

March 9, 1999

Regular Meeting

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 9, 1999 4:00 P.M.**

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

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Wade Hoyt, III, 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:

Larry Lewis, Vice President Martin-Marietta, Duluth, spoke in opposition to the proposed mining ordinance, stating they feel there are serious legal problems with the ordinance which will be addressed by their legal counsel to the county attorney. He stated they have 825 contiguous acres in an area east of Ward Mountain Road and south of Hermitage Road. They began their marketing efforts approximately four years ago and since securing the property have spent hundreds of thousands of dollars, noting items they have done or in the process of doing regarding the site. They have progressed to this point based on laws of the United States, Georgia and reliance on existing ordinances at the time their process began. They hope to employ approximately 15 people and their investment over time will be in the \$12-15 million range and they will be paying their fair share of county tax in future years, as well as sales tax paid and collected. He noted that the effect of the ordinances would make it almost impossible if not impossible to operate in Floyd County.

Richard Fountain, 615 NE Turkey Mountain Road, spoke on behalf of the current Florida Tile's mine which has existed in Floyd County for 19 to 20 years. He stated he has been involved in mining for over 35 years and has never seen an ordinance as restrictive as the proposed mining and quarrying ordinance. He urged the Commission to consider the impact of the ordinance very carefully. Florida Tile employs over 200 people in Floyd County including many subcontractors, such as truckers and earth moving contractors. He noted they keep reasonable operating hours but operate six days a week during the mining season. They operate under existing state and federal ordinances without real particular concerns. He stated there are restrictions in the proposed ordinance which are virtually unattainable in some cases and will put

financial hardship and undue burden on not only the mining and quarrying companies, but also some of the subcontractors.

Jay Freeman, Chief Geologist, Boral Bricks, 8700 Revere Street, Columbus, stated Boral Bricks has a mine on Huffaker Road. He stated they have addressed their concerns in a written brief, prepared by their legal counsel, which will be presented to the Commissioners.

Hubert Bailey, 265 New Hermitage Road, NE, Rome, spoke in support of the mining ordinance stating the destruction caused by mining is not good and the people of the area do not want the quarry in their area. He noted the damage caused by the current Florida Rock Quarry and outcome of blasting in the Model School area while the children are in school. He requested the Commissioners find a way to stop the mining and quarrying in Floyd County.

David Kearns, 670 Rush Chapel Road, Rome, stated quarries are needed, but they need to be appropriately located, which would be covered by a reasonable zoning plan, and they need to be appropriately regulated, not meaning they need to be regulated out of business. He noted that the ordinance presented by Power, Inc. is a serious ordinance, which may have problems, but will help regulate a quarry. He requested the Commissioners to consider the location in any zoning plan in the future and secondly, absent a zoning plan, a quarry ordinance is needed which will be meaningful.

Mack Godfrey, 8 Woodcliff Drive, NE, Rome, stated also that quarries are needed. He has been in the dump truck business in Floyd County for 22 years and his business would not survive with the ordinance proposed. Restricting hours they are allowed to work, roads they can travel, 30 day rule for getting a ticket, will be hard on them and he stated they currently operate under federal guidelines. He stated the ordinance is wrong and he would like to stay in business but cannot if the ordinance is approved.

Trent Blanton, 5423 Big Texas Valley Road, Rome, stated he is also in the trucking business and the regulations on when they can run and where they can run their trucks, will prevent many from being able to continue their business. He asked the Commissioners to reconsider and not pass the ordinance.

Mike Claytor, 2631 Big Texas Valley Road, Rome, stated he has a small grading business with a dump truck and from the information he has received, he would not be able to continue his business. He would have to sell out and move.

Jason Buffington, 4135 Big Texas Valley Road, Rome, stated that the group speaking are not big companies and struggle to keep their business going. He requested that the Commissioners consider what they are doing if the ordinance passes, most of them will have to sell out and that will be a tax loss to the county.

Mark Grogan, 1235 Morrison Campground Road, Rome, stated that he was considering starting a trucking business, but if the new ordinance passes it will be hard. He asked that the Commissioners reconsider.

Ronnie Sharp, 4 Dixie Park Road, NE, Rome, stated that the ordinance is unfair to the mining companies as well as to the trucking industry. They pay law enforcement agencies to regulate them. He stated his trucks do go across state lines and therefore they have a name and a number on their trucks and he also runs a US DOT and ICC number, and felt another number on the truck could not be read if the name could not be read.

