

February 23, 1999

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
February 23, 1999 2:00 P.M.**

PRESENT: Chairman Kim Canada, Commissioners Chuck Hufstetler, Garry Fricks, John Mayes and Jerry Jennings.

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Wade Hoyt, County Clerk Sue Broome, and Assistant County Manager Tom Tully.

CALL TO ORDER: Chairman Canada called the meeting to order.

INVOCATION: Commissioner Hufstetler led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Chairman Canada.

PUBLIC PARTICIPATION:

Weldon Walker, P.O. Box 377, Plainville, stated that he is a former employee of the Sheriff's Department and when he tried to get back on the Sheriff's Department, he was told he could not apply because of the County Nepotism Ordinance, since his father works for the Public Works Department. He stated he felt the policy is unfair since he is qualified for the position and was trained by Floyd County. County Manager Kevin Poe reported that the latter part of 1998, the Commissioners adopted a Nepotism Policy which was county wide instead of limited to departments. County Attorney Wade Hoyt stated that an amendment is being prepared, for review by the Commission, which will be basically what it was previously, with the exception of certain administrative officers. This amendment will be available for First Reading at the March 9, 1999 meeting. In the meantime the Manager can be instructed to waive the restriction with reference to Mr. Walker. Chairman Canada requested a Motion to waive the restriction in the case of Mr. Walker. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada reminded the persons who had signed up to speak that they would be allowed to only speak on items on the Agenda.

Mark W. Manis, 1120 Ward Mountain Road, Rome, expressed his opposition to the quarry being located in Shannon. He stated that this is not just an interest of the area where a quarry will be located, but will affect all of the county and requested the Commissioners, as representatives of the voters, to protect the county's interest.

Cheryl C. Garner, 1 Hearthstone Drive, Rome, stated she had followed the land use plan with interest and concern and regrets that \$180,000 was spent on the plan. She stated that rescinding the plan at this point is a mistake. She expressed concern about the flood plain issue and the Flood Plain Ordinance, which is needed in Rome and Floyd County. Mrs. Garner distributed information regarding a flood plain study to the Commissioners.

Dr. Mark Knauss, 105 Cherry Street, Rome, stated that he is in favor of the Land Use Plan and Mining Ordinance. His concerns were for long-term problems, which would be beyond the lifetime of the quarry, possibly 100 to 150 years in the future.

George Anderson, 18 Twickenham Road, Rome, spoke in favor of zoning and smart growth. He requested that the citizens give the Commissioners an opportunity to serve and feels they will not bend to special interest.

Brian Hampton, 507 Charlton Street, Rome, spoke in opposition to rescinding the Land Use Plan which was adopted in December. He stated part of the plan would benefit from revision, but that can be accomplished by the Study Committee. This is not about just rock quarries, but about the direction of the quality of future development of Floyd County. The strategy should be to manage growth and not stop it, of which, land use planning is an essential tool. He requested that the Commission works with, revises, and improves the Land Use Plan.

Hubert "Buddy" Bailey, 265 New Hermitage Road, NE, Rome, spoke in favor of land use planning, stating that zoning laws are good if done correctly, and requested the Commission to implement good zoning laws.

Carol D. Prosceno, 85 Killarney Way, Shannon, spoke in favor of zoning laws and that the Land Use Plan needs to be worked with. She stated that she lives close to the proposed quarry location and this could destroy the water supply they have on their property.

Jerry Brown, 2887 Alabama Highway, Rome, spoke in opposition to rescinding the Land Use Plan. He stated that even though the plan is bad, it is a start.

Ron Hice, 644 Reynolds Bend Road, Rome, spoke in favor of rescinding the Land Use Plan and requested the Commission continue their effort to formalize the process so that it will be more fair and equitable and could be enforced more easily.

John Johnston, 9 River Street, Cave Spring, spoke in opposition to rescinding the Land Use Plan. The plan has flaws, but the Committee is already working on this. He requested that the Commissioners carefully read the material prepared by a group from Shannon and also scientific evidence, which had been sent to the state regarding the quarry situation.

