

October 25, 2005

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
October 25, 2005 6:00 P.M.**

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

**OTHERS**

**PRESENT:** County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Sammy Rich.

**ABSENT:** Commissioner John Mayes.

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

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

**PLEDGE OF**

**ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Fricks.

**PUBLIC PARTICIPATION:**

**Serpentfoot, 324 Forsyth Street**, stated ten years ago neither Rome nor Floyd County had televised meetings. She stated she is glad that they have them now. Whether it was George Anderson and/or others calling for openness in government or public participation, she doesn't know, but she is glad they have it. She stated she has a particular reason to say that. She believes that even if the people make a mistake and elect a crook to office, he will do them a good job in government if we shine a bright light on him and let the public see what is happening. She stated even the worst crooks will be very good if there is a bright light on them. She stated she also has another reason for appreciating this opportunity of public participation. She stated last week she told them how the building inspectors were trying to tear her house down. They have dismissed the case against her. She stated did she get rid of those pull strings on the ceiling and put a wall switch like they wanted her to, no she did not do that. Did she open up all the doors so one tenant could get in another tenant's room and them all men, no she did not do that. She stated she thinks, and this is her opinion, that her getting up and speaking about how unreasonable they are and how knit picking they are and how they want to tear her house down a fourth time between 2002 and 2005 when it is the best looking house on the street. She stated she thinks that somebody in the Chamber of Commerce must have said she is beginning to make Rome look bad. They are making them look bad, getting on some poor person that is not going to fight back. She stated she thinks that is what happened. Her public participation made them a little bit more reasonable. She stated whatever it was, she advises the general public to look what happened when blacks wanted more equal rights. She stated they got up and squawked about it. They made their speeches, and they got more equal rights. She advises the general public to participate more in government. She stated one would think with this television here, these meetings on television, that this is their (*Commissioners*) idea too that they want more government participation. They do not want to just be seen on television. They want more public participation. She stated they are sworn to an oath of office that they will support the constitution, that they will have government of the people, government by the people and government for the people, but look at these empty seats in here, Where is the public. She stated she thinks they have a couple of problems here. One of them, she got a ticket when she came up here last time. She stated she was penalized six dollars for coming to the commission meeting and staying over an hour. She stated she will leave after her speech tonight. She stated she knows if she wants to pay sixty cents an hour she can go over to the deck but it is cold anyway so she will go home. She thinks that is one problem but they have another problem. She stated people can see political signs on a roadway if all they are going to do is to see. She stated the people would like to hear them. They would like

to hear what you have to say. She stated they cannot hear them on television. She stated whoever does Rome's sound system, they need to get them to help. She stated she knows that they like to pay consultants the money instead of listening to the people, but she wants them to listen to her. She stated she knows they like Jesus to guide them, but still they have the public consultants that they pay with Jesus to guide them. They still have this sound system problem. She stated they cannot be heard on television. They can hear her probably too loud. She stated she makes a point of speaking where she can be heard. She wants people to know what she has to say. She stated if they want the people to know what they are saying speak loud enough, get that microphone up to themselves. She stated there is some problem there and asked the Commissioners if they have ever tried to hear themselves on television. She stated she would like for them to have public participation, government of the people not paid consultants and never again does she want to hear them say God help them. She stated let the people help them. They are supposed to have government of the people. She stated let the people hear them, and fix the sound system and hear the public. She thanked the Board.

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

Chairman Hufstetler asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and are in order. Commissioner Fricks made a MOTION to adopt the minutes of the Regular Meeting of October 11, 2005 as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

#### **PUBLIC HEARINGS (FIRST READINGS HELD OCTOBER 11, 2005 AT 2:00 P.M.)**

- 1. FILE #71-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE EXISTING COMMERCIAL USE OF PROPERTY LOCATED AT 581 CHULIO ROAD. ZONING MAP K15Y-129. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 0]).**

Chairman Hufstetler called for a motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the public hearing on File #71-2005Z. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked if there is anyone who wishes to speak in support or opposition of this hearing. Seeing none, he called for a motion to close the Public Hearing. Commissioner Fricks made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Assistant Manager Sammy Rich stated the subject property is surrounded by predominately single-family residential properties located off Chulio Road. He stated according to the tax records, it has been used as a commercial convenience store since about 1979, so a preexisting or a grandfathered zoning use exists. He stated this comes with a unanimous recommendation from the Planning Commission to approve with the condition that the property only be utilized for a convenience store, as there are many other uses in C-C that could pose problems to the surrounding properties. He stated they felt that that would be a good compromise in allowing continued use in this neighborhood.

