



investigation based on the suspicions which had been raised by the arrogance of Bob Saylor and the Parks Authority. She requested certain financial data, which citizens are allowed to do in regards to public entities under the Georgia Open Records Act. In addition to requesting that the Parks Authority provide ticket sales, gross profits, and net profit and loss for Ridge Ferry Park concerts, she also asked to review contracts between the Parks Authority and performers, sponsors, and promoters. She stated they were told that much of this information was unavailable because the Parks Authority kept records differently than most businesses. According to Ms. Watson, Bob Saylor and Tom Watson actually refused to produce specific contractual information in regards to concerts at Ridge Ferry Park, explaining they had engaged in confidentiality agreements with bands, promoters, and sponsors, and therefore did not have to provide such information.

Ms. Watson stated that two months ago, during the Caucus as the Floyd County Commission received the very first set of financial data in regards to the Parks Authority, in the more than two years in which you men had been demanding such figures, Commissioner Hufstetler found a glaring \$10,000 discrepancy in the first few minutes he held the figures in his hand. She spoke of the \$10,000 transfer of funds from the Parks Authority account into an outside, unregulated, private, non-profit organization called *Citizens For Better Parks, Inc.* Further discussions during that Caucus led her to withdraw her presentation for that night, opting for further investigation by the Commission into the matter. She stated the \$10,000 discrepancy was overlooked by *Read, Martin, and Slickman*, the independent auditors recommended by our County Comptroller, Al Leonard. In fact, according to Ms. Watson, this Commission had contracted with *Read, Martin, and Slickman* more than two years ago because of suspicions raised by the Park Authority's refusal to be forthcoming with financials to the Floyd County Commission. Yet, according to Ms. Watson, in several audits over the last couple of years, *Read, Martin, and Slickman* have found nothing suspicious, not even in the transfer of funds of such a significant amount to an outside, unregulated entity as *Citizens for Better Parks, Inc.* She stated upon further investigation there were a number of facts revealed which raised more questions. According to City Commissioner Wright Bagby and Assistant City Manager Jim Dixon, the \$10,000 had been transferred to *Citizens for Better Parks, Inc.* and were monies raised at an Aaron Tippen concert sponsored by *Citizens for Better Parks, Inc.* ultimately to be donated to the Parks Authority. Specifically, according to Ms. Watson, these funds were earmarked for improvements to the Lock and Dam Nature Center. Ms. Watson stated that supposedly, the monies were transferred from the Parks Authority to the *Citizens for Better Parks, Inc* in order to earn interest; however, Secretary of State Archive as well as Rome News Tribune research clouds this a little. Ms. Watson stated that in a Rome News article dated March 18, 2002, the monies raised at the Aaron Tippen concert are identified as having been raised and donated by an entity called the *Festivals Committee*, not by *Citizens for Better Parks, Inc.* According to Ms. Watson the monies are identified as being \$15,000, not \$10,000 and were raised through sponsorship of the Aaron Tippen concert by the *Festivals Committee* in order to match funds awarded to the Parks Authority by a State of Georgia Grant in the amount of \$10,000.

Ms. Watson stated that when she discovered this in her research, she contacted David Nix, Financial Director of the Parks Authority as well as *Citizens for Better Parks, Inc.* She stated that on Tuesday, September 28<sup>th</sup>, they met to review the transfer of funds, but when she quizzed Mr. Nix regarding the State of Georgia Grant monies of \$10,000 and provided him with proof that the monies actually had belonged to the *Festivals Committee* not the *Citizens for Better Parks, Inc.*, and that the original donation totaled \$15,000 not \$10,000, Mr. Nix, according to Ms. Watson, was visibly shaken. She stated that Mr. Nix was unaware of discrepancies in the amount of monies raised, and wholly unaware of the State of Georgia Grant money. Ms. Watson stated that she was contacted two days later by several sources, one of which is a member of the

Commission, and told that Mr. Nix was tendering his resignation. She stated that although the Rome News Tribune attributed Mr. Nix' resignation to his having inherited family monies, she cannot help but note the curious timing of his decision, less than 48 hours after their meeting. She stated that Mr. Nix was very upset about the State of Georgia Grant monies, and why he, as Financial Director of the Parks Authority, had not been made aware of such a large amount of money supposedly awarded to the Parks Authority.

