

April 26, 2005

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

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

**OTHERS**

**PRESENT:** County Attorney Tom Manning, County Clerk Kathy Arp, and County Manager Kevin Poe.

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

**INVOCATION:** Commissioner Bennett led the Invocation.

**PLEDGE OF**

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

**ADOPTION OF**

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

**VOTING:**

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**PROCLAMATIONS:**

**NATIONAL HISTORIC PRESERVATION MONTH**

Chairman Hufstetler stated the Proclamation would be presented at a later date.

**RESOLUTIONS:**

**RESOLUTION OF SUPPORT COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) FOR CONSTRUCTION OF PHASE I  
OF A NEW BOYS & GIRLS CLUB FACILITY:**

Chairman Hufstetler asked for discussion or a Motion. Commissioner Fricks stated he would like to reiterate that the County's sole commitment is to administer and audit the Grant. Commissioner Mayes made a MOTION to approve. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

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

**FILE #15-2005Z, REQUEST REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL)  
TO MARKET FOR LIGHT INDUSTRIAL USE PROPERTY  
LOCATED ON CAVE SPRING STREET. ZONING MAP  
#115Z-041. (PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 10 – 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 asked if there was anyone present wishing to speak in support or opposition of this issue. Seeing none, Chairman Hufstetler asked Sue Hiller, Rome/Floyd Planning Department Director, to make a presentation regarding this item.

Ms. Hiller stated that the subject property is split-lot zoning with L-I on the Hwy. 27 side and S-R on the Cave Spring Road side. Ms. Hiller stated the property is within the Light Industrial corridor along Hwy. 27, it just also lies between an area that has some existing residential development on it. Ms. Hiller stated that all utilities and services are available to the property, and both Cave Spring Road and Hwy. 27 are considered to be arterials. Ms. Hiller stated the ULDC does allow for rezoning for marketing purposes.

**Support:** Jim Givens, 7 Spring Ridge Trail, stated he owns the property that goes all the way to Hwy. 27 and he would like to see the property rezoned so his entire tract would have the same zoning throughout. Commissioner Mayes asked how big the tract is. Mr. Givens stated it is 17 acres total, and the tract he is requesting to be rezoned is approximately 6 acres.

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

YES

NO

Commissioner Fricks

" Mayes

" 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

**FILE #16-2005Z, REQUEST REZONING FROM C-C (COMMUNITY COMMERCIAL) TO S-R (SUBURBAN RESIDENTIAL) FOR EXISTING SINGLE FAMILY RESIDENTIAL USE ON PROPERTY LOCATED AT 6880 CAVE SPRING ROAD, CAVE SPRING. ZONING MAP #F18-059. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]).**

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked if there was anyone to speak in support or opposition of the issue. Seeing none, Chairman Hufstetler asked Sue Hiller to make her presentation. Ms. Hiller stated the subject property was rezoned from S-R to C-C some time ago, when the applicant thought they might want to open some type of tack shop, but they never did that and wanted to build buildings on the property and discovered that the zoning does not match what they are doing there – which is living there and raising horses, so they are requesting that it be zoned back to S-R to better reflect the current use of the property. Ms. Hiller stated that all utilities are available to the site.

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler made a MOTION to approve. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**FILE #19-2005Z, REQUEST REZONING FROM L-I (LIGHT INDUSTRIAL) TO H-I (HEAVY INDUSTRIAL) FOR CONTINUED HEAVY INDUSTRIAL USE ON PROPERTY LOCATED AT 401 BURLINGTON ROAD, SHANNON. ZONING MAP #M10Y-139 AND L11W-011. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0 / 1 ABSTAIN]).**

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

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked Ms. Hiller to make her presentation. Ms. Hiller stated the subject property is the Galey & Lord property in Shannon. Ms. Hiller stated the property is completely developed, and the reason it is before the Board is that the current owner is finding tenants for the space. Ms. Hiller stated the property was formerly used as a textile plant, and the current owner is planning to continue with use as a textile plant. Ms. Hiller stated the Planning Commission recommendation is that the lot that is currently zoned L-I would be zoned H-I in its entirety and the lot that is currently zoned S-R would be zoned H-I only for the part of it that actually is developed with buildings and parking lots right now. Ms. Hiller stated this would prevent putting H-I zoning right behind the houses that are currently along Avenue F. Ms. Hiller stated the applicant was amenable to this and understands that the recommendation was conditioned on him coming in with a plat to re-plat that lot and make just the part that is actually developed H-I, and leave the rest as S-R. Ms. Hiller stated she would also recommend that a condition also be placed that upon submission of a recordable plat that shows the lot divided in such a way that the industrial buildings and parking lots would all be zoned H-I and the remainder of the S-R lot would stay S-R.

Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Commissioner Jennings made a MOTION to approve the rezoning conditioned on the submittal of a recordable plat and that we are only rezoning to H-I the existing plant site, and not rezoning the remainder of the property which is currently zoned S-R, all further recommendations of Ms. Hiller. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**ULDC REVISIONS:**

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

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

Chairman Hufstetler asked County Attorney Manning if it would be allowable to do the two ULDC proposed revisions together. County Attorney Manning stated it would. Chairman Hufstetler called for a Motion to open the Public Hearing. Commissioner Mayes made a MOTION to open the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the proposed ULDC Revisions had been discussed in Caucus and these proposed revisions deal with the fast-tracking of items where there is an emergency situation. Chairman Hufstetler asked if there was anyone who wished to speak in support or opposition. Seeing none, Chairman Hufstetler called for a Motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing. VOTING:

YES NO

Commissioner Fricks  
" Mayes  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated that following the discussion in Caucus, it was decided that no action would be taken at present, and proposed revisions will be reviewed, and the city and county attorney's would be asked to review and action will be taken at a later date.

#### **CHAIRMAN'S REPORT:**

Chairman Hufstetler stated he had nothing to report.

#### **COMMISSIONER'S REPORT:**

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

Commissioner Fricks stated he had nothing to report.

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

Commissioner Mayes stated he had nothing to report.

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

Commissioner Bennett made a MOTION to place Seay Drive on County Maintenance. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

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

Commissioner Jennings stated he had nothing to report.

**5. SPECIAL COMMITTEE REPORTS:**

**a. New Health Department Facility (Jennings/Bennett)**

Chairman Hufstetler stated the Open House for the New Health Department Facility will be held on Friday (*April 29, 2005*) at noon.

**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 requested that two items (#5 & #6) be added to the Consent Agenda under 4/5 Vote, that being the Malt Beverage Applications for The

Pantry, dba Cowboy's and the Self-Service Fuel Applications for The Pantry, dba Cowboy's. Ms. Arp stated the stores will all retain the current managers; it is just a change in ownership. Chairman Hufstetler called for a Motion to add these items to the agenda. Commissioner Fricks made a MOTION to add the items to the agenda. 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 approve the Consent Agenda as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

## **1. Tax Refunds**

- a. John and Tracey Koehler, 1593 Calhoun Road, \$26.10
- b. Melissa N. Green, 207 East Valley Road, \$3.50
- c. Jane Berry, 18 Horseleg Creek Road, \$94.80
- d. Thomas Berry III, 18 Horseleg Creek Road, \$21.96
- e. Free and Clear, Inc., 10745 Highway 431, Albertville, AL, \$14.77
- f. Gayle T. Godfrey, PO Box 391, Cave Spring, \$93.51
- g. William G. Gaines, 222 Featherston Road, \$8.92
- h. Hamilton Ridge Apartments, 611 Turner McCall Blvd., \$3,064.47
- i. Lucy Johnston Clary, PO Box 23, \$3.74
- j. S&W Investments LLC, 414 E 20<sup>th</sup> St., \$22.03
- k. Patricia Friss and Neil Warner, 410 Pheasant Run, \$26.95
- l. Eugene & Edna Felton, 980 Radio Springs Rd., \$.64
- m. Clyde R. McCain, Jr. and Rachel Gilmore, 167 Brow Road, \$50.36
- n. Willie Mason, 608 Pennington Ave., \$13.23

- o. Shirley Denmon and Margie Miller, PO Box 1061, \$9.73
  - p. Joseph A. Grimaud, Jr, 804 Old Forge Road, Chapin, SC, \$103.23
  - q. George W. Hatcher Jr & Joy, 33 Piney Lane, \$5.68
2. **Remove List of Tax Bills from Tax Commissioner's Roll in the amount of \$5,273.04.**
  3. **Application for Precious Metals License, Lisa B. Meltzer, Merrylegs Antiques, 199 Reynolds Bend Drive, Rome, Georgia.**
  4. **Tax Refund in the amount of \$1,488.65 to Garland Hubbard for overpayment of property taxes.**
  5. **Approve Malt Beverage Applications (ownership change only, current Managers to remain):**
    - a. **The Pantry, Inc., dba Cowboy's Food Mart #3478, 5880 New Calhoun Road.**
    - b. **The Pantry, Inc., dba Cowboy's Food Mart #3647, 1881 Old Calhoun Road.**
    - c. **The Pantry, Inc., dba Cowboy's Food Mart #3648, 1407 Kingston Highway.**
    - d. **The Pantry, Inc., dba Cowboy's Food Mart #3636, 500 Burnett Ferry Road.**
  6. **Approve Self-Service Fuel Applications (ownership change only, current Managers to remain):**
    - a. **The Pantry, Inc., dba Cowboy's Food Mart #3648, 1407 Kingston Highway**
    - b. **The Pantry, Inc., dba Cowboy's Food Mart #3647, 1881 Old Calhoun Road.**
    - c. **The Pantry, Inc., dba Cowboy's Food Mart #3678, 5880 New Calhoun Road.**
    - d. **The Pantry, Inc., dba Cowboy's Food Mart #3636, 500 Burnett Ferry Road.**

