

January 10, 2006

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
January 10, 2006 **2:00 P.M.**

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

OTHERS

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

CALL TO ORDER: County Attorney Tommy Manning called the meeting to order.

INVOCATION: Commissioner Chuck Hufstetler led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Mayes.

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

County Attorney Tommy Manning called for a motion to appoint the Chairman of the Floyd County Commission. Commissioner Hufstetler made a MOTION to appoint Commissioner John Mayes as Chairman for the year 2006. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Mayes
" Jennings
" Bennett
" Hufstetler

Motion Carried

Chairman Mayes thanked the Board for the confidence in him as their Chairman. Chairman Mayes called for a motion to appoint Vice-Chairman. Commissioner Hufstetler made a MOTION to appoint Commissioner Jerry Jennings as Vice-Chairman. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks

" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

PUBLIC PARTICIPATION:

Serpentfoot, 324 Forsyth Street NE, stated she put on their desk a thing for them to read about West Third. She stated this thing that it is on the agenda for First Reading. She stated they need to re-list that Fosters Mill Road thing. She stated she saw that in the mapping department that Fosters Mill Road, that is what she has always known as Highway 100 South. She does not know when or if they renamed it but it is on Georgia maps as 100 South. She stated if it is going to be renamed, it needs to be renamed Old Courthouse Road. She stated, because the old courthouse is out there on land lot 286. She stated if this 20/20 program that they endorse is not a total fraud, and they do mean it, then they will have historic preservation and will need to preserve that sight. She stated another thing about roads is we do not have a southwest by-pass yet. She stated when you are spending taxpayer's money, it needs to be considered that we do not have a southwest by-pass yet. She stated SPLOST needs to be divided equally among everybody in the county, not to go only to downtown Rome business. She stated if you remember the election in 2001, the people of the unincorporated area of this county voted against that stadium by over 600. She stated three of you five commissioners, and that's a majority, failed to do your duty. She stated you violated your oath of office and failed to represent the people of unincorporated area when you allowed that stadium. She stated you don't have the authority to sign on with this West Third Street. She stated you need to turn it down. She stated the people have already told you that we've got better things to do with our tax money, and we don't want that stadium, not a penny spent on it. She stated that when they do that, and we still don't have a southwest by-pass, you ought to consider that. She stated another thing here about West Third, is what she gave them shows the City of Rome being congratulated about the Ross to Ridge Trail. She stated if people are going to be fraudulent and dishonest, they need to be a little better at it to get away with it. She stated if you are going to have a Ross to Ridge Trail, you are going to have to admit where Ross lived. She stated the most historic sight in Rome, Georgia is this land lot 244 that they want to develop it and make it another Pittsburgh or Detroit. She stated they want to take Mr. Ross, he was the principal chief of the Cherokees, and that is where he lived, he had a ferry on the river there at the junction of rivers. She stated he had a post office there. She stated he is the principal chief of the Cherokees. Now you honor the traitor to the Cherokees, Mr. Ridge. She stated you need to remember that is the most historic sight in Rome, Georgia and you need to preserve it. She stated you can't have a Ross to Ridge Trail on historic sights if you are not going to acknowledge that Mr. Ross lived at one end of it. She stated that is where it is and she has shown them previously where his lot was. She stated you don't have the authority just because he was an Indian. Chairman Mayes advised Serpentfoot that her time was up.

**ADOPTION OF
MINUTES:**

Chairman Mayes 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 December 13, 2005, Called Meeting of December 16, 2005 and Called Meeting of December 29, 2005 as presented. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

PROCLAMATIONS:

**RECOGNIZE THE FOLLOWING EMPLOYEES
OF THE QUARTER:**

Commissioner Fricks and County Manager Kevin Poe presented Employee of the Quarter Awards to Pam Shiflett, Finance Department and Christina Lucas, Human Resources Department. Commissioner Fricks thanked both of them for the great job they are doing.

RESOLUTIONS:

**AMERICAN CANCER SOCIETY RELAY FOR LIFE WEEKEND,
APRIL 7 – 8, 2006.**

Commissioner Hufstetler presented the Proclamation to Ann Hook recognizing April 7 – 8, 2006 as American Cancer Society Relay for Life Weekend. Commissioner Hufstetler asked Ms. Hook to tell the community a little bit about what she has done, her experience with this, and what her future responsibilities are.

Ms. Hook stated she would like to say thank you very much to the Commission for acknowledging this important event in the community. She stated that as a cancer survivor twice, she personally feels that this event is extremely important to the community. It is a fundraiser, and the money provides resources, education, advocacy and support programs to the community.

