

January 25, 2005

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
6:00 P.M.**

January 25, 2005

PRESENT: Chairman Chuck Hufstetler, Commissioners Tom Bennett, 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.

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

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: Chairman Hufstetler led the Pledge of Allegiance.

PUBLIC PARTICIPATION:

Suzanne Whatley Anderson, 197 Plainville Road NE, Rome, stated she was speaking for a concerned area of Floyd County and has become personally involved in what is going on in the County. Ms. Anderson stated that when she retired from teaching and moved back to Floyd County she became involved in the Model-Johnson School Foundation on a volunteer basis. She stated that through activities with the Foundation it lead her to become acquainted with the Shannon Optimist Club and then with the Shannon Ruritan Club, and as this continued she begin to see that this community was alive and vital and the people were interested in what was going on. Ms. Anderson said it became more apparent when The Spark Newspaper was published and made available to everyone in the Shannon community for free. The paper reported on the history of the area concerning the current school activities that were going on and the activities of all the civic clubs. Ms. Anderson stated there were pictures, both old and new, included in the newspaper and also ads from the local business organizations, and that the newspaper had become the voice of the Shannon area. She stated that when the controversy over the land on the corner of Highway 140 and Highway 53 began, it seemed to threaten the quality of the life that those in this area had enjoyed for over 100 years. Ms. Anderson stated that another group had organized themselves and is known as The Citizens for Responsible Economic Growth and this was the group that was responsible for getting the 800 signatures on a petition to prevent that particular industry from coming into that particular piece of land. She stated that all of these organizations have become one large representative and cohesive group working together to ensure that all generations that follow could enjoy the Shannon community. Ms. Anderson stated she knew change was taking place every day and that the Shannon Village they all know

and remember was the hub of the community for so many years when Brighton and Burlington Mills were open and active but will never be there again. Ms Anderson stated that 200 more houses were being built in the village adjoining the Shannon Village, and the houses that were part of the mill village have become privately owned and reflect that. Ms. Anderson stated that if you ride around the roads radiating out from Highway 53 there are houses everywhere and these are the children and grandchildren of those who remember the village in Shannon as a center for community life. Ms. Anderson stated that the other people that were there are people that industry has brought in and that they recognize the good living conditions here; our good schools, churches, and our good people. She stated the community looked to the Commissioners as their county government because that is the way things work and they need a meeting place; one group meets now in a home, another group has asked Model High School for space when they need to meet, and the Scout Cabin continues to hold meetings for the Scouts and the Optimist Club, but it is a very small area and none of this is satisfactory. She stated these groups are too important, too vital, and the people are too interested and involved to not have a meeting place, a facility that can become a symbol to all that Shannon is still alive and growing and important. Ms. Anderson stated they still have much to offer in the same area of the Scout Cabin, which includes the County-funded pavilion that is now complete and is a wonderful first step. She stated that the people of Shannon are awakening and have found their voice and that most of them are motivated by their memories because they want their children and grandchildren and the generations to follow to have a sense of community. Ms. Anderson stated this has always centered around the Shannon Park where there was a ball field, the Scout Cabin, once there was a swimming pool, basketball and tennis courts, and they vitally need those back. She stated the community petitioned the Commission to help them keep the momentum going in the Shannon community.

ADOPTION OF MINUTES:

Chairman Hufstetler asked County Attorney Tommy Manning if the minutes from the January 11, 2005 meeting 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

“ Jennings

“ Bennett
Chairman Hufstetler

Motion Carried

FIRST READINGS:

FILE #01-2005SUP: REQUESTS A SPECIAL USE PERMIT TO CONSTRUCT AND OPERATE A 140’ RADIO TOWER, FM BROADCAST 95.3 MHz IN AN A-R (AGRICULTURE RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED ON FOSTERS MILL ROAD. ZONING MAP D16-PART OF PARCEL 007. (PUBLIC HEARING TO BE HELD FEBRUARY 8, 2005 AT 2:00 PM):

Chairman Hufstetler stated the Public Hearing for this file will be held on February 8, 2005 at 6:00 p.m.

SECOND READING/PUBLIC HEARINGS:

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]) (FIRST READING HELD JANUARY 11, 2005 AT 2:00 PM):

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

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing was now open and asked those who wished to speak in support or opposition to stand. Chairman Hufstetler stated those wishing to speak in support will have up to ten minutes to speak, and those in opposition would have an equal amount of time. Chairman Hufstetler stated those in support can come back and address the Commission again only to rebut the items the opposition may have brought up, not to bring new evidence in.

