

PROCLAMATION

**NATIONAL HOSPITAL WEEK,
MAY 12 – 19, 2002.**

Commissioner Hufstetler presented a proclamation recognizing May 12 – 19, 2002 as National Hospital Week to Dan Sweitzer of Floyd Medical Center. He thanked Mr. Sweitzer and all of the healthcare professionals for their service to the community. Mr. Sweitzer, on behalf of governing body, management, 1,600 employees and 450 volunteers, thanked the County Commission for their efforts to promote healthcare for the community. Through the support of indigent care, over 2,000 Floyd County residents received primary emergency or inpatient care last year, which they would otherwise not have been able to obtain. Through the support of the Bond Referendum the citizens of Floyd County and surrounding areas have the best surgical imaging services, out-patient care available in the state of Georgia. Because of the Board’s willingness to underwrite the bond, they will generate a reduction in cost for them of close to \$500,000 a year for 40 years. This money can be used to put back into improving healthcare and adding additional services to the citizens of Floyd County. Mr. Sweitzer stated they appreciate their foresight to make this decision and their willingness to continue to work with them to provide high quality health care in Floyd County.

FIRST READING

**REQUEST FROM ROME/FLOYD
PLANNING COMMISSION TO
REVISE OR DELETE ARTICLE
6.1.4C OF ULDC REGARDING
APPROVAL PROCESS FOR MINOR
SUBDIVISIONS. (4/5 VOTE REQUIRED)
(SECOND READING/PUBLIC HEARING
TO BE HELD MAY 14, 2002 AT 2:00 P.M.)**

Chairman Fricks called for a Motion to add this item to the Agenda. MOTION was made by Commissioner Jennings. SECOND by Commissioner Hufstetler.
VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

SECOND READING/PUBLIC HEARING

**FILE #26-2002Z, 5226 CEDARTOWN
HIGHWAY, SW, TAX MAP 596, PARCELS
020, AND 015B, REQUEST REZONING
FROM A-R (AGRICULTURAL RESIDENTIAL)
TO H-C (HEAVY COMMERCIAL).
(FIRST READING HELD APRIL 9, 2002 AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE WITH THE CONDITION TO BE AUTO
AUCTION ONLY [VOTE 6-1])**

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

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

Chairman Fricks asked for a presentation from the Planning Commission. Sue Hiller, Planning Director, presented a map showing the location of the property and pictures of the surrounding area as well as the proposed plan. Commissioner Jennings asked about use of surrounding property. Ms. Hiller replied that across the street is residential, property to the north is C-C, there is a small tract which is used commercially, but not zoned commercially and the remaining is A-R. The Planning Commission Staff Recommendation was to deny, but if approved, approve it for auto auction use only since H-C does allow a number of fairly heavy commercial uses. Staff recommendation was also that there would be no outdoor storage, to prevent it from deteriorating into an auto salvage lot. Also that the site be developed in compliance with the ULDC.

SUPPORT

Brian Johnston, 1840 Cedartown Road, Lindale, stated that his parents have owned the property for over twenty years and have lived there over fifteen years. There is a significant connection with the neighbors and the individuals surrounding the property. Through research and trying to lever the resource they have through the four-lane highway which has come through there. No one would have anticipated twenty years ago that a four-lane divided highway would be there. It has somewhat limited the options in terms of residential, etc. In their plans to develop the land and coming up with a profitable business, but one which would have the least amount of impact on the property itself has been the idea of an auto auction. They had received a petition from some of the residents in the area and had addressed some of the issues in the Planning

Commission. The concerns were a decel lane and they have spoken with D.O.T. and have actually had a general contractor there regarding that. At this time there is a division so traffic can only turn into the property coming from Rome, but there is enough land to address the decel lane. So as far as actual traffic getting out of the way, that has been addressed. In terms of hours of operation, it will one day a week, a Thursday evening, from approximately 6 to 10 p.m. It is an inside auction and will actually be a metal building, so noise level will be all inside. The metal buildings are not designed acoustically to be very loud, it is all very concentrated. In an auction stand, the speaker is behind the auctioneer. Regarding light, Mr. Johnston pointed out the location of lights. Regarding impact, there is a wooded area and a commercial area, as had been mentioned, so there is no impact there. A property on the other side of the road, down from the property, will be shielded from the light by the building. He stated that he thought the biggest issued was regarding storage. They are not looking at having cars stored on the property. The tendency with auctions is that it varies, there are four to seven days to remove it. At this point their plan is that they will have until Sunday night to remove the vehicle. If it is still there on Monday morning they will owe storage, but as far as enforcing that, that is about all they have. There is really no way to haul them off, but again, they do not want the liability associated with storage. Mr. Johnston stated that these are the issues he needed to address.

