

**November 14, 2006**

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
November 14, 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 Manager Sammy Rich.

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

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

**PLEDGE OF**

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

**PUBLIC PARTICIPATION:**

Chairman Mayes welcomed Leadership Rome participants. Marty Jackson, Coosa Valley Technical College, Teneka King, Darlington School, Terry Brown, Scana Energy, and April Gordon, Coosa Valley Technical College was present.

**Larry Lemming, 405 Reeceburg Road, Silver Creek**, stated he had talked with Commissioner Jennings prior to this meeting and he thinks most of his questions have been answered. He stated the number one question that he thinks needs to be addressed is who owns the water meters in this county. He asked does the customer own it, or does the county own it. He stated he understands from his discussion with Commissioner Jennings that the Water Committee is going to look at the Statutes regarding responsibility. He stated the next question was going to be can they give him some idea of where this authority to take someone's water meter, and not replace it because of the illegal activity by a third party who is doing business with the county and doing business with him or any other landlord on a landlord/tenant relationship. He stated he certainly is not a legal entity that can go out and check the water meter to see if they are stealing. He stated he has several properties in the county, and he does not put water in his name and let people use it. He stated he does not want to pay \$975 because somebody is stealing water and that is his point.

Commissioner Jennings stated it turns out that there is an official statute in the county's ordinances that addresses non-payment of water bills. He stated he does not know that it clearly states, and he will turn to the County Attorney, the actual removal of the water meter from the property. He stated it may not clearly identify what they do in the case of a landlord who has a tenant who is not paying their water bill, and who after the meter gets locked off, then starts bypassing the meter and stealing water from the county. He stated it may not specifically address what the responsibility of the tenant is and/or lack of responsibility of the landlord. He stated he has asked the County Attorney to look at the ordinance and to figure out how they can amend it to address that particular issue. Mr. Lemming stated he appreciates the Board listening to him and thanked them for their help.

**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 Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of October 24, 2006 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

" Hufstetler

" Jennings

" Bennett

Chairman Mayes

Motion Carried

#### **PROCLAMATIONS:**

#### **RECOGNIZE BILL DAVIES:**

Commissioner Bennett presented a Proclamation to Bill Davies recognizing his retirement after more than 33 years as a staff member with the First Baptist Church of Rome. Commissioner Bennett stated Mr. Davies is one of the longest and continuously serving ministers of education in the State of Georgia.

Mr. Davies thanked the Board and stated this is a good place to live. These are good people. It is a good community and they have tried to help a few and they have a lot more to help so they have not heard the last of him yet. Mr. Davies recognized his wife, Merrill Davies, his daughter, Melanie Dempsey, Bob and Martha Cates, David Strain, Judson Moss and Dean Moss for being with him today.

(Proclamation/Resolution Book, Page 91)

#### **RECOGNIZE EMPLOYEE OF THE QUARTER:**

The Board recognized Sherry Battle, E911, as Employee of the Quarter for the 4<sup>th</sup> Quarter of 2006. Commissioner Bennett presented the Award to Ms. Battle in recognition of her high level of professionalism, exemplary performance and conscientious service exhibited to the public, and thanked her for the work she does at E911.

#### **FIRST READINGS:**

#### **(SECOND READINGS/PUBLIC HEARINGS**

**TO BE HELD NOVEMBER 28, 2006 AT 6:00 PM).**

- 1. FILE #92-2006Z, REQUEST REZONING FROM D-R (DUPLEX RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) TO INSTALL SINGLE FAMILY MANUFACTURED HOME ON PROPERTY LOCATED AT 80 HENNON DRIVE. ZONING MAP J11X – PARCEL 184. WITHDRAWN BY APPLICANT.**

**FILE #100-2006Z, REQUEST REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO H-I (HEAVY INDUSTRIAL) FOR RECYCLING WOOD**

**PRODUCTS USE OF PROPERTY LOCATED ON HUFFAKER ROAD. ZONING MAP E13Y – PARCELS 031, 032, 033. (PLANNING COMMISSION RECOMMENDATION: TABLE FOR MORE INFORMATION. [VOTE: 8-0]).**

