

January 11, 2005

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
January 11, 2005 2:00 P.M.**

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

OTHERS

PRESENT: County Attorney Tommy Manning, Deputy Clerk Carolyn Dillard, County Manager Kevin Poe and Assistant County Manager Sammy Rich.

ABSENT: Commissioner John Mayes

CALL TO ORDER: County Attorney Tommy Manning called the meeting to order.

INVOCATION: Chairman Hufstetler led the Invocation.

PLEDGE OF

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

**APPOINTMENT OF CHAIRMAN
AND VICE-CHAIRMAN:**

Commissioner Jennings made a MOTION to appoint Commissioner Chuck Hufstetler as Chairman of the Floyd County Commission. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

“ Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a nomination for Vice-Chairman and asked if there was a motion to be made. Commissioner Fricks made a MOTION to nominate Commissioner Jennings as Vice-Chairman. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

“ Jennings

" Bennett

Chairman Hufstetler

PUBLIC PARTICIPATION:

Alvin Jackson, 23 Conn Street, Rome, spoke to the Commissioners regarding the annual Martin Luther King, Jr. Celebration of Northwest Georgia beginning Friday, January 14 through Monday, January 17, 2005.

Motion Carried

ADOPTION OF MINUTES:

Chairman Hufstetler asked County Attorney Tommy Manning if the minutes of the December 28, 2004 meeting were in order. Attorney Manning stated the minutes had been reviewed and were in order. Commissioner Fricks made a MOTION to approve the minutes as presented. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

PROCLAMATIONS:

Chairman Hufstetler stated there was a Proclamation for January as **National Mentoring Month** and that Nancy Griffin, Rome-Floyd Schools was present to accept. Commissioner Jennings made the presentation to Ms. Griffin.

(Proclamation/Resolution Book, page)

RESOLUTIONS:

MATTERS RELATED TO COLLECTION OF TAXES:

Chairman Hufstetler called for a motion to adopt the Resolution regarding Matters Related to Collection of Taxes. Commissioner Bennett made a MOTION to adopt the Resolution. SECOND by Commissioner Fricks.

VOTING:

YES NO

Commissioner Fricks
" Jennings

" Bennett
Chairman Hufstetler

Motion Carried

**HIRING RESOLUTIONS FOR
COUNTY MANAGER, COUNTY ATTORNEY
AND COUNTY AUDITORS:**

Chairman Hufstetler stated that on an annual basis the Commission hires the County Manager, County Attorney, and County Auditors. Chairman Hufstetler asked Attorney Manning what type language he suggested in regards to the County Manager and County Attorney's contract. Attorney Manning stated he would suggest a motion to pass the Resolution with attachments. Commissioner Bennett made a MOTION to adopt the Resolution hiring the County Manager (*Kevin Poe*). SECOND by Commissioner Jennings. Commissioner Fricks stated he wanted to thank County Manager Kevin Poe for the good job he does. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a motion for the County Attorney. Commissioner Bennett made a MOTION to adopt the Resolution hiring the County Attorney (*Smith, Shaw, and Maddox*). SECOND by Commissioner Jennings. Commissioner Jennings stated he wanted to thank County Attorney Manning for the good job he does. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the next Resolution was regarding the Auditors for a three-year period and called for a motion. Commissioner Bennett made a MOTION to hire Mauldin & Jenkins as the County Auditors for 2005. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

DESIGNATION OF DEPOSITORIES:

Chairman Hufstetler stated the last Resolution was for Designation of Depositories of Floyd County, which basically included all of the banks. Commissioner Bennett made a MOTION to adopt the Resolution Designating Depositories of Floyd County. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**FIRST READINGS (PUBLIC HEARING
TO BE HELD JANUARY 25, 2005 AT 6:00 PM):**

**FILE #03-2005Z, 811 BURNETT FERRY ROAD,
REQUESTS REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO C-C (COMMUNITY
COMMERCIAL) WITH A SPECIAL USE PERMIT
TO CONSTRUCT MINI-WAREHOUSES ON
PROPERTY LOCATED AT 811 BURNETT FERRY
ROAD. ZONING MAP H14X-400. (PLANNING
COMMISSION RECOMMENDATION: DENY
[VOTE: 9 – 0]):**

**ULDC REVISION –REVISE OR DELETE ARTICLE
2.5.3.G CONCERNING THE REQUIREMENT
THAT APPLICANTS FOR DEVELOPMENT PERMITS
OBTAIN CERTIFICATION FROM THE FLOYD COUNTY
TAX COMMISSIONER’S OFFICE THAT ALL AD
VALOREM TAXES ON THE PROPERTY ARE PAID
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE: 9 – 0]):**

Chairman Hufstetler stated these items would be public hearings at the next regularly scheduled meeting.