Chairman Hufstetler asked Phil Helton from the Planning Commission to make the presentation regarding the property. Mr. Helton stated the application was brought by T&M Construction and is located on Burnett Ferry Road just east of Billy Pyle Road. Mr. Helton stated that as shown on the east, south, and west there is S-R (Suburban Residential) zoning and single-family residential use and to the north there is vacant property that is currently zoned C-C (Community Commercial). Mr. Helton presented the sketch plan submitted by the applicant showing the location of the proposed mini-warehouses and the existing structure. Commissioner Jennings asked about the location of the driveway coming into the warehouses. Mr. Helton stated that he would have to refer to the applicant as to any new proposed driveways or access because it was not shown on the sketch plan. Commissioner Fricks stated that on the width of the tract, the application showed 100 feet wide, but if you total it (as shown on the sketch plan), it shows 110 feet. Mr. Helton stated there was some dispute or concern about the actual width of the property but unfortunately, a survey was not provided with the application.

Support:

Tommy Davidson, 402 Linda Lane, Calhoun, stated he was the owner of T&M Construction and he was trying to get the land back to the commercial property it was before Floyd County rezoned everything. Mr. Davidson stated there had been a commercial business on this property since 1951, and on the pictures Mr. Helton had shown, it showed the business and office that is there now. Mr. Davidson stated he had learned from the Planning Commission that he had to have a five-foot buffer that could not be driven on and had to have shrubbery and greenery and that he would have to cut the size of the buildings down. Mr. Davidson stated he told the Planning Commission he would consider just putting one building down the middle, to leave plenty of room on both sides for the buffer and to be able to drive around the building, and that he would meet all the zoning requirements of Floyd County. Mr. Davidson stated they would haul dirt in, build the pad and lot up so it would not cause water to flow onto other properties, there would be a five foot buffer on each side, and that there would be a chain link fence all the way around the warehouses. Mr. Davidson stated all this was paved around the

front of the lot where it showed Burnett Ferry Road and they would have security cameras and lighting all the way around the property. Mr. Davidson stated the lighting would be downward pointing lights so it doesn't totally light up the area like a stadium would, but still give security to the property. Mr. Davidson stated the area around the property in question has been built up with so many condos, apartment complexes, and duplexes that it does not allow the occupants to have any outdoor buildings to store their personal items they don't have room for in their apartments. Mr. Davidson stated it was now a junkyard and that he would upgrade the property and put metal buildings on it that will be brand new and make any property around it worth more instead of less. Commissioner Bennett asked what was in the existing commercial building now. Mr. Davidson stated there was a stump grinding business and that was where they work on the vehicles in the junkyard.

Roger Brown, 832 Ausburn Road, (owner of the property) stated he had been at this location for 58 years and had the garage since he was 18 years old and there has never been a residence on the property. Mr. Brown stated that David Johnson loaned him \$100,000 against the property, as commercial property, and that he did not know why the property was zoned suburban residential because it had been commercial property since 1950.

Opposition:

Paul Ware, 1090 Barker Road, Rome, stated the Planning Commission had denied this with a vote of 9 – 0 and he thought they had good reason to do so. Mr. Ware stated there was a survey, made by a surveyor that was licensed but is in prison, there is no 100 feet there, and that this had gone to court and the limits of the size of the lot were defined. Mr. Ware stated when the County zoned this property residential in 2001 there was a building there that had been abandoned for about 10 or more years and that sometime after the zoning it became a junkyard and it looks horrible. Mr. Ware stated complaints have been made to Mike Ashley and Ken Jones about the zoning enforcement and the last time he had spoken to Mr. Ashley was December a year ago, about the time a trailer was moved into one area, and he took care of the trailer in five days. Mr. Ware stated he still did not have an answer to his inquiry and he knew for a fact that complaints had been made about this over the years, and to his knowledge, no answer has ever been made. Mr. Ware stated he wanted to give the Commission two letters he had written to Mike Ashley that he did not have answers to.

Commissioner Mayes asked if Mr. Ware was disputing if the property had been a junkyard for a long time. Mr. Ware stated yes he was and that it used to be a forest. Mr. Ware stated that complaints had been made and that the zoning has been ignored by the County. Chairman Hufstetler asked Mr. Ware what his interest was in this area. Mr. Ware stated he lives close by and that he was not interested in having junkyards in the area.