Lucy Johnston Hale, P.O. Box 370, Cave Spring, stated that for the record, she is not volunteering for an experiment to see if a quarry happens to destroy her health and the community's health. She noted that the Commissioners had stated that they would help protect the unrenewable and priceless and fragile water system. She stated she wants to see the actions, which match the promises.

Dr. Steven Hale, P. O. Box 370, Cave Spring, spoke in favor of keeping the present zoning ordinance while it is being corrected. He presented three scenarios regarding the quarry and also noted that this issue is left up to the local governments.

Odell Justice, P.O. Box 549, Silver Creek, stated that Floyd County does have a Land Use Plan and a Future Land Use Map, which is not the same thing as zoning. It is the responsibility of the EPA and EPD, not zoning, to protect water and natural resources. He stated the Land Use Plan in its present form is unworkable and unenforceable and questioned the amendment to a document which did not exist.

Mr. Justice also stated that 10 minutes is allowed per speaker for a public hearing. Chairman Canada stated this is not a public hearing, but public participation.

Jim Doyle, 603 McGrady Road, Rome, stated there are many communities which have developed effective land plans which balance economic interest with quality of life issues. Their plans should be studied and adopt the measures to the existing plan when they apply to our situation.

Valerie McFry, 942 Ward Mountain Road, Rome, voiced her concern that the Land Use Plan adopted by the previous Commission was rescinded. She favors a Land Use Plan for Floyd County for controlled growth and to prevent quarries from coming into the county. She asked the Board not to rescind the plan, but let the Citizens Review Panel make changes to the plan.

Carrie Baker, P.O. Box 490053, Mount Berry, spoke in opposition to rescinding the Zoning Plan. She stated that this would allow a window of opportunity for unregulated development. She also noted the expense from the devastation caused by a quarry. As a lawyer she stated that lawsuits are common with new zoning plans and the County Attorney is there to defend the lawsuits. While zoning restricts what people can do with their property, it also protects citizens from irresponsible and inconsiderate actions of others.

Reed Edwards, 339 Mount Alto Road, Rome, complimented the Commission for rescinding the Unified Land Development Code which had already created more problems and confusion than was expected. He stated that fear of a quarry does not justify trying to reenact the ordinance and asked that the Citizens Committee be allowed to do their job of reviewing the ordinance carefully, recommend changes and then take the proper action.

Bob Tucker, 1697 Ward Mountain Road, NE, Rome, spoke on behalf of Power, Inc. He requested the Commission not rescind the zoning ordinance voted in on December 22, 1998 and asked that they consider adopting the Surface Mining Ordinance given to them by Power, Inc. He asked that the quarries not be allowed to be near a major water source as Six-Mile or the developed communities of Hermitage, Shannon, Model and Johnson School. He asked the Commissioners to please protect our water, air, communities and most of all our children and their safety.

Jack Dickey, 237 Pinson Road, Rome, expressed his thanks to the Commission for attempting to rescind the ordinance and put it in a better form. With the ordinance the Commission will move out of the public realm, and will be involved in controlling private property. He recommended that this be addressed with the landowners to prevent restrictions which would prevent them from using their land to the best use. He also asked that the Commission remember they are dealing with private property.

Chairman Canada thanked the public participants for attending and sharing their comments. He then offered anyone who had not signed up the opportunity to speak.

Dean Sammons, 94 Tipperary Drive, Shannon, spoke as a resident of Shannon as well as a businessman. He spoke in favor of zoning laws since to have rights, reasonable restrictions are necessary. He is not only concerned about water sources, but also the children attending Model Schools who will be exposed to the dust from a quarry located nearby. He also expressed concern for the damage blasting from the quarry would do at his business, Church Chair Industries, and if it would be necessary to consider expansion in other areas or nearby states.

