

July 26, 2005

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 26, 2005 **6:00 P.M.**

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 John Mayes led the Invocation.

PLEDGE OF

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

ADOPTION OF MINUTES:

Chairman Hufstetler asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Fricks made a MOTION to adopt the minutes of the Regular Meeting of July 12, 2005 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

RESOLUTIONS:

**ADOPT RESOLUTION SETTING 2005
MILLAGE RATE FOR FLOYD COUNTY
BOARD OF EDUCATION M&O AND
FLOYD COUNTY GOVERNMENT M&O,
FIRE PROTECTION AND SOLID WASTE.**

County Manager Kevin Poe stated this Resolution includes the Millage Rate for Maintenance and Operations set by the Floyd County Board of Education, at 18.996 mills; the County General Fund, or Maintenance and Operation Millage Rate at 7.968 mills, which is down from 8.2 mills in 2004; the Solid Waste Fund Millage Rate at .660 mills, which is a reduction from .685 in 2004; the Millage Rate for the Fire Fund at 1.887 mills, which is a reduction from 1.96 in 2004; and the levy that the state requires at .25 mills.

Commissioner Fricks made a MOTION to adopt the Resolution. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Discussion: Chairman Hufstetler stated one item he would like to add is that they do send out a unified tax bill listing all the different agencies from the City and County Schools, the City Government and the County. He stated on any tax bill that goes out in the City of Rome, the City of Cave Spring or in the unincorporated area, even though the County is sending the tax bill out, the County is the smallest item on any tax bill that is sent out. Chairman Hufstetler stated he thinks a lot of times people see the bill coming from the County and they can sometimes get the blame for all of it, but the County has the smallest tax item on there.

**PUBLIC HEARINGS
FIRST READINGS HELD
(JULY 12, 2005):**

- 1. FILE #23-2005Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL) TO MARKET PROPERTY FOR DUPLEX RESIDENTIAL USE ON PROPERTY LOCATED AT 667 AND 669 MAYS BRIDGE ROAD. ZONING MAP E14-084. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]):**

Chairman Hufstetler called for a Motion to open the Public Hearing. Commissioner Mayes made a MOTION to open the Public Hearing on File #23-2005Z. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing is open. Phil Helton, Rome/Floyd Planning Department, gave a brief presentation stating the property was initially Duplex Residential and it burned a few years ago, and was vacant for more than 12 months so the owner is trying to get it rezoned and established to rebuild a duplex.

Chairman Hufstetler asked if there was anyone present wishing to speak in support or opposition of this item. Seeing none, he 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
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a motion. Commissioner Bennett made a MOTION to rezone the property from S-R to D-R for File #23-2005Z. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

2. FILE #40-2005Z, REQUEST REZONING FROM S-R

(SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING PURPOSES FOR PROPERTY LOCATED ON HINE ROAD. ZONING MAP L15-091. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 8 – 0]): (REQUEST BY APPLICANT TO WITHDRAW WITHOUT PREJUDICE.)

Chairman Hufstetler called for a Motion to open the Public Hearing.
Commissioner Jennings made a MOTION to open the Public Hearing on File #40-2005Z.
SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked if there was anyone present wishing to speak in support or opposition of this item. Chairman Hufstetler asked County Attorney Tommy Manning if they need a presentation on this. County Attorney Manning stated no, you (*Commissioners*) have the ability if you so choose to just go ahead and pass a motion to allow withdrawal without prejudice without hearing a presentation by the Planning Department. Commissioner Bennett made a MOTION to close the Public Hearing on File #40-2005Z. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler called for a motion. Commissioner Bennett made a MOTION to allow the party to withdraw without prejudice their request to rezone property shown by File #40-2005Z. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Mayes

" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

3. FILE #41-2005Z, REQUEST REZONING FROM M-R (MULTI-FAMILY RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) TO CONSTRUCT SINGLE FAMILY RESIDENCE DWELLING ON PROPERTY LOCATED AT 140 DRUMMOND DRIVE. ZONING MAP I13M-047. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 1]):

Chairman Hufstetler called for a Motion to open the Public Hearing.
Commissioner Bennett made a MOTION to open the Public Hearing on File #41-2005Z.
SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked Mr. Phil Helton, Rome/Floyd Planning Department, for a presentation on this item. Mr. Helton stated the property is located on Drummond Drive, in West Rome, and the applicant has requested rezoning in order to build a single family dwelling. Mr. Helton stated to the north is Single Family Residential use with S-R zoning, to the east is Single Family Residential use with S-R zoning and also to the south. He stated to the west is M-R zoning and a manufactured home village, or park, is located there.