Shirley Midget Bishop, 813 Burnett Ferry Road, Rome, stated she lived to the west of the property in question. Ms. Bishop stated it became a junkyard

when Mr. Brown bought the property and started hauling in cars and that she had pictures of the junkyard he created. Ms. Bishop stated the front of the lot is graveled with big holes full of water, and it is not paved at all. Ms. Bishop stated the chain link fence he talked about is on her property (6' 2") and that she has gone to court, they have fought over this, and he has not moved the gate. Ms. Bishop stated this property is 88 feet wide, not 100 feet, it is not 900 feet long, it is 658 feet and that she had a certified copy of a deed from the Clerk of Court stating that the front was sold to the right-of-way of Floyd County and he owns 25 feet back from the centerline. Ms. Bishop stated Mr. Brown had encroached on her, encroached on the County, encroached on his other neighbors, and that they were all fighting him to keep their land. Ms. Bishop stated the fence Mr. Brown put up to conceal his junkyard was rusty used tin with holes in it and it was horrible to have to live next to something like this. Ms. Bishop stated the property on the other side of Mr. Brown was appraised at \$125,000 and when they tried to sell it, they got \$65,000; nobody wants to live next to a junkyard. Ms. Bishop stated Mr. Brown had a survey made, but it was not introduced into court because it was not a legal survey and was made by someone that is not certified by the Survey Engineering Board. Ms. Bishop stated she did not want the mini warehouses next to her because, as you can see in the pictures, he doesn't take care of the property now, and how is he going to take care of it in the future and she does not believe it when they say they are going to landscape and put up a nice chain link fence. Ms. Bishop stated she had dealt with Mr. Brown for five years and the pictures were taken over the years and that is how the property has always looked. Ms. Bishop stated Mr. Brown would not conform to any of the rules or laws that the Commission puts in front of him because he hasn't done so in the past.

Ms. Bishop stated she had the unification laws with her where it said he had to have a fence around the junkyard, has to be paved out front, and that the cars have to be on gravel or paved surface and he has done none of this in five years. Ms. Bishop stated Mr. Brown would not put these warehouses up and keep them nice and they would be right on the edge of her property. Ms. Bishop stated she had a lot of theft already because of the kind of characters that come to the junkyard now and this will open her up to more theft with all the people coming and going.

Rebuttal:

Roger Brown stated that what Ms. Bishop was referring to concerning the court issue was that if she wanted the extra seven feet she could pay Mr. Brown for it, which she has never done. Mr. Brown stated that the seven foot would not have any bearings on the case anyway and as far as the fence goes, he did put up a fence because the County said it had to be out of the public eye and that he could use commercial tin.

Tommy Davidson stated that Ms. Bishop said the property is a junkyard and she wants Mr. Brown to do something about it, and when he proposes to do something about it she complains. Mr. Davidson stated that whichever survey the Commission decides to go with, he will have to go along with what the County says and that he builds in Floyd County all the time. Mr. Davidson stated he had mini warehouses all over Rome and could show his work at any time anyone wants to look at it and that

his buildings are warranted for 25 years if something should happen to them. Mr. Davidson stated that all he could do is refer them to the reputable people in Floyd County he has done work for and they will back up what he says he will do.

Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commission Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Discussion: Commissioner Bennett stated there was a conflict in the information on what the property was used for previously, and that he understood Mr. Brown to say this had been commercial property since 1951 and asked Mr. Brown how long he owned the property. Mr. Brown stated he bought the property in 1998 and started clearing it, and stated there was a sign on top of the building with a date on it when it was put there and that it was a nice place even though it is a junkyard. Mr. Brown stated that at his age he wants to get away from that and put mini-warehouses on it and turn it over to Mr. Davidson to make sure it is a pretty place and something the community could be proud of. Mr. Ware stated that the facts they are hearing from Mr. Brown are not true.

Attorney Manning stated for purposes of the record that the Commission state the items presented; reference the number of pictures, date of the letter and who it is from and who it is addressed to so that we will have this information in the records and have the Clerk to keep these as part of the minutes. Attorney Manning stated that for the record there were 31 photographs that have been submitted and 2 copies of a letter dated January 16, 2005 to Mr. Ashley from Mr. Ware and another letter dated November 25, 2003 to Mr. Ashley from Mr. Ware. County Manager Poe stated there was also one survey submitted by Ms. Bishop and one survey submitted by Mr. Brown.

