

# June 14, 2005

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**June 14, 2005** **2:00 P.M.**

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

## OTHERS

**PRESENT:** County Attorney Virginia Harman, County Clerk Kathy Arp, and County Manager Kevin Poe.

**ABSENT:** County Attorney Tom Manning was out of town.

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

**INVOCATION:** County Manager Kevin Poe led the Invocation.

## PLEDGE OF

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

## PUBLIC PARTICIPATION:

**John Johnston, 104 Pineway Drive, Rome,** stated he had spoken to Commissioner Mayes about the Noise Ordinance about a month ago in a Public Safety meeting. Mr. Johnston stated that he is still having the same problems. Mr. Johnston stated the Noise Ordinance-Nuisance Prohibited says no person shall create, maintain, subordinate or continue a nuisance such as television sets, phonographs, radio receivers, musical instruments or any similar device with production or reproduction of sound in such a manner to disturb the peace, quite and comfort of neighboring residents or any reasonable sensitivity to the area. Mr. Johnston stated he has brought this to your (*Commissioners*) attention he doesn't know how many times. Mr. Johnston stated the city just finally came up with the idea of making a proposal for a new Nuisance and Noise Ordinance so that maybe it can be enforced a little better. Mr. Johnston stated he doesn't understand why the County Police can not enforce any better. Mr. Johnston stated he lives in a incorporated or unincorporated area, and the County Police did not have a problem getting involved with the guy behind him when they needed the SWAT team to come out and help out. Mr. Johnston stated the he tried to sue the Commissioners at one time just like he did the city, but your attorneys all got together and buried him in a bunch of paperwork he could not get out from under, so you got your way with that because you did not want it to go to court because you do not want the court to hear this problem because you know these boom boxes and some of these loud motorcycles and other things are a nuisance according to your codes, the city codes and the state laws but do you want to do anything about it – No. Mr. Johnston stated that he would go back to what

Commissioner Fricks stated in the last meeting that he attended last month, when he said he makes decisions on looking at things like it goes on in his neighborhood. Mr. Johnston stated I tell you what Mr. Fricks, trade houses with me for a weekend and let's see if you would like what goes on in my neighborhood all the time going on in your neighborhood; I guarantee you probably would not last a day, you would be wanting to go back home because you would not put up with it. Mr. Johnston stated you do not put up with it in your neighborhood, none of you (*Commissioners*) put up with it in your neighborhood but you expect him to put up with it in his. Mr. Johnston stated he said five years ago when he started this thing he got evicted from his house twice because the people did not like him calling the police and enforcing his rental code and everything but he said three years ago when he moved into the city he would not be removed from his home again because of these idiots that do not understand what too much noise means. Mr. Johnston stated a barking dog, they bring them into the city, county, they go to County Magistrate Court it's a \$300 something fine. Mr. Johnston stated that he was told when he sued you that he did not spell some peoples names right was one of the reasons you gave, he did not have a cause of action and he did not write you, he told you verbally, here is your written notice that you will be given the thirty days that he is asking to make these nuisances, either ban them or abate them. Mr. Johnston stated that he guarantees, he may have spelled Garry Fricks' name wrong, but he will make sure to get yours right Mr. Hufstetler.

Chairman Hufstetler thanked Mr. Johnston for his comments.

#### **ADOPTION OF MINUTES:**

Chairman Hufstetler asked if the minutes were in order. County Attorney Virginia Harman stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of May 24, 2005 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

#### **PROCLAMATIONS:**

**FLAG DAY OF GEORGIA,  
JUNE 14, 2005:**

Commissioner Jennings presented Melodye Brown, Daughters of the American Revolution and Mark Anthony, President of the Sons of the American Revolution, with the Proclamation recognizing June 14, 2005 as Flag Day of Georgia. Ms. Brown stated that they will be supported in the celebration of Flag Day this evening by the Rome Braves who have agreed to pause for the Pledge of Allegiance prior to the game tonight. Ms. Brown stated there will be color guard distributing 1,000 American Flags courtesy of the Rome Braves in honor of the celebration of Flag Day. Mr. Anthony stated that he would like to present the Floyd County Commission on behalf of the Sons of the American Revolution with a certificate recognizing the county for its display of the American Flag both in front of the courthouse and the County Extension building.