Commissioner Hufstetler thanked Ms. Hook for all of her efforts for the community.

(Resolution/Proclamation Book, page 51)

MATTERS RELATED TO THE COLLECTION OF TAXES

Chairman Mayes called for a motion. Commissioner Hufstetler made a MOTION to adopt the Resolution on Matters Related to the Collection of Taxes. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

HIRING RESOLUTIONS FOR COUNTY MANAGER, COUNTY ATTORNEY AND COUNTY AUDITOR:

Chairman Mayes called for a motion to appoint the County Manager. Commissioner Jennings made a MOTION to adopt the Resolution Appointing Kevin Poe as County Manager. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes called for a motion to appoint the County Attorney. Commissioner Fricks made a MOTION to adopt the Resolution appointing Smith, Shaw and Maddox, LLP as County Attorney. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings

" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes called for a motion to appoint the County Auditor. Commissioner Bennett made a MOTION to adopt the Resolution appointing the firm of Mauldin & Jenkins to act as independent auditors for the county for the year 2006. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

DESIGNATION OF DEPOSITORIES OF FLOYD COUNTY

Chairman Mayes called for a motion to adopt the Resolution regarding Designation of Depositories of Floyd County. Commissioner Hufstetler made a MOTION to adopt the Resolution regarding Designation of Depositories of Floyd County. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

**FIRST READINGS:
(PUBLIC HEARINGS TO BE HELD
JANUARY 24, 2006 AT 6:00 P.M.)**

- 1. FILE #72-2005Z, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE EXISTING COMMERCIAL USE (CONVENIENCE GAS STATION, RECREATIONAL VEHICLE PARK) AND NEW COMMERCIAL USE (GO-CART TRACK) ON PROPERTY LOCATED AT 3264 FOSTERS MILL ROAD. ZONING MAP E17 – PARCEL 027 AND PART OF PARCEL 025. (PLANNING COMMISSION RECOMMENDATION: APPROVE PARCEL 027 [VOTE: 8 - 1] DENY PART OF PARCEL 025 [VOTE: 9 - 0]).**
- 2. FILE #01-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL) FOR EXISTING DUPLEX RESIDENTIAL USE ON PROPERTY LOCATED AT 309 OLD SUMMERVILLE ROAD. ZONING MAP J12X – PARCEL 100A. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 - 0]).**

ULDC REVISIONS:

- 1. REVISE OR DELETE ARTICLE 9 CONCERNING OVERLAY DISTRICTS AND ADD ARTICLE 9.3 CONCERNING THE ADD SOUTH ROME OVERLAY DISTRICT. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 9 - 0]).**
- 2. REVISE OR DELETE ARTICLE 3 CONCERNING THE DESCRIPTIONS OF THE CBC AND UMU ZONING DISTRICTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 - 0]).**

Chairman Mayes stated they have one item on the ULDC Revisions. Chairman Mayes stated the first item is tabled. He stated the second item was Revise or delete Article 3 concerning the descriptions of the CBC and UMU zoning districts. Assistant Manager Sammy Rich stated if they could just let that one ride as a First Reading and their second meeting this month they will have an additional ULDC Amendment and they can have those go through the process concurrently.

**PUBLIC HEARINGS:
(FIRST READINGS HELD**

DECEMBER 13, 2005 AT 2:00 P.M.) :

- 1. FILE #93-2005Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL) TO CONSTRUCT DUPLEXES ON PROPERTY LOCATED ON EDEN VALLEY ROAD. ZONING MAP I16W – PARCEL 135. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]).**

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

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

Motion Carried

Chairman Mayes asked Sue Hiller, Rome-Floyd Planning Department Director to give a brief overview. Ms. Hiller stated to the south there is a church. To the north, east and west there are residential properties, with some D-R (Duplex Residential) zoning to the east. All services and utilities are available. Eden Valley Road is designated as a local road and, according to FIRM and FEMA maps that are available to them, it does not appear that any of this property is within a flood plain. She stated a sight plan was submitted for this project to construct duplexes in this area, indicating that the property could be divided into nine duplex lots. She stated once a storm water management plan is applied, it may drop to eight, but she believes that nine duplex lots would be the maximum number that could go in there. She stated the site is under development at this time. It was under development as an S-R residential development prior to this request.

Chairman Mayes asked if there was anyone present to speak in support or opposition.

Support: Jim Givens, 7 Spring Ridge Trail, stated he is the applicant. He stated it is their intent to build attached single-family dwellings on this site with a firewall where they can sell off each side of the unit to owner occupied buyers.

