

May 14, 2002

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**May 14, 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 Mayes.

## ADOPTION OF

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

Meeting of April 30, 2002 as presented. SECOND by Commissioner Mahanay.

VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

### Motion Carried

## PUBLIC PARTICIPATION

**JOHN JOHNSTON**

John Johnston was not in attendance.

## PROCLAMATIONS

## NATIONAL PUBLIC WORKS WEEK,

**MAY 19 – 25, 2002.**

Commissioner Mayes presented the proclamation for Public Works Week, May 19 – 25, 2002 to Charles Evans of the Public Works Department. Mr. Evans thanked the Commissioners for participating in Public Works Week. He stated that the Georgia Chapter emphasizes communication and education regarding the importance of Public Works.

**NURSING HOME WEEK, MAY 12 –18, 2002.**

Commissioner Jennings presented the proclamation for National Nursing Home Week, May 12 – 18, 2002. Ms. Gail Bailey and a resident from Sun Bridge Nursing Home received the proclamation.

**EMERGENCY MEDICAL SERVICES WEEK,  
MAY 19 – 26, 2002.**

Commissioner Hufstetler presented the proclamation for Emergency Medical Services Week, May 19 – 25, 2002. James Hovers, Director of EMS, Stanley Payne, Floyd Medical Center Director of EMS, Philip Tucker, Redmond Regional Director of EMS, David Young, Supervisor of EMS accepted the proclamation.

**FIRST READING**

**FILE #07-2002SUP, BIG TEXAS VALLEY ROAD,  
ARMUCHEE, TAX MAP 770, AREA 00, PARCEL 01  
(LAND LOTS 60, 85 AND 96) AND TAX MAP 769,  
AREA 00, PARCEL 005.  
REQUESTS A SPECIAL USE PERMIT TO OPERATE  
A RETREAT IN AN A-R (AGRICULTURAL RESIDENTIAL).  
(PLANNING COMMISSION RECOMMENDATION:  
NO RECOMMENDATION [VOTE 5 –2])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD MAY 28, 2002 AT 6:00 P.M.)**

**FILE #11-2002Z, OLD DALTON ROAD AT  
ROSEMARY CIRCLE, TAX MAP 510, AREA 00,  
PARCEL 016, SECTION B, LOTS 005, 007, 008, 009,  
010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021,  
022, 023, 024, 025, 026, 027 AND 028; AND SECTION C,  
LOTS 003 – 016. REQUESTS REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO D-R (DUPLEX  
RESIDENTIAL) FOR CONSTRUCTION OF DUPLEXES.  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [VOTE 7 - 0])  
(SECOND READING/PUBLIC HEARING TO BE**

**HELD MAY 28, 2002 AT 6:00 P.M.)**

**FILE #33-2002Z, WALKER MOUNTAIN ROAD  
AT CAVE SPRING ROAD, TAX MAP 570,  
AREA 00, PARCEL 023. REQUESTS REZONING  
FROM S-R (SUBURBAN RESIDENTIAL) TO  
H-C (HEAVY COMMERCIAL) FOR  
CONSTRUCTION OF MINI-WAREHOUSES.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE 7 – 0])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD MAY 28, 2002 AT 6:00 P.M.)**

**FILE #34-2002Z, BUTTERMILK ROAD, TAX MAP 828,  
AREA 00, PARCEL 11. REQUESTS REZONING  
FROM S-R (SUBURBAN RESIDENTIAL) TO A-R  
(AGRICULTURAL RESIDENTIAL) TO CONTINUE  
AGRICULTURAL AND RESIDENTIAL USE.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE 6 – 1])  
(SECOND READING/PUBLIC HEARING TO  
BE HELD MAY 28, 2002 AT 6:00 P.M.)**

**FILE #35-2002Z, NEW FREEMAN FERRY ROAD,  
TAX MAP 114, AREA 00, PARCEL 004. REQUESTS  
REZONING FROM S-R (SUBURBAN RESIDENTIAL)  
TO A-R (AGRICULTURAL RESIDENTIAL) TO  
CONTINUE AGRICULTURAL AND RESIDENTIAL USE.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE 6 - 1])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD MAY 28, 2002 AT 6:00 P.M.)**

**REVISION OF ARTICLE 3.4 (TABLE 3.2) OF THE  
ULDC REGARDING CLARIFICATION OF THE  
CATEGORY OF SINGLE-FAMILY DETACHED DWELLING.  
(PLANNING COMMISSION RECOMMENDATION: APPROVE  
[VOTE - UNANIMOUS])  
(SECOND READING/PUBLIC HEARING TO BE HELD  
MAY 28, 2002 AT 6:00 P.M.)**

