



" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**FIRST READINGS  
(PUBLIC HEARING TO BE HELD  
NOVEMBER 22, 2005 AT 6:00 P.M.)**

- 1. FILE #80-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CORRECT SPLIT ZONING TO MARKET ENTIRE PARCEL FOR COMMERCIAL USE ON PROPERTY LOCATED ON MARTHA BERRY HIGHWAY, U.S. 27 NORTH. ZONING MAP J11Y – PARCEL 064. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITIONS [VOTE: 7 – 2]).**
- 2. FILE #82-2005Z, REQUESTS REZONING FROM H-TR (HIGH DENSITY TRADITIONAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO MARKET PROPERTY FOR COMMERCIAL USE ON PROPERTY LOCATED AT 3102 MAPLE ROAD, LINDALE. ZONING MAP J15Y – 095. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0]).**
- 3. FILE #83-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO M-R (MULTI-FAMILY RESIDENTIAL) TO CONSTRUCT DUPLEX ON PROPERTY LOCATED AT 9 WILKERSON ROAD. ZONING MAP I13N – PARCEL 095. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0]).**
- 4. FILE #84-2005Z, REQUESTS REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO MARKET PROPERTY FOR COMMERCIAL USE FOR PROPERTY LOCATED AT U.S. 27 SOUTH AND BOOZE MOUNTAIN ROAD. ZONING MAP I17X – PARCELS 044,049,050 AND ZONING MAP H17 – PARCELS 064A, 064B. (PLANNING COMMISSION RECOMMENDATION: WITHDRAWN).**
- 5. FILE #85-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH SPECIAL USE PERMIT FOR**

**COMMERCIAL SHOPPING CENTER DEVELOPMENT IN C-C (COMMUNITY COMMERCIAL) ZONING DISTRICT ON PROPERTY LOCATED ON HIGHWAY 411 EAST AT CALLIER SPRINGS ROAD. ZONING MAP K15W – PARCEL 005. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 8 – 1]).**

- 6. FILE #14-2005SUP, REQUESTS A SPECIAL USE PERMIT TO CONSTRUCT A DUPLEX IN A H-TR (HIGH DENSITY TRADITIONAL RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 328 ALFRED AVENUE, SILVER CREEK. ZONING MAP J15Y – PARCEL 451. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 6 – 3]).**
- 7. FILE #16-2005SUP, REQUESTS A SPECIAL USE PERMIT TO CONSTRUCT A CONVALESCENT HOME IN A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 25 BAKER STREET AT BURLINGTON ROAD, SHANNON. ZONING MAP M11X – PARCEL 060. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0]).**
- 8. FILE #72-2005Z, REQUESTS REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE EXISTING COMMERCIAL USE AND ALLOW A COMMERCIAL GO-CART TRACK ON PROPERTY LOCATED AT 3264 FOSTERS MILL ROAD. ZONING MAP E17 – PARCELS 027 AND PART OF PARCEL 025. (PLANNING COMMISSION RECOMMENDATION: WITHDRAWN).**

**ULDC REVISION:**

- 1. REVISE ARTICLE 2.11.3 (E) CONCERNING DECISIONS OF THE ZONING BOARD OF APPEALS AND ADJUSTMENTS. (PLANNING COMMISSION RECOMMENDATION: TABLED).**

Chairman Hufstetler stated Public Hearings would be scheduled for Tuesday, November 22, 2005 at 6:00 P.M. for these items on First Reading.

**CHAIRMAN'S REPORT:**

- a. Discuss Utility Franchise Fees.**

Chairman Hufstetler stated Cobb County, along with the Association of County Commissioners of Georgia, is petitioning the Georgia Public Service Commission to stop Georgia Power from collecting the municipal utility franchise fees that are located in the unincorporated areas of the county. He stated the cable company

does not do this and some years back Bellsouth stopped doing this and started charging only in the incorporated areas. He stated that ACCG is asking for their support. He asked for a motion to authorize a letter of support to the Public Service Commission on behalf of the County Commission.

Commissioner Bennett made a MOTION to authorize the Chairman to execute the letter of support on behalf of the Commission. SECOND by Commissioner Fricks.

