

December 28, 2004

REGULAR MEETING

FLOYD COUNTY BOARD OF COMMISSIONERS

December 28, 2004

6:00 P.M.

PRESENT: Chairman Chuck Hufstetler, Commissioners Tom Bennett, Garry Fricks, 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 Jennings was out of town.

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

INVOCATION: Commissioner Bennett led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Chairman Hufstetler.

ADOPTION OF

MINUTES:

Chairman Hufstetler asked County Attorney Tommy Manning if the minutes from the December 14th meeting are in order. Attorney Manning stated the minutes had been reviewed and are in order. Commissioner Fricks made a MOTION to approve the minutes as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett
Chairman Hufstetler

Motion Carried

PUBLIC HEARINGS:

METHAMPHETAMINE ORDINANCE:

Chairman Hufstetler stated there are five (5) Public Hearings and that they were going to proceed a little bit out of order and do the Methamphetamine Ordinance first. Chairman Hufstetler stated the First Reading on the Methamphetamine Ordinance was held on December

14th, 2004 and called for a motion to open the Public Hearing. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing was now open and asked if there were any individuals who wished to speak in support or opposition of this ordinance. Seeing none, Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated he wanted the County Attorney to review the Ordinance, but first he wanted Police Chief Bill Shiflett to address some of the issues of why this Ordinance is necessary. Chief Shiflett stated he appreciated the Ordinance being considered and that he felt it was a worthwhile cause. He stated that the number of methamphetamine cases made by the Drug Task Force in 1993 was two (2), and that as of November 15th, 2004, they had made (227) cases. Chief Shiflett stated that the amount of grams seized in 1993 was eighteen (18) grams, and so far this year, they have seized 10,761 grams. He stated the street value of methamphetamine seized in 1993 was \$1,800, and so far this year it was \$1, 345,000. Chief Shiflett stated there were no meth labs seized in 1993, but this year they have seized eighteen (18) homemade labs, and that the cost of the methamphetamine lab clean-up ranges anywhere from \$7,000 to \$27,000. He stated that methamphetamine is now becoming the drug of choice, where it used to be crack and crack cocaine, and to give a comparison, in 2003 they made (97) cocaine arrests and in 2004 they have made (250) methamphetamine arrests. Chief Shiflett stated the problem is growing and the statistics back it up and that any consideration to help combat the problem would be appreciated.

Commissioner Fricks asked what the effects were on any of the other counties as to if it had been a positive effect or had anyone tested it yet. Chief Shiflett stated that Gordon County and Douglas County had just passed an Ordinance and that Oklahoma passed one, with great results. He stated that in the first six months after Oklahoma passed their Ordinance, in clean-up costs alone, they saved about \$400,000 and it had been a great success. Commissioner Bennett stated that Chief Shiflett had been communicating with the merchants in town on how to do this

effectively where it does not have a negative impact on the persons who actually have a medical need. Chief Shiflett stated they had analyzed the products that would be affected by the Ordinance, and that the drugs confiscated at the labs are mainly caplets and tablets and that is what the Ordinance will be targeting. He stated that as far as elixirs and pediatrics are concerned, the public will have full access to these products, and that the Ordinance only deals with caplets and tablets that have 25 milligrams or more. Chief Shiflett stated that the Police Department plans to go through an educational process whereby in the first ninety (90) days they will make personal contact with each store, pharmacy, and grocery store to let them know what is being done and why they were doing it in order to educate the owners on the effect methamphetamine is having in the community. He stated if the stores have problems during this period, they can address the problem with the Police, and if adjustments need to be made, this would be the time to do it, but for the first ninety (90) days the Police will go out and talk with the stores, have training in the Police Department, and make personal contact. Chief Shiflett stated that he thinks this will be the biggest thing in getting the Ordinance passed and everybody on the same page, and that the Rome Police Department is going to follow suit and they would get together and have joint training. Chief Shiflett stated he had been in contact with some of the larger chains and they had made some adjustments already. He stated that one establishment he had talked to stated they had \$10,000 theft in one year on these products and they see the need for something to be done. Commissioner Fricks stated he appreciated Police Chief Shiflett bringing the issue to the Board and being on the forefront of the problem. Commissioner Fricks stated he liked the concept of Chief Shiflett's ideas on educating the public and retailers and being aggressive on doing this.