OPPOSE

Dr. Lee O'Neal, 5237 Cedartown Highway, stated that he had three or four points to present on behalf of himself and other residents in the area who had signed a petition that had been forwarded. This is their neighborhood, unfortunately Highway 27 is a major highway that runs through that neighborhood, and it has grown and expanded to four lanes. If you go 800 yards in each direction from this property, you will find no less than fifteen residences with families and children. Some of the multi-residences have the same name and have three different residences. Also within the 800 yards in either direction, you will find two farms. This is not a commercial area. The property in question, just north of, is simply used for storage now, it is not an open and active business that is owned by Mr. Huether. There is no commercial activity in that area now. They would like to keep their neighborhood, their neighborhood and just that. They also have concerns as to what type of impact on their property value this will have with the rezoning for future sale of property. It is a process that they would just not like to begin. When a precedence is set by opening up to commercial, it will make it difficult in the future to deny rezoning to other people. They feel there are other places in the county, already zoned commercial, industrial parks, that are better suited for this type of development. Those were designated to protect residential communities like they have. They are for the economic development and growth of the county, but feel there are other places that are better designated to protect not only their property, but other property in the future along similar highways that lead into Rome. They do have some safety concerns. Mr. Johnston had addressed a deceleration and acceleration lane, and they feel that would be mandatory. They have concerns as to who finances the cost. Is it a cost of the property developer or does it come back to the taxpayers of Floyd County? They are concerned about the safety. Their last concern regards the restrictions being placed on

the property: If they will be limited to Thursday nights or was that a voluntary move on their part; or if a time limit will be put on when the automobiles will have to be removed from the property. How will this be enforced and what kind of consequences should they not follow? The main point is that this has been and historically it is a residential and agricultural area. A lot of families and homes are in the area and they would like to keep it that way.

REBUTTAL

Brian Johnston, stated that he appreciates the first point made since they have ties to the area and obviously the neighbors. As they discussed this as a family, they basically settled in on the reality of what had happened. That being, basically, a four-lane divided highway had come through there. To set the stage for the area, between Floyd College and the Polk County Line, there is a Pass Lawnmower, the Southern Magnolias Wedding Chapel, past this property there is a homemade car lot with no sign, there is a tractor equipment company, a feed store, and a Hooper's Car. All of this is right on the four-lane divided highway. There is residential highly visible. Regarding the decel lane, they pay for that themselves. Regarding storage, they are concerned also, and from a business standpoint. Basically to enforce it, they charge a storage fee after Sunday, but that is their limitation. He stated that the land happens to be in their family and is a resource and at this point they are trying to leverage, with the circumstances they have been handed along with all of the other residents of the community. It is not that they are there to have an adverse impact on anybody's property value, but the reality is that they are all living on their own property off of a four-lane divided highway, and they are trying to make the best of it.

Commissioner Hufstetler asked for clarification on the time limit for vehicles to be moved since the Planning Commission minutes stated 24-hours and Mr. Johnston had said they would have through Sunday, after the Thursday auction. Mr. Johnston stated that he has called other businesses in the same line of business and he has also called auctions in Atlanta and the tendency has been, for a Thursday night auction, anywhere from the next Monday at 5 o'clock to seven days. After doing research, he determined that 24-hours is not realistic. They do not want the liability of the cars being there for seven days.

County Attorney Wade Hoyt asked when the title changes hands. Mr. Johnston replied that the title goes through the DMV. The seller has to have a title for the car to go through the auction and when it is bought, there is a nominal fee and it goes to the state. It was noted that this process takes longer than seven days, but all of the paperwork is done there. Mr. Johnston stated that it is the same as buying at a dealership, he will have a used car license. County Attorney Hoyt asked if the car was not picked up in seven days, who has the title. Mr. Johnston replied that the title would have already been filed with the state. They discussed the possibility of having the vehicle towed, if not picked up. Mr. Johnston stated that usually this will not be an issue since the person has already paid money. County Attorney Hoyt asked Mr. Johnston, if this determines whether the Board approves or denies, would he agree that if the car is not picked up within seven

days, it will be removed from the lot. Mr. Johnston agreed to removing it from their lot, if it had been paid for. Commissioner Jennings noted that when he returned from the ACCG meeting last Wednesday, he noticed that, at the Rome Auto Auction on Highway 411, there were probably 30 to 35 cars sitting on the lot. Commissioner Jennings asked Ms. Hiller if this had been targeted as a future commercial or industrial area. Ms. Hiller replied that on the Rome/Floyd County Future Land Use Map, which covers the entire county, the area is designated as A-R (Agricultural Residential). It was noted that the long term plan is not to create an industrial zone in the area.