Chairman Hufstetler asked if there was anyone present wishing to speak in support or opposition of this item. Seeing none, Chairman Hufstetler called for a motion to close the Public Hearing. Commissioner Jennings made a MOTION to close the Public Hearing on File #40-2005Z. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

Discussion: Chairman Hufstetler noted the Planning Staff had recommended that a plat should be recorded creating a buildable lot for single family dwelling, because the zoning would be incompatible with the number of manufactured homes currently on the property. County Manager Kevin Poe stated that he was at the Planning Commission meeting, and what they talked about was that the applicant was talking about putting in like a flag lot where she would have 60 foot of frontage on Drummond Drive, and what she wants to do is build, he thinks, in the back bottom right corner of that property. He stated there is already a residence there, and she was going to get 60 foot of frontage and do a flag lot and build a house back in there, and he thinks remove some of the old manufactured homes that are on the property currently. He stated he thinks that is what they were talking about; getting a recordable plat that will show that she has her own piece of property to build that house on.

Commissioner Bennett made a MOTION to approve the rezoning from Suburban Residential to Single Family Residential for that property shown on File #41-2005Z, conditioned upon there being a plat recorded creating a buildable lot for a single family dwelling. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

- 4. FILE #42-2005Z, REQUEST REZONING FROM M-R (MULTI-FAMILY RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL) FOR OFFICE AND WAREHOUSE STORAGE USE ON PROPERTY LOCATED AT 1158 CHULIO ROAD. ZONING MAP K16-121. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 8 – 0]):**

Chairman Hufstetler stated no Public Hearing required.

ULDC REVISIONS

**(FIRST READING HELD JUNE 14, 2005
NO ACTION TAKEN AT PUBLIC HEARING
HELD JUNE 28, 2005 and JULY 12, 2005):**

- 1. REVISE ARTICLE 6 CONCERNING CLUSTER
SUBDIVISION OPTION. (PLANNING COMMISSION
RECOMMENDATION: POSTPONE [VOTE: 8-0]).**

Chairman Hufstetler stated no Public Hearing required.

CHAIRMAN'S REPORT:

1. APPOINTMENT TO WEST THIRD STREET DEVELOPMENT COMMITTEE:

Chairman Hufstetler stated that the City has a sub-committee that has been working on the West Third Street Development for quite a few months, and they have asked that the County Manager and one Commissioner be involved in that sub-committee. Chairman Hufstetler appointed Commissioner Garry Fricks to that committee.

COMMISSIONER'S REPORT:

1. ADMINISTRATIVE/FINANCE COMMITTEE – COMMISSIONER FRICKS, CHAIRMAN

Commissioner Fricks stated he had no report.

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

Commissioner Jennings stated that on July 27, 2005 there is a State Workshop on Decentralized Sewer at the Rome Civic Center from 10 until noon, and the Water Committee will meet on August 10, 2005.

5. SPECIAL COMMITTEE REPORTS

- a. Consolidation Task Force (Fricks/Hufstetler)**
- b. Parking Committee (Fricks/Bennett)**
- c. SPLOST Committee**

There were no Special Committee Reports.

CLERK'S REPORT

CONSENT AGENDA

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

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

1. Tax Refunds:

- a. Jimmy Ray Edwards, PO Box 232, \$ 1,398.06.
- b. Dennis Michael Lynch, 408 Mt Alto Rd, \$ 100.46.
- c. NORWEGA Sales, Inc., 693 Woods Rd, NW, \$ 674.57.

Authorize release of 2001 Tax Bill for Tax Map K152-011 in the amount of \$245.53.

3. Authorize release of 2004 Tax Bills less than \$1.00 in the amount of \$30.59.

4. Authorize release of List of Uncollectible Property Tax Bills from the Tax Digest in the amount of \$281,677.37.

5. Malt Beverage Applications:

- a. Farooq Ahmad, Swaft Inc., dba High Tech Convenience, 4428 Martha Berry Highway (Convenience Store, Ownership Change).
- b. Muhammad Junaid, National Investment Inc., Rome Food Mart, 3264 Fosters Mill Road (Convenience Store, Ownership Change).