Chairman Hufstetler asked if there was anything from the County Attorney concerning this Ordinance. County Attorney Manning commented on the attachments behind the Ordinance that are referenced in the initial paragraphs, stating that they are further supporting information regarding the need for an Ordinance and the degree of the methamphetamine problem. Attorney Manning stated there were no further comments he had unless there were questions from the Commission. Chairman Hufstetler stated he wanted to reiterate these products would still be available behind the counter, but would require a signature and photo I.D., and would also be available in gel cap form, liquid form, pediatric form, and timed release form in areas of the store behind the counter since the drug manufacturers are not using these forms, so it should not prevent anyone needing access to these medications from receiving them. County Attorney Manning stated it should be mentioned to the public that there would be a 90-day period of education and everyone would be asked to be in compliance immediately, but there is also a process where there is education from the Police Department and hopefully the Police Department would not have to make any citations with regards to this Ordinance. Attorney Manning stated there is no intent to enforce the Ordinance until after a 90-day trial period. Chairman Hufstetler called for a motion to approve the Ordinance regarding the sale of products used in the manufacturing of methamphetamines. Commissioner Mayes made a MOTION to approve the Ordinance. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated he wanted to thank everyone from Law Enforcement, the County Attorney's Office, and the County Manager's Office for the time they put in drafting this Ordinance that he believes can be effective and reasonable.

FILE #70-2004Z, REQUESTS REZONING FROM L-I (LIGHT INDUSTRIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONSTRUCT A FRED'S GENERAL MERCHANDISE RETAIL STORE ON PROPERTY LOCATED AT ROCKMART HIGHWAY, 101 SOUTH. ZONING MAP J16W-152. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]). (FIRST READING HELD DECEMBER 14, 2004) (APPLICANT HAS REQUESTED TO WITHDRAW WITHOUT PREJUDICE):

Chairman Hufstetler asked County Attorney Manning if a Public Hearing should be held, or if the Board only needed to vote on the request to withdraw without prejudice. County Attorney Manning stated the Board needed to vote on the request to withdraw without prejudice. Commissioner Bennett made a MOTION to allow the applicant to **withdraw without prejudice**. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett
Chairman Hufstetler

Motion Carried

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]) (FIRST READING HELD DECEMBER 14, 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 Mayes. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing was now open and asked Sue Hiller, Rome-Floyd County Planning Director for her presentation. Ms. Hiller stated that the subject property in this case is listed as being on Freeman Ferry Road because the applicant owns the land to the South of this property, which is contiguous with Freeman Ferry Road. She stated there was residential property on both sides and it would make it compatible with the surrounding land. Ms. Hiller stated this property was in an area where there is still some agricultural use, however it is an area that is transitioning into suburban residential usage and there are more residences in undeveloped land at this point, than there are agricultural fields in the immediate vicinity. She stated there were newer subdivisions in this area and that services and utilities were available for this site with the exception of public sewer.

Ms. Hiller stated there is no frontage on a publicly maintained road and the applicant has been informed that any subdivision of this property in the future would require that every lot have frontage on a publicly maintained road. Ms. Hiller stated that the way the land stands, it could be subdivided for residential use and does not require rezoning to S-R for that use, and that the advantage is that any land that is not immediately used for residential uses could not be used for the types of agricultural uses that tend to be incompatible with adjacent residential properties. Ms. Hiller stated the other advantage to the applicant is that the building setbacks are more favorable to residential development in the S-R zoning district. She stated this comes with a unanimous recommendation from the Planning Commission and Staff that the Board approve.

Chairman Hufstetler asked if there was anyone that wished to speak in support of this issue.

Support:

Tom Hacket, 100 Mimosa Drive stated that back when they bought Ferry Crossing and started the development the acreage was zoned S-R as well as the tract to the right of them. Mr. Hacket stated that it was after he had started the subdivision that they went back and rezoned the property to A-R from S-R. and that basically he is asking to bring it back into S-R for the reasons Ms. Hiller had talked about. He stated it could be developed the way it is now, but lot sizes, and setbacks are why he wants it to come back to S-R. Mr. Hacket stated they had talked in the Planning Commission Meeting about accessing the property and that he had hired a planning company out of Atlanta to try to do something different than what has been done around Rome. He stated that when he started, they were looking at accessing the property from Ferry Crossing, and since that time they have ruled that out. Mr. Hacket stated they had acquired three other tracts of land to the right of that property which has 100-foot easement coming off Canard Road and a 50-foot easement coming off Garrard. He stated they had originally thought to bring in an entrance from Canard, one from Ferry Crossing, and had been talking with another landowner about acquiring additional property and coming in off Garrard Road. Mr. Hacket stated they would be bringing the entrance in off Canard Road where the 100-foot easement is located and the plan he has doesn't show the ten acres or the entrance coming in off Garrard Road. He stated they had acquired that property since they had started the work and that it was not reflected on the plan at this time.