MOTION was made by Commissioner Mayes to close the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Jennings to deny this rezoning request from Agricultural Residential to Heavy Commercial. The Motion died for lack of a Second.

Commissioner Hufstetler stated that in the concerns of the homeowners, they were wanting it to be a one night a week auction and to have a time frame to remove the vehicle. MOTION was made by Commissioner Hufstetler to **approve and accept the Planning Commission's recommendation of the condition that it be for auto auction only and the auction be only one night a week, a decel lane is installed and that no outdoor storage of any vehicle over seven days be allowed.** SECOND by Commissioner Mayes. Commissioner Jennings reminded the Commissioners that they are talking about one night a week when persons in these residences are home. They are talking about lighting which will be there all the time. In spite of the fact there is one small piece of commercial property, this basically is spot zoning in our community and the importance of maintaining neighborhoods. Even though this is on a state highway, he is concerned about spot zoning around the community. Commissioner Mayes asked if Commissioner Jennings recommends buffers. Commissioner Jennings replied that apparently there will be buffers according to the ULDC, but still will not affect the lighting, or the amount of traffic on the evening of the auction.

VOTING:

YES

NO

Commissioner Hufstetler

Commissioner Jennings

" Mayes
Chairman Fricks

Motion Carried

**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).
(FIRST READING HELD APRIL 9, 2002 AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

Sue Hiller, Planning Commission, presented a copy of the zoning map for the area noting surrounding property usage, which is either A-R or S-R. The property is currently developed with a single-family residence. There is a shop and dirt track in back for the use of the property owner. The request is to convert the property to C-C so that he can have a hobby shop, a commercial resale operation. The Staff Recommendation was for denial for a number of reasons, this is Agricultural Residential and Suburban Residential neighborhood. There are no other commercial developments in the area. They had received comments from the Transportation Planner that this is a narrow road, not made to accommodate moderate to heavy traffic. Therefore, road and traffic problems could result from commercial use of the property. The recommendation of the Planning Commission was for approval, with no conditions and the vote was unanimous.

MOTION was made by Commissioner Hufstetler to open the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

SUPPORT

James McConnell, 232 Brewer Road, stated he is requesting rezoning of his property in order to open a hobby shop. The hobby shop will consist of remote control cars, planes, small scale trains, model cars and rockets. The shop will be located in an existing building used presently as a race shop. Prior to submitting the rezoning request,

he spoke to all of his neighbors on both sides and across the street and they did not object. He also placed letters which included his address and phone number in local stores in the community. From the Rock Store, John's Market and Dykes Creek Equipment, he has gathered over 100 signatures in favor of a hobby shop in the local area. From talking with his neighbors, phone calls and people stopping by to talk he has not spoken with anyone who opposes. All of his direct neighbors feel as he does, that a hobby store has much more eye appeal than a race car shop. He has already hauled off scrap cars and parts that were stored in the field and the noise level will be greatly reduced. Through speaking with the community, there was concern, mainly about a street sign. His home and yard is nice and there will be no street sign. There will be no remote control air flight. The only business to be operated there will be the hobby shop and, in the case that he passes or sells the property it goes back to the original zoning.

There was discussion as to how it could be zoned. County Attorney Wade Hoyt stated that if they want it to be used for a hobby shop only, it would need to be rezoned C-C for use as a hobby shop only. Ms. Hiller noted that when the property is zoned C-C, the house will then be a non-conforming use.

MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES	NO
Commissioner Hufstetler	
" Jennings	
" Mayes	
Chairman Fricks	

Motion Carried

MOTION was made by Commissioner Hufstetler to **approve** the Planning Commission's recommendation to rezone from S-R to C-C (Community Commercial) with the condition that this be for a Hobby Shop only. SECOND by Commissioner Mayes. VOTING:

YES	NO
Commissioner Hufstetler	
" Mayes	Commissioner Jennings
Chairman Fricks	

Motion Carried

**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).
(FIRST READING HELD APRIL 9, 2002 AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE WITH CONDITION THAT THE ENTRANCE
TO THE APARTMENTS BE RESTRICTED TO ALABAMA
HIGHWAY [VOTE – UNANIMOUS])**