Ken Godfrey, 5569 Fosters Mill Road, Cave Spring, stated he has been in the dump business fifteen years and stated the ordinance is ridiculous and invited the Commissioners to ride with any of the trucks for a day. He noted that the construction business jump starts the economy. He buys everything in Floyd County and the tax dollars from Florida Rock and the businesses represented will affect the economy. He noted the cost spent at Berry to repair sink holes and that they already had sinkholes in the 1900's. He stated that Florida Rock contributes a lot to Garden Lakes School as well as other schools, and they have a lot invested in Floyd County.

Gary Smith, 9190 Alabama Highway, Cedarbluff, Alabama, stated he purchases much of the rock and gravel for his business from Florida Rock. He noted that you have to pass a school somewhere to travel from one side of the county to the other. The new regulations would force him to go elsewhere.

Bob Tucker, 1697 Ward Mountain Road, Rome, waived his right to speak.

Theron "Buddy" Reece, 802 Reynolds Bend Road, Rome, stated that Florida Rock has met all requirements by the state in the process of trying to get their operation going. He noted that some of the stumbling blocks they had run across were due to the county. Their quarry will be closing, with 30 employees to be out of a job. Their plan was to have Six-Mile up and going and to move employees from one location to another and to continue to provide crushed stone for Floyd County. They are getting to the point they are not able to furnish stone for the people of Floyd County. He noted the truckers do make their living hauling rock and they are in a business where there is not a lot of profit and they put in 12 to 14 hours a day. The ordinance would prevent them from being able to make a living. He noted that the 2-year project of the Highway 27 North Construction would be a 5 year project with the restrictions of the ordinance. The mining industry operates under more restrictions than other industrial businesses.

ADOPTION OF

MINUTES: Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular

Meeting of February 23, 1999 as presented. **SECOND** by Commissioner Jennings. **VOTING:**

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

FIRST READING

**AMENDMENT TO SECTION 1-1-1(a)
AND (b) AND SECTION 2-14-45(e) OF
THE FLOYD COUNTY CODE REGARDING
NEPOTISM.**

**(Set Second Reading/Public Hearing on
March 23,1999).**

Chairman Canada called for a Motion to place on First Reading the Amendment to Section 1-1-1(a) and (b) and Section 2-14-45(e) of the Floyd County Code regarding Nepotism. MOTION was made by Commissioner Mayes, Second by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**RESCISSION OF THE UNIFIED LAND
DEVELOPMENT CODE**

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

Chairman Canada deferred this item to County Attorney Wade Hoyt, III due to a discussion held in the Caucus Session concerning whether there was an actual public hearing held to put this on Second Reading/Public Hearing. County Attorney Hoyt stated that the Planning Commission did not have a proper Public Hearing on this matter, therefore it will have to be taken off as a First Reading and also the Public Hearing scheduled for March 23, 1999 will have to be cancelled. It was noted that a date can be set at a later time.

**REQUEST FOR REZONING, FILE #02-99Z,
INTERSECTION OF HIGHWAY 140 AND
HIGHWAY 53 IN THE SOUTHEAST CORNER,
FROM S-R TO C-C**

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

Chairman Canada called for a Motion to place the Request for Rezoning, File #02-99Z on First Reading. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner

Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**REQUEST FOR REZONING, FILE #03-99Z,
STATE ROUTE 53 NORTH OF HIGHWAY 140
JUST BEFORE THE DIVIDED HIGHWAY,
FROM S-R TO H-C
(Set Second Reading/Public Hearing for
March 23, 1999 at 6:00 p.m.).**

Chairman Canada called for a Motion to place the Request for Rezoning, File #03-99Z on First Reading. MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**REQUEST FOR REZONING, FILE #04-99Z,
FRONTAGE PROPERTY OF 39 GARRARD
ROAD, FROM S-R TO L-I.
(Set Second Reading/Public Hearing for
March 23, 1999 at 6:00 p.m.).**

Chairman Canada called for a Motion to place the Request for Rezoning, File #04-99Z on First Reading. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings stated that what was being voted on was to get this into a Public Hearing so that an answer can be given to the property owner regarding this request. He note that this is not voting for or against, but moving the process forward.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FOR REZONING, FILE #05-99Z,
FIRST STREET EXTENSION, SHANNON,
FROM S-R TO M-R
(Set Public Hearing/Second Reading for
March 23, 1999 at 6:00 p.m.).**