Oppose:

Quincy Ingram, 1289 New Freeman Ferry Road stated she was not actually in opposition of this rezoning but they just wanted a few restrictions placed on it that would better protect the interests of the people that live near this property. Ms. Ingram stated this property was rezoned approximately two years

ago because it was incorrectly rezoned Suburban Residential. She stated this land had previously belonged to her family and the reason for that rezoning two years ago was because they felt, and obviously proved, that it was incorrectly rezoned in the first place and that was why it was Agricultural Residential. Ms. Ingram stated that Mr. Hacket had clarified some things she did not know, in that they did not know where the entrances would be. She stated one of her major concerns is New Freeman Ferry Road and Canard Road and showed the Board a map of the two roads which she had highlighted. Ms. Ingram stated these were sub-standard county roads that are very small and in a lot of ways, very dangerous for traffic. She stated that one of the major problems with their road is that Turner Chapel Road connects with the by-pass and therefore they already have an increase in traffic. Ms. Ingram stated they have had an increase in traffic, a new subdivision going in, which is Ferry Crossing, which has approximately (32) houses, and have another subdivision going in on Canard Road. She stated that right now on New Freeman Ferry Road and Canard Road there are approximately 100 houses and that the average width of New Freeman Ferry Road is 19 feet and Canard Road is about 20 feet. Ms. Ingram stated that at the entrances of the subdivisions, the width is about 18 feet 8 inches wide. She stated that at the entrance of Ferry Crossing the road width is only about 16 feet wide and that a school bus and a dump truck could not go on this road at the same time, and it was really getting dangerous on this very small road. Ms. Ingram stated their proposed restrictions for this property was to decrease the density that is going on and have some type of acreage set, possibly two to three acre lot sizes, in this new subdivision and they would also like for it not to connect on New Freeman Ferry Road or Canard Road. She stated that since the property has been acquired on Garrard Road, it is a very short road that leads directly to Kingston Highway and if that were the only subdivision entrance, it would effectively keep traffic off of their very small sub-standard road.

John Ingram, 1173 New Freeman Ferry Road stated that his niece (Quincy Ingram) had already stated about the road being too narrow. He stated there is only ten feet of pavement and that if the road is widened, they are going to want more property and that concerns him because it would be his property they would be taking. Mr. Ingram stated he was also concerned about the drainage coming from the present subdivision and that he was getting all the excess water being drained into his bottomland which makes the land unusable. He asked if his land was going to be rezoned from agricultural because it had already been rezoned to agricultural restricted which he was against, and if he gets rezoned again, do they not have individual rights in this matter. Mr. Ingram stated he was mostly concerned about the water drainage and that if the Commission wanted to put in piping in his bottomland from the road to the river to keep it from flooding, he would be happy with it, but otherwise he would be very unhappy.

Angela Ingram, 324 Canard Road, stated they were trying to obtain the property around them so they would not have so many houses crammed up beside them and that the biggest concern is that the land in question was on a higher elevation. Ms. Ingram stated that when they put all those houses in with all those septic tanks, the Etowah River is at a lower elevation and her concern was about all the sewage and water coming from the subdivision would be draining toward the river. She stated that they would ask for a buffer or greenspace between their property and the property in question. Ms. Ingram stated that she had three small children and she did not want them out with all the commotion going on and that she wanted some type of privacy. She stated that wrecks have also increased a lot on Freeman Ferry Road and Canard Road during the last couple of years and that wrecks on Kingston Highway since 2000 have tripled. Ms. Ingram stated that Canard Road was only 1.2 miles long and there were seventeen (17) children between the ages of 13 and 17 on that road. She stated if there was an outlet on Canard or Freeman Ferry Road to add to that traffic that is an extra concern that parents on that road are going to have. Ms. Ingram stated that if there was 100 houses on this property, every house is going to have two cars and that is an extra 200 cars that are going to be on this road in the next couple of years and that if the outlet does not connect to Canard and Freeman Ferry, that would eliminate some of their concerns.

Chairman Hufstetler asked if there was anyone else that wished to speak in opposition and if not Mr. Hacket had rebuttal time.

Rebuttal:

Mr. Hacket stated that Floyd County is growing and when you get further out you will run into the problem of some of the roads getting narrow, and this is an area that will have to be addressed and growth is going to come. He stated there are plans for another subdivision on the other side of Freeman Ferry and that he was not the only one out there, and that is something that the County will have to consider doing something with over a period of time. Mr. Hacket stated as far as the water and sewage going through development plans, they have to have retention ponds and conduct perk tests. Mr. Hacket stated they have just completed Level III of their perk test and that the dirt is some of the best in Floyd County as far as percolation and all that has to be dealt with. He stated they need to access off Canard Road which also turns into Freeman Ferry Road, it's not like a road that dead ends. Mr. Hacket stated they were trying to do a low impact development which has not been done in Floyd County and does involve more greenspace; it has more retention cells on the property to flow the water to more areas than the retention ponds.

Commissioner Bennett asked about the concept of the retention ponds. Mr. Hacket stated there were retention cells around the property and the plans show that, and that basically you are not ending up with a retention pond or an eyesore. He stated they would plant shrubs and different kinds of flowers that would absorb water. Commissioner Bennett stated it sounded like Mr. Hacket would end up with some good greenspace.

County Manager Poe asked Mr. Hacket what his options were for going out on Garrard Road. Mr. Hacket stated he had been able to get the ten acres, but there was another issue on Garrard Road that has to be addressed about the easement. He stated that a lot of the land had been auctioned off about five years ago and when they did the auction, there was a 60-foot easement on that road from the end of the road towards the Kingston Highway. Mr. Hacket stated there were three lots there with only about a 30-foot easement. County Manager Poe stated the County had a right-of-way on Garrard Road already and it was a County maintained road. County Manager Poe stated his concern was the additional traffic on Canard Road since it is a sub-standard road. Commissioner Fricks stated that about three years ago the County resurfaced Canard Road and Freeman Ferry Road and stretched the pavement on the curbs as much as they could, sort of like the scenario on Reynolds Bend Road. Chairman Hufstetler asked County Manager Poe if he thought Garrard Road was workable. County Manager Poe stated he thought it would be and that he wasn't sure how close the houses sit on the road. He stated that two entrances into the subdivision would keep a lot of traffic off Canard Road and Freeman Ferry Road which are sub-standard roads and that the County might be able to address the issue in the near future. Commissioner Fricks asked Mr. Hacket if the current plans he had drawn indicated the Garrard Road entrance. Chairman Hufstetler stated he preferred the Garrard Road entrance and that the Commission had all been out there and seen the problems on Canard Road. Commissioner Bennett asked Mr. Hacket if it was his intent to use Garrard Road if possible and make whatever right-of-way that exists work. Mr. Hacket stated he would also like to see it come from both sides and it could also come out on Canard. Commissioner Bennett asked if Mr. Hacket could work out the right-of-way situation that he was going to incorporate the road to Garrard out of the subdivision in addition to Canard. Chairman Hufstetler stated his concern was that depending on how the Board did the motion if you say its okay to do that and Garrard Road serves five houses and Canard Road serves 100 houses. Commissioner Bennett stated that with Canard Road in the shape it is now people would tend to go both ways, but if we restrict the approval to that road being there, you don't know if you can put it in and probably would rely on the Commission for help to get that road in.

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

Discussion: Quincy Ingram asked the Commission for permission to speak again. Chairman Hufstetler asked if anyone had a problem with that. County Attorney Manning stated that if Mr. Hacket did not have an objection to it, it would be fine. Chairman Hufstetler stated she had two minutes to speak. Ms. Ingram stated that she was aware growth would occur, but it was everyone's responsibility to address this first point and make sure that it doesn't happen unchecked. She wanted to make sure it occurs in the correct way and to make sure we don't overrun our resources in Floyd County. Ms. Ingram stated that we

were in close proximity to Atlanta and we need to keep that checked and that is why we need to restrict the number of houses that are back there. She stated this is upland elevation of the Etowah River which is a major concern. Ms. Ingram stated that another issue to address is contractor-builder responsibility and the issue of retainer ponds. She stated that Mr. Hacket put in a retainer pond directly behind her backyard and when it rains, a river runs through it and that he did that two years ago. Ms. Ingram stated this had now been turned over to the County and that not one single plant has been planted and there is no fence around that property. She stated that she did not believe Mr. Hacket would do this on another piece of property since he did not do it the first time.

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. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett
Chairman Hufstetler

Motion Carried

Discussion: Commissioner Bennett stated he thought that Mr. Hacket was trying to be responsible in the things he was doing and probably could develop a lot denser than he is. Commissioner Mayes asked Mr. Hacket to address what Ms. Ingram had said about the pond. Mr. Hacket said he was never under regulation to have the pond fenced and that he did have grass planted in the pond. He stated they could not keep grass in the bottom of the pond because of four wheeler traffic but it does go down through the drainage area that did exist. Mr. Hacket stated all this goes across the road and the area they are talking about is all flood plain and the water goes across the highway into that area towards the river. Commissioner Bennett stated that there was some effort to keep this more rural and he understood that retention ponds were unsightly but that is a requirement and without the retention pond there is a lot of downstream flooding. He stated that you have to put up with the retention ponds and put up with the consequences of not having one and he thought those are things that are in design and development. Commissioner Bennett stated he personally felt that Mr. Hacket had complied in an attempt to convert this property back to what it is and that it was not agricultural land anymore and that Mr. Hacket was trying to be responsible in the manner in which he was trying to develop the property. Commissioner Bennett stated that fences were only required when a pond gets so deep which also makes them harder to maintain if you have to go in and out of fences just to cut the grass, but that it was something you have to do to lessen downhill flooding and for that reason he doesn't see why the Commission would be justified in denying Mr. Hacket use of this land.

Commissioner Fricks stated that development of this land is available and allowed even under the existing zoning and asked what the difference is in terms of density. Sue Hiller stated that neither of these zoning districts has a minimum lot size assigned to it so it could be developed as densely as they can pack them in and what would prevent this is that there is no sewer and there would have to be development on septic tanks. She stated it would be up to the Floyd County Health Department to determine what the minimum lot size would be. Ms. Hiller stated the

difference between A-R and S-R on setbacks is that it would be 25 feet on the rear either way and that A-R has 40 feet on the front and 10 feet on either side and that S-R has 25 feet on the front and she thought either 10 feet or 7 feet on each side. She stated it was somewhat different with the S-R, but the size of lots that Mr. Hacket was showing on his plan and the size of lot he was going to go with because of the Health Department restrictions, he could deal with either setback.

Chairman Hufstetler stated he would like to see the Garrard Road entrance. Commissioner Fricks stated that was also his preference. Commissioner Bennett stated that he agreed that Garrard Road was the best solution to address the dangers on Canard Road and Freeman Ferry Road. Commissioner Bennett stated that was Mr. Hacket's preference too, but the County regulations have him trapped to prevent him from doing this in that the right-of-ways are not sufficient to allow him to put the roads in. Commissioner Bennett stated that Mr. Hacket was willing to put the road in if he can get that right-of-way and that the County would have an option to defer.

County Manager Poe stated he thought Mr. Hacket had the sixty feet out to Garrard Road, Mr. Hacket stated there is a section of the three lots that is only 30 feet from Kingston Highway up to where it turns to 60 feet. Chairman Hufstetler asked the County Attorney on how to address this issue not that he is saying what decision the Board should make, but if they wanted to make this a condition and not put Mr. Hacket in a position of it being unworkable. County Attorney Manning stated that one of the options is that the Board could zone the property with conditions and allow Mr. Hacket to come back before the Commission should this not work out. Attorney Manning stated that if the Board passed a resolution with conditions, and the conditions were not met, it could waive the normal one year waiting period..

Chairman Hufstetler called for a motion. Commissioner Bennett made a MOTION to approve the rezoning with the condition that an entrance be provided for an exit from this proposed development onto Garrard Road. Commissioner Bennett stated that if this road construction cannot be done, it would allow Mr. Hacket to come back and make another presentation. Chairman Hufstetler stated that if Mr. Hacket cannot meet this condition, the Board would waive the one-year requirement. Commissioner Fricks stated he understood this was conditioned upon entryway to Garrard Road and conditioned upon if that did not take place, Mr. Hacket would be allowed to come back without having to wait a year to rezone. Commissioner Fricks asked if the County could expedite the research or engineering or whatever needed to be done. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the motion was approved with conditions.

**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]) (FIRST READING HELD DECEMBER 14, 2004):**

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

YES

NO

Commissioner Fricks

“ Mayes

“ Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked Sue Hiller, Planning Commission Director, to make her presentation. Ms. Hiller stated this property is part of a larger parcel that has been donated to the church by Georgia Power who owns all the surrounding H-I. She stated the O-I is where the existing church buildings are along with their parking lot and a cemetery. Ms. Hiller stated that H-I is about the only zoning district that does not allow a church, even with a special use permit, so they would not be allowed to expand on this property without this rezoning. Ms. Hiller stated the Staff and Planning Commission recommended approval and asked the Board to condition on recordation of the plat that shows this piece of land that is currently part of a larger parcel.

Chairman Hufstetler had to leave the meeting and Vice-Chairman Fricks was asked to take over. Vice-Chairman Fricks asked if there was anyone who wished to speak in support or opposition of this issue.

Support:

Rudy Robinson, 1043 County Road 31, Muscadine, Alabama stated that he was the builder on this project and that he knew of no opposition

Vice-Chairman Fricks called for a motion to close the public hearing. Commissioner Bennett made a MOTION to close the public hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
“ Bennett

Vice-Chairman Fricks

Motion Carried

Commissioner Mayes made a MOTION to approve this request. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

**ADOPT RETYPED ROME-FLOYD COUNTY
UNIFIED LAND DEVELOPMENT CODE
(ULDC) (FIRST READING HELD DECEMBER 14, 2004):**

Vice-Chairman Fricks called for a motion to open the public hearing. Commissioner Bennett made a MOTION to open the public hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

Chairman Hufstetler returned to the meeting and asked if there was anyone who wished to speak in support or opposition. Being none, Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Bennett
Chairman Hufstetler

Motion Carried

Commissioner Bennett made a MOTION to adopt the retyped Rome-Floyd County Unified Land Development Code. SECOND by Commissioner Fricks. VOTING:

YES

NO

“ Mayes Commissioner Fricks
“ Bennett
Chairman Hufstetler

Motion Carried

Discussion: Commissioner Fricks stated at the City Commission Meeting there was some discussion about an expedited method of doing some rezoning and the City stated they were operating under that procedure and asked Sue Hiller if the Planning Commission ever reviewed it. Ms. Hiller stated that she thought the City’s decision was to go ahead and adopt it and move forward to address concerns. Commissioner Bennett stated there were several changes that have yet to be made, but at least they have a starting point and a more systematic way of making future amendments. VOTING:

YES NO

Commissioner Mayes
“ Bennett
Vice-Chairman Fricks

Motion Carried

CHAIRMAN’S REPORT:

COMMISSIONER’S REPORT:

1. **Administrative/Finance Committee – Commissioner Fricks, Committee Chairman –**

Commissioner Fricks stated they were starting to review the insurance renewals and are looking at numbers and want to be aggressive enough to come up with a method of maintaining insurance cost.