MOTION was made by Commissioner Hufstetler to open the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

Sue Hiller, Planning Commission, presented a map showing the sites and reviewed the current zoning and use of surrounding properties. The Staff Recommendation was to approve the request, since the middle property is already apartments, it would make the zoning consistent with the current use. The lot on the left is zoned S-R and is very unlikely to ever be developed with a single family residence since it is next to a Golden Gallon station on one side, apartments on the other side, the Alabama highway on the south and single family residential property on the other side. The third lot, on the east is zoned C-C and it could be any number of commercial uses which would be less appropriate than multi-family residential. There had been no comments from any other staff, Public Works or anyone else. The entrance to the existing apartments is currently off of the Alabama Highway so she does not think that would be a problem. The neighbors who came to the hearing did not want additional traffic introduced into their neighborhood. The developer understands that under the new code he could not develop as close to the property line as the current apartments, and that he will have to work with the Planning Commission staff to make sure that there is adequate parking, landscaping and buffering around these properties.

SUPPORT

Danny Wade, P.O. Box 2542, Rome, stated that he has recently bought the Parcel 009, and is looking to acquire the existing lots on both sides to develop more multi-family units there. He is trying to get the rezoning for the existing apartments so, if something were to happen, he would be able to replace what is there. Regarding the lots on either side,

as they are developing, they would also like to go in and bring them up to par, since they have been there for approximately 30 years. As they are putting vinyl on the new buildings, they will have vinyl also put on existing apartments. They will also redo the roofs to bring the apartments buildings up to the same standards, as much as possible, as the new apartments. He stated that he had drawn a drive from Leisure Drive, since there are several families with kids and he is trying to block them away from the Alabama Highway and also only giving one drive out to the highway.

MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Mayes for **approval with the restriction that the entrance be to the Alabama Highway**. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

FILE #03-2002SUP, ALFRED AVENUE/ROSEMONT PARK, TAX MAP 370, AREA 05, PARCEL 012, REQUESTS SPECIAL USE PERMIT FOR DUPLEXES. (FIRST READING WAS HELD APRIL 9, 2002 AT 2:00 P.M.) (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION)

It was noted that there was a motion to approve this by the Planning Commission, but there were not enough votes for it to be approved. MOTION was made by Commissioner Jennings to open the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

Sue Hiller, Planning Commission, presented information on the property. She stated that there are two duplexes to the west of the property, below Alfred Avenue, which are owned by the person requesting the rezoning. The remaining adjacent property is single-family. This is one of the last remaining lots on Alfred Avenue. Staff Recommendation was to approve the request for rezoning. The existing duplexes fit well in a single-family area. There was also concern that the developer may have difficulties stabilizing the lot since it is very steep, but this will be taken care of in the development stage of the permit. The Planning Commission vote was 5 to 2 so this comes with no recommendation. Commissioner Jennings asked how many duplexes can be placed there. Ms. Hiller replied two, four-dwelling units.

SUPPORT

David Guest, 221 Center Road, Silver Creek, stated that he bought this property about three years ago and it was zoned multi-family at that time. He has owned the property across the street for about ten years and manages it himself. He wants to build these match those and that is why he wanted the property, because it is directly across the street. As far as the steepness of the property, he will grade it back and put in a poured concrete wall for support and build the duplexes in front of the wall.

MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to **approve** the request for a Special Use Permit for duplexes. SECOND by Commissioner Fricks. County Manager Kevin Poe mentioned that there was a condition in the recommendation from the Planning Commission. There has been some erosion and drainage problems in the immediate area and some of the area residents had attended the last Public Works Committee Meeting and they will have to be addressed. Ms. Hiller stated that is part of the concern the Planning

Commission Staff had regarding the slope, and in some areas there have been drainage problems. Commissioner Hufstetler asked if adding the retaining wall was part of the Staff Recommendation. Ms. Hiller replied that was part of the conditions placed on the motion, but since it had been determined that there was no recommendation, she had not mentioned it. It was noted that the retaining wall will partially deal with the issue, but some improvements will have to be made to the road due to development in the area. County Manager Poe recommended the retaining wall be added as a condition. Commissioner Hufstetler amended his Motion to add **that a retaining wall along Saddle Mountain, adjacent to the property be built to prevent further erosion would be added as a condition.** SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

**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.
(FIRST READING HELD APRIL 9, 2002 AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

MOTION was made by Commissioner Hufstetler to open the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

Sue Hiller, Planning Commission, presented a map of the property, noting use of adjacent property. The property has been developed at times in the past with manufactured homes. She is not aware of what was on the property at the time the zoning was done, but she suspected it was zoned O-I because it is next to a church, and possibly the people who did the zoning thought the lot went with the church. The people

who own it would like to put a manufactured home back on it. Considering the surrounding properties that are zoned with single-family residences and a mix of site built and manufactured homes, it seems appropriate to zone back to Suburban Residential, allowing the owners to use it for a single-family residential site. Staff Recommendation was for approval. There were no transportation issues raised or issues raised by any other staff.