Janice Gavern, 1690-B Old Summerville Road, Rome, spoke not as a landowner but a concerned citizen. She stated many times it is easier to take a plan which you have and can be restructured or corrected than to start from scratch. She noted that regulations are required to let everyone share in the benefit of clean water and a beautiful community.

Chairman Canada thanked Bob Tucker and Power, Inc. for offering the ordinance plan, which they had paid for and was of no cost to Floyd County. He stated the Board will review the document.

ADOPTION OF

MINUTES: Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of February 9, 1999 as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

FIRST READING:

**AMENDMENT TO FLOYD COUNTY
CODE, CHAPTER 2-19 TO ADD 2-19-18
ENTITLED "QUARRYING AND MINING",**

ALSO

**AMENDMENT TO FLOYD COUNTY
CODE, CHAPTER 2-19 TO ADD 2-19-18
ORDINANCE TO SET REGULATIONS
AND CONDITIONS FOR ALL SURFACE
MINING QUARRYING AND OTHER RELATED
ACTIVITIES IN FLOYD COUNTY GEORGIA**

**(Set Second Reading/Public Hearing for
March 23, 1999 at 6:00 p.m.):**

Chairman Canada called for a Motion to place these two items on First Reading. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings noted that this is the mining and quarrying portion of the current Unified Land Use Code as well as the Code supplied to the Commission by Power, Inc. The County Attorney was asked if the amendments were correctly worded. County Attorney Wade Hoyt responded that they were correct.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FOR SPECIAL USE PERMIT,
FILES #01-99SU, FOR 5A, 5B, 7A, 7B LOVELL
ROAD TO ALLOW THE CONSTRUCTION
OF DUPLEXES ON THE PROPERTY
(Set Second Reading/Public Hearing for
March 9, 1999 at 2:00 p.m.):**

It was noted that this item will be placed on First Reading, but will be sent back to the Planning Commission for a recommendation. Chairman Canada requested a Motion to place on First Reading this request for a Special Use Permit. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FOR ZONING CORRECTION,
FILE #01-99Z, 1472 PLEASANT VALLEY
ROAD FROM S-R TO L-T
(Set Second Reading/Public Hearing for
March 9, 1999 at 2:00 p.m.):**

Chairman Canada called for a Motion to place the Request for Zoning Correction on First Reading. MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS:

Y2K ADVISORY COMMITTEE

The recommendations from the Board are Jim Arp, Sonny Rigas and Rob Brinson. Chairman Canada called for a Motion to accept these recommendations for appointment to the Y2K Advisory Committee. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

ADJUSTMENT OF THE MANAGER'S SALARY:

Chairman Canada reported that the Manager is under contract and did not receive the 2% increase granted to other employees. Chairman Canada called for a Motion to adjust the Manager's Salary by 2%. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

REPORT FROM CHAIRMAN TO CLARIFY ZONING MATTERS:

Chairman Canada reported on developments since the February 9, 1999 meeting on zoning changes and rescission of the Unified Land Development Code. The public hearing meeting at the Planning Commission will be on March 4, 1999 at 4:00 p.m. The First Reading has been set for the Commissioners Meeting on March 9, 1999 and the Second Reading/Public Hearing for the rescission of the Unified Land Development Plan will be at the Commissioners Meeting on March 23, 1999 at 6:00 p.m. Chairman Canada read a statement to clarify his recommendation at the Board Meeting of February 9, 1999.