Chairman Canada called for a Motion to place the Request for Rezoning, File #05-99Z on First Reading. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FOR SPECIAL USE PERMIT,
FILE #02-99SPU, FOR 107 A&B, AND
109 A&B PARIS DRIVE TO ALLOW THE
CONSTRUCTION OF DUPLEXES ON
THE PROPERTY.
(Set Second Reading/Public Hearing for
March 23, 1999 at 6:00 p.m.).**

Chairman Canada called for a motion to place the Request for Special Use Permit, File #02-99SPU on First Reading. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

**REQUEST FOR SPECIAL USE PERMIT,
FILE #03-99SPU, FOR VACANT LOT ON
GLEN LAKE ROAD TO ALLOW THE
CONSTRUCTION OF DUPLEXES ON
THE PROPERTY
(Set Second Reading/Public Hearing for
March 23, 1999 at 6:00 p.m.).**

Chairman Canada called for a Motion to place the Request for Special Use Permit, File #03-99SPU on First Reading. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

**REQUEST FOR SPECIAL USE PERMIT,
FILE #04-99SPU, 1644 WAYSIDE ROAD
TO ALLOW PERIODIC MUSIC FESTIVALS
ON THE SITE
(Set Second Reading/Public Hearing for
March 23, 1999, at 6:00 p.m.).**

Chairman Canada called for a Motion to place thr Request for Special Use Permit, File #04-99SPU on First Reading. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

Discussion: Commissioner Hufstetler stated that they are not approving or disapproving the requests at this time, they are being put into legal motion to be brought up and studied.

YES NO

Commissioner Hufstetler

" Fricks
" Mayes

" Jennings

Motion Carried

SECOND READING/PUBLIC HEARING

**REQUEST FOR SPECIAL USE PERMIT,
FILE #01-99SU, FOR 5A, 5B, 7A, 7B LOVELL
STREET TO ALLOW FOR CONSTRUCTION
OF DUPLEXES ON THE PROPERTY
(First Reading held February 23, 1999 at 6:00 p.m.).**

OPEN PUBLIC HEARING:

Chairman Canada called for a Motion to Open the Public Hearing. MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada asked for clarification from County Attorney Wade Hoyt, III as to the length of time the public is allowed to speak during a Public Hearing. County Attorney Hoyt verified that the time limit is 10 minutes per speaker.

There being no one present to speak for or against the matter, the Chairman called for a Motion to close the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissionr Fricks. VOTING:

YES NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion for the Request for Special Use Permit, File #01-99SU. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings.

Discussion: Commissioner Hufstetler stated that without getting into the specifics of the issue he saw problems. Going back to the zoning itself, some people would say that zoning was not legally in place, if that is true, then we don't have zoning. There are people who say it was legally in place, and if that was true, we are required to go by the procedure outlined for public hearings and would rescind it. He questioned that if it was not legally in place, it would not be necessary to have the Planning Commission public hearing and this public hearing. County Attorney Hoyt replied that that was correct. Commissioner Hufstetler noted that the county zoning is in legal jeopardy at the present time and he does not know what action can be legally taken on this matter.

Commissioner Jennings expressed his concern that the Staff Recommendations had not been received from the Planning Commission. It was noted that the recommendations had been received, shortly before the meeting time and the Commissioners had not had time to review the information.

Commissioner Mayes asked if Tom Sills could comment on the matter. Chairman Canada replied that as Commissioner Jennings stated, it is difficult to make a decision based on information being received to late for review.

It was noted that normally there is a recommendation available at the First Reading, but in this case it was sent back to the Planning Commission for a recommendation and then not received back until today. It was also noted by the County Attorney that the vote could be delayed until the next meeting.

Planning Commission Director Tom Sills reported that the Staff Recommendation was for approval of this request.

After discussion, it was decided that this item would be tabled until the next meeting. MOTION was made by Commissioner Jennings that the discussion be tabled until the next Commission Meeting, March 23, 1999, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FOR ZONING CORRECTION,
FILE #01-99Z, 1472 PLEASANT VALLEY
ROAD FOR S-R TO L-I
(First Reading held February 23, 1999 at**

6:00 p.m.).

OPEN PUBLIC HEARING:

Chairman Canada called for a Motion to Open the Public Hearing. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

There being no one present to speak for or against the matter, the Chairman called for a Motion to close the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

Chairman Canada called for a Motion for the Request for Zoning Correction, File #01-99Z. MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler.

