

January 8, 2002

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
January 8, 2002 2:00 P.M.**

PRESENT: Commissioners Garry Fricks, Chuck Hufstetler, Jerry Jennings, Tim Mahanay and Chairman John Mayes.

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Wade Hoyt, County Clerk Michele Fountain, and Assistant County Manager Tom Tully.

CALL TO ORDER: County Attorney Wade Hoyt called the meeting to order.

INVOCATION: County Manager Kevin Poe led the Invocation.

PLEDGE OF

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

APPOINTMENT OF CHAIRMAN.

County Attorney Wade Hoyt called for a Motion for the appointment of the Chairman. MOTION was made by Commissioner Hufstetler to appoint Commissioner Garry Fricks as the Chairman of the County Commission for this year. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

" Mayes

Motion Carried

APPOINTMENT OF VICE-CHAIRMAN.

Chairman Fricks called for a Motion for the appointment of the Vice-Chairman. MOTION was made by Commissioner Mahanay for nomination of Commissioner Jerry Jennings as Vice-Chairman. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

ADOPTION OF

MINUTES: Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular

Meeting of December 18, 2001 and the Called Meeting of December 27, 2001 as presented. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

PROCLAMATIONS:

PUBLIC SERVICE COMMISSION.

This Proclamation will be presented at a later date. Commissioner Jennings stated that the Proclamation is to encourage the Public Service Commission to take further action on the issue of exorbitant heat bills here in Rome and Floyd County and across the state.

**PROCLAMATION ANNOUNCING "A DAY
FOR HEAT".**

Commissioner Jennings presented a Proclamation announcing "A Day for Heat" to Susan Seagraves of Good Neighbor Ministries. He stated that Good Neighbor Ministries has been very active in providing service for citizens of Floyd County related to exorbitant heating bills. Commissioner Jennings stated that he has been working together with the City of Rome, Rome City Commissioner and Good Neighbor Ministries

to establish "A Day for Heat". Commissioner Jennings stated they appreciate all the Good Neighbors Ministries do and want to support the effort in any way they can.

**NATIONAL ACTIVITY PROFESSIONAL'S
WEEK, JANUARY 20 THROUGH 26, 2002.**

Commissioner Mayes presented the Proclamation to June Edwards and Ruth Shira from Renaissance Marquis recognizing Activity Professionals in Floyd County.

RESOLUTIONS

**RESOLUTIONS ON MATTERS RELATED
TO COLLECTION OF TAXES.**

MOTION was made by Commissioner Mahanay to approve the Resolutions on Matters Related to Collection of Taxes. SECOND by Commissioner Hufstetler.
VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**HIRING RESOLUTIONS - COUNTY MANAGER
COUNTY ATTORNEY, COUNTY PHYSICIANS,
AND AUDITORS.**

This item was deferred to the next meeting, pending receipt of further information.

RESOLUTION TO CLOSE JEFFERSON ROAD.

County Attorney Wade Hoyt read the Resolution, which will have to be in a certain format and will be prepared later. He noted that there will be an ad in the newspaper twice within two weeks and then a Public Hearing will be held at the next meeting.

MOTION was made by Commissioner Jennings to adopt the Resolution close Jefferson Road. SECOND by Commissioner Hufstetler.

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
Chairman Fricks

Motion Carried

Commissioner Mayes abstained from voting on the Jefferson Road closing because Temple Inland is a customer of the company he owns.

Chairman Fricks asked County Manager Kevin Poe about the opportunities people will have to voice their opinions on this matter and also if the area will be posted. County Manager Poe replied that the ad will be run twice for the next two weeks in the legal section of the newspaper as required to let people know of the Public Hearing, to be held at the next meeting, to voice any concerns or support of this request. A sign will also be put up on the road so that people who travel the road will be aware of this action. Mr. Poe stated that if anyone has any comments about this matter they will need to attend the Public Hearing on January 22, 2002 at 6:00 p.m. at the next Board meeting.

FIRST READING:

**FILE #01-2002Z, FAIRHAVEN DRIVE,
TAX MAP 752B, AREA 01, PARCEL 010,
REQUESTS REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO D-R
(DUPLEX RESIDENTIAL).
(SECOND READING/PUBLIC HEARING TO BE
HELD JANUARY 22, 2002 AT 6:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
DENY [5 – 3 VOTE])**

**FILE #02-2002Z, ALABAMA HIGHWAY,
TAX MAP 666, AREA 00, PARCEL 072A,
072B, REQUESTS REZONING FROM C-C
(COMMUNITY COMMERCIAL) TO L-I
(LIGHT INDUSTRIAL).
SECOND READING/PUBLIC HEARING TO BE
HELD JANUARY 22, 2002 AT 6:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [UNANIMOUS VOTE])**