**REVISION OF ARTICLE 1.4.3A(2)(D) AND  
ARTICLE 1.4.3B (2)(C) OF THE ULDC REGARDING  
MAINTENANCE AND REPAIR OF NON-CONFORMING  
USES AND STRUCTURES.  
(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE - UNANIMOUS])**  
**(SECOND READING/PUBLIC HEARING TO BE HELD**  
**MAY 28, 2002 AT 6:00 P.M.)**

**REVISION OF ARTICLE 3.4 (TABLE 3.2) OF THE ULDC**  
**REGARDING THE REQUIREMENT THAT A**  
**SPECIAL USE PERMIT BE OBTAINED FOR**  
**A “NIGHT WATCHMEN QUARTERS”.**

**(PLANNING COMMISSION RECOMMENDATION:**  
**APPROVE [VOTE – UNANIMOUS])**  
**(SECOND READING/PUBLIC HEARING TO BE**  
**HELD MAY 28, 2002 AT 6:00 P.M.)**

**REVISION OF ARTICLE 2.2.6A(9) OF THE ULDC**  
**REGARDING THE THRESHOLD FOR DEVELOPMENTS**  
**OF REGIONAL IMPACTS.**

**(PLANNING COMMISSION RECOMMENDATION:**  
**APPROVE [VOTE – UNANIMOUS])**  
**(SECOND READING/PUBLIC HEARING TO BE**  
**HELD MAY 28, 2002 AT 6:00 P.M.)**

**REVISION OF ARTICLE 6.14.6C OF THE ULDC**  
**REGARDING THE PLACEMENT OF FILL AROUND**  
**NONRESIDENTIAL BUILDINGS THAT ARE LOCATED**  
**WITHIN A FLOODPLAIN.**

**(PLANNING COMMISSION RECOMMENDATION:**  
**APPROVE [VOTE – UNANIMOUS])**  
**(SECOND READING/PUBLIC HEARING TO BE**  
**HELD MAY 28, 2002 AT 6:00 P.M.)**

**SWIMMING POOL ORDINANCE.**  
**(SECOND READING/PUBLIC HEARING TO BE**  
**HELD MAY 28, 2002 AT 6:00 P.M.)**

Chairman Fricks noted that these items are placed on First Reading.

SECOND READING/PUBLIC HEARING

**REQUEST FROM ROME/FLOYD PLANNING**  
**COMMISSION TO REVISE OR DELETE**  
**ARTICLE 6.1.4C OF ULDC REGARDING**  
**APPROVAL PROCESS FOR MINOR SUBDIVISIONS.**  
**(FIRST READING HELD APRIL 30, 2002 AT 6:00 P.M.)**

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Jennings to revise Article 6.1.4c of the  
ULDC regarding approval process for minor subdivisions. SECOND by Commissioner  
Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**CHAIRMAN'S REPORT**

**APPOINTMENTS.**

There were no appointments made.

**DISCUSS NON-PROFIT FUNDING REQUESTS.**

This item was discussed during Caucus and a presentation will be made at the next meeting.

**DISCUSS THE CAPITAL IMPROVEMENTS PROGRAM.**

This item was discussed during Caucus and also a budget revision to add some of the Capital Programs, which were deleted from the original budget this year. Additional Information will be presented at the next meeting.

**DISCUSS GATHERING INFORMATION FOR EARLY RETIREMENT OPTIONS.**

This item was discussed during Caucus. Discussion had also been initiated during the Mid-Year Planning Meeting regarding options for the retirement inclusive of all of the employees of Floyd County. Chairman Fricks stated that they are looking forward to having further information available on this item. Commissioner Hufstetler noted that there is information available from previous months and they have asked the County Manager to submit a request to make sure the numbers are current. Hopefully, they will receive the information before the next meeting. Chairman Fricks noted that the reason they are bringing these three past issues up is when the budget was prepared in January, the numbers were projected extremely low because the economy was unstable at that time. There were also pending issues.

**COLA AND MERIT RAISES.  
(4/5 VOTE REQUIRED)**

MOTION was made by Commissioner Hufstetler to place on the Agenda the items of COLA and merit raises. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks stated that the item is on the Agenda. Commissioner Hufstetler stated that Commissioner Jennings had recommended, at the Caucus Session to place a 4% Cost of Living adjustment effective July 1, 2002 in the budget and a 1% merit raise which will be retroactive to their

annual review date. MOTION for approval was made by Commissioner Hufstetler. 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 at 2:00 p.m. on May 20, 2002.

### **PUBLIC SAFETY COMMITTEE.**

Commissioner Mahanay, Committee Chairman, stated that at the last Public Safety Committee Meeting, Hugh Atkins, Director of 911, announced that there will be a tabletop exercise on May 15<sup>th</sup> from 1:00 to 3:00 p.m. at the Law Enforcement Building. This table top exercise will address the various components which will play a role in an emergency situation, such as a terrorist or other event which they would respond to. He issued an invitation to attend the exercise. The next meeting of the Public Safety Committee will be on June 12, 2002.