6. Self-Service Fuel Applications:

- a. Farooq Ahmad, Swaft Inc., dba High Tech Convenience, 4428 Martha Berry Highway (Ownership Change).
- b. Muhammad Junaid, National Investment Inc., Rome Food Mart, 3264 Fosters Mill Road (Ownership Change).

MANAGER'S REPORT:

**1. DISCUSS BIDS RECEIVED FOR STORAGE
AREA AND DRESSING ROOMS AT THE FORUM.
(DEFERRED JUNE 28, 2005 AND JULY 12, 2005.)**

County Manager Kevin Poe stated this was discussed during Caucus Session and it was noted that working with Pinson's, who was the low bidder for the work on the new dressing rooms, they would be able to reduce the cost of the project by making some revisions to the plans, so before you is whether you want to do both dressing rooms at a cost of \$194,200 and add the storage areas to that for a total cost of \$246,600. He stated Pinson's had previously bid the work on the storage areas and they are keeping that same price good through this meeting if they wanted to accept their original bid on the storage area. He stated they could either do the dressing rooms for \$194,200 or both the dressing rooms and storage for \$246,600 or any other option they desire.

Commissioner Jennings stated that it seems to him that they have worked hard to gather information on this project to make this project as all encompassing as possible. He stated that they started off with smaller dressing rooms and he thinks now they have some dressing rooms that will serve the needs of the facility. He stated that he does not think they can do the dressing rooms without adding the storage space so he thinks that the time is right and also the timing is right to begin this project during the summer before we get into basketball season and sporting events for our local schools.

Commissioner Jennings made a MOTION to authorize the low bid for both the dressing rooms and storage space for \$246,600. SECOND by Commissioner Bennett. VOTING:

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

Motion Carried

**2. DISCUSS REQUEST FOR BUDGET AMENDMENT
FOR EMERGENCY MANAGEMENT.**

County Manager Kevin Poe stated item #2 is a request from Scotty Hancock, Emergency Management Director, for a budget amendment. County Manager Poe recommended that the Board approve revisions to Salary and Benefits line items, as well as Equipment line items, to cover the cost that Scotty will incur in his Supply budget and his Repair and Maintenance budget. He stated there will be no additional cost to his overall budget, they will just use money that they will be saving from Salary and

Equipment line items to cover the additional funds he needs for Supply and Repair and Maintenance.

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

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**3. AWARD BID FOR INSTALLATION OF PHONES
IN VISITATION AREA AT THE JAIL.**

Deferred.

4. DISCUSS STREET LIGHT ASSESSMENT RATE.

County Manager Kevin Poe stated the current street light assessment rate is 36 cents per foot and recommended that the street light assessment rate be increased to 37 cents per foot to be effective for 2005.

Chairman Hufstetler called for a motion. Commissioner Bennett made a MOTION to approve the Manager's recommendation to increase the Street Light Assessment Rate from 36 cents to 37 cents per linear foot. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
Chairman Hufstetler

Motion Carried

**5. AWARD BIDS FOR VEHICLES FOR PUBLIC
WORKS, WATER DEPARTMENT AND ANIMAL
CONTROL.**

**6. AWARD BIDS FOR EQUIPMENT FOR PUBLIC
WORKS AND WATER DEPARTMENTS.**

County Manager Kevin Poe stated he would like to present items 5 and 6 together. He stated there are two memos in the agenda package from Nancy Lam, Purchasing Director, dealing with a number of vehicles to be purchased by Public Works, Water Department and Animal Control, and sealed bids that were taken for the purchase of equipment for the Public Works Department and Water Department. He recommended the award of all those bids be approved as presented by the Purchasing Director in her memos dated July 19, 2005. He noted that all of the bids are well within the budget established initially for the purchase of the items.

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

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

Motion Carried

ATTORNEY'S REPORT:

County Attorney Tommy Manning stated he had nothing to report.

OTHER BUSINESS:

Chairman Hufstetler welcomed members of the Junior Service League that were present.

ADJOURNMENT:

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

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

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

**CHUCK HUFSTETLER,
CHAIRMAN**