Discussion: Commissioner Jennings stated this will enable the property owner to continue manufacturing greenhouses, which he has been doing for a number of years, and not for other light industrial uses.

VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS:

Chairman Canada commented regarding assistance from the general public regarding filling vacant board positions. Currently there are two positions open on Animal Control and Welfare, Post 2 with three year terms. There are also three positions available on the Rome/Floyd Human Relations Commission, with one year terms. He requested that anyone interested in serving, to contact County Clerk Sue Broome. There was a recommendation for Elaine Siegel for the Tallatoona Economic Opportunity. Mrs. Broome reported that Mrs Siegel is considering the request, but, at this time, she has not accepted the recommendation.

Request was made for volunteers to serve on the Solid Waste Task Force, at the current time only Irving L. Van Patten had submitted a profile sheet to serve on the Board. Chairman Canada called for a Motion to accept the recommendation of Irving L. Van Patten for the Solid Waste Task Force. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada reported that a Commissioner is needed to serve on the Rome/Floyd County Parking Committee. Chairman Canada appointed Commissioner Hufstetler to serve on the Committee.

Chairman Canada stated that in the Caucus Session, Scott McCaleb from Florida Rock had discussed the request for a dye test and dye test study. It had been determined in the Caucus that a Committee was needed to review businesses offering this type service to complete the study. Chairman Canada, appointed a committee made up of himself, Commissioner Jennings and County Manager Kevin Poe. Commissioner Jennings noted that Mr. McCaleb had expressed a desire to work with the Committee regarding other companies, besides the two which had been submitted. A recommendation will be made to the Board at their March 23, 1999 meeting.

**APPROVE 1999 ROME/FLOYD COUNTY
PLANNING COMMISSION BUDGET FOR
\$59,500.**

Chairman Canada called for a Motion to accept the Rome/Floyd County Planning Commission Budget in the amount of \$59,500. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings stated that in a previous meeting with the Planning Commission there had been discussion regarding a Planner Position. It had been suggested by the Board that the Planning Commissioner start actively recruiting a Planner assuming that if the zoning plan is kept or rescinded, the additional position would be needed. He questioned if funding for the position needed to be provided. Commissioner Hufstetler replied that the position is not needed without zoning and it was thought zoning would take place at mid-year, at which time the position could be looked at. Commissioner Jennings asked if the Planning Commission should advertise the position so that when zoning is in place the position would be filled, or are we saying to the Planning Commission to wait until June to start advertising. He stated his preference is that they start looking for the person now to be prepared by the mid-year time frame. Commissioner Jennings stated the Planning Commission needed to know that the County plans to fund the position for the land use plan. The issue of the Transportation Planner is a side issue to the budget since the state DOT funds the position. They are currently actively pursuing to fill this position.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

COMMISSIONER'S REPORT

ADMINISTRATIVE AND FINANCE COMMITTEE:

Commissioner Hufstetler, Committee Chairman reported they will be holding a discussion with the City of Rome and City of Cave Spring regarding HB 489. They are currently gathering information on HB 489 and will be reviewing it with each Commissioner later this week. The meeting will be March 16, 1999 at 4:00 p.m.

PUBLIC SAFETY COMMITTEE:

Commissioner Mayes, Committee Chairman reported their next meeting will be held on March 10, 1999 at 2:00 p.m. in the County Manager's Conference Room.

PUBLIC WORKS COMMITTEE:

Commissioner Fricks, Committee Chairman reported their next meeting will be April 7, 1999 at 9:00 a.m. in the County Manager's Conference Room. There will be no meeting in March due to a conflict of schedule and the new meeting date for the Public Works Committee is the first Wednesday of each month at 9:00 a.m.

WATER COMMITTEE:

Commissioner Jennings, Committee Chairman reported that the Water Department Budget will be discussed later in the meeting. The issue of rate increases had been discussed in Caucus and an Open Hearing will be held at the April Meeting. The next Water Committee Meeting will be Thursday, March 25, 1999 at 3:00 p.m. in the County Manager's Conference Room. Discussion of the Capital Budget will be continued as well as looking at where water improvement and expansion in the water system are headed in the future.