**Discussion:** Commissioner Jennings stated in caucus they discussed information about the history of these franchise fees, the purpose of the franchise fees and also how the franchise fees are incorporated into the customer's bill. He stated his bill does not include a separate item for franchise fees. They are assuming that it is built into the rate structure for a Georgia Power bill. They would like further information about the fee, where this comes from and how it is calculated. How do they determine how much gets paid to the City of Rome in this case.

Chairman Hufstetler stated this motion that they are about to vote on, according to the Association County Commissioners of Georgia, will have no impact on the City of Rome. He stated they will be receiving the same amount of money.

Commissioner Bennett stated basically that the first portion of ACCG's notice to them says that Cobb County is petitioning the Georgia Public Service Commission to stop Georgia Power from collecting municipal utility franchise fees from residential and commercial customers that are located in the unincorporated areas of the county. He stated it is their understanding that this fee, rather than being a line item, is collected as a part of the general rate base. It is only remitted back to the municipalities for those people who buy power within the cities, so they do not know exactly how it is collected. He stated they do know how it is remitted and that the counties do not receive any of those franchise fees but it is supposedly built into the rate budget. 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, October 11, and October 25, 2005)**

Defer

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

No Report.

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

Commissioner Bennett stated the next meeting is scheduled for Thursday, November 10, 2005 at 9:00 A.M. at the 4<sup>th</sup> Avenue Courthouse for anyone who would like to attend.

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

- a. Approve Water Line Agreement regarding Bowman Road waterline upgrade and extension between Floyd County and James M. Givens and Joe Angebrandt.**

Commissioner Jennings stated they have a Water Line Agreement regarding the Bowman Road waterline that includes upgrading the existing waterline as well as extending the waterline for some new development in that area. Commissioner Jennings made a MOTION to authorize the Chairman to sign the agreement on behalf of the County and to present this agreement to Mr. Givens and Mr. Angebrandt. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**5. SPECIAL COMMITTEE REPORTS**

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

No report.

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

No report.

- c. SPLOST Committee**

No report.

**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 Fricks. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**1. Tax Refunds.**

- a. Touch Base Computing, 3974 Old Rockmart Rd, Silver Creek, 11.51
- b. Bob Troy, P.O. Box 6083, 73.01
- c. Thomas Shipley Stinson, 296 Morton Bend Rd, SW, 206.85
- d. Jeffrey Bradford Ware, 1637 Booger Hollow Rd, Lindale, 15.00
- e. Hospital Authority of Floyd, 304 Turner McCall Blvd., 777.06

**MANAGER’S REPORT:**

**1. DISCUSS MEMORANDUM OF UNDERSTANDING BETWEEN DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF ROME, AND FLOYD COUNTY FOR MANAGEMENT OF PARKING DECKS.**

Defer

**2. APPROVE PURCHASE OF NEW COMNETIX SERVER FOR**

**POLICE DEPARTMENT.**

County Manager Kevin Poe stated Chief Bill Shiflett, FCPD, has requested \$14,415 be added to his budget to allow them to purchase a new server for the Police Department. He stated they are currently on a temporary server because the one they were using crashed. They have a lot of information that they enter into the computer on a daily basis and they would like to go ahead and get the server replaced. He is requesting approval to amend their Equipment budget to allow them to purchase the server.

Commissioner Fricks made a MOTION to approve the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:  
YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**3. AMEND BUDGET TO ALLOCATE ADDITIONAL FUNDING OF \$7,500 FOR PAUPER BURIALS.**

County Manager Kevin Poe stated they have a situation where they need to make a budget adjustment related to pauper burials. He stated they have had more pauper burials than expected this year. The County pays \$750 per pauper burial. He is currently holding onto about ten invoices that they do not have funds for. He stated he is going to set up a meeting with DFACS to review the situation and discuss why they are having an increase in the number of pauper burials. He stated they did make some modifications to their policies in regards to approval of pauper burials. When they call surrounding counties, it seems that Floyd County has a higher instance of pauper burials, and he wants to see if there are some things they can do to try to get a better grasp on this. He stated we are going to end up having close to thirty pauper burials this year. They budgeted for 20 or 22, so it will take additional allocations of \$7,500 to at least pay for the outstanding invoices.