Chairman Hufstetler stated that the site plan as submitted would not work with either width. Commissioner Jennings stated it was obvious there were multiple disputes about this property and that everyone could agree there were some concerns about the existing conditions at the property. Mr. Jennings stated there was some dispute as to whether the zoning had been appropriately followed and that also surrounding this property is residential property. Commissioner Jennings stated he was concerned about the lot size and access to this particular location and one of the mandates as a Commission is health and safety. Commissioner Jennings stated he was concerned this

property was primarily residential and he would agree they did not want stadium lighting out there, but nonetheless some lighting would have to be there from a security standpoint.

Commissioner Jennings stated that in light of all these factors he would make a MOTION to deny this zoning change in special use permit. SECOND by Commissioner Bennett for purpose of discussion and there was still some things he wanted to see and he did not want to put off a decision, but there was conflicting information.

Commissioner Bennett stated the piece of community commercial that might tie this to the development has been rezoned back to residential. Commissioner Bennett stated the Commission tried to make mini warehouses more accessible to a community, but what they did was change the County code to allow them to go on C-C (Community Commercial) property so it would not have to go on L-I (Light Industrial) property, and with this being C-C in the middle of a residential he did not know if it was really appropriate that it become C-C which is what they have to do even though it has been grandfathered in by its use. Commissioner Jennings stated this property was purchased in June 1998 but did not know if it was operating as a commercial entity at that point. Chairman Hufstetler stated that for a mini warehouse it wouldn't be for an existing use. Commissioner Fricks stated that Ms. Bishop stated that as soon as Mr. Brown purchased the property he started turning it into a junkyard. Commissioner Bennett stated this was allowable at that time because it was not zoned and he could do that. Commissioner Fricks stated he would rather have a mini warehouse next door to him than a junkyard and that was the bearing on his consideration as to whether Mr. Brown had been grandfathered in as a junkyard and this would be a factor on his decision.

Commissioner Mayes asked Ms. Bishop if she realized that if they did put mini warehouses on that property Mr. Brown could not do business very well if he kept debris or cars around and that people would not rent his warehouses. Ms. Bishop said she realized that and that Mr. Brown had not complied with any of the rules in the past and what made them think he would comply now. Commissioner Bennett stated this was grandfathered in and Ms. Bishop stated this was not grandfathered and that she has affidavits. Ms. Bishop stated the first vehicle Mr. Brown ever pulled in there was from a car accident and it has never been a junkyard. Commissioner Bennett stated the Commission was making the assumption that Mr. Brown bought the property for the purpose of doing a mechanic shop and operating a junkyard and he started the junkyard in 1998.

Attorney Manning stated from a parliamentary procedure point of view he thought the Commission had the Public Hearing and that he thought the Commission needed to debate the matter between the Commissioners. Chairman Hufstetler stated that after advice from County Attorney Manning he could not allow any more public input. Commissioner Bennett stated he could withdraw his second and Chairman Hufstetler stated they needed to withdraw the motion. Commissioner Bennett stated that Ms. Bishop said she had affidavits that it was not used commercially until after it was rezoned

and another party that said the sign was painted and dated when it was there. Commissioner Bennett stated there wasn't any question that Mr. Brown could continue to operate the junkyard, as unsightly as it is, without rezoning and he can do that in the residential zoning that is there. Commissioner Fricks stated the Commission had the ability, if they do want to change the zoning over, to require setbacks, buffer zones, and special conditions, which he would hope, would address some of the issues that were brought up and that specific conditions would be made on this zoning.

Commissioner Jennings stated he would stand with his earlier comments and that he is concerned about spot zoning issues but he would withdraw his original motion to allow the Commission to obtain more information. Chairman Hufstetler stated that the MOTION was withdrawn and his question at this point was if the Board takes no action, who will be gathering up this information. Assistant Manager Rich stated he could go back and do some research and that it was a tough item to review. Commissioner Jennings stated what had been the use of the property, when did it change hands, and if it did change hands, are there records to verify there was an operation there prior to December 1998. Chairman Hufstetler stated that Assistant Manager Rich would report back in the next meeting, and if he felt like he had the information by the next meeting to notify both parties and the Board will make a decision, or if he thinks he needs a further extension, advise information will not be available at the next meeting. Chairman Hufstetler stated that ended the Public Hearing and that everyone was welcome to stay but there would not be any action taken at this time.