**MANAGER'S REPORT:**

1. **APPROVE AWARD OF BID FOR MISCELLANEOUS ITEMS TO BE PLACED ALONG THE STADIUM RIVERWALK AND AT THE ADMINISTRATION BUILDING (SPLOST):**

County Manager Kevin Poe stated bids had been received for miscellaneous items to be placed along the Stadium Riverwalk and at the Administration Building. County Manager Poe stated both of these projects are SPLOST projects and the low bid was from Highlands (The Park) in the amount of \$8,546.74. County Manager Poe stated the recommendation is that the bid be awarded to Highlands. Commissioner Mayes made a MOTION to accept the recommendation of the County Manager. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

**2. APPROVE 2003 SPLOST BUDGET REVISION:**

County Manager Kevin Poe stated this is a housekeeping chore related to the 2003 SPLOST budget. County Manager Poe stated the beginning budget balances for the 2003 SPLOST were incorrect due to an error in MUNIS at the end of 2004. Mr. Poe stated year-end encumbrances had been included in the totals twice, and that is understating the available budget amounts available for 2005. County Manager Poe stated that a spreadsheet has been prepared by the Finance Department recommended the corrected budget be approved. Commissioner Bennett made a MOTION to approve the County Manager's recommendation for the budget revision for the 2003 SPLOST. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**3. APPROVE FY2005 AIRPORT BUDGET:**

No action taken at this time.

**4. DISCUSS POSSIBLE RELOCATION OF  
WAX ROAD FIRE STATION:**

No action taken at this time.

**5. INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITY OF ROME AND FLOYD COUNTY RELATED  
TO THE 2005 BYRNE JUSTICE ASSISTANCE GRANT  
PROGRAM (JAG):**

**4/5 VOTE REQUIRED:**

County Manager Kevin Poe requested a 4/5 vote to place this item on the agenda. Commissioner Jennings made a MOTION to place the item on the agenda. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

" Mayes

Chairman Hufstetler

Motion Carried

County Manager Poe recommended approval of the Intergovernmental Agreement related to sharing of the funds from the 2005 Byrne Justice Assistance Grant (JAG) as submitted. Commissioner Mayes made a MOTION to approve the Manager's recommendation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

" Mayes

Chairman Hufstetler

Motion Carried

**6. AWARD OF BIDS FOR PURCHASE OF  
EQUIPMENT FOR SPLOST PROJECTS  
AT NORTH FLOYD PARK AND  
MIDWAY PARK (SPLOST):**

**4/5 VOTE REQUIRED:**

County Manager Kevin Poe requested a 4/5 vote for this item to be placed on the Agenda. Commissioner Bennett made a MOTION to add the item to the agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

" Mayes

Chairman Hufstetler

Motion Carried

County Manager Poe stated he would make two recommendations for the purchase of equipment. County Manager Poe stated bids were accepted for playground equipment to be placed at North Floyd Park. County Manager Poe stated that after review of the bids and per the recommendation submitted by Mike Lovely and Bob Saylor (Rome-Floyd Parks & Recreation Authority) he would recommend that the Board award the bid to Miracle Play Equipment Company in the amount of \$28,574. County Manager Poe stated that bids were also received for park shelters to be placed at North Floyd Park and Midway Park, a total of 4 shelters, and he recommended that the bid be awarded to the low bidder, Contract Connections, in the amount of \$35,580. Commissioner Bennett made a MOTION to approve the Manager's recommendation and award bids for playground equipment in the amount of \$28,574 and for 4 shelters in the amount of \$35,580.

**Discussion:** Commissioner Fricks requested that County Manager Poe indicate the reason the low bid was not accepted on the playground equipment. County Manager Poe stated that the reason we are recommending Miracle Recreation Equipment for the playground equipment is that in reviewing the proposed units considering active opportunities and adherence to the design intent, they felt that Miracle Recreation best fit their intent. VOTING:

YES

NO

Commissioner Fricks

" Mayes

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler recognized visitors from Leadership Rome – Wright Ledbetter and Sara Duvall.

**ADJOURNMENT:**

There being no further business to come before the Board, MOTION was made by Commissioner Bennett, SECOND by Chairman Hufstetler, 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**