Ms. Watson stated that another question regarding these monies was raised when she was running Corporate Archive searches with the Secretary of State. In addition to discovering that Commissioner Tom Bennett is the current Chief Financial Officer, and that Bob Saylor has been the Chief Executive Officer since its inception, she discovered that the previously presiding Chief Financial Officer, Timothy Banks, had been an employee of the Parks Authority. Ms. Watson stated what disturbs her is the possibility that our tax dollars, in the form of monies from the Parks Authority, may have been flowing into this private corporation for years, with no system of accountability, all under the financial control of Bob Saylor and his hand picked employees. Ms. Watson stated that during the time in which the \$10,000 was transferred from the Parks Authority to *Citizens for Better Parks, Inc.*, presumably to make improvements at the Lock and Dam, Timothy Banks, the Chief Financial Officer at that time, was also the caretaker at the Floyd County Lock and Dam, and was living on the premises. She stated combining this with the fact that just a month prior to the time in which Mr. Bank's position was eliminated, resulting in his termination from the Parks Authority, a Floyd County Corrections Officer was indicted for arranging for State prison inmates to work on prison details at Ridge Ferry Park in order to facilitate the acquisition of illegal drugs. She also stated this could all be coincidence, but given the nature of further findings, she is of the opinion it warrants further investigation, and at this time, by a truly independent audit firm.

Ms. Watson stated that while Bob Saylor had refused to provide her with the specific information she requested, he did provide her with some paperwork that ultimately proved useful. In reviewing the two years worth of information from events at the Rome Forum, at the City Auditorium, and minor events at Ridge Ferry Park, according to Ms. Watson, she kept coming across significant payments made for services by an entity called *TMG Enterprises, Inc.* Ms. Watson stated that a search of Corporate records revealed that the Chief Executive Officer of this organization is Britt Madden Sr. Ms. Watson stated that later on in her research, because of suspicions raised regarding the independent audits of the Parks Authority by *Read, Martin, and Slickman*, she decided to check into this local firm. According to Ms. Watson, to her surprise, she discovered that one of the CPA's listed on their website is Britt Madden. Ms. Watson stated that Britt Madden is a CPA in the firm, which audits, supposedly independently, the Parks Authority looking for irregularities, and yet Britt Madden's own private firm is receiving thousands of dollars in compensation.

Ms. Watson stated that according to several on the Commission, our County Comptroller, Al Leonard, had been adamant about choosing *Read, Martin, and Slickman* over other accounting firms who also contended for this audit contract. She stated she did not find anything questionable regarding Al Leonard and the Parks Authority

specifically, but she did discover that Al Leonard is the Chief Financial Officer of *Norcon International, Inc.*, the local firm from which Floyd County purchased about \$200,000 worth of recycling equipment. According to Ms. Watson, "it's an illegal activity". Ms. Watson stated that in reviewing the financial data turned over to the Commission two months ago, they have found an apparent hidden expenditure for a quad-cab truck that is used for the personal use by Tom Watson who oversees Ridge Ferry Park for the Parks Authority.

Ms. Watson stated that several mobile home dealers in the area had complained to several of the Commissioners, because after tendering bids to provide a new mobile home for the Parks Authority, a used mobile home, almost ten years old, was purchased instead for almost the same amount of money as the new one. According to Ms. Watson, the used Palm Harbor was purchased from Bryan Castleberry, the son-in-law of Parks Authority employee Tom Watson. Ms. Watson stated that in the last couple of years, bids were accepted from various contractors to develop the Nature Trail at the Floyd County Lock and Dam. Ms. Watson stated that while approximately \$53,000 was set aside in the budget, almost all the bids came in at \$90,000 - \$110,000 range, all except for one bid, which came in only a few hundred dollars more than the actual budget, and so this contract was awarded to that contractor. However, Ms. Watson stated that she understood from Commissioner Hufstetler that the cost overruns have run the project up over \$100,000, which is in line with all of the other original bids, and is approximately the whole amount of the Park Authority's budgetary shortfall. She stated that by the way, the low bid contractor was a relative of Tom Watson.