- 3. FILE #112-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO M-R (MULTI-FAMILY RESIDENTIAL) TO CONSTRUCT DUPLEX DWELLINGS ON PROPERTY LOCATED AT 83 BEARD DRIVE. ZONING MAP J11Y – PARCEL 009. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 - 1]).**
- 4. FILE #114-2006SUP, REQUEST SPECIAL USE PERMIT TO OPERATE PERSONAL CARE HOMES (3-6 PERSONS) IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 2271 OLD CEDARTOWN ROAD. ZONING MAP I18 – PARCEL 075A. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6-3]).**
- 5. FILE #116-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO H-I (HEAVY INDUSTRIAL) FOR HEAVY INDUSTRIAL USE ON PROPERTY LOCATED AT 750 HERMITAGE ROAD. ZONING MAP L11Z – PARCEL 006. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**

**ULDC REVISIONS:**

- 1. REVISE OR DELETE ARTICLE 3.3.2, 3.4 (TABLE 3-1), AND ARTICLE 4.1.1 CONCERNING PLACEMENT OF MANUFACTURED HOMES ON INDIVIDUAL LOTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).**

**REVISE OR DELETE ARTICLE 4.1.9 (b) CONCERNING OUTDOOR PLAY AREAS AT DAY CARES AND KINDERGARTENS. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 8-0]).**

Chairman Mayes stated Second Readings/Public Hearings will be held Tuesday, November 28, 2006 at 6:00 P.M. for these items on First Readings.

**CHAIRMAN'S REPORT:**

- 1. Appointments:**
  - a. Development Authority of Floyd County to fill unexpired term of Sam Freeman (4-year term expires April 1, 2009).**

Commissioner Bennett made a MOTION to appoint Paul Smith to fill the unexpired term of Sam Freeman on the Development Authority of Floyd County. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**b. Floyd County Department of Family & Children Services Board to fill unexpired term of Jason Free (5-year term expires June 30, 2010).**

Commissioner Bennett made a MOTION to appoint Mitch Jolly as recommended by the Department of Family & Children Services Board to fill the unexpired term of Jason Free. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**c. Hospital Authority of Floyd County to fill position previously held by Charles Kimbrell (5-year term expires April 1, 2008).**

Defer.

**2. Discuss December schedule for Commissioner's Meeting.**

Commissioner Jennings stated the schedule has Tuesday, December 12, 2006, that is their noon and 2:00 P.M. meeting and Tuesday, December 26, 2006, at 4:00 and 6:00 P.M. County Manager Poe stated December 26 is a county holiday. He stated he would like to start budget hearings in December, and if something comes up that needs Board action they could have a called meeting. County Manager Poe stated they will have just one official county commission meeting, on December 12, 2006, and probably two budget hearings sometime during the month.

**COMMISSIONER'S REPORT:**

**1. Administrative/Finance Committee – Commissioner Fricks, Chairman**

No Report.

**Public Safety Committee – Commissioner Bennett, Chairman**

No Report.

**3. Public Works Committee – Commissioner Mayes, Chairman**

No Report.

**4. Water Committee – Commissioner Jennings, Chairman**

No Report.

**5. Special Committee Reports**

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

No Report.

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

No Report.

**c. SPLOST Committee (Jennings)**

No Report.

**d. Work Release Committee (Jennings, Fricks, Mayes)**

**1) Recommendation to hire Architect (2006 SPLOST).**

Commissioner Bennett stated he, County Manager Poe and Commissioner Jennings have interviewed three architects who submitted proposals for the Work Release Facility. He stated they had what he thought were three excellent proposals, and they were close to each other in services. All of them were providing the same service on the pricing that was presented to them.