**FILE #05-2002Z, DUGGER ROAD, TAX MAP
508, AREA 00, PARCEL 42B, LOT #70,
REQUESTS REZONING FROM S-R**

**(SUBURBAN RESIDENTIAL) AND D-R
(DUPLEX RESIDENTIAL) TO S-R
SUBURBAN RESIDENTIAL.
(SECOND READING/PUBLIC HEARING TO BE
HELD JANUARY 22, 2002 AT 6:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [UNANIMOUS VOTE])**

**FILE #06-2002Z, DUGGER ROAD, TAX MAP
503, AREA 00, PARCELS 133, 42B, AND 103,
REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) AND D-R (DUPLEX RESIDENTIAL)
TO D-R (DUPLEX RESIDENTIAL).
(SECOND READING PUBLIC HEARING TO BE
HELD JANUARY 22, 2002 AT 6:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [UNANIMOUS VOTE])**

**FILE #07-2002Z, HIGHWAY 53 AND OLD
CALHOUN ROAD, TAX MAP 36, AREA 00,
PARCELS 121 & 125, REQUESTS REZONING
FROM S-R (SUBURBAN RESIDENTIAL) AND
L-I (LIGHT INDUSTRIAL) TO H-C (HEAVY
COMMERCIAL.
(SECOND READING/PUBLIC HEARING TO BE
HELD JANUARY 22, 2002 AT 6:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE WITH CONDITION OF CHURCH ONLY
[UNANIMOUS VOTE])**

**ADOPT THE FOLLOWING GEORGIA STATE
MINIMUM STANDARD CODES WITH THEIR
ADMINISTRATIVE CHAPTERS AND NOTED
APPENDICES AS MANDATED BY THE UNIFORM
CODES ACT:**

- A. STANDARD BUILDING CODE 2000 EDITION
AND APPENDICES B, C, F AND J.**
- B. STANDARD GAS CODE 2000 EDITION AND
APPENDICES A, B AND C.**
- C. STANDARD MECHANICAL CODE 2000
EDITION AND APPENDIX A.**
- D. STANDARD PLUMBING CODE 2000 EDITION
AND APPENDICES E AND F.**
- E. CABO ONE AND TWO FAMILY DWELLING**

- 2000 EDITION AND APPENDICES J AND M.
- F. NATIONAL ELECTRICAL CODE 1999 EDITION.**
- G. STATE AMENDMENTS TO THE GEORGIA MINIMUM CODES AS PUBLISHED BY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS.**
- H. STANDARD HOUSING CODE 1994 EDITION.**
- I. STANDARD EXISTING BUILDING CODE 1994 EDITION.**
- J. STANDARD SWIMMING POOL CODE 1994 EDITION.**
- K. STANDARD UNSAFE BUILDING ABATEMENT CODE 1985 EDITION.**

(SECOND READING/PUBLIC HEARING TO BE HELD JANUARY 22, 2002 AT 6 P.M.)

Chairman Fricks called for a Motion to place Items 1 through 6 on First Reading. MOTION was made by Commissioner Hufstetler. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**CHANGE IN FEE SCHEDULE FOR ROME/FLOYD PLANNING DEPARTMENT.
(SECOND READING/PUBLIC HEARING TO BE HELD JANUARY 22, 2002 AT 6 P.M.)
(4/5 VOTE REQUIRED)**

Chairman Fricks called for a Motion to add this item to the Agenda. MOTION was made by Commissioner Hufstetler to add to the Agenda the change in the Fee Schedule in the Rome/Floyd Planning Department as noted in the Agenda Packet. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to place on First Reading the change in the Fee Schedule for the Rome/Floyd County Planning Department with the Second Reading/Public Hearing to be held January 22, 2002 at 6 p.m. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

SECOND READING/PUBLIC HEARING

**RECOMMENDATION FROM PLANNING
COMMISSION THAT ARTICLE 2.12.b OF
THE ULDC BE DELETED IN ITS ENTIRETY.
(FIRST READING HELD DECEMBER 18, 2001
AT 2:00 P.M.)**

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

There being no one present wishing to speak for or against this matter, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion for approval or denial of the item. MOTION was made by Commissioner Mahanay to approve the recommendation from the Planning Commission that Article 2.12.b of the ULDC be deleted in its entirety. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Fricks appointed David Harvey as the Chairman/Coordinator of the SPLOST Committee. MOTION was made by Commissioner Mayes to appoint David Harvey as the Chairman/Coordinator of the SPLOST Committee. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

DISCUSSION REGARDING REQUEST FOR ORDINANCE REQUIRING CONTRACTORS TO PROVIDE ON-SITE TOILET FACILITIES.

Chairman Fricks stated that an Ordinance requiring contractors to provide toilet facilities had been previously discussed and there will be further discussion in the future.

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE.