PUBLIC HEARINGS:

**MALT BEVERAGE APPLICATION
ZION FARMS:**

Chairman Hufstetler stated there was one item for Public Hearings and that was the Malt Beverage Application for Zion Farms and called for a motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the Public Hearing. SECOND by Commissioner Jennings. VOTING:

	YES	NO
Commissioner Fricks		
“ 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.

Support:

Rena Cooper, 2979 Big Texas Valley Road, stated that Zion Farms has been open to the public for about eight years and that people from all over the world had visited them. Ms. Cooper stated that Zion Farms offers areas for corporate meetings, lodging, weddings, and fine dining and that they were growing. Ms. Cooper then presented a video depicting the grounds and special events footage. Due to technical difficulty with the video, Commissioner Bennett made a MOTION for a short recess. SECOND by Commissioner Jennings. VOTING:

	YES	NO
Commissioner Fricks		
“ Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

Following the recess, Chairman Hufstetler called the meeting back to order and after the video presentation by Ms. Cooper, Chairman Hufstetler asked if there was anyone wishing to speak in opposition.

Opposition:

Billy Fricks, 5142 Big Texas Valley Road, stated he was speaking on behalf of the residents of Big Texas Valley Road and had a petition signed by ninety-four (94) people who oppose this alcohol license. He stated he realized the Board's decision to either grant or deny Zion Farms application for an alcoholic beverage license cannot be made merely on a moral basis and asked the Commission to consider the resident's concerns. Mr. Fricks stated that from the beginning Zion Farms had established a pattern of non-compliance regarding the Floyd County Code of Ordinances. Mr. Fricks stated that at least two weeks before a license application is heard by the Board of Commissioners, a sign is to be placed on the location for which the license is applied. He stated this sign is provided by the County and shall measure not less than six feet, which shall be in addition to a notice to be run in the local newspaper. Mr. Fricks stated the sign should have printed on the front in bold letters the following words, *Alcoholic Beverage License Application Pending* and shall also state the date, time, and place the license application is scheduled to be heard. He stated this requirement has not been met either in October 2004 when Zion Farms first applied for an application or during this most recent application process, and that there has never been a sign at the public entrance of Zion Farms announcing their application. Mr. Fricks stated if Zion Farms refuses to comply with Floyd County's basic ordinances concerning the application process, there is reason to question how they will abide by other requirements in the future. Mr. Fricks stated Zion Farms is centrally located in the Big Texas Valley community, which consists primarily of two churches, Antioch Baptist and Armuchee Baptist which are located on the same road as Zion Farms. Mr. Fricks stated that the Rocky Mountain Project, which includes a public park where minors frequent and where alcohol is absolutely prohibited, is located across the road from Zion Farms. Mr. Fricks stated that Commissioner Fricks had stated in the October 26, 2004 meeting that Zion Farms does currently have people that provide alcohol that is consumed there but is not being sold and that does put a controlling factor on the situation. However, this is not a valid reason to issue a license to sell, since property owners do have control of and a responsibility for the activities that occur on their property. He stated that since Zion Farms is located in a secluded area it is rarely frequented by Law Enforcement and that the Zion Farms facility is secluded at the end of a long dirt road and is not visible from a public road where Law Enforcement would be patrolling. Mr. Fricks stated that Zion Farms was already advertising wine sales on the website before they have received a license to legally do so. He stated that recently out of two-hundred invitations Zion Farms sent out to Big Texas Valley residents for Open House, only eleven (11) people showed up and he felt that was evidence that the vast majority of residents in Texas Valley were opposed to the sale of alcoholic beverages at Zion Farms.

Rebuttal:

Rena Cooper stated that Zion Farms had done everything that was required for them to do to obtain their application. She stated that signs were posted on the property and they had followed all the proper procedures. Ms. Cooper stated that she felt the community was not aware of what they do or who they are and have not asked questions to find out this information.

Commissioner Jennings stated that one of his frustrations was the zoning question and asked Ms. Cooper if she had done anything to resolve the question as far as this being Agricultural-Residential zoning. Ms. Cooper stated they had already covered this issue with the Planning Commission and had talked with Assistant County Manager Sammy Rich and Commissioner Fricks asking them to show Zion

Farms what to do and how to do everything correctly. Commissioner Jennings asked Ms. Cooper if the restaurant facilities and the sale of alcoholic beverages would be restricted to special event groups. Ms. Cooper stated that Zion Farms was not a bar and that all who served alcohol would be of age and that it was strictly for special event groups.