Commissioner Bennett made a MOTION to hire Charles Gauthreaux, a local architect, to provide the architectural services in accordance with the request for the proposal. County Manager Poe stated the proposal submitted by Mr. Gauthreaux was \$109,000, based on the request for proposal. Chairman Mayes asked what was the range. County Manager Poe stated the range was from \$109,000 to \$125,000. Commissioner Bennett stated he thinks they got a good presentation from all three architects and he felt like all three were qualified to do the work. Mr. Gauthreaux was the low bidder, for lack of a better term, and he is local. Commissioner Bennett stated he confirmed with Mr. Gauthreaux that the RFP included review of all of the shop drawings, a good pay request, periodic visits to the site as needed during the course of construction as well as the mechanical, electrical, and the architectural drawings. He stated that would be included in the base cost. Commissioner Bennett stated probably between the two of them it would be easier to design a brand new building than it would be to design the rehab. He stated he probably wishes they would do that but he does not know that that is where they would come to. County Manager Poe stated the way they cost it out they could go either way, but the preference is to try to rehab the existing building they have. He stated they would be building a new building for Public Works that have to be relocated, but right now they are going down the road of renovating the old prison. He stated he does currently have somebody hired that is doing just a real quick environmental assessment of the property and they might run into something on the roofing, but it would be

minor in nature. He stated they are moving towards just renovating the existing facility. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**e. Fire Overview Committee (Bennett, Mayes)**

No Report.

**f. Joint Services Committee (Mayes, Fricks)**

**1) Discuss Land Bank Authority – Building Oversight Committee**

Defer to Building Oversight Committee.

**CLERK’S REPORT:**

**CONSENT AGENDA**

**4/5 VOTE REQUIRED**

County Clerk Kathy Arp stated there are currently two items on the Clerk’s Consent Agenda, which have been reviewed and she also has a request to add a third item with a 4/5 vote. Commissioner Hufstetler made a MOTION to add the third item (Self-Service Fuel Application) on to the agenda. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

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. D R Cowan PE Structural Engineer, 504 Riverside Parkway Suite 101, \$97.76
- b. Rogers Graphics Inc. / Caldwell Printing, 420 East 1<sup>st</sup> Ave., \$3.71
- c. Advance Auto Parts #106470 & 106390, P.O. Box 2710, Roanoke, VA, \$25.75
- d. Redmond Park Hospital # 09881, P.O. Box 1502, Nashville, TN, \$278.03

**Approve Change Order #2 with Northwest Georgia Paving Inc., for Huffaker Road Project (Decrease \$14,200).**

**3. Self-Service Fuel Application for Devin Desai, Mr. C's, 6280 Martha Berry Highway.**

**MANAGER'S REPORT:**

**1. AWARD BID FOR TRACTOR AND SWEEPER  
FOR RICHARD RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated they accepted bids for the purchase of a tractor with sweeper for the Richard Russell Regional Airport. He stated the recommendation from the Purchasing Director is to accept the bid from Cartersville Tractor for \$30,180. He stated that was the lowest bid that met specifications, and he recommends they approve the recommendation from the Purchasing Director to purchase the tractor and sweeper from Cartersville Tractor for \$30,180.

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

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Bennett		
Chairman Mayes		

Commissioner Fricks Abstained because of connection with Branson Tractor.

Motion Carried

**AWARD BID FOR TABLE SKIRTS FOR THE FORUM:**

County Manager Poe stated they had budgeted to replace table skirts at The Forum at a budgeted amount of \$15,000. He stated they accepted bids, and the low bid meeting specifications was from Drapes 4 Show at \$77 each. Therefore, they are recommending that they purchase a total of 190 table skirts for a total price of \$14,630.

Commissioner Jennings made a MOTION to accept the low bid for table skirts for The Forum. SECOND by Commissioner Bennett.