Commissioner Hufstetler, Committee Chairman, stated that the Administrative and Finance Committee Meeting scheduled for January 21, 2002 to Monday, January 28, 2002 at 2:00 p.m. since the normal time is the Martin Luther King holiday.

Commissioner Hufstetler commented on how much Howard Smith was appreciated and his dedication to public service over the years and that he is honored to be sitting in the place where Mr. Smith sat at the Commission Meetings. He expressed his best regards for Mr. Smith's family and his thanks for all he did for the community. Commissioner Jennings noted that whenever there was a controversial issue, you could hear Mr. Smith's cane stomping on the floor. Commissioner Mayes stated that his sentiments are the same as Commissioner Hufstetler and that his prayers are with the family.

PUBLIC SAFETY COMMITTEE.

Commissioner Mahanay, Committee Chairman, stated that the next meeting will be held tomorrow at 2:00 p.m.

PUBLIC WORKS COMMITTEE.

Chairman Fricks appointed Commissioner Mayes to the Public Works Committee. The next meeting will be on Thursday at 9:00 a.m. and Chairman Fricks will attend the meeting since Commissioner Mayes will be out-of-town.

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that the Water Committee will be meeting on Wednesday, January 23, 2002 at 2:00 p.m.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there are two items on the Consent Agenda which were submitted for approval if there are no additions or corrections. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

1. Tax Refunds:

- a. Firststar Bank, NA, 400 Highway 169 S., Suite 300, St. Louis, MO, \$29.19
- b. Richard L. & Rita G. Bennett, 303 Kellett Road, \$478.00
- c. Rita J. Gresham, 1504 Kingston Road, \$18.05
- d. Lisa D. Williams, 16 Lucas Lane, \$198.41
- e. Troy Dean Smith, 5 Claredon Place, \$1,005.84
- f. United Companies Lending Corp., 2739 Pleasant Valley Road, \$240.91
- g. Charles L. Cooper, 9 Benvenue Drive, \$2.17
- h. Rhonda J. Newman, 509 South Broad Street, \$203.39
- i. Trinie F. Davis, 5139 Cedartown Highway, Lindale, \$432.02
- j. J. Greg Montgomery, P.O. Box 6017, \$219.50
- k. Lamar Fox, 3175 Calhoun Road, \$29.80
- l. Kenneth T. Jarrell, 107 Berry Forest Drive, \$85.16
- m. Ennis L. Simms, %Willene Underwood, 119 Morgan Drive, \$825.02
- n. Elmer Smith, 4387 Kingston Road, Kingston, \$149.78
- o. Leasetec Corporation, %KCCI Tax Service, P.O. Box 1865, Albany, NY, \$23.48
- p. Kenney T. Fincher, 283 Old Freeman Ferry Road, SE, \$13.22
Charles J. Harvey, 9 Ashley Oaks Trail, \$25.95
- r. Stanley Wayne Camp, 161A Woods Road, NW, \$42.62
- s. Alice Turner, 2 Devonshire Drive, S., \$16.41
- t. Marlene Fleming, 52 Marlene Drive, NE, \$44.00
- u. Gloria Jean Jones, 713 1/2 Oakland Avenue, \$52.42
- v. Phillip D. & Bean Mountain, 51 Ford Road, \$84.76
- w. Charlie Cawthorn, 42 Huntington Road, \$39.43
- x. Carole Cox, 7 Rockdale Drive, SE, Silver Creek, \$146.00
- y. Von N. Lambert/Michael Mathis/Thomas G. Lambert, 22 Shorter Avenue, \$299.75
- z. James L. Holcomb, Jr., 100 Robinhood Road, \$3.55
- aa. John B. & Kathryn Fox, 1 Berckman Lane, \$6.76
- bb. Lee S. & Susan J. Bryan, 19 Hogan Lane, \$150.45
- cc. Dennis L. & Brenda Ashton, 6 Sylvan Road, NE, \$62.43
- dd. Terry M. & Tammy Green, 2177 Old Dalton Road, \$97.92

- ee. Mark R. Hammonds, 4150 Kingston Highway, Kingston, \$32.92
- ff. Pat Cooper & Tony L. Cooper, Sr., 125 Bent Creek, \$1,645.21
- gg. Dennis Mark Murphy, 1568 Chubb Road, SE, Cave Spring, \$205.45
- hh. Herschel E. Brownlow, 191 Lindsey Road, NW, \$10.44
- ii. Robert & Ruth Cochran, 500 Old Dalton Road, NE, \$28.69
- jj. David F. & Pamela D. Brock, 1505 Burnett Ferry Road, SW, \$34.22
- kk. Larry T. Estle, 492 Reeceburg Road, SE, Silver Creek, \$234.19
- ll. John Lamar & Mary Jane Byars, 7 Robinhood Road, NE, \$27.44
- mm. Diane W. Montgomery, 24 Mountain Creek Drive, \$5.25
- nn. James M. & Denis Smith, 464 Bells Ferry Road, \$137.73
- oo. William & Elizabeth Delano, 8 Gregory Drive, \$193.07

2. Self-Service Fuel License Application:

- a. Stallion Mini Mart, 1810 Redmond Circle, NW, Rome (convenience store).

