

**December 14, 2004**

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
December 14, 2004                      2:00 P.M.**

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

**OTHERS  
PRESENT:** County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Sammy Rich.

**ABSENT:** Commissioner Bennett was out of town due to a death in the family.

**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 Chairman Hufstetler.

**PUBLIC PARTICIPATION:**

**ADOPTION OF  
MINUTES:**

Chairman Hufstetler asked County Attorney Tommy Manning if the minutes of the November 23, 2004 meeting and called meeting of December 3, 2004 were in order. Attorney Manning stated the minutes had been reviewed and are in order. Commissioner Mayes made a MOTION to approve the minutes as presented. SECOND by Commissioner Fricks.  
**VOTING:**

YES

NO

Commissioner Fricks  
Mayes

"  
Chairman Hufstetler

Jennings

Motion Carried

**PROCLAMATION:  
FLOYD COUNTY HEALTHY LIVING  
COALITION**

Commissioner Hufstetler stated this Proclamation recognizes the Floyd County Healthy Living Coalition, and he applauded their efforts in promoting healthy living to the citizens

of Floyd County. Commissioner Jennings read the Proclamation, which was accepted by Diane Smith and Lori Leonard.

(Proclamation/Resolution Book Page 37)

**FIRST READINGS:  
(SECOND READING/PUBLIC HEARING TO BE HELD  
DECEMBER 28, 2004 AT 6:00 P.M.)**

**FILE #70-2004Z, REQUESTS REZONING FROM  
L-I (LIGHT INDUSTRIAL TO CC (COMMUNITY COMMERCIAL)  
TO CONSTRUCT A FRED'S GENERAL MERCHANDISE  
RETAIL STORE ON PROPERTY LOCATED ON ROCKMART  
HIGHWAY, 101 SOUTH. ZONING MAP J16W-152.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 10 – 0]).**

**FILE #71-2004Z, REQUESTS REZONING FROM  
A-R (AGRICULTURAL RESIDENTIAL) TO S-R  
SUBURBAN RESIDENTIAL) TO CONSTRUCT  
SINGLE-FAMILY DWELLINGS ON PROPERTY  
LOCATED ON OLD FREEMAN FERRY ROAD.  
ZONING MAP L14W-186. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE [VOTE: 10 – 0]).**

**FILE #72-2004Z, REQUESTS REZONING FROM  
H-I (HEAVY INDUSTRIAL) TO O-I (OFFICE  
INSTITUTIONAL) TO CONSTRUCT AN ACCESSORY  
BUILDING FOR EXISTING PISGAH BAPTIST CHURCH  
ON PROPERTY LOCATED AT 5603 ALABAMA  
HIGHWAY. ZONING MAP E13Y-PART OF PARCEL 053.  
(PLANNING COMMISSION RECOMMENDATION; APPROVE  
[VOTE: 10 – 0]).**

**METHAMPHETAMINE ORDINANCE**

**ADOPT RETYPED ROME-FLOYD COUNTY UNIFIED  
LAND DEVELOPMENT CODE (ULDC)**

Chairman Hufstetler stated these items are on First Reading, with Public Hearings to be held on  
December 28, 2004 at 6:00 p.m.

**CHAIRMAN'S REPORT:**

**1. APPOINTMENTS.**

Chairman Hufstetler presented the following recommendations for appointments:

**Animal Control & Welfare Board -**

- a. Appoint Ann Turner for a 3-year term that expires September 30, 2007.

- a. Appoint Dr. Jeff Mauldin for a 3-year term that expires September 30, 2007.

**Floyd County Board of Family and Children Services –**

- a. Reappoint Jane Palmer for a 5-year term that expires June 30, 2009.

**Floyd County Board of Health –**

- a. Reappoint Jim Mehaffey for a 6-year term that expires June 30, 2010.

**Floyd County Board of Tax Assessors –**

- a. Reappoint George Peach for a 3-year term that expires December 31, 2007.

**Floyd County Library Board –**

- a. Robert Kane's appointment would be transferred from a City Appointment to a County Appointment and will fill out his remaining 3-year term which expires December 31, 2005.
- b. Appoint County Manager Kevin Poe.

**Floyd-Rome Urban Transportation Study Committee –(FRUTS)**

- a. Appoint Joshua Tullis for a 2-year term that expires December 30, 2005.
- b. Appoint Marilyn Hunt for a 2-year term that expires December 30, 2005.

**Northwest Georgia Region I Emergency Services Council –**

- a. Appoint Ed Parker for a 2-year term that expires January 15, 2006
- b. Appoint Tony Cooper for a 2-year term that expires January 15, 2007.