"I, nor any of the Commissioners are against zoning. As soon as the plan is corrected and the necessary reviews of the document have been made and the Public Hearings are held, then as stated in my recommendation, a zoning plan will be put in place in Floyd County. There are false allegations being directed to individuals and groups concerning my recommendation. I, in the previous meeting, stated that I had personally deliberated on this recommendation, not *we deliberated*, and I also stated that I had not discussed the recommendation with any previous Commissioner prior to making it. There were no secret meetings, meetings behind closed doors or pre-election plans to do away with zoning as some individuals have implied. First and foremost, pressure from individuals or special interest groups did not cause me to make the recommendation. They, in fact, brought out the weakness in the plan and gave us the opportunity to fix it and make it stronger legally. This is something that the opposition to zoning may later regret in bringing to our attention when we approve and adopt a much stronger legal zoning plan and put it in place. I would encourage all of you to get a copy of my recommendation, and we have made copies available, the Assistant County Manager has those, and review it before jumping to any conclusions or listening to any false allegations about my recommendation. I was not going to wait for a potential lawsuit with a document that was legally weak at best when I could be pro-active and correct the problem. I would rather face you, the citizens, now being pro-active and protecting Floyd County than having to face you later describing why I chose not to do anything if I did in fact know that the document would not stand up to a legal encounter. As I stated in the

recommendation that Floyd County will have a zoning plan in place that can withstand legal scrutiny and will be completed as soon as possible. I ask for your trust and support on what I have recommended and not get interpretations from sources who would rather present false allegations rather than the truth."

Chairman Canada opened the meeting for discussion from the Commissioners concerning the Land Use Rescission Plan.

Discussion: Commissioner Hufstetler stated he appreciated the comments given at the meeting and stated that quarrying is a concern to many people. The Commission will be putting a quarrying ordinance in place before the rescission of the Land Use Plan. Regarding comments that no other county in Georgia is without zoning, he commented that according to information he has, the majority of the counties in Georgia do not have zoning. He stated he supports zoning, but wants to have the proper plan in place and does not want misinformation being released. He does not see quarrying as an issue since the permits were put in place before the Land Use Plan was adopted. He stated that he understood the people not wanting a quarry in their areas, but felt that in order to fight it they have to know all the information. He noted that 50% of the business that Florida Rock has is going to be gone if they move. In his opinion Floyd County will not end up with more than one quarry, since from an economic standpoint, it would not be feasible. He stated he does want to protect the water supply and wants to have the scientific facts to support what is done. He also stated he feels they cannot have a plan which will not hold up and have any protection.

Commissioner Fricks stated that he had been involved in land use planning for almost two years, being a member of the Citizens Advisory Committee and is very strong in support of land use planning in Floyd County. Early in the procedure he became concerned about the education of the general public in Floyd County and how zoning could be implemented and the affect to the citizens. He feels that the educational procedures were unsuccessful due the process being speeded up, with the draft being available only two months before zoning was implemented. Once the plan was implemented, he saw how many problems that were there and how difficult revision of the zoning ordinance would be. He stated the document is good, but it needs to be implemented at a point when it is fair to everyone.

Commissioner Mayes stated that when he took office in January, he was proud that the previous Commission had implemented the plan. Later he realized that the plan was flawed and by testing it and trying to use it found that it could not be used and needed to be corrected. He stated he is committed to land use and intends to see that we have it, but that it is done correctly. He stated that by being elected, the citizens showed they have confidence in his ability to make decisions and he requested that they allow him to make the decisions.

Commissioner Jennings presented reasons for not voting to rescind the current Land Use Code. 1) Current Code protects unincorporated Floyd County from heavy industrial uses without having to resubmit and reratifying the plan. 2) Having a plan in place helps to identify the problems with the new plan by living with it. 3) Economic Development-people who look at our community as a place to locate industry or business desire a land use plan and zoning to protect their businesses as well as their homes. 4) Consistency in the message sent to developers regarding a land use plan and codes. 5) Rescinding the plan opens up the Commission for political pressure and roadblocks to not readopt the plan. We have something in place we can refine and improve upon. 6) Without a land use plan we risk the loss of state funds. 7) There are ordinances in the plan relative to the flood plain. Allowing for unrestricted growth we potentially risk further encroachment on the flood plain. 8) Controlled Growth--- The people are not against growth, but want to have smart growth in the community. 9) Significant City and County money is invested in the plan, which will be wasted if rescinded. 10) Confusing messages are being sent to the partners in this project, Rome City Commission and Rome/Floyd County Planning Commission by rescinding the plan. 11) Quarrying permits are not currently in place and there is debate as to whether our Land Use Plan would keep the quarries out of the community. He feels they will and should stand by the current land use plan and improve the plan. Commissioner Jennings proposed the following recommendations: 1) Maintain the current Land Use Code as adopted on December 22, 1998. 2)