### **PUBLIC WORKS COMMITTEE.**

Commissioner Mayes, Committee Chairman, stated that the next meeting will be on June 13, 2002 at 9:00 a.m.

### **WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman, noted that at noon on May 15, 2002 there will be a meeting regarding the Armuchee Creek Reservoir Project in the Manager's Conference Room. Also Wednesday night and Thursday, the State Comprehensive Water Planning Committee will be in Rome and Floyd County. This will be a good opportunity to hear the types of things they consider regarding managing water throughout the state. On June 4<sup>th</sup>, the Northwest Georgia Resources Partnership will have an open meeting at Oglethorpe Power. At that meeting they will be discussing the State Comprehensive Plan and getting a view of the innovative facility there. The Critical Incident Stress Management Class met last week, with 62 people from Floyd County representing schools, fire, police, E911, Floyd Medical Center, Redmond Regional Medical Center, and the Prison attending. He noted the three sources which provided funding for the program were the Legislative Delegation, City of Rome

Commission and Floyd County Commission. He thinks this will be a very helpful and that they may want to participate in the table top exercise as the Rome/Floyd Crisis Response Team. This is a valuable asset for the community. The next two days of training will be held on May 20 and 21 at the Forum.

## **CLERK'S REPORT**

## **CONSENT AGENDA.**

County Clerk Michele Fountain stated that there are three items on the Consent Agenda which she submitted for approval. MOTION was Commissioner Hufstetler to place Item 3, the application for a Malt Beverage License for Sydney B. Kinne, IV, on the Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

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. Elizabeth N. White, 142 Vinings Court, \$13.36
- b. James E. Dennis, 304 Garden Avenue, Lindale, \$25.03
- c. Roger & Mary Ruth Sumner, 514 Mt. Alto Road, \$63.14
- d. Charles Williams, Jr., Dorothy Smith, Katherine Harper, Milton Williams, 15 Belle Meade Drive, SW, \$48.98
- e. Marc Christian Weed, 125 Benton Drive, \$10.35
- f. Billy G. Wilkins, Jr., 100 Glendale Road, \$22.48

- g. Lula Mae & Harry Helton, 224 Preacher Smith Road, SE, \$408.22
- h. Harry Newton Smith, 209 Glenridge Drive, \$15.82
- i. Ronald J. & Sally Kiefer, 149 Featherston Road, SW, \$80.40
- j. Rosalee Smith, 4 Franklin Street, \$15.53
- k. Rome Fertilizer, Inc., 101 Primrose Road, SW, \$69.94
- l. M. L. Tuggle, P.O. Box 529, Cave Spring, \$25.03
- m. Larry W. Barrickman, 34 Johns Drive, \$234.09

- 2. Authorize execution of contract for Indigent Defense Attorney services between Superior Court and Jamie Wyatt for an amount of \$3,250 per month.
- 3. Application for Malt Beverage License for Sydney B. Kinne, IV, Classic Bowling Center, 75 Huffaker Road, Rome (consume on premises).  
(4/5 vote required)

#### MANAGER'S REPORT

#### **RECOMMENDATION TO ACCEPT BID FOR SALE OF SURPLUS COUNTY PROPERTY ON FLOYD SPRINGS ROAD. (DEFERRED FROM APRIL 9 AND 30, 2002 MEETINGS)**

County Manager Kevin Poe stated that bids had been taken for the sale of surplus property on Floyd Springs Road. Two bids had been received and one bid has been withdrawn. A letter had been received from Douglas Eubanks regarding the withdrawal of his bid. He recommended accepting the sole bid remaining from Floyd Springs United Methodist Church in the amount of \$500. MOTION was made

by Commissioner Mayes to accept the County Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

#### **REJECT BID FOR SURPLUS AIRPORT GAS TRUCK. (DEFERRED FROM APRIL 9 AND 30, 2002 MEETINGS)**

County Manager Kevin Poe stated that on March 28, 2002 bids had been taken for the sale of the surplus Airport Gas Truck. Based on a recommendation from the Airport Commission he recommended rejecting all bids. MOTION was made by Commissioner Hufstetler to reject the bid for the surplus Airport Gas Truck. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**APPROVE LEASE ABATEMENT WITH  
MASTER AIRCRAFT POWER SYSTEMS,  
LLC FOR UP TO \$24,500.  
(DEFERRED FROM APRIL 9 AND 30, 2002 MEETINGS)**

No action taken.