Chairman Hufstetler called for a motion to accept the recommendations for appointments. Commissioner Jennings made a MOTION to accept the recommendations. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
Chairman Hufstetler

Motion Carried

**COMMISSIONER'S REPORT**

1. **Administrative/Finance Committee – Commissioner Fricks, Committee Chairman –** No report.

**Public Safety Committee –Commissioner Mayes, Committee Chairman –** No report.

**3. Public Works Committee – Commissioner Bennett, Committee Chairman-**

**A. ADD OLD TERHUNE ROAD TO  
OFFICIAL RESURFACING LIST:**

Chairman Hufstetler stated that Commissioner Bennett was out of town, but there was a recommendation to add Old Terhune Road to the official resurfacing list and called for a motion to approve. Commissioner Mayes made a MOTION to approve. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
Chairman Hufstetler

Motion Carried

**Water Committee- Commissioner Jennings, Committee Chairman-** No report.

**3. Special Committee Reports.**

- A. New Health Department Facility (Jennings/Bennett) – No report.
- A. Existing Prison Use (Hufstetler/Mayes) – No report.
- A. Consolidation Task Force (Fricks/Hufstetler) – No report.
- A. SPLOST Projects- No report.
- A. Parking Committee (Fricks/Bennett) – No report.

**CLERK'S REPORT.**

**CONSENT AGENDA.**

County Clerk Kathy Arp stated there were six (6) items on the Consent Agenda that had been reviewed and are submitted for approval. Commissioner Mayes made a MOTION to approve the Consent Agenda as submitted. SECOND by Commissioner Fricks. VOTE:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
Chairman Hufstetler

Motion Carried

1. Tax Refunds

- a. Michael & Pamela Finnegan, 13 Club View Drive, \$196.44

Authorize release of uncollectable delinquent personal property bills from the Tax Commissioner's Rolls in the amount of \$51,579.13.

3. Authorize purchase of two (2) defibrillators in an amount not to exceed \$5,000.
4. Approve 2005 Malt Beverage License Renewals.
5. Approve 2005 Self-Service Fuel License Renewals.
6. Approve 2005 Precious Metal License Renewals.

#### **MANAGER'S REPORT**

- 1. CONSIDER REQUEST FROM ELECTIONS AND REGISTRATION FOR BUDGET AMENDMENT FROM LINE ITEM 100411-53507 (ELECTION COST) TO 100411-50000 (SALARIES) IN THE AMOUNT OF \$14,000, AND FROM LINE ITEM 100411-53509 (VOTER EDUCATION) TO 100411-52000 (EQUIPMENT) IN THE AMOUNT OF \$4,000.**

County Manager Poe stated the request is from Evon Billups, Elections Supervisor, to transfer funds within her department to cover extra salaries they had to pay for the additional election the County had this year, and to purchase a laptop computer. County Manager Poe stated this amount would come from funds already available in Ms. Billups department, just allocated to different line items, and recommended approval of the request. Chairman Hufstetler called for a motion to approve this transfer at no additional money. Commissioner Jennings made a MOTION to approve. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
Chairman Hufstetler

Motion Carried

- 2. CONSIDER RECOMMENDATION FROM AIRPORT COMMISSION TO NAME THE AIRPORT TERMINAL THE "ADMIRAL JOHN H. TOWERS TERMINAL":**
- 3. CONSIDER RECOMMENDATION FROM AIRPORT COMMISSION TO INCREASE AIRPORT RENTAL FEES, ACROSS THE BOARD, BY 3% FOR 2005:**
- 4. CONSIDER RECOMMENDATION FROM AIRPORT COMMISSION TO RENEW A 5-YEAR CONTRACT WITH EASTERN AVIATION (SHELL AVIATION):**

Chairman Hufstetler stated that since items 2,3, and 4 all deal with the Airport, they would be done as one motion/vote. County Manager Poe stated there was a recommendation to name the airport terminal the "Admiral John H. Towers Terminal" and also that the Airport Commission was recommending increasing Airport rental fees, across the board, by 3% beginning January 1, 2005. County Manager Poe stated the Airport Commission made a recommendation to renew a 5-year contract with Eastern Aviation for fuel supply. Assistant County Manager Rich stated that under the Shell Aviation contract, the County would get a self-service fuel farm like we have at gas stations where you pay at the pump. Mr. Rich stated the benefit is that we would have around the clock fuel sales so if someone were flying in the middle of the night, they could land, put in their credit card, and fill up their plane on their own and this would be at a cost of \$250 a month. Mr. Rich stated the County would get brand new fuel trucks and where we are currently paying \$1725 a month to lease the trucks, the new trucks would be \$1400 a month, and the savings here would offset the additional cost of the fuel farm and the County would come out \$75 a month to the good.