**Discussion:** Commissioner Fricks stated the question is have they looked at lease programs on these things, because do they not send them out for laundering. He stated he does not know if they have just compared to see wear and tear and replacement. County Manager Poe asked does he mean renting instead of purchasing. Commissioner Fricks asked they do not launder them in house do they or do they? Assistant Manager Rich stated he thinks they have leased tablecloths but not the table skirts. Commissioner Fricks stated he was just wondering if they had compared. Commissioner Hufstetler asked how many total do they have because they have bought them before he knows. Assistant Manager Rich stated he thinks this is just one of those ongoing things and this would be 190. Commissioner Fricks asked how many tables do they have. He stated he is just curious because considering the length of time that they have them and the wear and tear on them. He stated he guesses they have to have them laundered, so is it cheaper just to lease instead of purchasing. County Manager Poe stated they use them everyday, but they can look at that possibility. Chairman Mayes stated that is a good thought. Commissioner Fricks stated he just wondered if they had compared. County Manager Poe stated they are just trying to get it purchased by the end of the year. Commissioner Hufstetler stated they can find out too just how many skirts they have got. County Manager Poe stated they can get them in 14-21 days. Commissioner Fricks stated that can kind of tell them when they bought the other ones and how quick they have to replace them.

Following the discussion, this item was deferred until the meeting of November 28, 2006.

**3. DISCUSS 2003 SPLOST BUDGET REVISIONS:**

Defer.

**4. DISCUSS REQUEST FROM KATHERINE POWELL  
ON BEHALF OF THE ONE BOOK/MANY VOICES  
PLANNING COMMITTEE TO WAIVE FEES FOR USE  
OF THE FORUM:**

County Manager Poe stated they have a request from Katherine Powell, Berry College, that the Board consider waiving fees for the use of The Forum for an event that they call the One Book/Many Voices Community Wide Reading Project on September 27, 2007. He stated they are getting a very world-renowned speaker to come into Floyd County to talk to the children and students. He stated this is a community-wide event. Therefore, they have asked to consider waiving fees for the use of The Forum. He stated that is for the Boards consideration.

County Manager Poe stated The Forum will be considered a sponsor of the program and will get recognition on all promotional materials. Commissioner Jennings stated this is a really good project as far as community literacy. He stated in addition to the actual talk at The Forum, there is a variety of other events that are taking place that weekend. He stated certainly the issue of illiteracy faces us. He stated he thinks the precedent has been set and as long as they are a recognized sponsor of the event this would be an acceptable waiving of the fees. County Manager Poe stated hopefully they will work with the county and have some volunteers available, but they will not have to pay any rental fees or any insulary services. He stated between The Forum staff and the people working with their committee it will all be provided at no charge to that organization.

Commissioner Jennings made a MOTION to waive the fees for the use of The Forum for the One Book/Many Voices program. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Fricks

"

Hufstetler

"

Jennings



" Bennett  
Chairman Mayes

Motion Carried

**5. APPROVE TRANSFER OF A 1991 INTERNATIONAL  
4700 DUMP TRUCK (COUNTY #389) TO THE CITY  
OF CAVE SPRING:**

County Manager Poe stated this is a recommendation to approve a transfer of a 1991 International 4700 Dump Truck (County #389) to the City of Cave Spring. He stated this is a truck that they were going to surplus and sale at auction. He stated if it is transferring to another government organization they do not have to go through the auction or sealed bid process. He recommended that they transfer that vehicle to the City of Cave Spring.

Commissioner Jennings made a MOTION to transfer the 1991 International 4700 Dump Truck (County #389) to the City of Cave Spring. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT:**

**1. EXECUTIVE SESSION REGARDING FUTURE  
ACQUISITION OF REAL ESTATE:**

County Attorney Manning stated it is his understanding that the Commission may desire to go into Executive Session to discuss the Future Acquisition of Real Estate.

Commissioner Jennings made a MOTION to go into Executive Session. County Attorney Manning stated just so it is clear what they are stating publicly that the purpose of going into the closed meeting is to discuss the Future Acquisition of Real Estate as provided by the Official Code of Georgia Annotated, Section 50-14-3, Paragraph 4. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

The Board entered into Executive Session at 3:15 p.m. Chairman Mayes reconvened the Regular meeting at 3:40 p.m.

**ADJOURNMENT:**

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

YES

NO

Commissioner Fricks

" Hufstetler

" Jennings

" Bennett

Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

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**JOHN MAYES, CHAIRMAN**