Instruct the County Attorney to develop a timeline for the readopting the Unified Land Use Code following all legal guidelines and that he provide at the Commission Meeting the appropriate timeline and guidelines so issues which have been raised, can be cleared up. 3) At the March 9, 1999 meeting, the County Commission institutes the steps necessary to legally readopt the Land Use Code. 4) That the 15 member Implementation Committee be maintained to provide recommendations for revisions to the current Unified Land Use Code with a six months deadline for the recommendations being provided. 5) That the Commissioners develop a Study Committee made up of the five commissioners, the County Manager, Assistant County Manager and selected technical experts to review the Unified Land Use Code, in its entirety in order to become thoroughly familiar with the Code and their changes in mind so they can thoroughly review the code. Chairman Canada stated that Commissioner Jennings made a Motion for the recommendation of his proposal. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings to accept his proposal.

Discussion: Commissioner Hufstetler commented that the Land Use Plan which was in place is flawed and he would like to improve the plan before the Commission approves it.

Commissioner Fricks commented on his concerns regarding the mechanism of carrying out the plan. Currently there is a lack of an appeals board. He would like for the staff to be trained and committees in place before the plan is passed. He noted that the intent of the current Land Use Plan and the way it was written are different. He wants a land use plan which stands as it reads and he can stand behind it 100%, which is not true of the current plan.

Commissioner Jennings stated that as mentioned in Caucus, with any new plan, you will not have it 100% perfect the first, second or third time around. He feels there is a document, that the problems can be identified and the mechanism is in place to change it. He noted that this is not just about quarrying and quarrying issues but is about protection of the community with a code that will work in many areas.

Commissioner Mayes stated that the part of Commissioner Jennings' recommendation of having a study committee made up of the Commissioners, County Manager, Assistant County Manager and selected experts is particularly important and should be followed through on, even if it has to be implemented separately.

Commissioner Hufstetler stated that he agreed with Commissioner Mayes that this needs to be implemented.

After a brief discussion about the necessity of a vote on number five, Commissioner Jennings withdrew number five of his recommendation which read as follows: "That we would develop a Study Committee made up of the Floyd County Commissioners, County Manager, Assistant County Manager and selected technical experts to review the Unified Land Use Code chapter by chapter, line by line, verse by verse, period by period."

Chairman Canada stated that he made his recommendation based on the fact that we had no protection if legally challenged, because they never had to challenge the amendments because the shell of the plan itself was not legally strong. He stated he is 100% for zoning and will work diligently, depending on the vote on this recommendation, to make it work either as Commissioner Jennings has proposed it or as he proposed it.

VOTING:

YES

NO

Commissioner Hufstetler

"

Fricks

Commissioner Jennings

" Mayes

Motion Denied

COMMISSIONER'S REPORT

ADMINISTRATIVE AND FINANCE:

Commissioner Hufstetler, Committee Chairman, reported the Committee had discussed making the Floyd County Code and Minutes of meetings available on the Internet. This will provide for bi-weekly updates and would make the information more readily available to the public. Commissioner Hufstetler recommended approval of this project, at a cost of \$750 annually. Chairman Canada called for a motion to approve Commissioner Hufstetler's recommendation. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings to approve placing the Minutes and Code on the Internet as recommended by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Commissioner Hufstetler commented on the draft and unaudited budget for 1998, noting the current figures show an \$106,000 shortfall and therefore the emergency reserve fund will be in better shape than anticipated. They also plan on increasing the emergency reserve funds with the 1999 Budget.

Commissioner Hufstetler noted that regarding Y2K, they have formed a committee comprised of people in the computer field, private industry, and representatives from the county to share ideas. The first meeting was held February 22, 1999.