Ms. Watson asked the Commission to take unusual steps in asking for an outside investigation of these events, stating she understood that since making some of these revelations to the Commission and in light of their own findings with the Parks Authority financials, they have already taken some bold steps. According to Ms. Watson, not only have they notified *Read, Martin, and Slickman* that Floyd County will not be using them in future audits, but the Commission has required that the financial department of the Parks Authority be housed in the County complex, so that a watchful eye can be trained on the monies coming and going. Ms. Watson stated her concern that corruption in Floyd County, if judged only by the Parks Authority activity, may be rampant. Ms. Watson stated that her father, who made his military career as a member of the Fighting Red Devils, taught her a valuable quote during her teenage years. Edmund Burke, the 18<sup>th</sup> century British philosopher wrote, "All that is necessary for evil to persist, is for enough good men to do nothing". She stated that she leaves the Floyd County Commission with this challenge: while Edmund Burke was correct, Thomas Jefferson also said, "one man of courage is a majority" .... She sees men of courage before her.

Chairman Hufstetler thanked Ms. Watson for her presentation and stated that the Commission is trying to work through the problems at the Parks and Recreation Authority. Chairman Hufstetler stated that the initial step is to have the finances brought over and try to get control of the situation and that the books would be kept in the County office starting in January. Commissioner Bennett stated a resolution had been passed that the Parks Authority books would be kept by the County under the direction of the Floyd County Finance Department. Commissioner Fricks stated that even though the transition is taking place now, we have gone on record, almost two years ago, that the transition could not be forced on the Board because it falls under the authority of the Recreation Authority, fortunately we now have the participation of the Recreation Authority and are able to do that. In the past, it came down to a vote and it was a 5-4 vote in support. Commissioner Fricks stated that this is something we have looked at for a long time, but have limited authority to be able to change these procedures.

## **ADOPTION OF**

**MINUTES:**

Chairman Hufstetler asked County Attorney Tommy Manning if the minutes from October 12th were in order. Attorney Manning stated the minutes had been reviewed and were in order. Commissioner Jennings made a MOTION to approve the minutes as presented. SECOND by Commissioner Fricks. VOTING:

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

Motion Carried

**PROCLAMATIONS:**

Chairman Hufstetler stated there were Proclamations to present recognizing **October as Alpha Delta Kappa Month.** Commissioner Jennings read the Proclamation to Ms. Wally Barnard and Ms. Susan Cochran who accepted the proclamation on behalf of the Alpha Nu, Alpha Xi, and Fidelis Chapters.

(Proclamation/Resolution Book Page 27)

**RESOLUTIONS AND PLAQUES  
FOR RETIREES:**

Commissioners presented Proclamations & Plaques expressing appreciation to the following retirees recognizing them for their years of service:

Martha Amos, Clerk of Superior Court, 34 years of service (1967–2003)  
Richard Sparks, Floyd County Police Department, 33 years of service (1970–2003)  
M. J. Bishop, Public Works, 32 years of service (1969–2004)  
Virginia Whatley, Clerk of Superior Court, 31 years of service (1966–2004)  
Jerry Ely, Floyd County Sheriff Office, 29 years of service (1972–2004)  
Steve Little, Public Works, 29 years of service (1974–2003)  
Peggy Gwin, Clerk of Superior Court, 28 years of service (1975–2003)

The following were presented plaques expressing appreciation for their years of service.

Nancy Farmer, Senior Nutrition Center, 23 years of service (1979-2003)  
William R. (Robert) Copeland, Public Works, 18 years of service (1985-2003)  
J. R. Sharp, Public Works, 18 years of service (1986-2004)  
Dr. Marc Wall, County Physician, 13 years of service (1990-2003)  
Robert L. (Bob) Orr, Office of Receiver & Jury Management, 11 years of service (1992-2003)

Chairman Hufstetler thanked all these employees, on behalf of the Board, for their years of dedicated service to Floyd County.

**PUBLIC HEARINGS:**

Chairman Hufstetler stated there are four Public Hearings and there would be an opportunity for those opposed and those in support to speak. Those in support would speak first, those in opposition would speak second, and those in support have a right of rebuttal only of those items specifically brought up by those in opposition.

**FILE #53-2004Z, REQUESTS REZONING FROM  
CC (COMMUNITY COMMERCIAL) TO S-R  
(SUBURBAN RESIDENTIAL) TO ALLOW FOR  
SINGLE FAMILY RESIDENTIAL USE ON PROPERTY  
LOCATED AT BEARD LAKE ROAD. ZONING MAP  
L14X-PART OF PARCEL 080. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE [VOTE: 8-0])  
(FIRST READING OCTOBER 12, 2004)**