Commissioner Bennett made a MOTION to approve the County Manager's recommendation. SECOND by Commissioner Jennings. VOTING:  
YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**4. APPROVE CHANGE ORDER #1 WITH WHITE ELECTRIC FOR SECURITY LIGHTING AND ACCESS CONTROL AT RICHARD B. RUSSELL REGIONAL AIRPORT PER FAA REQUIREMENTS. (PROJECT #FAA AIP NO. 3-13-0098-2004).**

County Manager Kevin Poe stated this is per FAA requirements. He stated all the work they are doing is the result of an inspection that FAA did. He stated White Electric was out there working and FAA made a subsequent review of the work and decided that some additional work needed to be done. He stated White had completed their original contract, and agreed to keep their contract open ended. When Federal and State money became available FAA proceeded with completing the change order. He stated the total change order amount is \$64,100. He stated on these FAA contracts, the County is only responsible for 2½% of the total costs. The upgrades must be completed in order to be in compliance with the airport standards. He recommended approval of change order #1.

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

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

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

County Manager Kevin Poe stated this has been in the works for several months. It has gone through several edits that they have reviewed not only as a County Commission but also at the retreat that they held where they had a joint meeting with the City Commission. He stated they have worked with the city on the edits. He recommended approval of the November 8, 2005 version of this agreement as presented.

County Attorney Manning stated there is one small change/typo on page three under number five. They are changing the word Overview to Oversight Committee in one place. He stated they have made those changes everywhere else to make it Oversight.

Commissioner Jennings made a MOTION to approve the Building Inspection and Planning Commission Agreement with noted change. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**6. ABOLISH ENTERPRISE FUND DIRECTOR POSITION IN WATER DEPARTMENT AND CREATE SENIOR STAFF ACCOUNTANT POSITION IN FINANCE DEPARTMENT.**

County Manager Kevin Poe stated he is requesting that this action be taken in order to put all of their finance function under one roof. He stated in the past they have split out some positions and put them in other departments and this would put all of their finance positions into one department.

Commissioner Fricks stated the last time this was brought up they said it would go through the Administrative & Finance Committee. At their last Administrative & Finance meeting they were going to talk about structure. He stated he was told at that meeting that they were not ready to present that. He stated he did not know how it got put on the agenda because it did not come through Administrative & Finance. He asked if there is an urgency in it.

County Manager Poe stated from his standpoint he would just like for them to move on and make some adjustments. Commissioner Fricks stated he was just looking more at hopefully getting a plan about overall structure more than anything. He knows that he briefly talked to him about it the other day but he did not realize then, at that time, it was on the agenda until later. County Manager Poe stated he thinks one point would be made that if these positions come under one department that the director is going to have a better opportunity to see how these people function in their different roles and try to get a total grasp of how each persons and what their role in the whole Finance Department organization is going to be. He stated now they are fragmented and this would get it all under one department.

Commissioner Fricks stated he is not disagreeing with the concept. He stated he thinks the concept sounds fine, but last time they brought this up it was going to go through a process and it did not. He stated he was kind of surprised when he did see it on the agenda because they were going to discuss it in an overall scheme of things. He thought it was going to be presented in the Administrative & Finance Committee. He stated if they want to take action on it they can, but he will not support the action today.

Commissioner Jennings stated this particular issue is different than the one they had in the last meeting. He stated he believes it was the Assistant Finance Director position that they referred back to the committee. He stated he thinks this is kind of related to the whole Finance Department structuring and perhaps that is the best approach. For it to go through the Administrative & Finance Committee, have the committee look at the whole structuring, and bring not only this position back to them but the Assistant Finance Director position back to them.

County Manager Poe stated he agrees 100% with Commissioner Fricks. He stated at some point they have got to come up with a way that they organize a department and everybody knows exactly what their functions are. He stated this is one way to get everything under one department and then try to start working with these people to try to ultimately come up with what he is asking for. Commissioner Fricks stated he just saw it on the agenda today, and he knows that he had an earlier agenda. He stated one thing they did in the past, that was probably one of the poorest executed things they ever did, was abolish two positions and took action on it. Before they left this room, the newspaper was calling these people and telling them that the Commission abolished their positions. He hopes that if they have it on the agenda that positions are being abolished, that they have done a better job of communicating than they have done in the past and been a little more considerate of the people before they take that action. He stated he was very embarrassed by their process at that time. He stated he got a phone call that night from those people and he visited them the next morning saying this is what they are doing. He stated he hopes they consider people somewhat and at least their emotions and stuff like that, if they are starting to abolish positions. He asked have they done that.