Commissioner Fricks stated that when the application process began he and Assistant Manager Rich visited Zion Farms , and Zion's first question was if they were in compliance. Commissioner Fricks stated he had spoken with County Manager Poe for some guidance and that was not Zion's fault because they were looking at operations as they existed as well as future operations.

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

YES

NO

Commissioner Fricks

“ Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Discussion: Chairman Hufstetler stated he wanted to review with the County Attorney, the issues from the sign posting that was brought up by the zoning. County Attorney Manning stated that if the sign was posted as stated and required, then that was satisfactory. He advised the members of the Commission of the criteria set forth in the Amendment to the Floyd County Code regarding the Malt Beverage License Ordinance to be used in making their decision and that is what the Board should base their decision on to grant or deny to consume on premises.

Chairman Hufstetler asked Attorney Manning that on the zoning issue, not needing rezoning for alcoholic sales, did he concur with Staff or have an opinion. Attorney Manning stated he had not been asked to look specifically at their zoning designation, but did not see where that would interfere with the Board's decision one way or another with respect to proceeding forward with the application as it is currently zoned.

Commissioner Fricks made a MOTION to approve the application for consumption of the beverage and wine license on premises for Zion Farms. SECOND by Commissioner Jennings.

Discussion: Commissioner Bennett stated he had not had a chance to review the requirements, but he was assuming that like with any other license application the County had made sure that applicant does comply with these requirements. County Manager Poe stated in the application process the Commission would sign off on the other issues that had to be reviewed. County Attorney Manning stated to the Commission that the application had been reviewed by the Health Department, the County Police Department, County Tax Commissioner, Fire Marshal, and the Building Inspector and have their comments contained on the application itself. Commissioner Jennings stated that what this does is tighten up a practice that is taking place at Zion Farms and he feels like it is in the Commission's best interest to promote the responsible use of a legal substance and that it seems like this helps to further that responsible use. VOTING:

YES

NO

Commissioner Fricks

“ Jennings
" Bennett
Chairman Hufstetler

Motion Carried

CHAIRMAN’S REPORT

1. DISCUSS LANDFILL CONTRACT:

Chairman Hufstetler stated the only item here was for approval of a 60-day extension, as was discussed in Caucus, and called for a motion. Commissioner Fricks made a MOTION to approve the Landfill Contract with the reversion of it being only a 60-day extension of the existing contract with the same conditions. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
“ 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

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

CLERK’S REPORT.

CONSENT AGENDA:

Deputy Clerk Carolyn Dillard stated there is one item on the Consent Agenda that has been reviewed and is submitted for approval. Commissioner Bennett made a MOTION to approve the Consent Agenda as submitted. SECOND by Commissioner Jennings. VOTING:

	YES	NO
Commissioner Fricks		
“ Jennings		
" Bennett		
Chairman Hufstetler		

Motion Carried

- 1. Tax Refunds
 - a. Rhinehart Equipment Company, P.O. Box 1701, \$ 19,209.71
 - b. Conney R. Batson, 1 Terry Lane, SW, \$122.13
 - c. Coosa Eye Clinic, 2110 Shorter Avenue, \$50.93
 - d. Flowers Industries, Inc., P.O. Box 250, Villa Rica, Ga. \$18.66
 - e. Coca-Cola Enterprises, P.O. Box 4440, Brandon, Fla., \$3.43
 - f. Regions Financial Corporation, 44 First Alabama Plaza, Montgomery, Ala., \$1.96

MANAGER’S REPORT

1. APPROVE CONTRACT BETWEEN THE ROME JUDICIAL PUBLIC DEFENDER’S OFFICE, FLOYD COUNTY AND BOBBY TURPIN, D/B/A INVESTIGATIVE CASE SERVICES, INC.:

County Manager Poe stated that Bobby Turpin is currently providing Indigent Case Management for the County at the Jail, and based on an agreement with the Public Defender’s Office he would continue to do that on a contract basis in establishing a company called Investigative Case Services, Inc. County Manager Poe stated the contract is for the terms the County agreed to and recommended approval of the contract between Bobby Turpin and the Public Defender’s Office. Commissioner Bennett made a MOTION to approve the contract based on the County Manager’s recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**2. AWARD BID FOR FIRE ALARM SYSTEM FOR
NEW ADMINISTRATIVE BUILDING ON
4TH AVENUE:**

County Manager Poe stated the County recently accepted sealed bids for upgrade of the Fire Alarm System in the new Administrative Building being renovated on 4th Avenue. He stated the low bid was from Entec Systems Incorporated in the amount of \$29,270 and recommended awarding bid to Entec Systems. Commissioner Jennings made a MOTION to accept bid from Entec Systems. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**3. DISCUSS BUILDING INSPECTION
AGREEMENT:**

County Manager Poe stated this item had been discussed in Caucus and the County would be doing some amendments to the Draft Agreement sent over by the City and he will get with City Manager, John Bennett to discuss, and it will be brought back to the Board for approval.