Commissioner Fricks made a MOTION to open the Public Hearing. SECOND by Commissioner Mayes. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing was now open and asked if there was anyone who would like to speak in support or opposition on this issue. Being none, Sue Hiller, Rome-Floyd County Planning Director, stated the applicant, Mr. Ralph Clark, owns a number of lots on Beard Lake Road, and it is not actually Beard Lake Road, but Shore Drive. Mr. Clark wishes to rezone the lower 125 feet of the larger lot for residential use and would combine that with the lot to the South. Ms. Hiller stated water services were available, although the water line is only a 2" line and no sewer is available. Shore Drive was platted prior to adoption of the ULDC and never fully developed. Ms. Hiller stated that although it was platted as a circular road all the way around the lake, it has not been fully developed all the way around. The Planning Commission recommends approval of this petition as did the Planning Staff, but she added if approval was given it should be conditioned on submittal of a recordable plat that would show the final lots and establish the zoning line. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was now closed and asked if there was a motion to approve or deny. Commissioner Mayes made a MOTION to **APPROVE** with the condition that we have a recordable plat showing the final configuration. SECOND by Commissioner Jennings. VOTE:

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

Motion Carried

**FILE #54-2004Z, REQUESTS REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO H-C (HEAVY COMMERCIAL) TO CONSTRUCT BUILDING FOR BOAT SALES AND SERVICE, AND BAIT SHOP ON PROPERTY LOCATED ON BLACKS BLUFF ROAD AT CHARLES ARTHUR AVENUE. ZONING MAP C17-107. (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION [VOTE: 4-4]) (FIRST READING OCTOBER 12,2004)**

Chairman Hufstetler called for a motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the Public Hearing. SECOND by Commissioner Jennings. VOTE:

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

Motion Carried

Chairman Hufstetler asked if there was anyone who wished to speak in support or opposition stating those wishing to speak would be divided into four minutes each.

Sue Hiller, Director Rome-Floyd Planning Department, stated the subject property is located at the intersection of Charles Arthur Avenue and Blacks Bluff Road. Surrounding development includes undeveloped land, recreational land, and rural single-family residences. Signage on the land to the North indicates it may have been a bait shop at one time; however at this time it is not, and is occupied by some manufactured homes, some of which are occupied and some of which are not. Services are available to this site, but neither Floyd County nor the City of Rome provide water, apparently Cave Spring provides water to this location. Ms. Hiller stated there was also no sewer line, they rely on septic tanks, and according to the Floyd County Health Department, if this land is not suitable for a conventional septic tank, there may some issues with its size in terms of using some kind of alternative septic tank configuration. Ms.

Hiller presented an aerial photo showing that much of the land is undeveloped and is a very rural area. She stated most of the lots were developed residentially, some have not been developed at all, and there were people who have purchased them and are in the process of getting septic tank permits and building houses on those lots. Ms. Hiller stated granting this request would create a spot zone even though there is some commercial to the North and it may be hard to warrant that spot even though you have the recreation area and the boat ramp because the commercial property to the North is being used residentially even though it was zoned for commercial use. For that reason, Staff recommendation would have been to deny this. The Planning Commission discussed with the applicant whether he would be willing to fence, and what kind of operation would it actually be and their recommendation was undecided.

**Support:**

**Robert Trapp, 6 Althea Drive**, stated he wanted to put in a small boat shop just to pass the time and have something to do. Mr. Trapp stated he would rather have the boat shop rather than a hog farm, and that it wasn't him complaining, but the people there complaining against him. Mr. Trapp stated the ones that were complaining against him were living illegally right now; one has an illegal septic tank in their back yard and the land doesn't perk, the other built two rooms on the back of their house, put on a new roof, built a porch all the way across the front of the house, and have not even had a building permit. Mr. Trapp stated that he is seventy years old and that all he wanted was to give him something to get out of the house, and maybe sell a boat once in a while. Mr. Trapp stated he was willing to do everything he needed to do in order to do it right

**Oppose:**

**Stacey Jones, 147 Charles Arthur Avenue**, stated she was upset at the zoning request, not personally at Mr. Trapp, but when you rezone something it is permanent and is rezoned forever and there is a lot of possibilities that can go on with heavy commercial. She stated the road was not up to par for any kind of commercial or heavy traffic; it's a dead-end road, a tar and gravel road, it is ten feet wide and is just not ready for heavy traffic. Ms. Jones stated she was opposed to the zoning because she doesn't want a business at the front of the road. She stated it was not personal, but it was zoned as a subdivision and as such, she would personally like to keep it that way without all the traffic and noise. Ms. Jones stated they had to pay a lot and go through a lot of trouble and was about 400 feet back from the road, and had to do an infiltrator system that took all her property to the road. She stated she knew it was not going to perk, none of them have. Ms. Jones also stated that when you are working on boats and you have oil and gas, there are a lot of contamination issues that close to the water which, in her opinion, are not acceptable and that is why she is against it.