Commissioner Hufstetler reported that County Manager Kevin Poe is in the process of forming an Employee Evaluation Committee. The Committee will be composed of hourly and salaried employees and a report will be given to the Board at a later meeting.

Commissioner Hufstetler reported they investigated the Peach Care Program as an option for employees to obtain better insurance coverage, at less cost, for their children. It was noted that there is a possibility it will be necessary to add two-party coverage when the insurance plan is renewed.

PUBLIC SAFETY COMMITTEE:

Commissioner Mayes, Committee Chairman reported the Committee met on February 10, 1999. He reported on the recent state inspection held at the Prison as well as the cost per inmate for 1998. It was noted that the Sheriff's Department is negotiating with Immigration to board inmates and video arraignments have started.

PUBLIC WORKS COMMITTEE:

Commissioner Fricks, Committee Chairman recommended the addition of McBurnett Road to the Official Resurfacing List. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler to accept the recommendation to add McBurnett Road to the Official Resurfacing List. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

WATER COMMITTEE:

Commissioner Jennings, Committee Chairman, reported that there would be a Water Budget meeting on February 26, 1999. He noted that Steve Hulse, Water Department Director, will present a Capital Improvement Budget, which will include a schedule for vehicle and equipment replacement over the next five years. A Customer Service Performance Evaluation is being considered. It was noted that the new computer system will provide more information regarding the budget in the future and noted other improvements which have been implemented by the department.

Chairman Canada requested that all Committee Chairman notify the recording secretary for their meetings of any items which need to be placed on the Agenda for Commission Meetings.

CLERK'S REPORT

CONSENT AGENDA:

County Clerk Sue Broome advised that there were four items on the Consent Agenda and if there were no additions or deletions she submitted them for Board consideration. Chairman Canada called for a Motion to accept the items on the Consent Agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Tax Refunds:

Baker Mechanical, Inc., 1364 Radio Spring Road, \$101.22
Alfred L. Lang, 12 Hillindale Drive, \$13.39
A.W. & Frances P. Scoggins, P.O. Box 1196, \$51.84
Jerry F. Norman, 3241 Horseleg Creek Road, SW, \$346.17
Melvin G. & Irene Lyle, 7 Pine River Road, \$6.69
Kevin R. & Cathy S. Snodgrass, 3 Forest Meadow, \$1.62
Frank M. Camp, 790 Billy Pyle Road, SW, \$23.38

David C. Cole & Tracy Ingles, 104 Glendale Road, \$23.15
 Roma Lois Cordle, 2601 Lakeridge Circle, \$398.39
 Ola M. Everhart, 504 Hardy Avenue, \$19.07
 AT&T Communications, P.O. Box 1329, Morristown, NJ, \$4.60
 Ruth Smith, 5 Riverview Road, \$3.77
 Teresa Jackson Baxter, 560 Donahoo Road, SE, Silver Creek, \$46.25
 Judy D. 7 Phillip H. Sloan & Lewis David Diprima, 117 W. C. Bryant Parkway, Calhoun, \$43.64
 William Wright, 49 Washington Drive, \$9.08
 Dinkarbhai & Urmilaben Patel, 8 Amberwood Trail, \$389.17
 Michael F. & Cynthia L. Loveless, 413 Radio Spring Road, SW, \$266.05
 Robert S. & Beatrice Harrell, 110 Thornwood Drive, \$31.38
 Marion & Glenda Autry, 786 Ward Mountain Road, \$3.76
 Robert W. & Katherine Steinbruegge, 3 Richland Court, \$95.82
 Leonard F. & Paula White, 101 Wood Valley Drive, \$16.73
 Wayne & Carolyn Walker, 10 Fernwood Drive, \$18.55
 Jimmy D. & Gayle L. Randall, 102 Elmwood Drive, \$1.49
 Billy Joe Johnson, 309 Timothy Avenue, \$1.48
 Sonya Brown, 989 D Harmony Road, Aragon, \$20.77
 David M. & Annette J. Nelson, 1010 Sunridge Drive, \$86.27
 Karen Mathis Garrett, Angelyn M. Busby & Faye M. Ware, 1641 Blacks Bluff Road, \$78.81

Authorize execution of contract on Old Cedartown/Maple Road, PR631-2 (115), 1.670 miles of plant mix resurfacing.

