

March 9, 2004

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 9, 2004 **2:00 P.M.**

PRESENT: Chairman Chuck Hufstetler, Commissioners Tom Bennett, Garry Fricks, Jerry Jennings and John Mayes.

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Tom Manning, Deputy Clerk Monnie Toole, and Assistant County Manager Sammy Rich.

Chairman Hufstetler thanked **Armuchee High School** for allowing them to meet there. He stated that they had met in several locations and tried to move around to different areas of the County. He introduced himself and stated that there are five Commissioners and all of them have an equal vote, the Chairman simply runs the meeting and they have rotated that around between several of them during the past few years. He asked that everyone at the table introduce themselves.

Chairman Hufstetler explained that of the five Commissioners, everyone is voted on at large from everyone in Floyd County. It is not a district. There is a requirement that three of the County Commissioners live in the unincorporated area, which are Commissioners Mayes and Jennings and Chairman Hufstetler and two have to reside in the City of Rome which are Commissioners Bennett and Fricks. He stated that they would try to explain what was happening as they went along. He noted that the first two presentations on the Agenda were done during Caucus so they would not be doing that.

CALL TO ORDER: Chairman Hufstetler called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

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

ADOPTION OF

MINUTES: Chairman Hufstetler asked County Attorney Tom Manning if the minutes were in order. County Attorney Manning replied that they were in order. Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of February 24, 2004 as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

**FIRST READING
(SECOND READING PUBLIC HEARING
TO BE HELD MARCH 23, 2004 AT 6:00 P.M.)**

**FILE #12-2004Z, REQUESTS REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO L-I (LIGHT INDUSTRIAL) TO
CONSTRUCT A MOTOR FREIGHT
TRUCK TERMINAL ON PROPERTY
LOCATED ON U.S. HIGHWAY 27
SOUTH/CEDARTOWN HIGHWAY.
ZONING MAP 116Y – 090A
(PLANNING COMMISSION RECOMMENDATION:
APPROVE CONDITIONED ON ENTRANCE FROM
HIGHWAY 27 ONLY [VOTE – UNANIMOUS])**

**FILE #14-2004Z, REQUESTS REZONING FROM
S-R (SUBURBAN RESIDENTIAL) TO L-I (LIGHT
INDUSTRIAL) TO EXPAND WAREHOUSE OF
EXISTING MANUFACTURING PLANT ON
PROPERTY LOCATED AT 1140 DAVIS ROAD,
CAVE SPRING, GEORGIA. ZONING MAP F19
– PART OF PARCEL 002.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE - 7 – 2])**

ULDC REVISIONS

**REVISE 2.2.3b(6) CONCERNING ACTIONS OF
THE PLANNING COMMISSION IN REFERENCE
TO THE PROCESS FOR REZONING.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

**REVISE ARTICLE 2.10.2b(6) CONCERNING
ACTIONS OF THE PLANNING COMMISSION
IN REFERENCE TO THE PROCESS FOR TEXT
AMENDMENT.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

**REVISE ARTICLE 3 CONCERNING MINIMUM LOT SIZE.
(PLANNING COMMISSION RECOMMENDATION: POSTPONED)**

**REVISE ARTICLE 3 TABLE 3.2 USES PERMITTED IN COMMUNITY COMMERCIAL DISTRICT.
(PLANNING COMMISSION RECOMMENDATION: POSTPONED)**

REVISE MALT BEVERAGE ORDINANCE.

No action was taken on the Malt Beverage Ordinance.

SECOND READING/PUBLIC HEARING

VOTE ONLY

**FILE #09-2004Z, 4504 ALABAMA HIGHWAY, SR #20, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO H-C (HEAVY-COMMERCIAL) TO CONSTRUCT AUTO BODY/REPAIR SHOP (ZONING SHEET NUMBER F13Y, PARCEL 06B).
(PLANNING COMMISSION RECOMMENDATION: APPROVE, CONDITIONED ON APPLICANT OBTAINING ALL APPEALS, VARIANCES AND SPECIAL EXCEPTIONS REQUIRED FROM THE ZONING BOARD OF ADJUSTMENTS)
[VOTE - UNANIMOUS])
(DEFERRED FROM FEBRUARY 24, 2004 MEETING)**

Chairman Hufstetler stated that the Public Hearing was held at the last meeting and this is a "Vote Only." Additional information had been requested on this. He noted that this is located almost adjacent to Coosa High School. Chairman Hufstetler asked if there was a Motion to be made. Commissioner Bennett made a MOTION to approve rezoning the property at 4504 Alabama Highway from Suburban-Residential to Heavy-Commercial with the understanding that the applicant will actually be able to obtain all of the appeals, variances and special conditions required from the Zoning Board of Adjustments. SECOND by Commissioner Mayes. Chairman Hufstetler asked if there was any discussion.