Chairman Hufstetler asked Ms. Jones that since she brought up heavy commercial, was she against any business there or the potential of what could be there. Ms. Jones stated this was a quiet area and residential and there was not a lot of noise and people hanging out.

**Mr. Jessie Jones**, same address and husband of Stacey Jones, reiterated what his wife had stated and added that they had done everything within the guidelines of Floyd County to put their house there, his house is zoned, the septic tank was set in for a four bedroom, two bath house, and he was in compliance. Mr. Jones stated that Mr. Trapp had an acre of property and if he wanted to run hogs on it, that was perfectly fine, they were just opposed to the business. He stated that what Mr. Trapp was saying might be legitimate in his mind, but five years down the road or ten, will he still be having to fight to keep alcohol sales and different things from coming into his neighborhood where he is trying to raise his grandchildren and develop the community.

**Karen Gunby , Lot 4, Charles Arthur Avenue** stated that her main interest is that she lives across the road from Mr. Trapp and that she would be very close to what he is wanting to do. She stated that she and a friend had purchased the property as a residential area, and when Mr. Trapp purchased his property, he was well aware that he was buying in a residential area. She also stated that if anyone wanted a business, she thought they would buy the appropriate property. Ms. Gunby stated that she was concerned about whether Mr. Trapp proposed to put an awning up, not a building. Ms. Gunby stated that Mr. Trapp does not have a lot of land, and she had put the skids on her dreams of moving out there, and she does not want to build a permanent structure and be right on top of noisy boats, people in and out, and does not want to build in a residential area with a business across the street. She stated it would be appreciated if the Board took all these issues into consideration.

**Rebuttal:**

Mr. Trapp stated that his niece and nephew were the first family to move there a little over twelve years ago. He said the lady stated she had trouble passing cars on that road and that he had talked to his niece and nephew a few days ago and they said they had never had any trouble passing cars. He doesn't know what they have against him. Mr. Trapp also stated that as far as pollution, you don't change oil in a boat motor, you mix the oil and gas together and it burns out. He stated the neighbors own two vehicles, a three-wheeler, they own a boat that his brother sold them and if they change the oil, they could pollute the ground. Mr. Trapp stated he would not do anything to pollute the area, nor do anything illegal, that if he was going to do anything like that he would put a trailer on the property and start sticking boats out there like other people do all over Floyd County. He stated people put boats and cars in their yard with for sale signs on them and he was trying to do what was right. Mr. Trapp stated there were only six people living on that road and that's what they are calling heavy traffic.

Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Fricks made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTE:

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

Motion Carried

**Discussion:** Commissioner Bennett stated that this was a platted subdivision and was anticipated to be residential and that everything around it seems to be residential. Commissioner Bennett stated that we have that problem in some other places in the community and the zoning doesn't make a lot of sense and in retrospect it would be a spot zone. He stated that in looking at the surrounding area, he was leaning towards denying the request to rezone because it is a spot zone and is surrounded by residential. Commissioner Bennett made a MOTION that the Board **DENY** the request for rezoning. SECOND by Commissioner Mayes. VOTE:

	YES	NO
Commissioner Fricks		
" Mayes		
" Jennings		

" Bennett  
Chairman Hufstetler

Motion Carried

**FILE #55-2004Z, REQUESTS REZONING FROM L-I (LIGHT INDUSTRIAL) TO A-R (AGRICULTURE RESIDENTIAL) FOR SINGLE FAMILY RESIDENTIAL USE ON PROPERTY LOCATED ON BOWMAN ROAD, LINDALE. ZONING MAP I18-204. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE 7-0]) (FIRST READING OCTOBER 12, 2004)**

Chairman Hufstetler called for a motion to open the Public Hearing. Commissioner Jennings made a MOTION to open the Public Hearing. SECOND by Commissioner Bennett.

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked if there was anyone who wished to speak in support or opposition. Being none, Sue Hiller, Director Rome-Floyd Planning Department, stated the subject property is zoned Light Industrial and she was not sure why it was zoned L-I because it appeared to be largely undeveloped. The surrounding properties are zoned A-R (Agriculture Residential), and that most of the other properties in this area are either undeveloped, wooded, used agriculturally, or are developed for single-family residences. Ms. Hiller stated that with exception of sewer, all other services and utilities are available, although the 2" water line that serves this area may not be adequate for development of any kind in this area; it may require a larger water line.