Enter into Minutes Letter of Intent for Jimmy Jacks (change of status to appointed position approved February 9, 1999 contingent upon Cooperative Agreement between Assistant Jail Administrator and Sheriff).

Beer License Application

- a. David W. Shiflett / Cowboys Food Mart #18
1881 Old Calhoun Road

MANAGER'S REPORT

ACCIDENT REVIEW BOARD

RECOMMENDATION ON DAMAGE

CLAIM TO A. D. LITTLEJOHN'S

CAR (Deferred from 2/9/99 meeting):

County Manager Kevin Poe stated that during the Caucus Session A. D. Littlejohn appealed a decision regarding an accident claim. Mr. Littlejohn claims he had gotten paint on his car from riding over stripes, which had been freshly painted on Mount Alto Road. After review by the Accident Review Board, they denied the claim. then County Manager Poe also denied the claim. County Manager Poe stated that his recommendation of denying the claim still stands. Chairman Canada called for a motion on the recommendation of the County Manager that the claim be denied. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FROM STEVE CORDLE
FOR FLOYD COUNTY TO ADMINISTER
RECYCLING GRANT:**

County Manager Kevin Poe presented a request from Steve Cordle for the Commission to agree to administer a Solid Waste Grant for the recycling project involving Berry College and that a letter of support for the proposed project be submitted. Chairman Canada called for a motion to accept the recommendation to administer the Grant and to allow the Chairman to sign the Letter of Support. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

Commissioner Jennings -

Abstained

Commissioner Jennings abstained from voting on the motion due to the request being for the recycling program at Berry College and he is an employee of Berry College.

Motion Carried

**RECOMMENDATION TO PURCHASE
FOUR (4) RADIOS FOR MAGISTRATE
COURT.**

County Manager Kevin Poe reported they had looked into the use of cell phones by Magistrate Court and had looked for other means of communication, which would also be less costly. County Manager Poe recommended changing to two-way radios, which would be on the Public Works frequency. He noted that there is a need for them to have access to communications. He recommended that money be shifted from their telephone expense to their equipment line item to allow them to purchase three portable radios and one base station for their office. This would result in no increase to their budget. Chairman Canada called for a Motion to approve the recommendation to purchase four radios for Magistrate Court. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

Discussion: Commissioner Mayes asked if the purchase required a vote. County Manager Kevin Poe replied that Board approval is required regarding salaries and equipment.

Commissioner Hufstetler noted there would be a payback, cost of cell phones compared to cost of radios, of less than one year on this item.

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes
" Jennings

Motion Carried

**SURPLUS PROPERTY ON
OLD CALHOUN ROAD.**

County Manager Kevin Poe recommended that property located on the Old Calhoun Road be declared surplus and sealed bids be accepted for the sale of the property. An address was not available, but a copy of the tax map showing the parcel will be made a part of the minutes. Chairman Canada called for a Motion accepting the recommendation of the County Manager to declare the property on the Old Calhoun Road surplus. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

DISCUSS BILL FROM DR. ERNST H. KASTNING:

County Manager Kevin Poe presented for approval the bill submitted by Dr. Kastning related to professional services. Chairman Canada called for a motion to approve payment of the bill in the amount of \$577.32 from Dr. Kastning. MOTION was made by Commissioner Mayes to approve payment of the bill with the stipulation that this will be the final bill, SECOND by Commissioner Jennings.