Commissioner Jennings asked the County Attorney to review with them the issues. As part of the review he would like some clarification, as far as, if the Zoning Board of Appeals does not grant the appeal, does this remain as a Heavy-Commercial zoned area or would it revert back to Suburban-Residential? County Attorney Tom

Manning stated that he did not hear the exact way the Motion was worded and asked it to be stated one more time. Commissioner Bennett stated that he basically said that they would rezone the property from Suburban-Residential to Heavy-Commercial with the understanding that the applicant would obtain all of the appeals, variances and special conditions required from the Zoning Board of Appeals. County Attorney Manning stated that they will get into some potentially shaky legal grounds if they approve a zoning change based on some contingency that may or may not happen in the future. The best legal basis from which to make the zoning change would be to say that you approve the change to H-C with the condition that the zoning approval be upon the use being a certain type of use, like auto body shop. Then they can say that in so making the zoning change the applicant still must go through the proper procedure, complying with all requirements of the ULDC or seek the appropriate variances before he can change the use of this property. If that happens and the variance was not successful the zoning change would be H-C. Still it would always be such that, the only H-C use would be an auto body shop and that is really the thing. He stated that he thought that was the best legal course to take. That a contingency subject to approval by the Variance Board is not advisable, because if the land owner doesn't receive the variance, you have to ask yourself the question, "What is the zoning designation?" Is it S-R or H-C? You have changed the designation, but it is contingent, so it puts you in a state of flux. The best way to handle the matter is to change the zoning with conditions. The applicant will still comply with all of the requirements of the ULDC or seek the appropriate variance. Then they have the zoning change and that is what this body does, it makes zoning changes.

Commissioner Jennings stated that his reason for seeking that clarification is precisely that, if this becomes a Heavy-Commercial zoning designation and the auto body shop doesn't go in there, there could be a myriad of other uses that would be more repugnant to that particular area. Commissioner Bennett stated that he would withdraw his Motion at this point and they will try and clarify it. Commissioner Jennings asked if they could just amend the Motion. Commissioner Bennett stated that he would just withdraw it and they will start all over. Commissioner Bennett thought that would be better than having to read through the first Motion which seems to have some problems with it and he asked the County Attorney's assistance there if he strays, but as he understands, he would like to make a MOTION that they would **rezone the 4504 Alabama Highway property from Suburban Residential to Heavy Commercial with the condition that the property be used as a body shop only and without in any way deleting any requirements of complying with the ULDC or going through the appropriate variance requirements, which are included within the ULDC action.** SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

CHAIRMAN'S REPORT.

APPOINTMENTS.

Chairman Hufstetler stated that they had one, the Recreation appointment. He stated that there are nine members on that Board and this one is to be recommended by Cave Spring. He stated the Cave Spring City Council will meet tonight and he thought they would wait to receive their formal recommendation on that.

**REQUEST FROM ACTION MINISTRIES
FOR A LETTER OF SUPPORT FOR
DCA GRANT.**

Chairman Hufstetler stated that this grant is to provide homeless funding to match the HUD Grant and he is asking for their authorization to sign a Letter of Support for them. Commissioner Jennings made a MOTION to authorize the Chairman to sign a Letter of Support for Action Ministries for a Department of Community Affairs grant. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

COMMISSIONER'S REPORT

Chairman Hufstetler mentioned that the Governor had just appointed Commissioner Mayes to the State Board of Corrections and congratulated him on the appointment.

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that the proposed contract with the City of Adairsville for the purchase of water is still under negotiation and he will be coming to the next Commission Meeting with the recommendation from the Water Committee.

SPECIAL COMMITTEE REPORTS

NEW HEALTH DEPARTMENT FACILITY.