**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 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
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that the Public Hearing was now open and asked if the Commissioners needed any presentation on this item. He asked if there was anyone from the public that wished to address in support or opposition of this item, and if not called for a motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a motion. Commissioner Mayes made a MOTION to approve. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**HEAR COMMENTS RELATED TO THE
ADOPTION OF FY2005 BUDGET:**

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

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked if there was anyone wishing to speak in support or opposition of this item. Being none, Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Fricks made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

CHAIRMAN'S REPORT:

1. DISCUSS NEW SPLOST PACKAGE PROJECT:

Chairman Hufstetler stated the SPLOST package had been discussed in Caucus and that he knew there was a group in the audience from the Shannon area, and that project (*Shannon Park*) was in the proposal to meet with the City in the Joint Overview Committee which he and Commissioner Fricks are on and will be returning back to the Commission with that.

2. DISCUSS CITY/COUNTY LANDFILL AGREEMENT:

Chairman Hufstetler asked if there was any action the Board needed to take at this time. County Manager Poe stated the proposal needs to officially come from the County Commission. Chairman Hufstetler stated the amount was \$4,000/acre which he thought was a little high, but the Commission was saying they would agree with that number and it would be paid from the Joint Solid Waste Commission. Commissioner Bennett stated it would be paid under the provision the County would agree to the \$4,000/acre value on the land and the payment to be made from the Solid Waste Commission fund where the City and County are partners. County Manager Poe stated they looked at possibly paying for this over time at \$2,000 a month. Commissioner Bennett stated he thought this amount could be negotiated once they arrive at the price if the Solid Waste Commission Fund has the money to make this purchase, then if the City wants to take it in installment payments that would be up to them, but if they decided they wanted the money in a lump sum payment he thinks the fund is solvent enough to do that. Commissioner Bennett stated there were also other provisions that in the event the fund is not solvent, which is not the case that the City and County could each contribute into that fund to make the payment as determined. Commissioner Fricks stated there was some discussion about additional property and asked if the Board was addressing just the seventy acres. Commissioner

Bennett stated that as discussed before, he thinks the County should purchase the other land that is suitable for the landfill and reimburse the County.

Commissioner Bennett made a MOTION that the Floyd County Commission agrees that the value of the land for the expansion of the landfill would be \$4,000/acre and that the purchase of the land come from the fund balance of the Joint Solid Waste Commission. Attorney Manning stated if he understood the motion correctly, the County would be authorized to enter into an agreement incorporating these terms subject to review and revision by the County Attorney. Commissioner Bennett informed Mr. Manning that the county attorney's comments with respect to the motion were correct. SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings stated that the point is that the existing cell at the landfill is owned by the Solid Waste Commission and that any subsequent cells should be owned and operated by the Solid Waste Commission. Commissioner stated it just makes good sense this is how this transaction takes place and he thinks the Commission is agreeing that the City of Rome should be reimbursed for its foresight to purchase the original 900 acres and for the increased value from that original purchase. County Manager Poe stated that technically the property is in the City in the County's name and with that the County is taking on half the liability of that property in the future.

Commissioner Bennett stated this basically goes back to the partnership principal; this fund has generated a fund balance to handle closure and further development of the landfill as far as fees, obtaining permits, and purchasing equipment, and this land falls within that same definition as assets of that fund and to reimburse the City for their cost, and this is a fair expenditure of partnership funds. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

COMMISSIONER'S REPORT:

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

FY2004 FINAL BUDGET REVISION:

4/5 VOTE REQUIRED

Commissioner Fricks stated there was a revised budget that was passed out in Caucus and is the Final Budget Revision for FY2004. Commissioner Mayes made a MOTION to

add the Final Budget Revision for FY2004 to the Agenda. SECOND by Commissioner Bennett.
VOTING:

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

Motion Carried

Chairman Hufstetler stated this item was now on the Agenda. Commissioner Fricks made a MOTION to approve the Final Budget Revision for FY2004. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

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 – No report.
 - E. Parking Committee (Fricks/Bennett) –No report.