Discussion: Commissioner Mayes asked if this is all of the bill. County Attorney Wade Hoyt replied that until the Geology Department makes a decision Dr. Kastning has indicated that he would not be able to bill further. It was noted that any bills would have to be submitted to the Board for approval. Commissioner Fricks noted that the bill is for travel expenses and not for professional services. It was also noted that the Geology Department had approved Dr. Kastning appearing before EPD.

VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**RECOMMENDATION ON USE OF
FORUM FACILITY FOR UNITED WAY:**

County Manager Kevin Poe stated that negotiations with United Way regarding use of the Forum for their meetings this year had been discussed in the Caucus session. Their request is for more than is usually done for non-profit organizations. County Manager Poe requested that he be allowed to continue negotiations with the United Way to see if an agreement can be reached whereby they pay \$10 per person for the use of the Forum for their meetings during the year. He noted that a commitment had also been made to review policies regarding the Forum, which could involve an Advisory Committee if needed. Chairman Canada called for a Motion to allow the County Manager to continue negotiations with United Way to use the Forum for \$10 per person for their meetings. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes.

Discussion: Commissioner Jennings expressed his concern that a policy is not in place to address the use of the facility by non-profit groups. He stated he felt all non-profit organizations should be treated in the same way and there is a consistent policy in place.

Commissioner Mayes noted that once there is maximum use of the facility, there would not be a problem with non-profit use.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

BID RESULTS FOR COPIERS:

County Manager Kevin Poe reported that sealed bids had been taken on February 22, 1999 for the purchase of four (4) copiers, one for each of the following departments: Personnel Office, District Attorney, Sheriff's Office and Jail. It was noted that these were approved purchases in the 1999 budget. County Manager Poe recommended acceptance of the low bid, which was submitted by Christie's Office Supply of Rome at \$6,540 per machine. Chairman Canada called for a Motion to accept the recommendation of the County Manager to accept the low bid submitted by Christie's Office Supply. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings.

Discussion: Commissioner Jennings thanked the four offices involved for working together to agree on a common machine which would meet their needs and also result in substantial cost savings.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

BID RESULTS

1.	Christie's Office Supply, Rome	\$6,540.00
	Ikon Office Solutions	\$9,411.00
3.	Riddle Office Sales	\$7,448.00
4.	Rolan Office Machines	No Bid
5.	Northwest GA Imaging	\$9,836.00
6.	National Copier Exchange	\$8,655.00
7.	MSA, Inc.	\$11,240.00

County Manager Kevin Poe reminded the Commissioners of the meeting at 4 p.m. on February 24, 1999 with the Planning Commission Executive Committee, regarding their budget.

ATTORNEY'S REPORT

ADOPT RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE DEVELOPMENT AUTHORITY OF FLOYD COUNTY FOR THE BENEFIT OF BERRY COLLEGE:

County Attorney Wade Hoyt presented a resolution approving issuance of revenue bonds by the Development Authority of Floyd County for the benefit of Berry College. This required Berry College to go initially to the Development Authority of Floyd County, who had approved the request and the process requires the Board of Commissioners to also approve the request. He noted there is no financial obligation or responsibility for the County or the Development Authority. Approval will be required for the resolution, as well as authority for the Chairman and Clerk to sign the resolution and certification document. Chairman Canada called for a Motion to adopt the resolution as presented by the County Attorney. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

Commissioner Jennings - Abstained

Commissioner Jennings abstained from voting on the motion since he is an employee of Berry College.

Motion Carried

OTHER BUSINESS:

It was noted that the Agenda Session set for March 18 will be held at 9 a.m. instead of 12 p.m. and Commissioner Hufstetler will attend in place of Commissioner Jennings who has a conflict for that date.

Commissioner Fricks reported there had been discussion of the Commissioners attending breakfast meetings in different areas of the county and requested that a date be set up. A schedule will be set for Monday or Wednesday for the next five week and will then be given to the Commissioners.

ADJOURN:

There being no further business to come before the meeting, the Chairman called for a Motion to adjourn. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

KIM A. CANADA, CHAIRMAN