Chairman Hufstetler called for a motion to approve. Commissioner Mayes made a MOTION to approve County Manager Poe's recommendations on items #2, #3, and #4.

SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

#### **5. AMEND PENSION BUDGET**

County Manager Poe stated his recommendation is that the County make a payment, per the recommended contribution, in the amount of \$2,037,305. Mr. Poe stated that this will require an amendment to the current budget in the amount of \$180,000 to make this payment and that overall, from a budget standpoint, we were doing pretty good this year. County Manager Poe stated making the recommended payment this year would leave us the flexibility to make the minimum contribution over the next two years. Chairman Hufstetler called for a motion to amend the pension budget. Commissioner Fricks made a MOTION to amend the pension budget per the County Manager's recommendation.

SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

#### **6. APPROVE GRANT FOR CITIZEN'S EMERGENCY RESPONSE TEAM (CERT)**

County Manager Poe stated his recommendation is for the Board to approve a grant that

is being offered to fund equipment and supplies for the CERT team, and authorize the County Manager to be the sub-grantee authorized representative for both the Citizen's Emergency Response Team expenses and the Local Emergency Planning Commission. Commissioner Jennings made a MOTION to follow the County Manager's recommendations concerning the grant for the Citizen's Emergency Response Team.

SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

**7. AMEND SALARY LINE ITEM FOR THE  
FINANCE DEPARTMENT**

County Manager Poe stated the County is moving some of the personnel responsible for finances at the Recreation Department into the Finance Department, and an amendment to the salary line item in the Finance Department is needed. County Manager Poe recommended amending the salary line item for the Finance Department in the amount of \$3,600 to cover this expense for the remainder of the year. Commissioner Mayes made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

**8. DISCUSS PARKING POLICY FOR THE  
FORUM PARKING LOT**

County Manager Poe stated everything was about ready to be put on line in The Forum parking lot as far as the parking equipment. Mr. Poe stated the County has been working with the Downtown Development Authority and downtown businesses in the second and third block of Broad Street to discuss the potential for leased parking. Mr. Poe stated the DDA did a survey of the businesses in that area to find out what the need is, and the need far exceeds what the County can supply. Mr. Poe stated there were eighteen (18) businesses that would like to have at least one parking space, and the recommendation is to allocate eighteen (18) of our seventy-five (75) spots as leased parking, one per business, and the business would have a reserved spot at the far

end of the parking lot (towards the Battey Development) at a rate of \$23.00 per month. Mr. Poe stated that basically the business would be able to use that parking space no matter what activities are going on during the day and that we can program the access cards to limit them from 7AM – 6PM. County Manager Poe stated they are still working on programming the system for after hour use, and he feels if someone is paying a monthly fee, they should be assured a parking space during normal working hours.

allocate tokens  
we were still  
this and Mr.

Chairman Hufstetler asked if the lease was for a specific amount of time. Mr. Poe stated that everything was on a month-to-month basis. Commissioner Fricks stated that the City leases some spaces and asked what their current rates are. Mr. Poe stated the spaces the City leases are at a rate of \$20 per month. Chairman Hufstetler stated that as long as it is month-to-month it should be fine. Commissioner Jennings stated that as we are doing with all other fees, this should be evaluated on a yearly basis. Commissioner Fricks asked if we had come up with a policy on how to on the parking lot on The Forum side. County Manager Poe stated not specifically and working on this item. Commissioner Fricks asked if there was a target date to implement this and Mr. Poe stated we could start the first of the year.

County

Chairman Hufstetler called for a motion to approve the recommendations of the Manager. Commissioner Mayes made a MOTION to approve the County Manager's recommendations. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
Chairman Hufstetler

Motion Carried

## 9. AMEND PAUPER BURIAL BUDGET AND DISCUSS AMENDING GUIDELINES

on this line item

County Manager Poe stated the County had exceeded the budget for this year and requested an amendment in the amount of \$4,500 to cover the current invoices. Mr. Poe stated our current guidelines are based on gross income, and the Department of Family and Children's Service authorizes, based on what the poverty level is to declare a pauper. Mr. Poe stated his recommendation is that the County go back to the Department of Family and Children's Service and consider changing the guidelines to net income effective January 1, 2005. County Manager Poe stated that the Department of Family and Children's Service informed him that they do this in some other counties and that way they look at other types of income the family may have.