SUPPORT

Sylvia Carlisle, 75 Weathington Road, stated that in 1995 she had purchased Lots 13, 14 and 15. She has a manufactured home that is between 15 and 14 and she had another one on number 13. When the new rezoning came through, she was unaware that the property was being rezoned, and she was not notified that part of her property had been rezoned. She stated that there was a manufactured home on the property at that time. They chose to sell that section of the property and divide the three lots into two pieces of property, which they have done with the help of the Zoning Commission. She is here to get it rezoned back from Industrial to Suburban Residential.

Steve Miller, 2 Gregory Drive, stated that he is the party interested in buying the parcel of land and he agreed with the comment that it is an attractive manufactured home. It is the most appropriate use for that parcel of land. If anyone has driven by and taken a look at the community, it is probably the most suitable use for the property. He thinks it has been well documented that it was an error when it was zoned Office-Industrial and to change it back to Suburban Residential is common sense and he hopes that will be approved.

MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to **approve** the rezoning request from O-I (Office Industrial) to S-R (Suburban Residential). SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes
Chairman Fricks

Motion Carried

VOTE ONLY

**FILE #10-2002Z, DOGWOOD STREET,
TAX MAP 500, AREA 100, 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])**

Commissioner Jennings noted that there have been public meetings. Commissioner Mayes asked Jason Free, the owner, if any agreements have been reached between himself and the residents or any changes in the proposed use. Mr. Free stated there were no changes, they are still requesting it be changed to D-R.

MOTION was made by Commissioner Jennings to **deny** the request for change from Office Industrial to Duplex Residential. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Commissioner Hufstetler reported that regarding the Hospital Authority appointments, a profile had been received from David Johnson and it will be added to profiles received from Al Hale and Peter Ousely. MOTION was made by Commissioner Hufstetler that these three names be submitted and that the Chairman write a letter to the Grand Jury, which will be meeting tomorrow. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes
Chairman Fricks

Motion Carried

APPOINTMENTS FOR PRISON COMMITTEE

Chairman Fricks stated that Commissioner Mahanay and Commissioner Hufstetler will be working on this committee. A request will be made to Judge Walther to make an appointment from the judicial branch. They have spoken to the Sheriff, and his intention is to appoint Chief Deputy Tommy McGuire. Warden Anne Brinkley will be serving as well as Bishop Pete Smith. County Manager Kevin Poe also mentioned an appointment from Coosa Valley Technical College. He will contact Craig McDaniel at Coosa Valley Technical College regarding an appointment from there.

CORRECTION TO MINUTES OF SEPTEMBER 12, 2000 MEETING REGARDING TERM FOR POST 4, FORUM ADVISORY COMMITTEE, TERM OF ONE YEAR, CORRECT TERM IS THREE YEARS.

MOTION was made by Commissioner Mayes to correct the minutes of the September 12, 2000 meeting to reflect the term of Post 4 of the Forum Advisory Committee to be three years instead of one year. SECOND by Commissioner Hufstetler.
VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

DISCUSS NON-PROFIT FUNDING REQUEST.

This item had been discussed during Caucus and information should be available by the next meeting.

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE

**RECOMMENDATION FROM MAXIMUS
FOR RECLASSIFICATION OF
ADMINISTRATIVE ASSISTANT**

POSITION IN JUVENILE COURT.

Commissioner Hufstetler, Committee Chairman, stated that a recommendation had been received from Maximus to reclassify the Administrative Assistant position in Juvenile Court from a pay grade of 6 to 7 and he made this in the form of a MOTION. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

PUBLIC WORKS COMMITTEE

**RECOMMENDATION TO ADD ELLIOTT
CIRCLE TO THE OFFICIAL RESURFACING
LIST FOR FUTURE PAVING (ESTIMATED
COST IS \$3,400 AND THE LENGTH IS
0.166 MILES).**

Commissioner Mayes, Committee Chairman, made a MOTION to add Elliott Circle to the Official Resurfacing List for future paving. The estimated cost is \$3,400 and the length is 0.166 miles. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