In addition, Bowman Road is a narrow winding local road that may not be adequate for industrial type traffic. Ms. Hiller stated the recommendation of the Planning Commission is to approve this rezoning because of the other uses in this area; residential uses would certainly be more compatible and less likely to cause any adverse impact. Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing was closed and called for a motion to approve or deny. Commissioner Jennings made a MOTION to **APPROVE** rezoning from L-I (Light Industrial) to A-R (Agriculture Residential). SECOND by Commissioner Bennett. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**MALT BEVERAGE APPLICATION  
ZION FARMS (DEFERRED FROM  
OCTOBER 12, 2004)**

Chairman Hufstetler called for a motion to open the Public Hearing. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Jennings. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

County Attorney Tommy Manning stated the Commission had before it an application for an alcoholic beverage license for Zion Farms. Attorney Manning also stated they had the various governmental officials; the Health Department, Police Chief, Tax Commissioner, Fire Marshal, and Building Inspector who, as a part of the application process, have to review and make their comments as shown on the application. Attorney Manning stated the applicant should be allowed to speak if they so choose and that the Board would want to hear from anyone in the community that might be opposed to this application. Chairman Hufstetler asked if there was anyone who wished to speak in support of this application. Being none, he asked if there was anyone who wished to speak in opposition.

**Oppose:**

**Billy Fricks, 5142 Big Texas Valley Road**, Pastor of Antioch Baptist Church. Pastor Fricks stated that he represented the residents of Texas Valley and they had a petition with forty-nine signatures of people who were in opposition to this request. Pastor Fricks stated that Big Texas Valley is a unique community and that one of the major factors in this uniqueness is that at present there are no sales of alcoholic beverages, making it one of the last havens for an alcohol-free environment in Floyd County. Pastor Fricks stated the argument presented by the proponents of Sunday alcohol sales in Rome City is that it is necessary for us to remain a progressive City. He stated they were under the conviction that a progressive community can be an innovative community as well. By keeping alcoholic

beverage sales out of Texas Valley, the Rome Floyd County Conventions Bureau could promote Texas Valley as a beautiful community and a rare refuge from alcoholic beverage sales. Pastor Fricks stated that even Zion Farms could benefit financially from this claim, as parents would be less reluctant to send their children to summer camps that are located in an alcohol-free community. He stated that besides this fact, there are some inconsistencies with Zion Farms that he feels warrant the Board's consideration before they decide to grant them a license to sell alcohol. On the Zion Farms website, it is promoted as a place where the mission and focus has been, and will continue to be, young people. He stated their question was should a place that focuses so much on young people be licensed to sell alcoholic beverages. He said the website went on to say that Zion would continue to promote a positive and productive working environment for working teens and part-time teen employees. The obvious question here is should alcoholic beverages be legally sold where teenagers are intentionally employed. Pastor Fricks stated that as a minister of the gospel, he found it quite troubling and ironic that a place called Zion Farms, with Zion meaning a place where God dwells, and where up to a couple of years ago, had a church on the property and held services, wants to be the seller of alcoholic beverages. As further justification for their concerns, Zion Farms is already advertising wine sales as if granting of their license is a done deal. Pastor Fricks stated that the information from the Zion Farms website begs to question should a license to sell alcoholic beverages be granted to a business that advertises wine sales even before they are licensed to legally do so.

Pastor Fricks stated that if the Board chose to ignore these troubling revelations and issue a license to Zion Farms to sell alcoholic beverages, they needed to know these facts also. Big Texas Valley is an isolated community. From the mid point of Big Texas Valley Road, it is 12 ½ miles to the nearest fire station and 14 miles to the nearest EMT station located on Highway 27. It will only be a matter of time before an intoxicated driver leaving Zion Farms will collide with another vehicle, quite possibly driven by one of us or our children, and cause serious injury or even death. He stated that Big Texas Valley was already plagued by speeding vehicles, drag racing, and vandalism, and that adding alcohol consumption to that mix would rob them of the little remaining peace they now enjoy. In light of these truths, Pastor Fricks asked that the Floyd County Board of Commissioners deny Zion Farms' application for an alcoholic beverage license.