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-

a. County Manager Poe stated State law requires the County to do an annual report on SPLOST Projects and there would be a published report in the newspaper on Friday, December 31st.

Blacks Bluff Wastewater Treatment Plant - County Manager Poe stated the City has already started the project, and the County has agreed to reimburse them for cost incurred up \$8.17 million with payments beginning in January 2005 and end in December 2005.

Old Dalton Road Sewer Main Budget of \$3 Million – County Manager Poe stated that the estimated completion date was June 2005, that engineering was completed and the City is working with Berry College to obtain the necessary easements. He stated this project had not progressed as anticipated.

Cave Spring Wastewater Treatment Plant – Budget \$900,000 - County Manager Poe stated this project has been completed and under the \$900,000 budget.

Floyd County Health Department - \$9.5 Million Budget - County Manager Poe stated a lot of progress has been made on this project and construction was on going, with estimated completion in April 2005.

Fourth Avenue Courthouse Renovations - \$2 Million Budget - County Manager Poe stated work is about 80% complete and that there were some changes made to original plan, one being the Public Defender's Office which is complete and occupied. Mr. Poe stated there were changes in the Finance and Purchasing area because of additional personnel coming from the Recreation Department. County Manager Poe stated the County was looking at a new phone system and updating the fire alarm system, mainly putting smoke detectors in all offices and was in the process of bidding these items.

Chulio Road - \$300,000 Budget & Old Dalton Road - \$350,000 Budget– County Manager Poe stated that Chulio Road would be from Highway 411 to Boyd Valley Road and the Old Dalton Road would be from Glenwood School Road to Armuchee Creek. Engineering should be completed in February and acquisition in March.

County Manager Poe stated that right-of-way has already been acquired for Burnett Ferry Road and they are going to work on that last and the County would sit down with the City of Rome and look at the plans that were originally put together. Mr. Poe stated these were part of the 1988 SPLOST funds and that the City wanted to put sidewalks on this project.

County Manager Poe stated there was \$190,000 budgeted for various road resurfacing projects and this should be completed during the 2005 paving season.

North Floyd Park - \$1,150,000 Budget - County Manager Poe stated that the irrigation system installation, fencing, and backstops were underway, and that the walkways, landscaping, paving, and grassing would be completed in 2005.

Midway Park - \$250,000 Budget - County Manager Poe stated there had been very little work done on this project and that bids were awarded for surfacing the basketball courts and that tennis courts, ball field, and playgrounds were still to be completed. Estimated completion date is July 2005.

Shannon Park - \$80,000 Budget - County Manager Poe stated this site is prepared and that installation of a shelter and a multi-purpose court that goes under the pavilion is underway. Estimated completion date is April 2005.

Crane Street Park - \$110,000 Budget – County Manager Poe stated the site was prepared and installation of the shelter and multi-purpose court is underway. He stated that the playground area and security lighting improvements were underway and fencing is to be completed.

Parks Hoke Park - \$70,000 Budget - County Manager Poe stated that new playground equipment had been added and improvements made to the playground area, and that fencing, walkways, and landscaping were underway. Estimated completion date is March 2005.

Cave Spring Park - \$30,000 Budget – County Manager Poe stated that upgrading of multi-purpose court is underway, light poles for small field have been ordered with installation pending, and restroom improvements were underway. Estimated completion date is March 2005.

E. Lock and Dam Projects – No report.

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

Vice-Chairman Fricks stated that Chairman Hufstetler wasn't feeling well and had to leave the meeting and that he would continue the meeting.

CLERK'S REPORT:

CONSENT AGENDA:

County Clerk Kathy Arp stated there was one item on the Consent Agenda that has been reviewed and is submitted for approval. Commissioner Mayes made a MOTION to approve the Consent Agenda as submitted. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

1. Tax Refunds

- a. Johnny K. Hames, 464 Brumbelow Road, Aragon, \$5.87
- b. William & Connie Snowden, 5 Crescent Avenue, \$16.28
- c. Rene F. Fountain, 15 East 5th, \$19.33
- d. Louise Snow, 421 Cedar Avenue, \$46.96
- e. Charles Langley, 2168 Old Dalton Road, \$37.80

MANAGER'S REPORT:

**1. CONSIDER REQUEST TO AWARD
SERVICE REVOLVER (GLOCK MODEL 22,
DLR447US) TO SHERIFF TOMMY RICKMAN**

County Manager Poe stated that with a lot of Public Safety employees that retire, the County awards them their service revolver and recommended approval to award this revolver to Sheriff Tommy Rickman. Commissioner Mayes made a MOTION to approve awarding this service revolver to Sheriff Tommy Rickman. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

**2. CONSIDER RECOMMENDATION FROM AIRPORT
COMMISSION TO APPROVE THE FOLLOWING
LAND LEASES FOR A 4-YEAR PERIOD (JANUARY
1, 2005 – DECEMBER 31, 2008):**

County Manager Poe stated this comes from a recommendation from the Airport Commission to approve land leases for James Cagle, Melvin Kinsey, Donald Lawalin, and Barbara Rainwater.