WATER COMMITTEE

**AUTHORIZE ENGINEERING FOR
PUMP STATION ON SHORTER
INDUSTRIAL BLVD.
(4/5 VOTE REQUIRED)**

Commissioner Jennings, Committee Chairman, made a MOTION to add to the Agenda the authorization of engineering for a Pump Station on Shorter Industrial Blvd. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Jennings to authorize William, Sweitzer and Barnum to conduct the engineering for the Pump Station on Shorter Industrial Blvd., at a Table 2 Engineering Fee, not to exceed \$20,000. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there are four items on the Consent Agenda which she submitted for approval. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

1. Tax Refunds:

- a. David B. & Diane Lane, 13 Bridgeview Drive, \$435.33
 - b. Jo Ann Goodwin, 12 Kingbee Circle, SE, \$7.88
 - c. Mandy Campbell, % Eddie Sellers 1024 Valley Lane Street, Cincinnati, Ohio, \$7.10
 - d. T. E. Jones, 4160 Horseleg Creek Road, \$115.24
 - e. Sara H. Childs, 6 Arlington Court, \$45.49
 - f. Habitat for Humanity, P.O. Box 127, \$24.43
 - g. Tony W. & Sara Carruth, 520 East 8th Street, \$1.19
 - h. Graham Dixon, 305 East 8th Street, \$3.46
 - i. Charles A. Chambers, 2964A Morton Bend Road, SW, \$22.13
 - j. Jeff Brown, 704 River Avenue, \$25.45
 - k. Roy Quillen, 102 Westmore Road, \$343.67
 - l. Jack H. & Linda Garrison, 42 Montre Circle, SE, \$164.46
 - m. Tammy D. White, 6 Landrum Place, \$3.88
 - n. Bryan K. & Kimberly Jo H. Scoggins, 17 Meadowood Drive, \$232.54
 - o. Joel D. Roberts, 214 Greenview Road, SW, \$21.36
 - p. Don E. & Robin McCary, 512 Canard Road, SE, \$184.08
 - q. William S. Reeder, III, P.O. Box 339, Shannon \$53.41
 - r. Lucian K. Oldham, 1105 Little Texas Valley Road, \$59.29
 - s. Rosebud I. Rush, 6 Tasso Circle, \$6.27
 - t. Ray A. Perkins, 2460 Alston D, SE, Atlanta \$5.83
 - u. William D. & Nancy Lavalley, 444 Chubb Road, Lindale \$269.42
 - v. Joe & Martha Touchstone/Charles Evans, 875 Turner Road, NE, \$12.72
 - w. James D. Newsum, 109 Lookout Circle, \$2.97
 - x. Castle Farm, Inc., P.O. Box 5811, \$180.28
 - y. Joyce Melton & Montine Gladin, P.O. Box 763, \$31.20
 - z. Howard & Shirley Rice, 103 Brown Fox Drive, \$19.44
 - aa. Christopher Lee & Kimberly Faye Weeks, 1100 Rush Chapel Road, Adairsville \$41.45
2. Application for Malt Beverage License for Malik Abdulkader A., Twinkle's Food Mart, 4392 Old Calhoun Road (convenience store).
 3. Authorize submission of application for FY2003 funds from Indigent Defense Council for indigent defense in Floyd County.
 4. Authorize execution of agreement for independent contractor services for Victim Witness Assistance Program – Floyd County Juvenile Court and Sue Lagermann (replaces Maria Beard).

MANAGER'S REPORT

**RECOMMENDATION TO ACCEPT
 BID FOR SALE OF SURPLUS COUNTY
 PROPERTY ON FLOYD SPRINGS ROAD.
 (DEFERRED FROM APRIL 9, 2002 MEETING)**

No action taken, deferred to next meeting.

**RECOMMENDATION TO ACCEPT HIGH
BID FROM AERO CARE FLYING CLUB FOR
SALE OF SURPLUS AIRPORT GAS TRUCK.
(DEFERRED FROM APRIL 9, 2002 MEETING)**

No action taken, deferred to next meeting.

**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.
(DEFERRED FROM APRIL 9, 2002 MEETING)**

County Manager Kevin Poe presented a request from the South Rome Community Association, Inc. for a grant in the amount of \$6,000 to assist with the construction of a new roof for the Community Learning Center on South Broad Street. MOTION was made by Commissioner Mayes to give the South Rome Community Association a grant in the amount of \$6,000 for roof repair. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

**APPROVE LEASE ABATEMENT WITH
MASTER AIRCRAFT POWER SYSTEMS,
LLC FOR UP TO \$24,500.
(DEFERRED FROM APRIL 9, 2002 MEETING.)**

No action taken, deferred to next meeting.