Chairman Hufstetler asked if there were any questions, being none he called for a motion. Commissioner Bennett made a MOTION to rezone the property in File #71-2005Z from Suburban Residential to Community Commercial to continue the existing commercial use of the property. Chairman Hufstetler asked if they needed to state a restriction. Commissioner Bennett stated that the motion is conditioned upon the use of the property only as a convenience store so it would be restricted to its existing use as a convenience store. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

2. **FILE #72-2005Z, REQUESTS REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE EXISTING COMMERCIAL USE OF PROPERTY LOCATED AT 3264 FOSTERS MILL ROAD. ZONING MAP E17 – PARCELS 027 AND PART OF PARCEL 25. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 5 – 2]).**

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

YES

NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

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

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated he thinks they can move on. County Attorney Manning stated if they take no action it will be tabled. They also have the ability to refer it back to the Planning Commission, so they could make a motion to refer the application back to the Planning Commission for further consideration. Commissioner Bennett made a MOTION to refer File #72-2005Z back to the Planning Commission for further consideration. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**3. AMENDMENT TO FLOYD COUNTY CODE  
REGARDING HEALTH AND SANITATION.**

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  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked if there was anyone who wished to speak in support or opposition. Seeing none, Chairman Hufstetler called for a motion. Commissioner Jennings made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated they discussed this item in caucus and there are further changes they would like to make to it. The recommendation was to go ahead and submit it with the proposed changes. Commissioner Bennett stated subject to their further review and additional changes. County Attorney Manning stated they discussed the option of adopting this ordinance as is and then they would quickly also review the remainder of the Health and Sanitation section of the Code that is not being addressed by this Amendment and come back with some proposed changes. Commissioner Jennings stated basically that the additional changes that will be forthcoming later will ensure that there is due process in the document throughout.

Commissioner Jennings made a MOTION to approve the Amendment to the Floyd County Code regarding Health and Sanitation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

**ULDC REVISION:**

1. **REVISE ARTICLE 2.11.3 (e) CONCERNING DECISIONS OF THE ZONING BOARD OF APPEALS AND ADJUSTMENTS. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 7 – 0]).**

Chairman Hufstetler called for a motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the Public Hearing on Article 2.11.3 (e). SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler stated the Public Hearing is open if anyone wished to speak in support or opposition. Seeing none, he called for a motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing on Article 2.11.3 (e). SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

Chairman Hufstetler asked the County Attorney if a motion is needed on this item. County Attorney Manning stated it seemed appropriate. Commissioner Bennett stated the Planning Commission recommended that this be tabled in order for them to make further revisions. He made a MOTION to refer the Revision of Article of 2.11.3 (e) back to the Planning Commission for further consideration. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

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

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

- a. **Discuss proposed changes to Injury Leave Policy. (Deferred August 23, September 13, September 27, and October 11, 2005)**

Defer

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

No Report.

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

Commissioner Bennett stated he has no report.

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

Commissioner Jennings stated the Northwest Georgia Regional Water Resources Partnership meeting was held in Dalton last week. He stated they had a presentation by Elizabeth Booth from the Georgia EPD. Ms. Booth is involved with an extensive study of the Coosa River that the EPD, EPA, and the Alabama Environmental Agency are conducting. He felt like the presentation was important and he is working on having a public meeting that would be co-sponsored by the county, and city, and possibly the Chamber, and the Coosa River Basin Initiative. He stated some

pretty important information is being gathered at a number of monitoring sites in the Coosa River, Oostanaula River, and Etowah River that will affect not only Rome and Floyd County but also the quality of water in Lake Weiss. He is working toward a public meeting, probably in February, to inform the public about this pretty important study that is taking place on the Coosa.

## **5. SPECIAL COMMITTEE REPORTS**

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

No report.

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

No report.