(Proclamation/Resolution Book, Page 47)

#### **FIRST READINGS**

**(PUBLIC HEARING TO BE HELD  
JUNE 28, 2005 AT 6:00 PM):**

- 1. FILE #29-2005Z, REQUEST REZONING FROM L-I (LIGHT INDUSTRIAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING PURPOSES LOCATED ON STATE ROUTE 53 AT PIERCE HILL ROAD. ZONING MAP M10Y-022, 026. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 0]):**
- 2. FILE #31-2005Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL) WITH SPECIAL USE PERMIT TO ALLOW WATER TREATMENT PLANT ON PROPERTY LOCATED AT 21 WHITE OAK TRAIL, SHANNON, GEORGIA. ZONING MAP L10Z-027 AND PART OF 025. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 0]):**
- 3. FILE #33-2005Z, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE CURRENT COMMERCIAL USE AND ADDITIONAL COMMERCIAL GO CART TRACK ON PROPERTY LOCATED AT 3264 FOSTERS MILL ROAD. ZONING MAP E17-027, 025. (PLANNING COMMISSION RECOMMENDATION: APPROVE LOT E17-027; DENY LOT E17-025 [VOTE: 5 – 3]):**
- 4. FILE #34-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH SPECIAL USE PERMIT FOR SHOPPING CENTER ON PROPERTY LOCATED ON**

**HIGHWAY 411 EAST AT CALLIER SPRINGS ROAD. ZONING MAP K15W-005.  
(PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 8 – 0].  
REQUEST JUNE 10, 2005 TO WITHDRAW DATED WITHOUT PREJUDICE.**

County Attorney Virginia Harman stated File #34-2005Z was the withdrawal. County Attorney Harman questioned if that withdrawal would come up now. Chairman Hufstetler stated he thought we actually had to open a public hearing next meeting is what we did the last time. County Attorney Harman stated that she thinks it can be voted on now it just requires a vote at this time. Chairman Hufstetler stated if no public hearing has to be opened then the applicant had requested that this be withdrawn without prejudice, is there a MOTION on this.

Commissioner Bennett made a MOTION to allow the applicant to withdraw File #34-2005Z without prejudice. SECOND by Commissioner Mayes.  
VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**ULDC REVISIONS:**

1. **REVISE OR DELETE ARTICLE 6.19 CONCERNING PROTECTION OF NATURAL WATERS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6 – 0]).**

**REVISE ARTICLE 6 CONCERNING CLUSTER SUBDIVISION OPTION.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 6 – 0]).**

3. **REVISE ARTICLE 3.4 (TABLE 3-1 AND TABLE 3-2), ARTICLE 4.1, AND ARTICLE 8 CONCERNING ACCESSORY APARTMENTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 5 – 1]).**
4. **REVISE ARTICLE 4.1.12 CONCERNING MANUFACTURED HOMES. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6 – 0]).**
5. **REVISE ARTICLE 2.2.6 CONCERNING DEVELOPMENTS OF REGIONAL IMPACT. (PLANNING COMMISSION RECOMMENDATION:**

**POSTPONE [VOTE: 6 – 0]).**

## **PUBLIC HEARINGS**

### **ULDC Revisions:**

**(FIRST READING HELD APRIL 12, 2005  
NO ACTION TAKEN AT PUBLIC HEARING HELD  
ON APRIL 26, 2005, MAY 10, 2005 AND MAY 24, 2005):**

- 1. REVISE OR DELETE ARTICLE 2.2.3c(1) CONCERNING  
PUBLIC HEARINGS HELD BY THE GOVERNING BODY.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 10 – 0]).**

**REVISE OF DELETE ARTICLE 2.10.2.c(1) CONCERNING  
PUBLIC HEARINGS HELD BY THE GOVERNING BODY.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 10 – 0]).**

## **CHAIRMAN’S REPORT**

### **1. DISCUSS APPOINTMENTS**

Commissioner Bennett made a MOTION to appoint the following:

- a. Development Authority of Floyd County** – reappoint Eddie Wilson (4 year term, expires 04/28/09); reappoint Nancy Smith (4 year term, expires 04/28/09); appoint David Johnson (4 year term, expires 04/01/09).
- b. Floyd/Rome Urban Transportation Study Committee (FRUTS)** – appoint Charles Jackson to replace Tracy Page and Gary Tillman to replace Bobby Payne (2 year term, expires 12/31/05).
- c. Animal Control and Welfare Board** – appoint Susan Cooley to replace Faye Tomlinson (3 year term, expires 09/30/08) and Terry Williamson to replace Mary Gresham (3 year term, expires 09/30/07).

SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes

" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**2. DISCUSS REQUEST FROM HOPE MINISTRY PAROLEE AND PROBATIONER  
COMMUNITY RE-ENTRY PROGRAM (DEFERRED FROM MAY 24, 2005).**

Defer

**3. DISCUSS CONSOLIDATION STUDY**

Chairman Hufstetler stated this was discussed in Caucus and a letter will be sent to the two school boards and action will be taken at a later meeting.