**RECOMMEND SALE OF SURPLUS
PROPERTY ON CALHOUN ROAD.**

County Manager Kevin Poe stated that bids had been taken for the sale of surplus property on Calhoun Road. Only one bid had been received, which was from Atlanta

Gas Light Company. County Manager Poe recommended approval of the bid from Atlanta Gas Light Company in the amount of \$1,500. MOTION was made by Commissioner Hufstetler to accept the Manager's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
 " Jennings
 " Mayes
 Chairman Fricks

Motion Carried

**AWARD BIDS TO THE LOW BIDS
 FOR THE FOLLOWING ITEMS:**

a. TRACK LOADER, PUBLIC WORKS

Bids

Smith Equipment	No Bid
Yancey	\$201,710.00
Metrac	\$210,525.00
Stafford Tractor	No Bid

b. DUMP BED WITH HOIST, PUBLIC WORKS DEPARTMENT

Bids

Fontaine Truck Equipment Company	\$ 8,083.00
Heil	No Bid
Parkbuilt	No Bid
Smyrna Truck Equipment	No Bid

c. FOUR POST LIFT, PUBLIC WORKS DEPARTMENT

Bids

Gray Automotive	\$ 7,160.00
Mohawk Lifts	No Bid
Dugco	No Bid
Lift Systems of GA	No Bid
Garage Systems	\$ 5,700.00

d. TRACTOR/LOADER/BACKHOE, WATER DEPARTMENT

Bids

Stafford Tractor	\$ 47,852.00
Yancey	\$ 54,752.00
Tractor & Equipment (Stith)	\$ 54,650.00
Metrac	\$ 53,450.00
Rhinehart	\$ 44,693.00

e. CARGO VAN, FACILITIES MANAGEMENT

Bids

Prater	\$ 18,861.00
Nash	\$ 20,338.10
Alan Vigil (Southlake)	\$
19,380.00	
Parkway	\$ 17,844.00
Lee Smith	\$ 19,279.65

f. BUCKET TRUCK, RECREATION DEPARTMENT

Bids

Nash	No Bid
Baker Equipment	\$ 94,955.00
Bill Heard	\$ 98,842.00
Alan Vigil (South Lake)	\$ 99,970.00
Parkway	\$ 92,543.00

g. 3/4 CAB AND CHASSIS, ANIMAL CONTROL

Bids

Prater	\$ 18,489.00
Nash	No Bid
Alan Vigil	\$ 19,368.00
Parkway	\$ 18,614.00

County Manager Kevin Poe stated that numerous sealed bids had been taken the previous week

County Manager Poe recommended accepting the low bid on items a, c, d, e, f and g as presented on the bid tabulation form. MOTION was made by Commissioner Hufstetler to accept the Manager's recommendation. SECOND by Commissioner Jennings.

VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

County Manager Kevin Poe stated that on item "d", **Dump Bed with Hoist**, only one bid had been received. The amount of the bid was \$8,083 and the amount budgeted for the item was \$6,000. Recommendation is that they accept the bid of **\$8,083** and utilize the money saved from the purchase of the other items to cover the difference. It was noted that four bid packages had been sent out, but a response was received from only one. MOTION was made by Commissioner Mayes to accept the recommendation of the Manager. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

**AWARD BID FOR SKID STEER
LOADER FOR THE PUBLIC WORKS
DEPARTMENT (RECYCLING CENTER).**

County Manager Kevin Poe stated that bids had been taken for a Skid Steer Loader for the Recycling Center with the two lowest bids being for a Bobcat and a Mustang Skid Steer Loader. Upon review by the Public Works Department, and noted in the memo from Public Works Director Rodger Swaim, these two Skid Steer Loaders do not meet specifications. The third lowest bid was a bid from John Deere for a Model 280 that did meet all the specifications and is within the budgeted amount for this item. Therefore, the recommendation is that the bid be awarded to Metrac, Inc. for the John Deere Skid Steer Loader in the amount of \$23,309. MOTION was made by Commissioner Jennings to accept the bid from Metrac, Inc. for the John Deere Model 280 Skid Steer Loader for Recycling. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

Bids

Yancey	\$ 29,496.00
Metrac	\$ 23,309.00
L & N Supply	\$ 22,602.00
Joe Money	\$ 24,985.00
SMA Stith	No Bid
North GA Lift Truck	No Bid
Stowers Lilligore	No Bid
Rhinehart Equipment	\$ 24,444.00
Rhinehart Equipment	\$ 19,698.00
Stafford Tractor	No Bid

AWARD BID FOR 12,500 GRVW CAB AND CHASSIS FOR THE PUBLIC WORKS DEPARTMENT.