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 Bennett made a MOTION to approve the Consent Agenda as submitted. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

1. Tax Refunds

- a. Herman F. Robinson, 28 Ridgeview Dr., Silver Creek, \$55.50
- b. Eva C. Johnson, 49 Dr. Moore Road, Silver Creek, \$320.40
- c. Timothy & Laura Ingram, 948 Booger Hollow Road, Lindale, \$321.93
- d. Eddie Rents, Inc., 95 Three Rivers Drive, \$318.35
- e. Avery Drugs, Inc., 710 North 5th Avenue, \$25.54
- f. Venice Garrett/Shelby Ogles, 17 Highland Blvd. NW, \$815.39
- g. Ryder Truck Rental, Inc. 300 Raines Avenue, Macon Ga., \$173.18

MANAGER'S REPORT:

1. APPROVE EASEMENT BETWEEN FLOYD COUNTY AND BELL SOUTH TELECOMMUNICATIONS, INC. TO ALLOW PLACEMENT OF TELECOMMUNICATION DEVICES:

County Manager Poe stated this easement would allow BellSouth to place certain telecommunication devices on a portion of the Health Department property, and what the County was trying to do is allow BellSouth to put equipment in to eliminate all of the overhead wiring in that area so that everything would be underground. County Manager Poe recommended approval of the Easement between Floyd County and BellSouth Telecommunications. Commissioner Fricks made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks
" Mayes

" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**2. DISCUSS SUPPORT OF GRANT TO OBTAIN
NEW 911 COMMUNICATION EQUIPMENT:**

County Manager Poe recommended support from the Commission to submit a Grant Application to purchase certain 911-communication equipment. Mr. Poe stated that in the letter of support it shows what the equipment is to provide and that basically it will provide capability to crosspatch radio channels allowing VHF and UHF units to interoperate via a radio console crosspatch with other users. Mr. Poe stated it also included purchasing new workstations the consoles are on and that the current consoles in the 911 center are 16 years old and will eventually need replacing.

County Manager Poe stated this grant would come from Homeland Security money that is being made available to our region. Commissioner Mayes made a MOTION to approve application of this Grant as described by the County Manager. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**3. DISCUSS BUILDING INSPECTION
AGREEMENT:**

County Manager Poe stated the County has been negotiating this with the City of Rome and that in the agenda packet there was a 'marked-up' version of the agreement that was sent from the City and if there are no other changes he would recommend the Commission vote to submit this agreement to the City as revised. County Attorney Manning stated with regards to the item that County Manager Poe referenced in the Caucus Meeting under Paragraph 11 on Page 5, he suggested adding Floyd County '*and it's employees*' shall be listed as additional insured's.

Commissioner Bennett made a MOTION to approve the Manager's recommendation in regards to the Building Inspection Agreement. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

4. APPROVE CHANGE ORDER WITH WARE MECHANICAL FOR WORK ON 4TH AVENUE COURTHOUSE HVAC SYSTEM (2003 SPLOST):

County Manager Poe stated this was to add a boiler and chiller supply and return water temperatures to the HVAC System. Mr. Poe stated that in reviewing this with Ware Mechanical and our consultant who designed the system, they feel this is needed to have system operating properly. Mr. Poe stated there was one previous Change Order for \$475.00 and this one was for \$1,056.00 and Ware Mechanical is 99% completed with the work. Mr. Poe stated that in review of this through the County's consultant and John Mays, Facilities Manager, his recommendation is for the Commission to allow the Change Order and do the work as submitted. Commissioner Jennings made a MOTION to approve the Change Order as recommended by the County Manager. SECOND by Commissioner Bennett.

Discussion: Commissioner Bennett stated he would like to comment that on a contract of this size and this type of project that the County is only looking at about \$1,500 worth of Change Orders. He stated that the original planning and diligence of the people putting it together have done a good job.

VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

5. APPROVE SUPPLEMENTAL AGREEMENT #2 BETWEEN FLOYD COUNTY AND GEORGIA DEPARTMENT OF TRANSPORTATION

**(TRANSPORTATION ENHANCEMENT PROJECT
STP-0000-00 (113), P.I. NO. 000013, OOSTANAULA
PEDESTRIAN BRIDGE):**

County Manager Poe stated this was basically like the Lock and Dam Project which was a T21 Project where we had to keep extending the date, and basically this revises the documents to show a completion date of December 31, 2006. Mr. Poe stated this has been bid a couple of times and the City has gone back and worked with the Engineers to revise the plans and as he understands it will be going back out to bids in the next thirty to sixty days. Mr. Poe stated this makes no other financial commitments on the County's behalf; it just extends the completion date to December 31, 2006. Commissioner Bennett made a MOTION to approve. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**6. DISCUSS CONTRACT WITH WILLIAMS,
SWEITZER AND BARNUM TO PROVIDE
ENGINEERING SERVICES FOR NEW ACCESS
ROAD TO PEPPERELL HIGH SCHOOL:**

Deferred.