CLERK'S REPORT

CONSENT AGENDA:

County Clerk Sue Broome requested that on Item 2 the term be changed from March 1, 1999 through December 31, 1999 since Victim Witness Assistance Program had not been aware that the contract could not extend past the county fiscal year. County Clerk Broome reported there were three items on the Consent Agenda and stated she would answer any questions since there was not time to review them in the Caucus Session, otherwise she presented them for consideration. Chairman Canada called for a Motion to approve the recommendation for the Consent Agenda from the Clerk. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Authorize execution of Agreement between Brooke Collins, Contractor for CASA program and Floyd County - \$1,666.57 per month, term of contract, March 3, 1999 through June 30, 1999. (CN-0150)

Authorize execution of Agreement between Lydia Trimble, Contractor for the VWAP (Victim Witness Assistance Program) and Floyd County - \$2,083.33 per month, term March 1, 1999 through December 31, 1999.

Tax Refunds:

- a. Diane H. Johnson, 55 Westwood Circle, \$41.09
- b. Jackson D. Morgan, 436 Broad Street, \$11.02
- c. Alice Harrison & John Christopher Williams, 1125 Chulio Road, SE, \$40.95
- d. Denver Phillips, 45 Whispering Pines Road, \$95.40
- e. Jean M. Dempsey, 28 Forest Mneadow, SW, \$370.75
- f. John Hobart Duvall, 4 Longmeadow Drive, \$7.11
- g. Thelma P. Thompson, 15 Auburn Lane, \$59.53
- h. Clinton H. Yates, 5 Leland Avenue, \$51.83
- i. Chaney & Franaces Clements, 315 Mount Alto road, SW, \$523.76
- j. Hugh B. & Mable B. Durden, 11 Turner Chapel Road, \$5.63
- k. Claudette & Robert H. Coffia, 1102 Highland Avenue, \$10.60
- l. Donald Jerome Bell, 9 West 5th Avenue, \$25.98
- m. Thomas W. Crumley, 100 Sunrise Drive, \$52.98
- n. Clarence R. & Glenda F. Cato, 110 Simpson Drive, \$7.62
- o. Donald L. & Barbara P. McClain, 35 Donley Drive, NW, \$16.01
- p. Garvis W. & Martha N. Reed, 108 Deerbrook Drive, \$2.87
- q. Harry C. & Mary W. Warren, P.O. Box 3233, \$7.06
- r. Otis Milner, P.O. Box 2036, \$22.79
- s. Robert V. Wheeler, 406 Garrard Avenue, \$51.13
- t. Rachel A. Brock, 112 Malone Drive, \$3.89
- u. Bettie S. Daniel, 19 Ridgewood Road, \$1.30
- v. James W. Cannon, 32 Old Airport Road, \$108.25
- w. Joe Pickering, P.O. Box 81, Shannon, \$111.76
- x. Frank H. & Donna Ruth Trotter, 52 Hickory Street, NE, \$64.86
- y. William A. & Maline V. Sunrich, 3 Wilson Drive, \$25.62
- z. Billy R. Smith, P.O. Box 1826, \$189.79
- aa. Lewis Edward Shelton, 410 Division Street, \$41.21
- bb. Charles A. McStotts, Jr. & Christie M. Henderson, 558 Ward Mountain Road, NE, \$2.35
- cc. Earl E. & Debbie M. Anderson, 12 Althea Drive, NW, \$7.15
- dd. William B. & Debra J. Hold, 23 Grayrock Drive, NW, \$24.28
- ee. Sheryl Allen, 68 Surrey Trail, \$35.89
- ff. Jarrett Farms, Inc., P.O. Box 5583, \$1,345.54
- gg. James M. & Kara T. Williams, III, 18 Greer Road, NE, \$41.44
- hh. Douglas R. & Angela Mashburn, 1030 Haywood Valley Road, Armuchee, \$116.55
- ii. Norma Davis n/k/a Norma Brumbelow, P.O. Box 162, Aragon, \$155.03
- jj. Larry Hansard, 11 John Davenport Drive, \$59.85
- kk. G. H. Riddle, Jr. & William W. Byington, Jr., P.O. Box 2369, \$3.25
- ll. Byron H. & Patsy H. Phillips, 126 Rolling Oaks Drive, \$52.07
- mm. Bernard A. & Doris Marshall, 29 Meadow Lane, SW, \$58.78
- nn. W. H. & Shirley Little, P.O. Box 2481, \$13.74
- oo. William W. Byington, Jr. & G. H. Riddle, P.O. Box 2369, \$18.13

- pp. D. J. Bell & Mrs. H. Bell, 9 West 5th Avenue, \$23.64
- qq. Jackson D. Morgan, 436 Broad Street, \$612.54
- rr. Terry L. White, 141 Weatherington Drive, SW, \$51.59

Request from Tax Commissioner to remove unpaid portion of Diamond Carpet Mills 1996, 1997 and 1998 personal property tax bills in the amount of \$24,542.49 from the tax digest.