There being no one else to speak in support or opposition of the application, Chairman Hufstetler called for a Motion to close the Public Hearing. Commissioner Fricks made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTE:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**Discussion:** Commissioner Fricks stated that he had passed around for review, the criteria that the Commission is to consider according to the ordinance with regard to the granting or denying of this application. He stated he agreed that we didn't need people on the road that were drinking and driving and we had laws to protect that. Commissioner Fricks stated that Zion Farms does currently have people that, like a lot of restaurants do, provide alcohol that is consumed there but not being sold. He stated the only benefit to alcohol being sold is that it does put a controlling factor on it.

Commissioner Mayes stated he was in agreement with what Pastor Fricks had said. He stated he liked Zion Farms and what they do, but he is against the sale of alcohol out there and made a MOTION to deny. SECOND by Commissioner Bennett for the purpose of discussion.

**Discussion:** Chairman Hufstetler stated he was also troubled by not hearing from the applicant and hearing from both sides to ask the appropriate questions. He stated he knew this was a rural area and that was one thing the Commission was asked to consider and that was the nature of the neighborhood. Commissioner Bennett asked how the property was zoned now and if the restaurant was open to the public or just for conferences or meetings.

Commissioner Fricks stated currently it is used for conferences and weddings and that he had heard there was discussions about opening the restaurant up for maybe one or two evenings but he doesn't know how legitimate that possibility is. Commissioner Jennings stated that with a malt beverage license, what this allows Zion Farms to do is sell alcohol at their restaurant and for the patrons, not like a convenience store. Commissioner Fricks stated this was correct and that the application was to consume on premises. County Clerk Kathy Arp, stated that one of the things Zion Farms had told her was that they were looking at having their own vineyard on the property, not manufacturing wine, but that they were looking to grow their own grapes, have it bottled off the property and sell as a mementos. Commissioner Jennings stated he was troubled that the applicant was not present. Commissioner Fricks stated that Zion wanted to know what they needed to do and to take the right steps in terms of zoning. He stated that currently everything that Zion Farms did now is allowable under A-R (Agriculture Residential).

Assistant County Manager Sammy Rich stated this was correct and that it was his understanding that Zion Farms' application did predate the ULDC. Chairman Hufstetler stated that wasn't the question, the question was if they were a new business, would they come under A-R (Agriculture Residential). Assistant Manager Rich stated that one other thing for clarity is that there was an amendment that you can expand a non-conforming use as long as you meet other issues of safety concerns. Commissioner Bennett asked what the business was going to be; would it be fine dining with wine available, or is going to be a lounge. Commissioner Fricks stated it was still in the conceptual phase and that he did not think there was a restaurant there right now. Commissioner Bennett stated he thought Zion could grow the grapes, have it processed off the site and have it brought back under their private label, but that would not be consumption. Commissioner Bennett stated he would like to have a little more information to address the concerns of the people in the community and also get a sense of how this facility would be operated. He would hate to deny Zion the ability to operate a lawful enterprise. Commissioner Fricks stated if Commissioner Bennett's desire was not to vote on the pending motion, he would suggest the Chair take a motion to postpone indefinitely. Chairman Hufstetler asked Commissioners if they were willing to amend the motion to say without prejudice which would allow some further discussion. He stated that he was troubled that the applicant was not there, the neighborhood was there, and he was ready to vote on it. Chairman Hufstetler stated his personal opinion is to let Zion go back through the process, without prejudice, and he was willing to do that. Commissioner Bennett stated he would like to hear from the other side.

Chairman Hufstetler stated Commissioner Mayes made a MOTION to **DENY**.  
SECOND by Commissioner Bennett. VOTE:

YES

NO

Commissioner Fricks

Commissioner Mayes

" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

## CHAIRMAN'S REPORT

### 1. APPOINTMENTS.

**Animal Control & Welfare Board** - Chairman Hufstetler stated there were three appointments and the recommendations are as follows:

- a. Appoint Keith Holloway to fill unexpired term of Elizabeth Ellis, term expires September 30, 2005.
- b. Reappoint Larry Madden, 3-year term expires September 30, 2007.
- c. Reappoint Mary Gresham, 3-year term expires September 30, 2007.