Chairman Mayes stated these would be sort of like duplexes. Mr. Givens stated they would appear as a duplex, but it would have an owner on each side. Chairman

Mayes stated so it would be separate plumbing. Mr. Givens stated that is correct. Chairman Mayes asked what about sewage. Mr. Givens stated it is available at the site.

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

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes called for a motion. Commissioner Bennett made a MOTION to approve the request to rezone File #93-2005Z from Suburban Residential to Duplex Residential. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments to Boards, Committees, Commissions and Authorities:

a. Rome-Floyd County Planning Commission (5-year term expires 08/20/07) fill the unexpired term of Graham Dixon (resigned 08/02/05).

Chairman Mayes called for a motion. Commissioner Bennett made a MOTION to appoint Ronnie Kilgo to fill the unexpired term of Graham Dixon on the Rome-Floyd County Planning Commission. Term expires August 20, 2007. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett

Chairman Mayes

Motion Carried

b. Board of Tax Assessors (3-year term expires 12/31/08).

Commissioner Hufstetler made a MOTION to appoint Ladell Jacobs to the Board of Tax Assessors, for a 3-year term expiring December 31, 2008. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

2. Discuss request from Chatham County Board of Commissioners regarding lawsuit.

No action taken.

COMMISSIONER'S REPORT:

1. ADMINISTRATIVE/FINANCE COMMITTEE – COMMISSIONER FRICKS, CHAIRMAN

No Report.

2. PUBLIC SAFETY COMMITTEE – COMMISSIONER MAYES, CHAIRMAN

No Report.

3. PUBLIC WORKS COMMITTEE – COMMISSIONER BENNETT, CHAIRMAN

No Report.

4. WATER COMMITTEE – COMMISSIONER JENNINGS, CHAIRMAN

No Report.

5. SPECIAL COMMITTEE REPORTS

a. Consolidation Task Force (Fricks/Hufstetler)

b. Parking Committee (Fricks/Bennett)

c. SPLOST Committee

- 1) Appointments to SPLOST Committee (see list in folder).

d. Alternative Sentencing Committee (Jennings/Fricks/Mayes)

e. West Third Street Committee (Fricks)

f. Fire Overview Committee (Fricks/Mayes)

- a. FY2006 Budget recommendation
- b. Discuss Relocation of Fire Station #3

There were no actions taken on Special Committee Reports.

CLERK'S REPORT

CONSENT AGENDA:

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

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

1. Tax Refunds.

- a. Three Rivers Drywall, Inc., 1165 Mauldin Road, \$575.23
- b. Redmond Phys Practice Co, PO Box 1502, \$86.98
- c. George R Abrams, 166 Abrams Road, SE, \$11.68
- d. Howard H Alexander/Larry Hansard, 900 North 2nd Ave, \$61.45
- e. John Jerome Jones, 1646 Old Dalton Rd NE, \$49.09
- f. Barbara J Allred, 1336 Spout Springs Road, \$48.30
- g. Redmond Phys Practice Co, PO Box 1502, \$1,040.50
- h. Cates Communication, PO Box 6156, \$52.79

- i. Dorothy D Bailey, 1501 N Broad St, \$22.22
- j. C. H. & Marie Cooper, 472 Morrison Campground Rd, \$69.60
- k. Tracy King Watters, 1474 Mount Alto Rd SW, \$278.94
- l. Michael Britton & Robert Moss, 12 Horseshoe Bend, \$100.90
- m. Donna S Chambers, 411 East 10th St, \$7.32
- n. BMH Real Estate Partnership, 308 Henderson St, \$2,348.67
- o. Berry College Inc, PO Box 129, \$2,189.53
- p. Stan B Brooks, PO Box 191, \$233.70
- q. Bernice Crane & Forrest Johnson, 7236 Gore Subligna Rd, Summerville, \$328.62
- r. Albert & Donna Brooks, 42 Oakmont Dr, \$102.08
- s. Larry & Angie Beard, 1471 Wax Road, \$1,067.12
- t. William & Lori Bagley, 800 County Road 1286, Vinemont AL, \$707.32
- u. Ralph V Chambers, 108 Robinson Ave, \$33.57
- v. Lewis & Suzanne Copeland, 443 Rustic Ridge Rd, \$251.52
- w. William L & Catherine Carter, 15 Camelot Circle SE, \$86.21
- x. Robert Chisholm aka/Robert D Chisholm, 304 East 10th Street, \$151.45

- 2. **Approve Quit Claim Deed between Floyd County and Pam Hannah. (Tax Sale Redemption.)**
- 3. **Approve 2006 Malt Beverage Application, Bryan Smith, Sprouts & Tomatoes, Inc, dba Schroeder's New Deli, 3170 Martha Berry Highway, Rome, (Consume on Premises, Beer).**

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. (DEFERRED NOVEMBER 8, NOVEMBER 22, AND DECEMBER 13, 2005).**

Defer.