**COMMISSIONER'S REPORT:**

**1. ADMINISTRATIVE/FINANCE COMMITTEE – COMMISSIONER FRICKS,  
CHAIRMAN**

Commissioner Fricks stated the Administration / Finance Commission meets tomorrow (June 15, 2005) at 1:00 pm.

**PUBLIC SAFETY COMMITTEE – COMMISSIONER MAYES, CHAIRMAN**

Commissioner Mayes stated he had no report.

**3. PUBLIC WORKS COMMITTEE – COMMISSIONER BENNETT, CHAIRMAN**

Commissioner Bennett stated he had no report.

**4. WATER COMMITTEE – COMMISSIONER JENNINGS, CHAIRMAN**

**a. Recommendation related to Memorandum of Understanding submitted to  
Floyd County by Walker County.**

Commissioner Jennings stated that he, County Manager Poe, and the Water Department Director Steve Hulsey attended a meeting with Commissioner Heiskell in Walker County to discuss the proposed Regional Water Authority, and as part of that the potential development of Regal Springs as a water source for the region. Commissioner Jennings stated they successfully discussed and reviewed broadening the perspective of this water authority from the six counties, as originally suggested, to a potential fifteen county water authority that looks at water related issues throughout Northwest Georgia, and

creates a plan to have the water resources where the growth is projected for our area.

Commissioner Jennings made a MOTION to authorize the Chairman to sign the Memorandum of Understanding, which basically says the undersigned parties agree to cooperate towards the establishment of a Regional Water Authority and the pursuit of all possible sources of Federal and State Grant funds to implement a water supply plan. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

## **5. SPECIAL COMMITTEE REPORTS:**

### **a. Existing Prison Use (Hufstetler/Mayes)**

No report.

### **b. Consolidation Task Force (Fricks/Hufstetler)**

No report.

### **c. SPLOST Projects**

No report.

### **d. Parking Committee (Fricks/Bennett)**

No report.

## **CLERK'S REPORT**

## **CONSENT AGENDA**

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**1. Tax Refunds:**

- a. Hubert and Harriet Cline, 14 Clover Street, \$16.26
- b. David and Susan West, 19 Meadowood Drive, \$37.44
- c. James P. Jones, 4438 Cave Spring Road SW, \$1,458.68
- d. Nassim A. Rahman / dba N & R Electronics, 2804 East Walnut Avenue, \$668.81
- e. James D. Martin, 641 Floyd Springs Road, Armuchee, \$109.56
- f. Arnold L. Terry, P.O. Box 2443, \$34.73
- g. H.M. and M.T. Ballenger, 801 Maple Avenue, \$3.08

**2. Application for Precious Metals License, Pamela Jane Cammer, Jane's Jazy Jewelry, 500 Armuchee Trail, NE, Rome, Georgia.**

**MANAGER'S REPORT:**

**1. DISCUSS WORK AUTHORIZATION NO. 8 FROM LPA GROUP FOR RUNWAY 7/25 FULL-DEPTH PAVEMENT RECYCLING PILOT DEMONSTRATION PROGRAM AT RUSSELL REGIONAL AIRPORT:**

**DISCUSS WORK AUTHORIZATION NO. 9 FROM LPA GROUP FOR TAXIWAY C PAVEMENT REHABILITATION PROJECT AT RUSSELL REGIONAL AIRPORT:**

County Manager Kevin Poe requested that he be allowed to present numbers one and two together. There being no objection, County Manager Poe recommended approval of Work Authorizations No. 8 and No. 9 with the LPA Group, which is the airport engineers, to perform engineering services for runway 7/25 Full-Depth Pavement Recycling Pilot Demonstration Program and the Taxiway C Pavement Rehabilitation Project at the Russell Regional Airport.

Commissioner Mayes made a MOTION to approve the recommendation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks



" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**3. AUTHORIZE SUBMITTAL OF A LOAN APPLICATION TO THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (GEFA) FOR IMPROVEMENTS TO THE SHANNON WATER TREATMENT PLANT:**

County Manager Kevin Poe stated we plan to submit a loan application to the Georgia Environmental Facilities Authority for funding for improvements to the Shannon Water Treatment Plant, however before we can officially submit the application the Board needs to take action to authorize the submittal of such a loan application.

Commissioner Jennings made a MOTION to approve the submittal of the loan application to the Georgia Environmental Facilities Authority for improvements to the Shannon Water Treatment Plant. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**4. CONSIDER REQUEST FROM PHIL HART, SUPERIOR COURT ADMINISTRATOR, TO INCREASE INDIGENT DEFENSE BUDGET BY \$30,000:**

County Manager Kevin Poe recommended that an additional \$15,000 be added to that line item to cover bills we are receiving from contract attorneys that are handling certain indigent defense cases.

