

**April 9, 2002**

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**April 9, 2002** **2:00 P.M.**

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

## OTHERS

**PRESENT:** County Manager Kevin Poe, County Attorney Wade Hoyt, and County Clerk Michele Fountain.

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

**INVOCATION:** Commissioner Hufstetler led the Invocation.

## PLEDGE OF

**ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Mahanay.

## ADOPTION OF

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

Meeting of March 26, 2002 and Called Meeting of March 29, 2002 as presented.

SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

## Motion Carried

FIRST READING

MOTION was made by Commissioner Hufstetler to place File #32-2002Z on the Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**FILE #26-2002Z, 5226 CEDARTOWN  
HIGHWAY, SW, TAX MAP 596,  
PARCELS 020, AND 015B, REQUESTS  
REZONING FROM A-R (AGRICULTURAL  
RESIDENTIAL) TO H-C (HEAVY  
COMMERCIAL).  
(SECOND READING/PUBLIC HEARING TO  
BE HELD APRIL 30, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE WITH THE CONDITION TO BE AUTO  
AUCTION ONLY [VOTE 6-1])**

**FILE #29-2002Z, 232 BREWER ROAD,  
TAX MAP 52, AREA 00, PARCEL 128,  
REQUESTS REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO C-C  
(COMMUNITY COMMERCIAL).  
(SECOND READING/PUBLIC HEARING  
TO BE HELD APRIL 30, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE - UNANIMOUS])**

**FILE #31-2002Z, LEISURE DRIVE @  
ALABAMA HIGHWAY, TAX MAP 752B,  
AREA 04, PARCELS 008 (C-C), 009A (S-R)  
AND 010 (S-R), REQUESTS REZONING  
FROM C-C (COMMUNITY COMMERCIAL)  
AND S-R (SUBURBAN RESIDENTIAL) TO  
M-R (MULTI-RESIDENTIAL).  
(SECOND READING/PUBLIC HEARING  
TO BE HELD APRIL 30, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE WITH CONDITION THAT THE ENTRANCE  
TO THE APARTMENTS BE RESTRICTED TO ALABAMA  
HIGHWAY [VOTE – UNANIMOUS])**

**FILE #03-2002SUP, ALFRED AVENUE/ROSEMONT  
PARK, TAX MAP 370, AREA 05, PARCEL 012,  
REQUESTS SPECIAL USE PERMIT FOR DUPLEXES.**

**(SECOND READING/PUBLIC HEARING TO BE HELD  
APRIL 30, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
NO RECOMMENDATION)**

**FILE #32-2002Z, WEATHINGTON ROAD, TAX MAP  
474, AREA 01, PARCEL 013, REQUESTS REZONING  
FROM O-I (OFFICE INDUSTRIAL) TO S-R (SUBURBAN  
RESIDENTIAL) TO ALLOW FOR PLACEMENT OF  
A MANUFACTURED HOME.**

**(SECOND READING PUBLIC HEARING TO BE HELD  
APRIL 30, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])  
(4/5 VOTE REQUIRED)**

Chairman Fricks called for a Motion to place Items 1 through 5 on First Reading.  
MOTION was made by Commissioner Mayes. SECOND by Commissioner Hufstetler.  
VOTING:

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

**SECOND READING/PUBLIC HEARING.**

**FILE #10-2002Z, DOGWOOD STREET,  
TAX MAP 500, AREA 00, PARCEL 021,  
REQUESTS REZONING FROM O-I  
(OFFICE INDUSTRIAL) TO D-R  
(DUPLEX RESIDENTIAL).  
(SECOND READING/PUBLIC HEARING  
HELD FEBRUARY 26, 2002 AT 6:00 P.M.)  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [8 – 1 VOTE])  
(VOTE ONLY -- APRIL 30, 2002)**

## CHAIRMAN'S REPORT

### APPOINTMENTS.

Chairman Fricks stated there are no appointments to be made today, but encouraged everyone to be working on the hospital appointment and also for the Personnel Board appointment.

### AMEND RULES OF PROCEDURE §1-12-01 REGARDING DEADLINE FOR PUBLIC PARTICIPATION ITEMS TO BE ADDED TO THE AGENDA.

County Clerk Michele Fountain stated that under Public Comments, it states that "members of the public who wish to address the Board on any item that is not on the Agenda, but pertains to county business, must submit their name and topic of their comments to the Clerk by Thursday, prior to the regular meeting on Tuesday." Previously the Agenda Session was held on Thursday, but it has been changed to Wednesday. Commissioner Hufstetler asked why this needs to be changed. County Clerk Fountain replied that the items need to be submitted by the time of the Agenda Session because anything not on the Agenda would have to be put on by 4/5 vote. This needs to be amended to reflect the correct date. County Attorney Wade Hoyt stated that the Motion would be to amend the rules so that these items

be submitted as of the date of the Agenda Session. MOTION was made by Commissioner Mayes to amend the Rules of Procedure as stated. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

## COMMISSIONER'S REPORT

### ADMINISTRATIVE/FINANCE COMMITTEE.

Commissioner Hufstetler, Committee Chairman, stated that the next meeting will be held April 15, 2002 at 2:00 p.m.