MANAGER'S REPORT

CELL PHONE POLICY:

County Manager Kevin Poe reported that the Cell Phone Policy had been discussed during Caucus and information had been distributed to the Commissioners. Based on the discussion, looking at the county calls and looking at adding a couple of people who are on call and changing to the \$18.00 per month plan for basic fees to be used for emergency purposes, this would be a total of 30 phones. Chairman Canada called for a Motion on the County Manager's recommendation. MOTION was made by Commissioner Jennings that the Amended Cell Phone Policy be accepted, adding two phones to the list, for "on-call" personnel, SECOND by Commissioner Mayes.

Discussion: It was noted that costs last year had been approximately \$36,000, and with the new policy will possibly be in the \$11,000 range.

VOTING:

YES NO

Commissioner Hufstetler
 " Fricks
 " Mayes
 " Jennings

Motion Carried

APPROVE WATER DEPARTMENT BUDGET:

County Manager Kevin Poe stated the budget had been put together based on the comments and recommendations at the last Budget Hearings. Total operating revenues are estimated at \$4,408,815.00, operating expenses for Water System Administration of \$619,999.85, Water Distribution of \$2,294,479.00. County Manager Poe recommended approval of the Water Department Budget as submitted. Chairman Canada requested a Motion for approval of the Water Department Budget as presented by the Manager. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES NO ABSTAIN

Commissioner Hufstetler

" Fricks

Commissioner Mayes

" Jennings

Motion Carried

Commissioner Mayes abstained because he had been unable to attend the Budget Hearings and felt he should not vote on approval.

PROPOSED WATER RATE INCREASE:

County Manager Kevin Poe stated there had been discussion at the Caucus Session regarding a possible water rate increase of 6%. Based on the discussion, with further direction from the Commissioners he would prepare information regarding the rate increase for a Public Hearing to be held at the Commission Meeting on April 13, 1999. Chairman Canada called for a Motion to recommend the 6% rate increase for the Water Department and set the Public Hearing for April 13, 1999 at 2:00 p.m. It was noted that is not an approval of the rate increase, but to put it on the Agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

AMEND FEE SCHEDULE BOOK TO INCREASE BUILDING INSPECTION FEES BY 3%, EFFECTIVE MARCH 10, 1999:

County Manager Kevin Poe stated that this item will be tabled until a future meeting.

CAMERAS FOR COUNTY VEHICLES:

County Manager Kevin Poe stated that a request had been received from the District Attorney regarding a Grant she received to place cameras in the Police vehicles which can be used to document domestic abuse cases. The request is for allocation of \$360 as a match to the Grant for the purchase of the special cameras. Chairman Canada called for a Motion to accept the recommendation of the County Manager. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

ATTORNEY'S REPORT

WORKER'S COMPENSATION CASE:

County Attorney Wade Hoyt stated information had been submitted to the Commissioners on March 3, 1999 regarding settlement of a Worker's Compensation Claim. The settlement will not become valid until it is approved by the Board. The claim involves an employee hurt in 1995. A mediation had been held before a Worker's Compensation Mediator, who informed them it would do very little good to go before the Board because they would lose. The case has been settled, subject to approval by the Board for \$20,000 to Mr. Robert Smith. Chairman Canada called for a Motion for approval of the Worker's Compensation Claim as presented by the County Attorney. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

ADJOURN

There being no further business to come before the Board, MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

COMMISSIONERS

**FLOYD COUNTY BOARD OF
KIM A. CANADA, CHAIRMAN**

Executive Session

**EXECUTIVE SESSION
FLOYD COUNTY BOARD OF COMMISSIONERS
March 9, 1999**

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

OTHERS

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

MOTION TO GO INTO

EXECUTIVE SESSION: Commissioner Mayes made a MOTION to go into Executive Session for the purpose of personnel, **SECOND** by Commissioner Hufstetler, **VOTING:**

YES

NO

Commissioner Hufstetler

Commissioner Fricks

" Mayes

" Jennings

Chairman Canada

Motion Carried

COMMISSIONERS

**FLOYD COUNTY BOARD OF
KIM A. CANADA, CHAIRMAN**