**7. DISCUSS ACCEPTING WHITE OAK TRAIL
ON COUNTY MAINTENANCE:**

Deferred.

**8. APPROVE CHANGE ORDER WITH POSTELL
STEEL ERECTION IN THE AMOUNT OF
\$960.00 TO COVER ADDITIONAL COST FOR
INSTALLATION OF SKYLIGHTS AT
BASKETBALL SHELTERS AT SHANNON
PARK AND CRANE STREET PARK
(2003 SPLOST):**

County Manager Poe stated the Recreation Authority is requesting a Change Order with Postell Steel. Commissioner Bennett made a MOTION to approve this Change Order. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**9. AWARD OF BIDS FOR
PARK PROJECTS (2003 SPLOST):**

**1. PORTABLE BLEACHERS/PORTABLE PLAYER BENCHES
GRILLS, PICNIC TABLES, AND TRASH RECEPTACLES**

County Manager Poe stated that bids had been received for these items and he recommended accepting the Recreation Director's recommendation to award the bids as submitted in their letter of January 20, 2005. Commissioner Jennings made a MOTION to accept the Recreation Director's recommendation. SECOND by Commissioner Bennett.
VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

RECOGNITION OF VISITORS:

Chairman Hufstetler stated that before the Attorney's Report he wanted to recognize there were some guests present from Leadership Rome and asked them to introduce themselves and thanked them for attending the meeting. Chairman Hufstetler also recognized visitors from the Shannon Community and thanked them for attending the meeting.

ATTORNEY'S REPORT:

County Attorney Tom Manning stated he felt like it was a good idea for the County Attorney to report to the Commission from time to time regarding the status of pending or threatening litigation, and sometimes potential litigation that the County may be contemplating taking. Mr. Manning stated he was well aware that the Commission likes to conduct all of its business in public, but as the Georgia Code provides, often times it's good to hear from your Attorney and the Attorney-Client privilege is certainly recognized by the State of Georgia. Attorney Manning stated it would be prudent on the Commission's part to hear from the Attorney's in a closed session and he recommended that the Chairman entertain a motion to enter into an Executive Session for the purpose of consulting with the County Attorney and members of his firm to discuss several different potential or pending litigation matters as allowed under the statute. Attorney Manning stated he wanted to remind the Commission that if they do enter into a closed session it is very important they only

discuss the matters that the Commission is voting on to go into closed session and that is to consult with the County Attorney regarding pending or potential litigation that is contemplated against or by the County.

Commissioner Bennett made a MOTION to follow the Attorney's recommendation for an Executive Session. In order to consult with the County attorney regarding pending or threatened litigation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

The Board went into and returned from Executive Session, and the Chairman gave the County Clerk an Affidavit regarding the closed meeting.

RECESS:

Chairman Hufstetler called for a motion to recess the meeting and the Board would reconvene on Monday, January 31, 2005 at 8:30 A.M. Commissioner Fricks made a MOTION to recess. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

The meeting of the Floyd County Board of Commissioners, which recessed on January 25, 2005, reconvened on January 31, 2005 at 8:30 a.m. In attendance were Chairman Chuck Hufstetler, Commissioners Tom Bennett, Jerry Jennings and John Mayes and County Attorney Tommy Manning, County Clerk Kathy Arp, Assistant County Manager Sammy Rich and Comptroller/Finance Director Al Leonard. Commissioner Fricks was not in attendance at the January 31, 2005 meeting.

ADOPT FY2005 BUDGETS:

The FY2005 Proposed Budget was presented and reviewed. Commissioner Bennett made a MOTION to adopt the FY2005 Budget as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

OTHER BUSINESS:

PROPOSED SPLOST PACKAGE:

Projects for a proposed SPLOST package were reviewed and discussed. Chairman Hufstetler stated that he, Commissioner Fricks, and County Manager Poe had met with representatives from the City of Rome to review the proposed list, and another meeting has been scheduled for Wednesday, February 2, 2005, to further review and prioritize the project list

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

CHUCK HUFSTETLER, CHAIRMAN