Commissioner Bennett made a MOTION to appoint as recommended.  
SECOND by Commissioner Mayes. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

## COMMISSIONER'S REPORT

1. **Administrative/Finance Committee – Commissioner Fricks, Committee Chairman –** No report.
2. **Public Safety Committee –Commissioner Mayes, Committee Chairman –** No report.
3. **Public Works Committee – Commissioner Bennett, Committee Chairman-** No report.
4. **Water Committee- Commissioner Jennings, Committee Chairman-** No report.
5. **Special Committee Reports.**
  - A. New Health Department Facility (Jennings/Bennett) – No report.
  - B. Existing Prison Use (Hufstetler/Mayes) – No report.

C. Consolidation Task Force (Fricks/Hufstetler) – No report.

D. SPLOST Projects

Chairman Hufstetler stated that this was discussed in Caucus, and the list of proposed SPLOST projects would be prioritized by the Commissioners and returned to the County Manager for future discussion

E. Lock and Dam Projects – No report.

F. Parking Committee (Fricks/Bennett) – No report.

**CLERK’S REPORT.**

**CONSENT AGENDA.**

County Clerk Kathy Arp, stated there are two items on the Consent Agenda that have been reviewed and are submitted for approval. Commissioner Bennett made a MOTION to approve the Consent Agenda as submitted. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

1. Tax Refunds

- a. Nicholas Camp, 4870 Calhoun Road, \$1146.20
- b. Charles Bragg, 1261 Chulio Road, S.E., \$27.78
- c. Charles Bragg, 4 Government Plaza, \$46.34
- d. CRT Properties, Inc., 3 Central Plaza PMB 200, \$489.03
- e. Larry & Debra Cone, 29 Padlock Mountain Road, Cave Spring, \$250.85
- f. Sherman Concrete Pipe Company, \$12,572.93

Request from Tax Commissioner to remove taxes in the amount of \$532.49 for Genuity Solutions Inc. from Tax Roll.

**MANAGER’S REPORT**

**1. DISCUSS CREATING NEW POSITION OF PUBLIC INFORMATION OFFICER (DEFERRED FROM OCTOBER 12, 2004)**

No action required.

**2. AWARD BID FOR PURCHASE AND INSTALLATION OF NEW AUTOMATIC ROLL-UP DOOR AT THE LAW ENFORCEMENT CENTER PARKING DECK. (DEFERRED FROM OCTOBER 12, 2004)**

Deferred.

**3. CONSIDER REQUEST FROM TAX COMMISSIONER, JIM FORD, FOR NEW POSITION IN TAG OFFICE.**

Chairman Hufstetler asked if there were any recommendations on this and that he would like to have a little more information and suggested a temporary position. Commissioner Bennett stated he would like to have more information and stated that Mr. Ford had given him a copy of the letters sent to those whose insurance had expired. Commissioner Bennett stated he wanted to bring that up with some of the State Representatives to see if we can get relief, not only for Floyd County, but other counties which this requirement has been put on to handle. Commissioner Bennett stated that we need to get more information from our State Representatives to see if something might be done to reassign those duties or figure out another way to handle it. Chairman Hufstetler recommended that they offer a temporary position for 90 days. County Manager Poe stated that he could handle this administratively. (No action required)

**4. CONSIDER REQUEST FROM PARKS & RECREATION AUTHORITY TO TRANSFER CERTAIN EQUIPMENT FROM PUBLIC WORKS.**

Deferred.

**5. CONSIDER REQUEST FROM TAX COMMISSIONER, JIM FORD, FOR BUDGET ADJUSTMENT TO COVER SEMINAR AND CONFERENCE EXPENSES.**

County Manager Poe recommended approval of the request, which would amend Mr. Ford's Seminar and Conference line item by \$100 and that would be taken from his current budget with no net increase to the budget. Commissioner Bennett made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Mayes. VOTE:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**6. DISCUSS PROCEEDING WITH ENGINEERING SERVICES FOR ROAD IMPROVEMENTS TO**

**HUFFAKER ROAD.**

No action required at this time— Manager to get proposal from Williams, Sweitzer, and Barnum and will bring back to the Board.

**XII. ATTORNEY’S REPORT**

No report.

**XIII. OTHER BUSINESS**

Commissioner Fricks had a question about Zion Farms not coming to the meeting and wanted to know if anyone had notified them. He stated Zion had made spent some \$3,500 on revisions because of the Fire Marshal and they had been working on meeting the requirements of the application for two or three weeks. Commissioner Bennett stated he would want them to come back and was not trying to interfere into their business, but wanted to know what they had in mind for the business.

**XIV. ADJOURN**

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

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

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**CHUCK HUFSTETLER, CHAIRMAN**