MANAGER'S REPORT

FUNDING REQUEST IN THE AMOUNT OF \$500 FROM REGION ONE ADVISORY COUNCIL FOR LOCAL MATCH FOR REGIONAL ASSISTANCE PROGRAM GRANT.

County Manager Kevin Poe stated that a letter had been received from Bill Pridgen, Council Member with the Region One Advisory Council Northwest Georgia, requesting that Floyd County provide \$500 in funds for a Regional Assistance Program Grant. MOTION was made by Commissioner Jennings to approve the request for \$500 to support the Region One Advisory Council in their Regional Assistance Program Grant. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

DISCUSS APPOINTMENTS TO GREENSPACE COMMITTEE.

No action is required on this matter at this time.

**DISCUSS DEPARTMENT OF TRANSPORTATION
LOCAL GOVERNMENT PROJECT AGREEMENT,
INTERSECTION IMPROVEMENTS SR 53/CALHOUN
ROAD AT CR 159/BURLINGTON ROAD.
(PROJECT #STP-0003-00(786).**

County Manager Kevin Poe stated that the Department of Transportation had submitted the Local Government Agreement for Intersection Improvements at State Route 53 and Burlington Road. He recommended that it be submitted to the Department of Transportation with the stipulation that we would agree to relocate the Floyd County water line if it is, in fact, in conflict with the work associated with this project. MOTION was made by Commissioner Hufstetler to approve the agreement with the Manager's stipulations. SECOND by Chairman Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks asked if a specified amount is given on these type contracts or if it is an open-end contract. County Manager Poe replied that he generally will call them and ask questions, and typically they send a map with the general area marked, which is as specific as they get.

**SETTLEMENT AGREEMENTS FOR
PROPERTY ON TURNER BEND ROAD.**

Deferred to next meeting.

**SELECTION OF PROGRAM MANAGER
FOR STADIUM CONSTRUCTION.**

County Manager Kevin Poe stated that this had been discussed during the Caucus Session and asked the Board's pleasure on taking action on this. Commissioner Hufstetler stated that he thought the discussion had been for Carter and Associates and that the amount which had been mentioned by Commissioner Mahanay was \$250,000, plus 10% on the cost for incidentals, to be the maximum. It had been mentioned that space could be provided for the Project Manager at the County facilities and a telephone could be provided as well as use of a copier, which would

decrease the incidentals cost. County Manager Poe recommended a Motion to award the Program Manager services to Carter and Associates, contingent on working out the elements of the contract to their mutual satisfaction. MOTION was made by Commissioner Hufstetler to approve Carter and Associates as the Program Manager for the Baseball Stadium Project contingent on all of the agreements being worked out and a contract being agreed to between the two parties. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**RECOMMENDATION ON CHANGE OF
OPERATION HOURS FOR THE SOLID
WASTE REMOTE SITE OPERATION.
(4/5 VOTE REQUIRED)**

MOTION was made by Commissioner Jennings to place on the Agenda the issue of the hours of operation of the Remote Solid Waste Sites. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

County Manager Kevin Poe presented the following recommendations for changes:

- a. Cave Spring Remote Site – The site would be open on Tuesday, Thursday and Saturday for 10 hours, from 9:00 a.m. to 7:00 p.m. and on Sunday for 8 hours, from 11:00 a.m. to 7:00 p.m.
- b. Silver Creek Remote Site – No changes.
- c. Berryhill Road, Potts Road, Hatfield Road and Shannon, they recommend that each of the sites be closed on Mondays, all day.

This will reduce the overall operation to 68 hours per week at these sites.

He recommended that the changes be effective February 1, 2002. Chairman Fricks noted that this was not a random selection of closing hours, that it had been determined by a survey to determine the heaviest use time on the locations and try to inconvenience people as little as possible. County Manager Poe stated that the overall cost savings are anticipated at \$35,000 to \$40,000 annually, by making these changes which they feel are minor and should not have any severe impact on the level of service since they are being left open to accommodate the heaviest use of the site. It was noted that this will be reflected on the millage rate on Solid Waste Disposal in the County. County Manager Poe stated that they have initiated several things to control costs, they have renegotiated the cost of hauling the remote site containers and had reduced the cost by \$25,000. They are looking at the operations and will continue to look at other things to continue the adequate level of the current service but reduce costs. MOTION was made by Commissioner Hufstetler to approve the Manager's recommendations on the new hours of operation at the remote site locations. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**FLOYD COUNTY BOARD OF COMMISSIONERS
GARRY E. FRICKS, CHAIRMAN**