### PUBLIC SAFETY COMMITTEE.

Commissioner Mahanay, Committee Chairman, stated that there will be a Public Safety Committee Meeting at 2:00 p.m. on April 10, 2002.

**REQUEST TO UPGRADE ANIMAL CONTROL  
OFFICER POSITION TO CORRECTIONAL  
DETAIL OFFICER.**

MOTION was made by Commissioner Mahanay to upgrade an Animal Control Officer position at the Animal Control to a Correctional Detail Officer. The employee in this position has the proper training and certification to fill the job and will improve the overall efficiencies and effectiveness of the Department. He also noted that the overtime which will not be paid will virtually offset the increase in the individual's pay. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**PUBLIC WORKS COMMITTEE.**

Commissioner Mayes, Committee Chairman, stated that the next meeting will be April 11, 2002 at 9 a.m.

**WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman stated that he has three items to be presented.

**REQUEST FOR \$4,000, FROM GENERAL  
SERVICES TRAINING BUDGET, COUNTY  
MATCH FOR CISM (CRITICAL INCIDENT  
STRESS MANAGEMENT) COURSE.**

Commissioner Jennings stated that this is not really a Water Committee issue. He has been working on setting up a Rome/Floyd Crisis Response Team. He noted that the State Budget has not been officially passed so he hopes to be able to report later on this week on the \$8,750 from the Governor's Discretionary Fund being included in this. He feels that he needs to move forward and obtain approval for the county's portion of the training match. The city will

be taking up their \$4,000 match. Commissioner Jennings made a MOTION to appropriate \$4,000 from the General Services Training Budget as our match for the Critical Incident Stress Training. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**APPROVAL OF EASEMENT WITH FRANK  
CASEY AND EARL ELLIS CASEY FOR  
TWO-WAY RADIO REPEATER SITE IN  
CAVE SPRING AREA.**

Commissioner Jennings reported that a site had been located for the two-way repeater, which is part of the telemetry system, in the Cave Spring area. An agreement has been made with Frank Casey and Earl Ellis Casey for an easement on a site on their property in Cave Spring, for the sum of \$1 per year. MOTION was made by Commissioner Jennings to approve the easement with Frank Casey and Earl Ellis Casey for the two-way repeater site in Cave Spring. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**AUTHORIZE ENGINEERING SERVICES  
FOR NEW PUMP STATION ON SHORTER  
INDUSTRIAL BLVD.**

Commissioner Jennings stated that property has been purchased on Shorter Industrial Boulevard and authorization is needed for the engineering services to develop the plan for this new pump station. MOTION was made by Commissioner Jennings to authorize appropriation of money for engineering services. Commissioner Jennings noted that he did not have an amount on this item. County Manager Kevin Poe replied that Williams, Sweitzer and Barnum, works from a rate sheet, which depends on actual construction cost. Commissioner

Jennings stated that he would like to know the actual cost for the pump station and the amount of the percentage. Commissioner Jennings stated that he would defer this item until an estimate of the cost of the pump station and the engineering services can be obtained.

## **CLERK'S REPORT**

## **CONSENT AGENDA.**

County Clerk Michele Fountain stated there is one item on the Consent Agenda and she submitted it for approval. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

### **1. Tax Refunds:**

- a. Debra Lorrens, 33 Mt. Chase Road, \$5.22
- b. Marion P. Davis, 154 Fosters Bend Road, \$443.96
- c. Marion P. King, 154 Fosters Bend Road, \$522.41
- d. Wade A. Carpenter, 42 Timberwood Drive, SE, \$120.61
- e. James F. Reynolds, 13 Eastdell Road, NE, \$52.42
- f. Leroy Smith & Fannie McHenry, 46645 Wear Road, Belleville, MI, \$73.26
- g. Kyle & John P. Carney, 5 Bells Ferry Road, \$10.44
- h. J. Windle & Roslyn Bishop, 138 Price Road, NE, \$67.69
- i. Dana F. & Julie A. Brooks, 96 Ridgeview Drive, SE, \$149.01
- j. Linda Kelley, 4002 Cave Spring Road, SW, \$31.74

## **MANAGER'S REPORT**

### **RECOMMENDATION TO ACCEPT HIGH BID FROM DOUGLAS EUBANKS FOR SALE OF SURPLUS COUNTY PROPERTY ON FLOYD SPRINGS ROAD.**

County Manager Kevin Poe stated that sealed bids had been taken for the sale of surplus property on Floyd Springs Road. They had received two bids, with the high bid being from Douglas M. Eubanks in the amount of \$2,000. He recommended sale of the property to the

highest bidder, Mr. Eubanks. Thus is the site of the old voting precinct, and is adjacent to Floyd Springs United Methodist Church. Commissioner Mayes asked the proposed use of the property by the purchaser. The church was the other bidder and it was not known if Mr. Eubanks is an adjacent property owner. It was also asked how the church plans to use the property. County Manager Poe stated that it had been put out for bid at the request of the church, since they were interested. There had been no contact with Mr. Eubanks. It was noted that the bids were \$2,000 and \$500. Commissioner Mayes expressed concern that the church may have a special need for the property and possibly something could be worked out. It was mentioned that possibly the church and Mr. Eubanks could work something out. It was noted that this is a small tract of land. Commissioner Mayes stated that he feels they should allow the church time to talk with Mr. Eubanks and see what can be worked out before the bid is awarded. County Manager Poe will contact a representative of the church and also check on the current zoning. The item was deferred to the next meeting.