**AUTHORIZE CHAIRMAN TO SIGN CAPACITY  
AGREEMENT WITH DEPARTMENT OF  
CORRECTIONS FOR HOUSING STATE  
INMATES, TERM OF JULY 1, 2002 TO  
JUNE 30, 2003.**

County Manager Kevin Poe presented a Capacity Agreement with the Department of Corrections for Housing State Inmates, with the term to be July 1, 2002 to June 30, 2003. Currently the capacity is 220 inmates. MOTION was made by Commissioner Mahanay to authorize the Chairman to sign the Capacity Agreement with the Department of Corrections for the Housing of State Inmates at the Prison, from July 1, 2002 to June 30, 2003. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**RECOMMENDATION FROM AIRPORT  
AIRPORT NAME FROM RICHARD B.  
RUSSELL AIRPORT TO RICHARD B.  
RUSSELL REGIONAL AIRPORT.**

County Manager Kevin Poe presented a recommendation from the Airport Commission that the County Commission consider changing the name of the Richard B. Russell Airport to the Richard B. Russell Regional Airport. MOTION was made by Commissioner Mahanay for approval of the recommendation by the Airport Commission to change the Airport name from the Richard B. Russell Airport to the Richard B. Russell Regional Airport. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**BID AWARD AND AUTHORIZATION TO  
EXECUTE CONTRACT FOR GOVERNOR'S  
REGIONAL AIRPORT ENHANCEMENT  
PROGRAM.**

County Manager Kevin Poe stated that bid had been taken for certain projects which are incorporated in Governor's Regional Airport Enhancement Program at the Richard B. Russell Airport. A memo had been received from Darrell Wheeler regarding the bid award recommendation as well as a bid tabulation sheet from the Airport Consultant, the LPA Group. The recommendation is that the project be awarded to White Electric, Inc. from Baxley, Georgia in the amount of \$220,142. MOTION was made by Commissioner Mayes to award the bid to White Electric, Inc. for \$220,142 and authorize the Chairman to execute the contract. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

AWARD BIDS FOR PORTABLE AND  
MOBILE RADIOS FOR SHERIFF'S  
DEPARTMENT, COUNTY POLICE  
AND PUBLIC WORKS DEPARTMENT.

County Manager Kevin Poe stated that on March 28, 2002, sealed bids were opened for the purchase of portable and mobile radios for various county departments. A memo from Nancy Lam, Purchasing Director regarding the bids was presented, and he recommended accepting the Purchasing Director's recommendation for the bid award on all of the radio units. MOTION was made by Commissioner Mahanay to approve the Purchasing Director's recommendation to award bids for portable and mobile radios for the Sheriff's Department, County Police and Public Works Department. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

APPROVE LETTER OF INTENT WITH  
CARTER FOR BASEBALL STADIUM  
PROGRAM MANAGEMENT SERVICES  
AND AUTHORIZE CHAIRMAN TO SIGN  
THE LETTER.

County Manager Kevin Poe recommended approving the Chairman authorizing the Letter of Intent. MOTION was made by Commissioner Hufstetler to approve the Letter of Intent with Carter for the Baseball Stadium Program Management Service and authorize the Chairman to sign the letter. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

APPROVE CHANGE ORDERS #7 (ADD \$1,012)  
AND #8 (DEDUCT \$893) TO PRISON

CONSTRUCTION CONTRACT.

County Manager Kevin Poe recommended approval of Change Orders #7 and #8 as presented. MOTION was made by Commissioner Mayes to approve the Change Orders for the Prison Construction Contract to add \$1,012 and deduct \$893. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

DECLARE CERTAIN PROPERTY ON  
HARMONY ROAD SURPLUS.

County Manager Kevin Poe stated this item was removed from the Agenda.

REQUEST FROM WATER DEPARTMENT  
TO ADD AN ADDITIONAL \$2,366 TO THEIR  
EQUIPMENT BUDGET FOR PURCHASE  
OF A COMPUTER.  
(4/5 VOTE REQUIRED)

MOTION was made by Commissioner Jennings to add the purchase of a computer for the Water Department to the Agenda. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Jennings to approve the purchase of a computer by the Water Department at a cost of \$2,366. SECOND by Commissioner Hufstetler.

YES

NO

Commissioner Hufstetler  
" Jennings  
" Mahanay  
" Mayes  
Chairman Fricks

Motion Carried

Chairman Fricks thanked County Manager Kevin Poe and the Commissioners who met with the Tift County/Tifton, Georgia group which came and visited. He felt they were very pleased with the visit and noted that Rome and Floyd County also learned from the meeting as well.

Chairman Fricks congratulated and thanked all the Commissioners for their work, as well as Al Leonard, Comptroller and County Manager Kevin Poe on obtaining the AA Bond Rating. This was something they had worked hard at obtaining. Commissioner Mayes suggested the Commissioners give a hand to County Manager Poe for his efforts for this rating.

Chairman Fricks also thanked County Manager Poe for all the work he does and for acting as the County Manager and Assistant County Manager at this time.

**ADJOURNMENT:**

There being no further business to come before the Board, MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler, 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**