County Manager Poe stated he has not contacted anyone but he is prepared to do that immediately after this meeting. Commissioner Fricks stated he understands it is a difficult scenario. The last time it was kind of embarrassing that it took place, and he hopes that they would avoid that again.

Commissioner Jennings stated he thinks this is moving the position. Commissioner Fricks stated he agrees. County Manager Poe stated based on their Layoff Policy, that person would be offered that job. Commissioner Fricks stated he knows that. He agrees that that is probably what the intentions are but last time it was poorly handled. County Manager Poe stated he thinks they learned their lesson the first time. He stated he thinks they did a good job when they dealt with the medical staff. Commissioner Fricks stated they did do a good job with that. County Manager Poe stated they had a meeting with all those employees, and those jobs were truly being abolished. He stated they had no similar type jobs in the county and they learned a lesson from the previous experience.

Chairman Hufstetler asked if they were saying they did not want to move on this position at this time. Commissioner Jennings stated he thinks that in light of the questions around the structure of the Finance Department that were raised in their last meeting, and he thinks this is a piece of that process of trying to bring everything together.

At this point, he thinks they should defer on this and make this part of the whole package of looking at the Finance Department. Commissioner Fricks stated these are probably good changes, he is not saying that it is not. They seem real fair and part of the overall plan.

No action was taken.

**ATTORNEY'S REPORT:**

**AGREEMENT BETWEEN THE GEORGIA PUBLIC DEFENDERS STANDARDS COUNCIL, THE OFFICE OF THE GEORGIA CAPITAL DEFENDER AND FLOYD COUNTY:**

**4/5 VOTE REQUIRED**

County Attorney Tommy Manning stated he handed to each Commissioner a proposed agreement between the Georgia Public Defenders Standards Council, the Office of the Georgia Capital Defender and Floyd County regarding an agreement of who would be responsible for certain expenses related to the pending Harper Death Penalty Case and the expenses in the Reynolds Death Penalty Case in the event that the court finds Ms. Reynolds indigent. He stated this is a proposed agreement that has been submitted by or on behalf of the Defenders Standard Council that would reach an agreement as to who pays what. In the Agreement, if Ms. Reynolds is declared indigent, the county would have no responsibility regarding attorney's fees or any expenses at all related to her case. He stated currently the county is paying attorney's fees and there have not been any expenses incurred that he knows of with regard to the Harper Case. This agreement would make it such that the county was only responsible for expenses and no attorney's fees in the Harper Case from the point of the agreement forward with regard to the Harper Case. He stated it places the county in a better position than it currently has and resolves this issue without having to go forward with litigation and appeal probably to the Supreme Court of Georgia.

Commissioner Jennings made a MOTION to place the proposed Agreement between the Georgia Public Defenders Standards Council, the Office of the Georgia Capital Defender and Floyd County on the agenda. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

Commissioner Jennings made a MOTION to authorize the Chairman to sign this Agreement between the Georgia Public Defenders Standards Council, the Office of the Georgia Capital Defender and Floyd County. SECOND by Commissioner Bennett.

Chairman Hufstetler stated that he would like to add that he does appreciate the County Attorney and his office working on this matter and taking some initiative. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**OTHER BUSINESS:**

Commissioner Fricks stated he received a letter from the Georgia Department of Natural Resources, Mark Smith, Chief, Hazardous Waste Management Branch. He stated basically it was informing them that they are going to give them the permit to go ahead with that Landfill C Proposal. He stated that in their letter to DNR, they stated please respond back to the Commission. He stated one thing that he wanted to note is that the letter states they have requested an explanation in response to the Commission's concerns from General Electric Company. He stated he felt like it was real interesting that their response of their explanation of the Commission's concerns that they were never contacted. However, the company that did the application was being contacted to explain their position. Commissioner Jennings stated there is a P in EPD and the P supposedly stands for protection, but in many cases it stands for permitting, and anybody who seeks a permit will get that permit eventually. He thinks what they are asserting is the EPD needs to emphasize protection of the citizens in their job.

**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  
" Jennings  
" Bennett  
Chairman Hufstetler

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**CHUCK HUFSTETLER,  
CHAIRMAN**