**RECOMMENDATION TO ACCEPT HIGH  
HID FROM AERO CARE FLYING CLUB  
FOR SALE OF SURPLUS AIRPORT GAS TRUCK.**

This item was deferred to the Airport Commission.

**DISCUSS REQUEST FROM JIM FREE FOR  
\$17,500 CONTRIBUTION FROM THE COUNTY  
TO THE NEW POLICE MEMORIAL PLAZA  
PROJECT.**

County Manager Kevin Poe presented a memo from Chief Jim Free, requesting that the county contribute \$17,500 to the new Police Memorial Plaza Project which is to be constructed adjacent to Law Enforcement Center. The City of Rome has agreed to contribute the same amount. They have tried to raise as much money as possible through different fund raisers. If other funds are received then the total amount would not have to be paid out. It was noted that they would like to start construction soon. MOTION was made by Commissioner Mahanay to approve the request from Chief Free for up to a \$17,500 contribution from the County. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**DISCUSS PURCHASE OF PROPERTY  
ADJACENT TO PROPOSED HOTEL SITE**



**FROM NORFOLK SOUTHERN CORPORATION.**

County Manager Kevin Poe stated that there had been an issue with Norfolk Southern about purchase of some old railroad right-of-way through the property of the proposed Hotel Site and Parking Deck. Norfolk Southern has requested, for a settlement to purchase the property, an additional \$25,000. The City of Rome has agreed to pay \$5,000 of the amount, with remaining amount to come from county funds. It was noted that this will need to be cleared up before they can proceed with the project. MOTION was made by Commissioner Jennings to appropriate an additional \$20,000 for the purchase of property from Norfolk Southern Corporation, for a total amount of \$40,000. SECOND by Chairman Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**AUTHORIZE CHAIRMAN TO EXECUTE  
QUIT-CLAIM DEED FROM GEORGIA D.O.T.  
FOR PROJECT NH-012-1 (83), P.I. NO 621550  
(WIDENING OF STATE ROUTE 20 WEST).**

County Manager Kevin Poe stated that this item is more of a housekeeping procedure with the Department of Transportation. They are widening State Route 20, between Highway 100, North and South and sent us a Quit-Claim Deed which basically covers and right-of-way that they would need to obtain from us where there is an intersection with a county roadway. He recommended authorizing the Chairman to execute these documents. MOTION was made by Commissioner Hufstetler to authorize the Chairman to execute a Quit-Claim Deed to assist in the widening of State Route 20. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

DISCUSS REQUEST FROM SOUTH ROME  
COMMUNITY ASSOCIATION, INC. FOR  
**\$6,000 FROM THE COUNTY TO ASSIST  
WITH CONSTRUCTION OF NEW ROOF  
FOR THE COMMUNITY LEARNING CENTER  
ON SOUTH BROAD STREET.**

County Manager Kevin Poe stated that this item will be deferred to the next meeting.

APPROVE LEASE ABATEMENT WITH  
**MASTER AIRCRAFT POWER SYSTEMS,  
LLC FOR UP TO \$24,500.**

County Manager Kevin Poe stated that this item will be deferred to the next meeting.

AUTHORIZE CONTACT AWARD TO  
**ENVIRONMENTAL SPECIALTIES  
INTERNATIONAL, INC. FOR PHASE 6  
LANDFILL EXPANSION IN THE AMOUNT  
OF \$1,933,013.  
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe stated that this item was received after the Agenda Session last Tuesday. This is the award of a contract for Phase 6 of the Landfill Expansion Project. He requested that this be added to the Agenda. MOTION was made by Commissioner Hufstetler to place the item on the Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

County Manager Poe stated that at the February meeting of the Rome/Floyd County Solid Waste Commission, they voted to recommend that contracts be awarded to Environmental Specialties International, Inc., for Phase 6 Landfill Expansion in the amount of \$1,933,013. He recommended authorizing the Chairman to execute these contracts. MOTION was made by Commissioner Mahanay. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

County Manager Poe announced the Groundbreaking Ceremony at 12 noon on Thursday, April 11, at the Baseball Stadium Site, with the location being at Home Plate. The public is invited. Gravel has been put in a parking area and then there is a walkway out to the actual site. He also reminded the Commissioners of the Joint City/County Commission Meeting on April 16, 2002 at 6:00 p.m. It was noted that they will be cooking for the meeting.

Chairman Fricks acknowledged the Leadership Rome attendees and thanked them for their attendance.

**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

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**FLOYD COUNTY BOARD OF COMMISSIONERS**

GARRY E. FRICKS, CHAIRMAN