County Manager Kevin Poe stated that bids had been taken for a Cab and Chassis for a Six-Yard Dump Truck. Six bids were received. County Manager Poe recommended awarding the bid to the low bid from Prater Ford in the amount of \$31,258. The budgeted amount for this was \$30,000 for this equipment. As noted earlier, money had been saved on another purchase, but there is a shortage of \$291 for all of the purchases. Recommendation is that they award the low bid and approve the transfer of \$291 from the All Other line item of the Public Works Budget to the Equipment line item to cover these purchases. MOTION was made by Commissioner Mayes to accept the Manager’s recommendation, with the bid being awarded to Prater Ford’s lowest bid. SECOND by Commissioner Hufstetler with . VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

Bids

Southlake Ford	\$ 31,650.00
Lee Smith	\$ 33,461.35
Smyrna Truck Equipment	No Bid
John Thornton Automotive	No Bid
Rome Ford	No Bid
Bob Williams Dodge	No Bid

Heritage Pontiac	No Bid
Riverside Chevrolet	No Bid
Prater Ford	\$ 31,258.00
Cook County Ford, Inc.	No Bid
Kimball Ford	No Bid
Parkway Ford, Inc.	\$ 32,778.00
Lou Sobh Ford	\$ 34,533.00
Prater Ford	\$ 31,508.00

**AUTHORIZE CONTRACT WITH
GOVERNMENT SOLUTIONS, LTD.,
TO STUDY FURTHER CONSOLIDATION
OF CITY AND COUNTY SERVICES.**

County Manager Kevin Poe stated that a proposal had been presented from Government Solutions, Ltd. to provide a study to look at further consolidation of City of Rome and Floyd County services as well as looking at full consolidation of services. This had been discussed at the last Joint City/County Commission Meeting. The cost to provide the report is \$29,500 which would be shared equally by the City of Rome and Floyd County. The report will take approximately three months to complete. MOTION was made by Commissioner Hufstetler to authorize the contract with Government Solutions, Ltd. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mayes
Chairman Fricks

Motion Carried

**RECOMMEND CONTRACT AWARD FOR
CQA (CONSTRUCTION QUALITY ASSURANCE)
SERVICES ON WALKER MOUNTAIN LANDFILL,
PHASE 6 CONSTRUCTION.**

County Manager Kevin Poe presented a recommendation to award a contract for CQA (Construction Quality Assurance) services at the Walker Mountain Landfill on Phase 6 Construction. Proposals were submitted and reviewed. The recommendation from the Solid Waste Commission is that the services be awarded to Wilmer Engineering, Inc. County Manager Poe recommended authorizing the Chairman to execute the contract with Wilmer Engineering, Inc. for Construction Quality Assurance services. Commissioner Hufstetler noted that the Solid Waste Committee, which includes two city and two county Commissioners, voted unanimously to recommend it be awarded to Wilmer. MOTION was made by Commissioner Hufstetler to

award the contract for the Construction Quality Assurance services on Walker Mountain Landfill, Phase 6, to Wilmer Engineering. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

ATTORNEY'S REPORT

REQUEST APPROVAL TO HIRE EXPERT FOR CASE REGARDING THE JAIL.

County Attorney Wade Hoyt stated, as had been discussed in Caucus, he requested the Board's approval to hire an expert in the Jerry Scott Estate vs. Dr. Marc Wall and Floyd County Jail case that is pending in United States District Court. The expert comes at a cost not to exceed \$200 an hour plus expenses. He would be a Jail Medical Policy Expert, he should be in town tomorrow and they want to talk with him before hiring him. County Attorney Hoyt estimated the time would be approximately six hours, after which they would file a motion for Summary Judgment. If they do not win and are proceeding to trial, he will report back to the Board. The request is to approve the hiring of a Jail Medical Policy Expert for that case, not to exceed \$200 an hour plus expenses. MOTION was made by Commissioner Hufstetler to approve the request from the County Attorney to hire an expert for the case, not to exceed \$200 an hour plus expenses. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks commented that they are at the point of finalizing everything with the Braves. They are getting down to the contract and a meeting next week will be to iron out the last issues.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mayes

Chairman Fricks

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

GARRY E. FRICKS, CHAIRMAN