**APPROVE CONTRACT WITH CARTER &
ASSOCIATES SERVICES, LLC FOR
PROGRAM MANAGEMENT SERVICES.**

**(DEFERRED FROM JANUARY 27, FEBRUARY 10
AND FEBRUARY 24, 2004 MEETINGS)**

No action taken.

CONSOLIDATION TASK FORCE.

**DISCUSS SUPPORT FOR COMPREHENSIVE
STUDY FOR EDUCATION CONSOLIDATION.**

Chairman Hufstetler stated that the only one that had action was the Consolidation Task Force. He explained to the students that they are working on the potential of putting this up for a vote in the future for the consolidations of government for Rome and Floyd County, possibly Cave Spring. And also look at the two school systems merging as well though they are still trying to get more information on that. He stated that on the education side there really has not been a lot done. On the government side there are a lot of things that they do together already, probably about 15 different things, from Recreation, 911. The Fire Department is joint and is actually managed by the City, so the governments are probably further along on that. What the Education Task Force is looking at is studying areas that might provide more programs such as magnet schools. They would look at any duplication of service that might exist, such as administration, personnel, maintenance, nutrition, things like that. That is one of the things to be studied, but a comprehensive study needs to be done. He stated that he knows there had been some discussion from some members about the potential of, if they did this, would schools be closed? He stated that he wanted to put his personal opinion here, as far as that goes. The schools they have now, they are spending SPLOST money on them to upgrade them, and he thinks it would be foolish to close any of them. What they need to look at in that area is if there are better programs that could be offered, more opportunity that a larger system could possibly do. This still has a long way to go, but the Education Task Force is made up of about 30 members which are from school councils, 20 from County schools and 10 from City school system, and several government officials as well. They have asked us to support a Comprehensive Study to see if there are merits to doing this. Chairman Hufstetler stated that they don't have a dollar figure for them to look at at this point. He stated that he thought they were trying to gather information from different systems around the country on what they see as successes out there that they might want to look at as well. What they would like from the Commission at this time is support for doing this Comprehensive Study and he put that out for discussion or a Motion.

Commissioner Fricks made a Motion to support in principle the idea of a comprehensive study for educational consolidation without a commitment of any County funds at this time so as to say that the Commission supports such an idea. He stated that at one time he mentioned that they need to stop calling it as a only a consolidation study and refer to it as a vision for education in Floyd County. It is a very important element for them looking towards the future. They have always talked about 20/20 vision regarding the planning growth for Floyd County and he hopes this will serve the same purpose for education. Commissioner Fricks stated this was a long Motion and he would like to narrow the MOTION down to say they would like to give their support to moving forward with the Comprehensive Study. SECOND by Commissioner Jennings. Chairman Hufstetler stated that there was a Motion and Second and asked if there was any discussion.

Commissioner Jennings stated that he thought Commissioner Fricks stated it very well. It is time to get as much information as we possibly can so that the citizens of Floyd County can make an informed decision and we are very supportive of that.

VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that before they leave this item, he did want to bring up one item that was talked about during Caucus that was a discussion about Greenspace and bike trails, since there was a lot of discussion, if anybody wants to address this and talk about possibilities they are looking at.

Commissioner Jennings stated that he had been working with a Committee that is attempting to address not only the current bike trail system that primarily is within the City limits, but for them to connect into the Silver Comet Trail, from Rome, that comes up from Powder Springs and eventually it is going to go to Piedmont, Alabama. Trying to find a way for them to connect in the southern part of the County and then in the northern part of the County they already have the Pinhoti Trail that comes into Huffacre Road. Their discussion, he thought, was really valuable and shows when you get the brainpower people together, you come up with some really good ideas. Potentially, they are thinking about using Greenspace money to connect the trail system from Huffacre Road down to Technology Boulevard and eventually into the City of Rome system. He stated that Commissioner Fricks had pointed out that the old Berryhill Landfill could be a perfect site for a trailhead, potentially some camping and could be a good starting out point for this trail. He stated that what they have asked that Eric Lindberg and the Planning Commission to do is to investigate using our Greenspace money to buy either property or easements that would get them from the Huffaker Road trailhead all the way down to Technology Boulevard. It just makes good sense for them to be thinking long-term about bike trails here in northwest Georgia. We are already on the map with the Silver Comet Trail, with people coming from all over the country and he thinks this would just be great addition to our community.

