the acquisition of right-of-way for future frontage roads along Highway 411 to Williams, Sweitzer and Barnum at a contract cost of \$210,000.

Commissioner Mayes made a MOTION to accept the Manager's recommendation to hire Williams, Sweitzer and Barnum. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**4. AWARD BID FOR RENOVATION WORK AT THE HISTORIC COURTHOUSE (2003 SPLOST):**

County Manager Kevin Poe stated sealed bids were recently received for the renovation work to the third floor of the Historic Courthouse. He stated the low bid was from Berry Construction in the amount of \$272,779. He recommended award of bid to Berry Construction.

Commissioner Lumdsen made a MOTION to accept the Manager's recommendation in regard to the award of bid for renovation at the Historic Courthouse. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**5. APPROVE LAND LEASE AGREEMENT BETWEEN FLOYD COUNTY AND FRANK GEORGE AS RECOMMENDED BY THE AIRPORT COMMISSION:**

County Manager Kevin Poe stated they have before them a Land Lease Agreement between Floyd County and Frank George to construct an 80' x 80' hangar on Airport property, which they use to house a corporate aircraft. He stated this lease agreement is their standard lease agreement, and comes with a recommendation from the Airport Commissioner for approval.

Commissioner Mayes made a MOTION to approve the Land Lease Agreement as recommended. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks

" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**6. APPROVE BUILDING LEASE AGREEMENT BETWEEN FLOYD COUNTY AND REDMOND PARK HOSPITAL, LLC D/B/A REDMOND REGIONAL MEDICAL CENTER, EMERGENCY MEDICAL SERVICES DEPARTMENT, AS RECOMMENDED BY THE AIRPORT COMMISSION:**

Defer.

**7. APPROVE FY2006 BUDGET REVISIONS:**

County Manager Kevin Poe recommended approval of the FY2006 Budget Revisions as presented. He stated this includes all the various funds that they approve on an annual basis.

Commissioner Fricks made a MOTION to approve the 2006 Budget Revisions. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**8. APPROVE HIRING OF 211 SERVICE DIRECTOR AND AUTHORIZE EXECUTION OF EMPLOYMENT CONTRACT:**

County Manager Kevin Poe stated in regards to starting up the new 211 Information Line, he would recommend that the Board approve the hiring of Mr. Jim Bradshaw as the 211 Service Director and authorize the Employment Contract as presented to them in the agenda package.

Commissioner Lumsden made a MOTION to approve the hiring of Jim Bradshaw and authorize execution of employment contract as recommended. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**9. DISCUSS PURCHASE OF PROPERTY ADJACENT TO SHANNON PARK:**

County Manager Kevin Poe stated they discussed the possible purchase of the property adjacent to Shannon Park, currently owned under the name of Riddle, Byington and Durham. He stated the recommendation is to purchase the property for an amount of \$50,000.

Commissioner Mayes made a MOTION to accept the Manager's recommendation to purchase the Shannon Park property in the amount of \$50,000, and authorize the Chairman to execute any documents in connection with that purchase. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**Discussion:** County Manager Poe stated based on that action his recommendation would be that they keep the property zoned as O-I (Office Institutional) because from a zoning standpoint community recreational facilities are allowed, and they are not allowed in H-I (Heavy Industrial) zoning. County Attorney Manning advised the Board to keep the item tabled and take the matter up at the next commission meeting.

**Reminder:** County Manager Poe stated he would like to remind everyone of the Joint Workshop regarding the Comprehensive Plan Update that will be held

January 10, 2006 starting at 3:00 P.M. in the Sam King Room. He stated this is a major planning process they are going through to revise the countywide Comprehensive Plan.

**ATTORNEY'S REPORT:**

No Report.

**OTHER BUSINESS:**

Chairman Jennings recognized Leadership Rome Participants present for the meeting.

Commissioner Whitefield stated he would like to congratulate Chairman Jennings. He stated he has served this county well for eight years and he most certainly deserves this new appointment. Chairman Jennings thanked Commissioner Whitefield and stated he looks forward to working with all of them.

**ADJOURNMENT:**

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

	YES	NO
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Commissioner Fricks		
" Lumsden		
" Mayes		
" Whitefield		
Chairman Jennings		

Motion Carried

**FLOYD COUNTY BOARD OF COMMISSIONERS**

**JERRY JENNINGS, CHAIRMAN**