Commissioner Jennings asked if we considered in this, the amount that Social Security pays for burial. County Manager Poe stated if the family got any amount of money from Social Security, they are supposed to turn it over to the County. Mr. Poe stated the County pays the funeral home up front, up to \$750.



Chairman Hufstetler made a MOTION to amend the pauper burial budget.  
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

Commissioner Mayes

Abstained

" Jennings

Chairman Hufstetler

Motion Carried

10. **DISCUSS UPGRADING POSITION  
IN E-911**

County Manager Poe stated that E-911 is being made into a different division and that in the past it came under Emergency Management. Mr. Poe stated that from an organizational standpoint, we now have supervisors for each shift. County Manager Poe recommended that one of the supervisory positions be changed to a Lead Supervisor, with an increase in salary of 5%, and basically add the responsibility that if the director is out of the office this person would have the responsibility to fill in while the director is out. Commissioner Jennings made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

11. **CONSIDER REQUEST FROM DISTRICT  
ATTORNEY TO PURCHASE COMPUTER**

County Manager Poe stated this item had been removed from the agenda and there was no action required.

12. **WAIVE NEPOTISM POLICY FOR WATER  
DEPARTMENT EMPLOYEE (4/4 VOTE  
REQUIRED)**

County Manager Poe stated the County has purchased the Water Treatment Facility of Gale and hired the employee, Randall Moore, that was there for many years and brings a wealth of information with him. Mr. Poe stated that from a technical standpoint, Mr. Moore's brother currently works in the Water Department and although he would not be supervising, this is a violation of the County Nepotism Policy to have brothers in the same department. Mr. Poe recommended that the Board waive the Nepotism Policy for this

particular situation. Chairman Hufstetler called for a motion to place the item on the Agenda. Motion was made by Commissioner Jennings to place the item on the Agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a motion to waive the Nepotism Policy. Commissioner Jennings made a MOTION to waive the Nepotism Policy for the water department employees. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

Chairman Hufstetler

Motion Carried

14. **DISCUSS PHONE SYSTEM AT  
4<sup>TH</sup> AVENUE COURTHOUSE**

County Manager Poe stated the County Administrative Offices would be moving to the Fourth Avenue location and was looking at a new phone system for the Administration Building. Mr. Poe stated there are two companies willing to come in and put new systems in the Public Defender's Office as a trial type system. One company has offered to set up the system with no obligation, see how it works, and then take the equipment out. Another company has offered to do the same thing, but they want the County to sign an agreement, we are not spending the money, its at no cost, but they want us to enter into an agreement on a trial basis and if we do not turn the equipment in, we have to pay for it. County Manager Poe stated we fully intend to turn the equipment in even if we decide to use their system. Mr. Poe stated he would like authorization to sign the agreement with this company to give us an opportunity to look at several different phone systems. Mr. Poe stated he is looking to do this county-wide and in looking at the number of phone lines we currently have, and we could save in excess of \$100,000 a year by doing the phones differently. Mr. Poe stated that we might be looking at a \$400,000 expenditure, but we would pay it back within a four-year period of time and it would probably be cheaper to do it countywide than it would for one building. County Manager Poe said we were going through the process of gathering information to try out the phone systems and we already have fifteen (15) people in the Public Defender's office set up for the first of the year and they should be able to give us feedback on how they like the systems.

Commissioner Jennings stated he thought it made sense to sign an agreement rather than having a verbal agreement. Commissioner Fricks asked if the equipment could be purchased on a lease purchase agreement and if the savings could make our lease purchase payment. County Manager Poe stated some of the expense

could be paid for by SPLOST if we do anything related to the 4<sup>th</sup> Avenue Courthouse. (No action required).

**XII. ATTORNEY'S REPORT**

**DISCUSS ZION FARMS MALT  
BEVERAGE APPLICATION**

County Attorney Tommy Manning stated he had no report unless the Commission desired further discussion regarding the Zion Farms Malt Beverage Application. Chairman Hufstetler stated not unless Attorney Manning thought anything needed to be added. County Manager Poe asked if Zion Farms needed to take action saying they are ready to come back. Attorney Manning stated we had already done that at the last meeting and when Zion Farms was ready to move forward, they need to file a renewed application.

**XII. OTHER BUSINESS**

**XIV. ADJOURN**

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

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
Chairman Hufstetler

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

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**CHUCK HUFSTETLER, CHAIRMAN**