Chairman Hufstetler mentioned that they had given Assistant Manager Sammy Rich some responsibility at the Forum to try to improve the lighting there. He stated that he had attended some of the functions there and the lighting is greatly improved. He stated that he understands that the lighting meets or exceeds the Georgia High School Standards now for basketball, that every square foot of the court is lighted. They had the State 4A Wrestling Tournament there the week before and exceeded last year's attendance. On Saturday night of the AA Basketball Tournament, they actually had people that couldn't get into the building because it was so well attended. He stated that he knows that on Monday when Coosa played, he and County Manager Poe were there and they had almost a complete full house for that as well. Attendance is good and he thinks the improvements made to the facility were good and he thanked Assistant Manager Rich for his work in that area. Commissioner Fricks noted that the budget had been \$22,000 and the revisions were done for \$3,500. Commissioner Jennings mentioned that the Armuchee High School Basketball Coach Scott Pierce alleges that Berry lost a major basketball game in the Forum because the lighting in the corner where he was shooting from was so pitiful that he couldn't see the basket. He stated that he did not know how true that was.

CLERK'S REPORT

CONSENT AGENDA.

Deputy Clerk Monnie Toole stated that there were three items on the Consent Agenda which were submitted for approval. Commissioner Bennett made a MOTION for approval of the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

1. Tax Refunds:

- a. Zartic, Inc./West & East Rome, 438 Lavender Drive, \$2,159.15
- b. Tonya Y. Jones, 116 Jim Lee Drive, \$27.44
- c. David L. Dowdy, 77 Rutledge Road, SW, \$43.84
- d. Gregory R. & Dorothy P. Beck, 1117 West Union Road, \$109.83
- e. Rick & Jan Williams, 1763 Wilkerson Road, \$48.24
- f. Thomas J. Smith, 101 Rolling Pines Road, NW, \$26.44

2. License Application:

- a. Nizarali Bhamani/BP Food Mart, 4428 Martha Berry, Malt Beverage License, Convenience Store.

3. Enter into Agreement with Williams, Sweitzer & Barnum, Inc. to perform Water Department Survey.

MANAGER'S REPORT

AMEND BUDGET TO ALLOCATE \$10,000 OF DRUG ABUSE TREATMENT AND EDUCATION FUNDS TO THE ROME ADULT PROBATION OFFICE FOR ALCOHOL AND DRUG ABUSE TREATMENT SERVICES.

County Manager Kevin Poe stated that this is a Court Order where a Superior Court Judge had allocated \$10,000 of the Drug Abuse Treatment and Education Funds to the Rome Adult Probation Office for Alcohol and Drug Abuse Treatment Services. He stated that basically all they need to do is amend the Budget to take care of this Court Order to make the payment to Rome Probation. Commissioner Mayes made a MOTION to amend the Budget for \$10,000 per the County Manager's suggestion to allocate

\$10,000 of the Drug Abuse Treatment and Education Funds to the Rome Adult Probation Office for Alcohol and Drug Abuse Treatment Services. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**DISCUSS INCREASING THE HOURLY
RATE FOR PAY FOR POLL WORKERS.**

County Manager Kevin Poe stated that this item is proposing to increase the hourly rate for Poll Workers who work at the Polls this year. For Assistant Managers and Clerks they are proposing that this year they increase their pay by 15% and next year, they increase it by an additional 15%. That means that the Assistant Manager's pay would go from \$4.14 to \$4.76 per hour this year and next year would go to \$5.15 per hour. The Clerk's pay would go from \$3.85 to \$4.43 per hour this year and next year would go to \$5.09 per hour. He stated that this comes as a recommendation after meeting with the Chairman of the Board of Elections and the Chief Elections Superintendent and they agree with this recommendation. Commissioner Jennings made a MOTION that they increase the hourly rate for pay for Poll Workers for 15% in 2004 and 15% in 2005. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**REQUEST FROM TAX COMMISSIONER
TO PURCHASE A RECONDITIONED
CANNON DIGITAL DOCUMENT RECORDER
FOR HIS OFFICE AT A COST OF \$3,000.**