Commissioner Bennett made a MOTION to approve County Manager Poe's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

**3. RECOMMENDATION TO ACCEPT FOOT HILL
DRIVE SW ON COUNTY MAINTENANCE:**

County Manager Poe stated that the one-year maintenance bond for Foot Hill Drive SW in the Foothills Subdivision off Mount Alto has expired. He stated that Public Works has inspected the road and the retention pond and recommends the County accept Foot Hill Drive SW onto County Maintenance, as well as the retention pond in that subdivision.

Vice-Chairman Fricks asked Mr. Poe to go ahead with Item #4 and the vote for items #3 & #4 would be under one motion.

**4. RECOMMENDATION TO ACCEPT BRANDON LANE
ON COUNTY MAINTENANCE:**

County Manager Poe stated Brandon Lane had been discussed in Caucus and the recommendation is to accept Brandon Lane on County Maintenance.

Commissioner Mayes made a MOTION to approve the County Manager's recommendations on item #3 and #4. (To Place Foothill Drive SW and Brandon Lane on County maintenance.)
SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

**5. DISCUSS ADOPTION OF POLICY AND
PROCEDURES FOR EMPLOYEE DISABLED
PARKING PERMITS AND EMPLOYEE PARKING:**

County Manager Poe stated he had reviewed this item in the Caucus session and that right now, we do not have a formal policy. He recommended adoption of this policy effective January 1, 2005.

Vice-Chairman Fricks called for a motion. Commissioner Bennett made a MOTION to accept the County Manager's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

6. **DISCUSS SENIOR TRANSPORTATION PROGRAM:**

County Manager Poe stated there had been a lot of discussion on this program and that going back some two years ago, the County had split the cost with Tallatoona. Mr. Poe stated that after funding was cut from Tallatoona, they (*Tallatoona*) cut their funding of the Senior Transportation Program leaving the County to have to fund at 100% to keep the program going. Mr. Poe stated the County had spent a total of \$30,000 last year to fund this program, and that this funding was only through December 31st of this year. County Manager Poe stated to keep the program going, it would have to be reauthorized, and his recommendation is that if the County decided to get out of the program they fund it for at least three months in order that people currently using that service can have time to adjust and to make other accommodations for transportation in the future. Vice-Chairman Fricks stated that last year the County funded for half a year and asked if there were any other resources or funding available. County Manager Poe stated he was not aware of any other funding sources that were available and that was the extent of why the County funded for half a year to see if other sources of funding would come available. Commissioner Bennett asked if this program had been abandoned by Tallatoona and that the County had been asked to fund the program at 100%. Commissioner Bennett stated that Tallatoona had come to the County, and they had agreed to fund the program to defer cancellation and to give Tallatoona an opportunity to find other funding either within their own budget or through another grant program.

Commissioner Bennett stated that the County was basically trying to help Tallatoona over their budget crunch and now it looks like it is going to wind up in the County's budget. Ms. Katrina Estes, Tallatoona Service Coordinator, was present and she stated they (*Tallatoona*) looked at every grant there is for transportation and there is no grant to pick up this program. She stated that when they receive a grant, the money is just not given to them for them decide how to use it. When you receive a grant it is for a specific program. She stated that there were only two counties that had this program and they were Floyd and Polk. Vice-Chairman Fricks asked if we had any numbers of how many people the County was serving or the cost of operation. County Manager Poe stated this had been discussed at the off-site Board Meeting at Coosa High School. Vice-Chairman Fricks stated that this was where the County said they would fund the program for six months and review it and go for other sources. Vice-Chairman Fricks stated that prior to this year the County had always funded about \$15,000 and that the State dropped the other portion of the program. Vice-Chairman Fricks stated that after this the County applied the \$15,000 for the first six months and decided to revisit and look at it. Ms. Estes stated that they were told the County was going to look at other options and would fund it until the County had the opportunity to look for other options for the transportation program. County Manager Poe stated the only other option was to get into a Transit Program and that was not an option.

Vice-Chairman Fricks called for a motion. Commissioner Mayes made a MOTION to fund the Senior Transportation Program another three months to give the County time to see if they will continue to fund and to give Tallatoona time to see if there are other options for funding. SECOND by Commissioner Bennett.