**4. DISCUSS SITUATION WITH CHUBB
ROAD:**

County Manager Poe stated this item had been discussed and the Commission was aware of the public safety concerns. Mr. Poe stated he felt like the County needed to try to gain control of Chubb Road to repair it, make it passable, and put on County Maintenance. Mr. Poe stated he was asking for authorization, if needed, to proceed with condemnation to obtain a 60-foot strip of property to repair and upgrade that portion of Chubb Road. Chairman Hufstetler made a MOTION to authorize the County Manager to proceed with condemnation if necessary to obtain this land on Chubb Road. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

5. DISCUSS FORUM PARKING POLICY:

County Manager Poe stated this item was discussed in Caucus and that he would continue to work on this and bring more information back to the Board.

6. APPROVE EMPLOYEE CONTRACT FOR PUBLIC INFORMATION OFFICER:

County Manager Poe stated the Board was presented with an employee contract for the new Public Information Officer position, and with approval of this contract, they would like to offer the job to Dana Thompson per the terms of the agreement as submitted. Commissioner Fricks made a MOTION to approve the Public Information Officer contract as submitted. SECOND by Commissioner Jennings.
VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

7. DISCUSS LEASE AGREEMENT FOR TRIPLE L CLUB ON WATSON STREET:

County Manager Poe stated that according to the Lease Agreement, the Watson Street facility used to be called the Watson Street Courthouse and was used as a courthouse and voting precinct. He stated that currently the Triple L Club has a 3-year lease that terminated at the end of the year. Mr. Poe stated that the Triple L Club was a non-profit organization that provides a meeting place for alcoholics leaving the treatment center and that the County has had a relationship with this group for a number of years. Mr. Poe recommended that the County enter into another 3-year lease with the Triple L Club. Commissioner Bennett made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Jennings.
VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**8. ADD AN ADDITIONAL EMPLOYEE
TO THE FINANCE DEPARTMENT
(4/4 VOTE REQUIRED):**

County Manager Poe stated this item would require a 4/4 vote to be put on the Agenda. Commissioner Bennett made a MOTION to add the item for an additional employee to the Finance Department to the Agenda. SECOND by Commissioner Jennings. 4/4 Vote Required. VOTING:

YES

NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the item to add an additional employee in the Finance Department was now on the Agenda.

Commissioner Bennett made a MOTION pursuant to a motion that was approved in the Recreation Department on April 18, 2004 that effective January 1, 2005 all bookkeeping functions of the Recreation Authority will be performed by the Floyd County Finance Department. He stated that all employees currently employed by the Recreation Authority who have primary financial duties will become Floyd County employees, and the fiscal year 2005 budget will reflect this change. Commissioner Bennett stated that further the financial policies of Floyd County for budgeting, internal control, purchasing, recording transaction, etc., will be adopted by the Recreation Authority, and that any inter-governmental or other agreements shall be amended, if necessary, to reflect the above changes and procedures for the affected parties. Commissioner Bennett stated this new position would be for Accounting Clerk with a pay grade of 110. He stated that basically, there were three people in the Recreation Authority that had financial responsibility with two of those not having full time accounting responsibility, they also had administrative duties. Mr. Bennett stated that what has transpired is that one of those duties which was full time accounting was transferred to Floyd County in the latter part of 2004 due to the resignation of one of those employees in the Recreation Authority. He stated that now as was anticipated, the accounting function and the administrative function of the remaining employees have been separated into accounting and administrative, and therefore anticipate only needing to add one accounting person full time to fulfill that position. Mr. Bennett stated the other position

would remain with the Recreation Authority more oriented towards administrative duties.
SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

“ Jennings

" Bennett

Chairman Hufstetler

Motion Carried

XII. ATTORNEY'S REPORT

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 Fricks. VOTING:

YES

NO

Commissioner Fricks

“ Jennings

" Bennett

Chairman Hufstetler

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

CHUCK HUFSTETLER, CHAIRMAN