County Manager Kevin Poe stated that this is a request from the Tax Commissioner to purchase a reconditioned Cannon Digital Document Recorder for his office at a cost of \$3,000. He stated that Chairman Hufstetler had some conversation with

the Tax Commissioner and he stated that he was hoping that by having this equipment it will actually save us in some personnel cost, specifically from reduction in overtime costs. He stated that request is before them from the Tax Commissioner. Chairman Hufstetler stated that he did think this was a good piece of equipment. It is a used piece, but right now they sometimes have two or three people typing these deposits and these people could be waiting on customers, and processing mail. He feels that he could cut overtime in the office and that they could get these funds in the bank quicker and earn more interest as well. Chairman Hufstetler stated that it sounded reasonable to him. Commissioner Bennett made a MOTION to purchase a reconditioned Cannon Digital Document Recorder for the Tax Commissioner's Office at the cost of \$3,000. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

**CONTRACT WITH DEPARTMENT OF
TRANSPORTATION FOR INTERSECTION
IMPROVEMENT SR 53/CALHOUN HIGHWAY
AT CR 159/BURLINGTON.
PROJECT #STP-0003-00(786)
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe stated that this item was not originally on the Agenda so he asked for a 4/5 vote to get it put on the Agenda. This will be a contract with the DOT related to intersection improvement at Highway 53 and Burlington Drive. Commissioner Mayes made a MOTION to place this item on the Agenda. SECOND by Commissioner Bennett.

Chairman Hufstetler stated just one point of discussion for the students present: If an item has not been placed on the Agenda by the previous Thursday when they set the Agenda, this is sort of to keep from a fast one being pulled, it can't be put on there unless four of the five Commissioners agree to put it on there. This is a fairly routine thing that needs to be done so we need to go ahead and take care of it at this meeting, but it will require at least four votes to pass.

VOTING:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

Chairman Hufstetler stated that the item is now on the Agenda. County Manager Poe referred the Commissioners to the Agenda Packet. He stated that on the Local Government Project Agreement that the DOT has submitted to us, they are looking at making some safety improvements at this very dangerous intersection that has had some fatalities there in the past year. They are asking the County to agree to move all utilities from out of the right of way so they can make the property improvements to the intersection, which would include some construction. Typically what they want the County to do is agree to move all publicly owned utilities. He recommended that they agree to our waterline. That is the only utility the County has in that area. There are some other privately owned utilities and there might be, but he is not aware, of any publicly owned. To help them proceed with this project, the County should just agree to relocate the Floyd County waterlines that are in conflict with this construction. Commissioner Fricks asked if there was sufficient right of way or would it require additional right of way purchase. County Manager Poe stated that he is not sure, but sometimes they want us to acquire the right of way also. He stated that this is a State route and they should be responsible for improvements to State highways. He noted that in the wording it also gets into being responsible for any damages paid due to delay of contractors doing work on these utilities and that could open up a Pandora's Box because they might not always have control of who is doing the utility relocations in there. County Manager Poe stated that his recommendation is that they cooperate with them and help expedite this project, but that our agreement be modified to just say that we would agree to relocate the portion of the Floyd County waterline that is in conflict with the proposed work. Commissioner Bennett made a MOTION to enter into a contract with the DOT pursuant to the County Manager's recommendation in relocating the County waterline for the improvements to the intersection at Highway 53 and Burlington Drive. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

County Manager Kevin Poe reminded the Commissioners that they are invited to attend the Leadership Rome Program on Thursday. It will start at noon at the Forum in the Berry/Shorter Room. He stated that this is a local government portion of their program. As in the past, they will eat lunch with the participants and kind of mingle with them. After lunch there will be an opportunity for them to introduce themselves and

answer any questions that they might have. Later that afternoon they will take the participants on field trips to the Landfill and Wastewater Treatment Plant.

OTHER BUSINESS

Chairman Hufstetler recognized two people attending from Leadership Rome. He stated they are required to sit through one of the Commission meetings. He asked that they stand up and introduce themselves. Attending were Bruce Rood from United Community Bank and Allison Smith from the Chamber of Commerce.

Chairman Hufstetler thanked the school for having them there and stated if there were any questions that the students or teachers had on any issues or procedures, they would welcome them. Commissioner Jennings asked how much they enjoyed the meeting and asked if it was the most exciting thing they had encountered today.

ADJOURNMENT:

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

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

COMMISSIONERS

**FLOYD COUNTY BOARD OF
CHUCK HUFSTETLER, CHAIRMAN**