Discussion: Commissioner Bennett stated that he wanted to discuss this and said that Tallatoona stated the County was going to investigate another way of funding, and that what he understood was that this would give Tallatoona another way to come up with funding. Commissioner Bennett stated he was in favor of funding for another three months, but it should be identified who would be looking for funds to continue this program and he expects it to be Tallatoona. County Manager Poe suggested cutting back the level of service by not using transportation every day and charging a user fee. Ms. Estes stated she did not see how they could combine the trips and make them any shorter and they had looked at this possibility before. She stated they possibly could charge a small fee but most of these people are on a fixed income. Vice-Chairman Fricks stated that during the next three months the County could do an evaluation to find out if there are other options in the program based on funding or operational options and at that time if there are none, they should look at whether or not this should be considered in an annual budget. Vice-Chairman Fricks stated at that time there would be questions as to what services we are providing, to whom, and how effective are our services. VOTING:

YES

NO

Commissioner Mayes
“ Bennett
Vice-Chairman Fricks

Motion Carried

**7. DISCUSS HIRING WILLIAMS, SWEITZER, AND
BARNUM TO PROVIDE ENGINEERING SERVICES
FOR IMPROVEMENT TO THE GALEY AND LORD
WATER TREATMENT PLANT IN SHANNON:**

County Manager Poe stated this dealt with construction of a water booster at the pump station at the existing plant and the discharge pipeline from the pump station to the existing 24-inch waterline that Floyd County currently has. Mr. Poe stated the work would be done based on the same contract we have with Williams, Sweitzer & Barnum, and the cost would be a percentage of construction cost. County Manager Poe recommended approval as submitted. Commissioner Bennett made a MOTION to accept the County Manager's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
“ Bennett
Vice-Chairman Fricks

Motion Carried

**8. DISCUSS PUBLIC INFORMATION OFFICER
POSITION:**

County Manager Poe stated this is basically a recommendation to create a position for a contract employee who would work under the direct supervision of the Assistant County Manager. Commissioner Bennett made a MOTION to authorize the County Manager to create the Public Information Officer position as a contract employee. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
“ Bennett
Vice-Chairman Fricks

Motion Carried

**9. AWARD BID FOR INSTALLATION OF METAL
MULTI-PURPOSE SHELTERS AT SHANNON PARK
AND CRANE STREET PARK (2003 SPLOST):**

County Manager Poe stated that bids had been taken and the low bid was from Postell Steel Company in the amount of \$15,994 and recommended acceptance of this bid. Commissioner Bennett made a MOTION to accept the bid as recommended by the County Manager. SECOND by Commissioner Mayes. VOTING:
YES NO

Commissioner Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

Discussion: Commissioner Mayes stated there were a couple of Shannon people present that would like to speak.

Pete O'Dillon, 6 Lakemore Road stated he appreciated the opportunity to speak to the Commission and that several members of the Optimist Club and the Model Ruritan Club had formed a committee to support the Shannon Park. He stated the committee's interest had been to concentrate on what's taking place in the future SPLOST, and he feels like over the years Shannon has been slighted as to what is taking place from the standpoint as to the way the County acquired this property. Mr. O'Dillon stated he was one of the first members of the Rome-Floyd County Recreation Authority and served five years. Mr. O'Dillon stated that the acreage that has been donated to the County for recreational and educational purposes has been neglected big time from the recent SPLOST funds. Mr. O'Dillon stated they had met with the Recreation Authority to discuss their concerns, but have not been able to contact them in the last few days. He stated that their number one priority was the Recreation Center, of an appropriate size, to serve Shannon and Northeast Floyd County, and the other priority was upgrading the athletic fields in order to place them within the same standards as those of Alto Park and Etowah Park. Mr. O'Dillon stated that this park had been neglected, especially since the property was given to Floyd County and very little has been done. He stated that his information came from the Rome News and in the percentages from \$16.7 million in a recreation budget, 44.9% was going to a sports complex, in the Armuchee Park area 18%, Cave Spring 6%, Coosa 4.5%, Trails 15%, and other parks 8.8%. He stated that Shannon Park was 3% and that was just unacceptable after what that community had contributed in regards to parks, and he was speaking on behalf of the Optimist Club, the Ruritan Club, and the Shannon community to ask that the Commission look at the Shannon Park favorably since they have made such a large contribution to parks.

Vice-Chairman Fricks stated the County's goal was to balance out the facilities throughout the county and work on them as a quadrant and keep the facilities brought up to an equal level, but stated they were out of balance.

Robert Jones, Rush Chapel Road stated that he was a member of the Optimist Club and wanted to say thank you to Commissioner Mayes and Commissioner Bennett for coming out and spending time to hear their concerns. He stated that the reason they have not received anything before is because they have not actually asked for a lot and they would take some of the blame for that. Mr. Jones stated that when they did ask they did get a response, just not quite enough, and that they are asking for more. Mr. Jones stated what they had received in the SPLOST was

approximately somewhat less than one half of one percent of the total that was allotted to parks and recreation. He stated he did not want to knock anyone out of anything they want to get, but for years they have paid a lot of taxes to allow these other people to get what they have gotten and feels like they are somewhat overdue to get some things for their selves. Mr. Jones stated they just wanted to be brought up to standards with some of the other sections of the County, and that they needed a recreation center to take care of the growth.

XII. ATTORNEY'S REPORT:

Attorney Manning stated he had no report.

XIII. OTHER 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 Mayes
" Bennett
Vice-Chairman Fricks

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

CHUCK HUFSTETLER, CHAIRMAN