### **c. SPLOST Committee**

County Manager Kevin Poe stated he has contacted both the City of Rome and City of Cave Spring about the SPLOST Committee. He stated he thinks that both entities are going to endorse the make up of the committee at their next commission and council meeting. Commissioner Jennings stated they need to be actively considering persons who could potentially serve on this committee. County Manager Poe stated we will work through our Public Information Officer to get out a press release with information on how people can submit their names if they want to be considered for this appointment.

### **d. Alternative Jail Committee (Jennings/Fricks/Mayes)**

No report.

### **e. West Third Street Committee (Fricks)**

No report.

## **CLERK'S REPORT**

### **CONSENT AGENDA:**

County Clerk Kathy Arp stated there is one item on the Clerk's Consent Agenda which has been reviewed and is submitted for approval. Commissioner Bennett made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

1. **Approve request from Tax Commissioner to charge off \$2,508.08 from the tax commissioner's digest, as part of a court order, property in the name of Burnett Plaza Mobile Home.**

**MANAGER'S REPORT:**

1. **APPROVE CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR RUNWAY 1/19 MARKING AND FAA INSPECTION REQUIRED SIGNAGE AT THE RICHARD B. RUSSELL REGIONAL AIRPORT. (PROJECT #AP060-9800-26 (115))**

County Manager Kevin Poe stated they have a contract with the Georgia Department of Transportation for Runway 1/19 Marking and FAA Inspection required signage at the Richard B. Russell Regional Airport. He stated the total price of the project is \$154,754. The county's share would be \$4,754. The Federal and State funding would be \$150,000. He recommended approval of the contract as submitted, with review of the county attorney.

Commissioner Bennett made a MOTION to accept the County Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

2. **APPROVE REQUEST FROM PHIL HART, COURT ADMINISTRATOR, TO AMEND INDIGENT DEFENSE BUDGET.**

County Manager Kevin Poe stated Phil Hart, Court Administrator, has requested an amendment to the Indigent Defense budget. He stated they have a couple more invoices that need to be paid, but they do not have enough money in that line item to handle this expense. He recommended that the budget be amended in the amount necessary to handle these two invoices that have been submitted through a court order.

Commissioner Fricks made a MOTION to amend the budget as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Bennett

Chairman Hufstetler

Motion Carried

3. **REQUEST FROM JIM FORD, TAX COMMISSIONER,**



**TO AMEND SEMINARS AND CONFERENCES BUDGET.**

County Manager Kevin Poe stated a request has been made by Jim Ford, Tax Commissioner, to amend his Seminars and Conferences budget. He stated there are some training sessions coming up related to new legislation in 2006 related to motor vehicle tags. He recommended that \$500 be transferred from Legal Ad line item to Seminar and Conferences line item.

Commissioner Jennings made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**4. AUTHORIZE EXECUTION OF STATE SPONSORSHIP AGREEMENT WITH GDOT FOR REHABILITATION OF TAXIWAY C AND INSTALLATION OF SECURITY FENCE AT RICHARD B. RUSSELL REGIONAL AIRPORT FOR FY06 GENERAL AVIATION ENTITLEMENT GRANT FROM FAA.**

County Manager Kevin Poe stated they have a State Sponsorship Agreement with the Georgia Department of Transportation for rehabilitation of Taxiway C and installation of security fence at Richard B. Russell Regional Airport. He stated this would come out of the FY06 General Aviation Entitlement Grant from FAA. The county's match on this grant would be \$3,938. He recommended authorization for execution of this sponsorship agreement.

Commissioner Bennett made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**5. DISCUSS APPROVAL OF BUILDING INSPECTION/PLANNING COMMISSION AGREEMENT WITH THE CITY OF ROME.**

No action taken.

**ATTORNEY'S REPORT:**

County Attorney Tommy Manning had no report.

**OTHER BUSINESS:**

Commissioner Jennings stated that this Saturday beginning at 9:00 A.M. at the Old Antioch Cemetery, off of Callier Springs Road, will be Cemetery Clean-up Training Day. They have identified six sites throughout the county, and invite citizens to come out the following Saturday, November 5, and help clean up. Hopefully, this will generate some interests in folks to volunteer to take over stewardship of some of these cemeteries. He stated this will be Cemetery Clean-Up Day in the county. He stated they will end up the day at the CRBI Annual Fish Fry to celebrate their accomplishments with some good catfish.

**ADJOURNMENT:**

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

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**CHUCK HUFSTETLER, CHAIRMAN**