Commissioner Jennings made a MOTION to approve as recommended by the County Manager. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**5. CONSIDER REQUEST FROM JOE JOHNSTON, CLERK OF SUPERIOR COURT, TO AMEND EQUIPMENT BUDGET FOR PURPOSES OF PURCHASING A NEW PRINTER:**

County Manager Kevin Poe recommended approval of a request from Joe Johnston, Clerk of Superior Court to transfer \$1,515 from his Data Processing line item to his Equipment Purchase line item to cover the cost of a new printer that is needed in his office.

Commissioner Bennett made a MOTION to approve. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**6. APPROVE AGREEMENT FROM THE OFFICE FOR DOMESTIC PREPAREDNESS (ODP) FOR A STATE HOMELAND SECURITY**

**GRANT IN THE AMOUNT OF \$25,500 TO PROMOTE AND SUPPORT CITIZEN CORPS AND COMMUNITY RESPONSE TEAM (CERT) PROGRAMS:**

County Manager Kevin Poe stated a grant has been presented from the Office of Domestic Preparedness related to the Homeland Security Grant in the amount of \$25,500 to promote and support Citizen Corps and Community Response Team Programs, and recommended approval of acceptance of this grant offer.

Commissioner Jennings made a MOTION to approve the grant from the State Homeland Security Department in the amount of \$25,500 to support the CERT Program. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

7. **APPROVE CONTRACT WITH GOLDER ASSOCIATES FOR GROUNDWATER MONITORING SERVICES AT CITY, COUNTY AND JOINT LANDFILLS (RECOMMENDED APPROVAL BY SOLID WASTE COMMISSION):**
8. **APPROVE TASK ORDER NO. 6 WITH JORDAN, JONES AND GOULDING, INC. TO PROVIDE ENGINEERING SERVICES REGARDING CONSTRUCTION OF PHASE 7 OF THE WALKER MOUNTAIN LANDFILL (RECOMMENDED APPROVAL BY SOLID WASTE COMMISSION):**
9. **APPROVE CONTRACT WITH GOLDER ASSOCIATES FOR PHASE 2 CONTAMINATION ASSESSMENT AT THE BERRYHILL LANDFILL:**

County Manager Kevin Poe stated items seven and eight are recommendations by the Solid Waste Commission. County Manager Poe stated #7 is to enter into a contract with Golder Associates to perform Groundwater Monitoring Services for the landfills that come under the Joint Solid Waste Commission's jurisdiction. County Manager Poe stated #8 is to approve Jordan, Jones and Goulding to provide engineering services for Phase 7 of the Walker Mountain Landfill. County Manager Poe stated both of those will be funded by the Joint Solid Waste Commission Fund.

County Manager Poe stated item #9 is a recommendation to enter into a contract with Golder Associates for Phase 2 Contamination Assessment at the Berryhill Landfill and those costs will be funded by the County's Solid Waste Fund.

Commissioner Mayes made a MOTION to approve as recommended. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett  
Chairman Hufstetler

Motion Carried

**10. DISCUSS PROPOSAL TO PERFORM FINANCIAL REPORT  
ON CITIZENS FOR BETTER PARKS:**

County Manager Kevin Poe stated a proposal has been prepared by Read, Martin and Slickman to perform a Financial Report on Citizens for Better Parks, and is presented for your action.

Commissioner Bennett made a MOTION to approve the proposal from Read, Martin and Slickman to prepare a Financial Report on Citizens for Better Parks. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**11. DISCUSS 2005 AIRPORT BUDGET ADOPTION:**

Defer

**12. DISCUSS IMPLEMENTATION OF WELLNESS PROGRAM:  
4/5 VOTE REQUIRED**

County Manager Kevin Poe requested a 4/5 vote to put on the agenda discussion regarding Implementation of a Wellness Program for county employees.

Commissioner Fricks made a MOTION to add the item to the agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

County Manager Poe recommended that a Wellness Program for Floyd County Employees be implemented. County Manager Poe stated the program was put together jointly by Garner & Glover and Floyd Medical Center to begin a Wellness Program for Floyd County Government. County Manager Poe recommended that \$19,000 be set aside to get this program up and going. County Manager Poe stated other details of the program would be forthcoming, but recommended that we begin the core elements of the program as they were submitted. County Manager Poe stated funding would come from premium savings that were realized when our health insurance was renewed earlier this year.

Commissioner Fricks made a MOTION to approve the \$19,000 to initiate the Wellness Program for Floyd County Employees. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

#### **ATTORNEY'S REPORT:**

County Attorney Virginia Harman stated she had nothing to report.

#### **ADJOURNMENT:**

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

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings

" Bennett  
Chairman Hufstetler

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**CHUCK HUFSTETLER,  
CHAIRMAN**