- 2. **AWARD BID FOR BOWMAN ROAD WATERLINE.**

County Manager Kevin Poe stated the low bid was from Carver and Carver Plumbing in the amount of \$202,232 and recommended the bid be awarded to Carver and Carver.

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

YES NO

Commissioner Fricks

" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

3. AWARD BID FOR IMPROVEMENTS TO HUFFAKER ROAD.

Defer.

4. APPROVE AWARD OF BID TO T & K CONSTRUCTION, LLC TO CONSTRUCT PHASE 7 OF THE WALKER MOUNTAIN ROAD LANDFILL.

County Manager Kevin Poe stated the recommendation from the Solid Waste Commission related to construction on Phase 7 of the Walker Mountain Road Landfill, is to award the bid to T & K Construction, LLC, in the amount of \$4,198,626. He stated there were two bids received, after they pre-qualified bidders, and the other bid was about a million dollars over the low bid.

Commissioner Bennett made a MOTION to award the bid to T & K Construction, LLC. for Phase 7 of the Walker Mountain Landfill. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

5. DISCUSS HIRING ARCHITECT TO OVERSEE RENOVATION OF OLD COURTROOM IN THE ADMINISTRATION BUILDING. (2003 SPLOST)

County Manager Kevin Poe stated as they begin to look at renovating the old courtroom in the Administration Building, he would like to recommend that they hire an architect to oversee the project. To put together all the plans, documents, oversee the bid awards and the construction on the project. He stated that would not only include renovations to the actual room, but would include mechanical, electrical and video consulting. Basically, to set the room up as the future meeting room for County Commission meetings. He stated he has received a proposal from Robert Noble, who has

been involved in some local projects of historical significance, to provide these architectural services for \$16,000. He recommended acceptance of the proposal from Robert Noble to provide architect services for this renovation project.

Chairman Mayes called for a motion. Commissioner Hufstetler made a MOTION to hire Robert Noble as the architect to oversee renovation of the Courtroom in the Administration Building. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

6. APPROVE EASEMENT AGREEMENT WITH HARRY L. BROCK FOR PRIVATE ACCESS TO 4TH AVENUE PARKING DECK.

County Manager Kevin Poe stated they have a request from Harry Brock, who owns some property that backs up to the Fourth Avenue parking deck, for an easement to gain private access to the second floor of the Fourth Avenue parking deck. He stated Mr. Brock would be responsible for any and all cost and expenses associated with installing the door. The door will be a metal door with a code key access that only Mr. Brock and his employees could access. Mr. Brock will be responsible for all future maintenance and repairs to the door and he will always have to indemnify and hold Floyd County harmless related to his use of the door. Mr. Poe recommended approval of the Easement Agreement with Harry Brock for private access to the Fourth Avenue parking deck.

Chairman Mayes called for a motion. Commissioner Bennett made a MOTION to approve the Easement Agreement with Harry Brock for private access to the Fourth Avenue parking deck. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

7. AUTHORIZE CHAIRMAN TO EXECUTE RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY TO RELOCATE ELECTRICAL FACILITIES ON HUFFAKER ROAD.

Defer.

8. AWARD BIDS FOR LEASE OF AGRICULTURAL LAND AREAS NEAR RUSSELL REGIONAL AIRPORT.

County Manager Poe stated the Airport Commission recently accepted bids for lease of agricultural land near the Richard B. Russell Regional Airport. He stated in their agenda package they have a spreadsheet showing the different people who bid on the different areas and the prices. He stated they did not have any overlap on two people bidding on the same piece of property, and this is for an annual lease for the property. He stated if the Board accepts the bids the Airport Commission would put together a lease agreement to submit to the County Commission for approval with each one of these individuals.

Commissioner Hufstetler made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

9. APPROVE RENEWAL OF CONTRACT TO PURCHASE ASPHALT FROM C. W. MATTHEWS CONTRACTING COMPANY.

Defer

10. ACCEPT REGIONAL PARK ROAD ON COUNTY MAINTENANCE.

County Manager Kevin Poe stated this road is located in the Joint industrial Park, off Hermitage Road. They have an engineer's review of the road and it meets all the standards. The proposed name of the road is Regional Park Road. He recommended that Regional Park Road, at the Joint Industrial Park, be accepted on county maintenance.

Chairman Mayes called for a motion. Commissioner Bennett made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

ATTORNEY'S REPORT:

No Report.

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
" Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN