

June 22, 1999

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
JUNE 22, 1999 **6:00 P.M.**

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

OTHERS

PRESENT: 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 Mayes led the Invocation.

PLEDGE OF

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

PUBLIC PARTICIPATION:

Keith Winslette, Winslette Pharmacy, 14 Sugarwood Drive, Rome, Georgia, stated he was there regarding the pharmaceutical bid and to answer any questions regarding their bid. There is a high percent of reduction due to the volume of their buying and the way AWP is based on generic buying versus name brand. Over the counter products are based on \$1 over cost. This is based on the volume and is separate from their normal business and will be under medical services. Assistant County Manager Tom Tully asked if the county will be provided with current and updated copies of the AWP. Mr. Winslette stated they would be provided on request.

Don Powell, Armuchee Pharmacy, 4 Terrace Avenue, Lindale, Georgia, stated that during the Caucus Session the bids were on prescription and over the counter and used AWP. The Invitation to Bid stated that it is proposed that all bidders use “a” formula, a meaning one, and this is the method they used. This is the reason their bid reflects the way it does at this time. They were not told to break the bid down. Assistant County Manager Tully stated the bid invitation did state “a” formula using AWP. Two of the bidders had chosen to break it out and use different formulas and two of the bidders had not. There had been no discussion from anyone in County administration or further instructions on how to create the formula. Mr. Powell stated they only had the information on the Invitation to Bid to go by and it said “a formula”, meaning one and that is how they prepared their bid. He stated that bids prepared in any other way would have to be thrown out. After discussion, County Attorney Wade Hoyt stated he would need to see the bid package before he could determine the legality of the language of the bid package. If deferred to the next meeting, he will review the bid package. Assistant County Manager Tully stated that he had not received any inquiries as to how to interpret the wording of the bid invitation. After reading the bid invitation, County Attorney

Hoyt stated he did not think it was so confusing as to void the bid. This matter will be further discussed during the Manager's Report.

ADOPTION OF

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

Meeting of June 8, 1999, as presented. SECOND by Commissioner Fricks.

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

RESOLUTIONS:

**AMEND FEE SCHEDULE BOOK TO
INCLUDE ADDITIONAL PARKING
VIOLATION FEE FOR NON-PAYMENT
OF PARK USAGE FEE - \$35.00.**

Chairman Canada presented a resolution to amend the Fee Schedule Book to include an additional parking violation fee of \$35.00 for Non-Payment of Park Usage Fee. Chairman Canada called for a

Motion to adopt the fee schedule change. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

FIRST READING:

**AMEND FLOYD COUNTY CODE
SECTION 2-1, GENERAL PROVISIONS
TO INCLUDE REFERENCE TO THE
FEE SCHEDULE BOOK FOR ALL**

**SECTIONS WHERE FEES ARE
IMPOSED.**

**(Set Second Reading/Public Hearing for
July 13, 1999 at 2:00 p.m.)**

Chairman Canada called for a Motion to place on First Reading the amendment of the Floyd County Code, Section 2-1, General Provisions to include reference to the Fee Schedule Book for all sections where fees are imposed. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**ADOPT RESOLUTION ESTABLISHING
STREET LIGHT DISTRICT 225 ON
SOUTH CROSSRIDGE DRIVE, SE.**

**(Set Second Reading/Public Hearing for
July 13, 1999 at 2:00 p.m.)**

Chairman Canada called for a Motion to place on First Reading the adoption of a Resolution establishing Street Light District 225 on South Crossridge Drive, SE. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

SECOND READING/PUBLIC HEARING:

**AMENDMENT TO FLOYD COUNTY
CODE SECTION 2-14-54 ON ACCIDENT
REVIEWS.**

(First Reading held June 8, 1999 at 2:00 p.m.)

OPEN PUBLIC HEARING:

Chairman Canada called for a Motion to Open the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. 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 to change the amendment to Floyd County Code Section 2-14-54 on Accident Reviews. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REVISION AND ADOPTION OF
FUTURE LAND USE MAP
INCLUDING THE CITY OF
ROME AND UNINCORPORATED**

FLOYD COUNTY.

(First Reading held June 8, 1999 at 2:00 p.m.)

OPEN PUBLIC HEARING:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Odell Justice, P.O. Box 549, Silver Creek, Georgia, stated that on June 3, 1999 the Rome/Floyd County Planning Commission voted to recommend that the Future Land Use Map be revised and adopted.

There were nineteen unspecified, unnamed, undocumented, no staff reports, no changes were talked about as to what the changes were. Mr. Justice referred to the Official Code of Georgia stating a Future Land Use Map does not identify current land use or zoning of property and does not concern itself with specific parcels. He stated that the code also states that a zoning map should identify the current use of land, and the Future Land Use Map and Zoning Map doesn't. He states that the law requires public hearings on the specific change and they have been unavailable to the public and yet the Board is going to make changes.

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion for the revision and adoption of the Future Land Use Map including the City of Rome and unincorporated Floyd County. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes.

Discussion: Commissioner Hufstetler requested that the issues which had been brought up be addressed by Assistant County Manager Tom Tully and County Attorney Wade Hoyt. Assistant County Manager Tully stated the changes were identified by the Planning Commission and they are again identified on the map by the flags. To document each change a comparison could be made of the Future Land Use Map as it is now to prior map. Due to turnover at the Planning Commission there is not a written breakdown of each parcel number is. Regarding the Future Land Use Map being the Zoning Map, the Future Land Use Map incorporated the changes and the Zoning Map has not been changed and they are in fact is two different maps. County Attorney Hoyt agreed with Mr. Tully's response.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST FOR VARIANCE FROM
JIM WALTER HOMES ON HIGHWAY
27 N. TO ENABLE THEM TO BUILD
A MODEL HOME ON THE SITE
WHICH IS AN ENCROACHMENT
ON SITE SET BACK.
(First Reading held May 25, 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 Fricks, SECOND by Commissioner Hufstetler. 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 Jennings, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

Chairman Canada called for a Motion for the request for variance from Jim Walter Homes on Highway 27 N. MOTION for approval of the variance request was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

**REQUEST FOR VARIANCE FROM
SILVER CREEK BAPTIST CHURCH,
1600 BOOZE MOUNTAIN ROAD,
TO ENABLE THEM TO BUILD A
NEW SANCTUARY WHICH WILL
ENCROACH ON REAR SITE SETBACK.
(First Reading held May 25, 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 Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Bob J. Mull, who owns property adjoining Silver Creek Baptist Church property, asked if the request is approved how close to his property line will they be able to build. Assistant County Manager Tom Tully stated he had not seen the drawings, but the request was for a variance not only for the 50' to the rear of their property, but the parking lot is less than 20' from the adjacent residential property. Commissioner Mayes asked if it could be approved with restrictions. After discussion, it was felt that further clarification was needed as to the distance the new construction would be from the property lines.

There being no others 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 on the Variance Request from Silver Creek Baptist Church, 1600 Booze Mountain Road. **MOTION** was made by Commissioner Hufstetler that the request be deferred until the July 13, 1999 meeting in order to obtain additional information. Assistant County Manager Tully noted that the applicant had also been notified of this meeting and there is a sign in front of the property regarding the Public Hearing, they will be notified of the new Public Hearing date. **SECOND** was made by Commissioner Mayes.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REQUEST TO REZONE INTERSECTION
OF KINGSTON HIGHWAY AND KEOWN
ROAD FROM S-R (SUBURBAN RESIDENTIAL)
TO C-C (COMMUNITY COMMERCIAL),
FILE NO. 013-99Z, TAX MAP 304, AREA 09,
PART OF (26) TWO LOTS FRONTING ON
KINGSTON HIGHWAY.
(First Reading held June 8, 1999 at 2:00 p.m.)**

Chairman Canada stated that the request had been withdrawn.

**REQUEST TO REZONE OLD FURNACE
ROAD AT DARLINGTON DRIVE FROM
L-I (LIGHT INDUSTRIAL) TO H-I
(HEAVY COMMERCIAL) WITH SPECIAL
USE PERMIT, FILE #014-99Z, TAX MAP
398, AREA 01, PARCEL 001.
(First Reading held June 8, 1999 at 2:00 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

SPEAKERS *FOR* APPROVAL OF THE REQUEST:

Kelly Hughes, 9338 Benny Lane, Ooltewah, Tennessee, stated he was there on behalf of North Georgia Ready-Mix who are making a request for zoning variance in order to develop the property for a ready-mix concrete plant. Mr. Hughes gave a profile of their company and stated they wanted to come to Rome because they like what is going on in Floyd County and the location fits the way their plants are laid out. He also presented a plat of the proposed location and layout and stated they would receive some aggregate by rail and some by truck. He also presented pictures of other Georgia Ready-Mix plants and other information on the proposed operation of the facility. Mr. Hughes addressed the concern of area residents regarding increased truck traffic on Darlington Drive. He stated he understood their concerns and noted

that the trucks were already in the area, but maybe not on that particular road. Mr. J. O. Carden deferred his allotted time to Mr. Hughes. Mr. Hughes also addressed the concerns of dust and them polluting the waters. He noted that regarding air quality, they are regulated by the state under federal EPA regulations. He also noted that at this point in time he looks at the site as being a zero water discharge site due to the pond they will build, but in a very heavy rainstorm, there could have an overflow, but this would not be a terribly toxic product.

Commissioner Jennings noted that the property is in the flood plain and in order to put all of the structures planned, dirt will have to be brought in to raise the level of the buildings and it is his concern that this will increase the flooding problems in the area. He has concerns of the affect when Silver Creek floods onto the property. Mr. Hughes stated that it is a little early in the development of the property to answer, but on other property they have developed, the impact is on another piece of property, not on theirs. When they raise the level of the property, that water will be displaced by the fill and will have to go somewhere and is not a calculation he can make. He noted that at their Fort Oglethorpe Plant, TVA did the calculations and he is not familiar with the process here and who governs that. Mr. Hughes stated that he does recognize the potential for changing the dimensions of the flood plain somewhat.

Commissioner Mayes asked the dimensions of the two plants he had presented pictures of. Mr. Hughes stated Fort Oglethorpe is 5.5 acres and Resaca is a little less.

Commissioner Hufstetler asked Assistant County Manager Tom Tully who would make the decision on the flood plain. Assistant County Manager Tully stated that he thought that in obtaining their building permit, they would have to hire someone to do a hydrological study and provide certification from an engineer that they would be a net no rise or a very small percentage. Commissioner Hufstetler asked if other sites had been considered. Mr. Hughes responded they had, but this was the first choice.

SPEAKERS AGAINST APPROVAL OF THE REQUEST:

Ronnie Kilgo, 31 Darlington Drive, Rome, Georgia, owns property, and has a business at this location, and his property is between this property and Silver Creek. He owns approximately nine acres. He stated he had four points to make. The number one reason that approval be denied is because of Darlington School. Darlington School is across the railroad tract from the property and they have spent considerable amounts developing their property. He stated his main concern was to rezone to heavy industry, there would be a lot zoned heavy industry if the concrete plant is not a successful business. He noted that Darlington Drive is not a heavy industry part of Rome and Floyd County. He stated he had attended the Planning Commission meeting but was not against it at that time, stating he would like to see the company locate in Floyd County, but does not feel that this is a good location. He noted that after the public part of the Planning Commission meeting was closed, then it was mentioned that they intended to fill the flood plain. He is very concerned about flooding. Mr. Kilgo also noted that the property does not meet requirements for being zoned Heavy Industry. Chairman Canada noted that regarding minimum acreage, the request was not only for rezoning, but to obtain a special use permit to allow for a variance for the acreage.

Jim McCallie, 1014 Cave Spring Road, Rome, Georgia, President of Darlington School asked on behalf of the students, parents and faculty and the Darlington community that the request be denied. They are extremely concerned about the safety of the students. He noted that Darlington is the largest co-educational boarding school in Georgia and has over 200 students living on the campus. He stated that he had seen a dramatic increase of traffic over the past 20 years. Since there is a main road running through the campus, the safety of the students relating to traffic is probably a number one concern at Darlington. Darlington Drive currently has massive amounts of truck traffic on it already. Approving the request would not set a good precedence for future requests. They have plans for a \$16 million athletic and student recreation center on Darlington Drive and will be putting all day student parking on Darlington Drive, with students using the tunnel under Cave Spring Road. They are currently raising \$40 million, with \$30 million coming from outside Floyd County and feel that nothing should be done to diminish the appeal and attraction of Darlington. He stated they are definitely not opposed to concrete companies, but ask that they find another location, and not put the students in any more jeopardy than they already are. Chairman Canada asked how many students will be housed in the new facility. Mr. McCallie stated that all athletic and recreation facilities are across Cave Spring Road and academics and student housing is located on the main campus, so the new facility will not house any students. Chairman Canada also asked the distance from the proposed concrete plant site. Mr. McCallie stated that it would be approximately 3/10 of a mile. The parking lot area will be across the railroad tracks from the proposed plant site.

Scott Smith, 101 Maplewood Drive, Rome, Georgia, spoke on behalf of Darlington School and presented aerial photos to show the new athletic facility at Darlington in relation to the campus location and the proposed concrete plant. Mr. Smith stated that the reason for zoning was in order to have uniformity of land use. The majority of property in the area is light industrial or residential and he feels having one area zoned heavy industrial does not meet the need or use of the particular area. He noted that Darlington is an adjacent property owner and did not receive notice of the Planning Commission meeting. He stated that denying the request would have no affect on the ability of the owner to sell the property and by approving the request the property values of Darlington School would suffer.

Commissioner Hufstetler asked what Mr. Scott saw as a use for the property. Mr. Scott replied that it would be something that falls within the light industrial category without doing harm to the public safety and welfare of the students.

Chairman Canada then gave the representative of North Georgia Ready-Mix an opportunity to respond to these concerns.

J.O. Carden, 50 Wellington Way, Rome, Georgia, stated he respects Darlington School and had three sons who graduated from Darlington and would not do anything to jeopardize the school or students. He stated he does not see how the property on the East Side of the tracks would jeopardize anything at Darlington. He stated they are surrounded by heavy industrial.

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion for the Request to rezone Old Furnace Road at Darlington Drive from L-I (Light Industrial) to H-I (Heavy Commercial) with Special Use Permit, File #014-99Z, Tax Map 398, Area 01, Parcel 001. MOTION was made by Commissioner Jennings that the request for rezoning, Special Use Permit, File #014-099Z not be approved, SECOND by Commissioner Mayes.

Discussion: Commissioner Hufstetler stated there were water issues which had not been answered and asked if this could be deferred and studied further. It was noted that it is too late to defer the decision.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REZONE VACANT LOT OPPOSITE
4504 ALABAMA ROAD FROM S-R
(SUBURBAN RESIDENTIAL) TO C-C
(COMMUNITY COMMERCIAL),
FILE NO. 015-99Z, TAX MAP 752B,
AREA 04, PARCEL 008.
First Reading held June 8, 1999 at 2:00 p.m.)**

OPEN PUBLIC HEARING:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

SPEAKERS *FOR* APPROVAL OF THE REQUEST:

Angie Stone, 16 Crestwood Drive, Rome, Georgia, stated that at the June 8, 1999 meeting they had been represented by Charles Bailey, a realtor since they were out of the state. She stated they are interested in rezoning since there have been several inquiries from people wanting to put a business on the property and they have had no inquiries for residential.

Commissioner Jennings stated that there are single family residences adjoining the property on the rear side of the property, with apartments on the other sides of the property. Mrs. Stone noted that there are businesses in the area.

There being no others 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 Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion for the request to rezone the vacant lot opposite 4504 Alabama Road from S-R (Suburban Residential) to C-C (Community Commercial), File No. 015-99Z, Tax Map 752B, Area 04, Parcel 008. MOTION was made by Commissioner Hufstetler that the rezoning be approved, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**REZONE REDWOOD STREET IN THE
RIVERSIDE COMMUNITY FROM L-I
(LIGHT INDUSTRIAL) AND O-I (OFFICE
INSTITUTION) TO S-R (SUBURBAN
RESIDENTIAL) WITH A SPECIAL USE
PERMIT TO BUILD DUPLEXES, FILE
NO. 016-99Z, TAX MAP 500, AREA 00,
PARCEL 028, 032.
(First Reading held June 8, 1999 at 2:00 p.m.)**

OPEN PUBLIC HEARING:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

SPEAKERS *FOR* APPROVAL OF THE REQUEST:

Bernard Brown, 20 Lakemoore Drive, Rome, Georgia, owner of the property stated he would like the property rezoned. It is currently used more for light industrial and office institution. He currently has duplexes on the property. As a property owner of other residential houses in the Riverside Community he is concerned for the area, but under the current zoning he has been contacted by people interested in building warehouses on the property which would be under the current zoning. The warehouses would increase traffic and large vehicles in the area, which he would not like to see.

He has a privacy fence around the current duplexes and will put up a privacy fence for the new duplexes.

To the left of the property is Floyd County Recreation Department property and in back is part of the Celanese Plant property. He stated he felt his request would be better for the area than the current zoning.

Chairman Canada asked the proximity of the current duplexes to the proposed location. He stated that the area where duplexes are currently located, and have been for over five years, was zoned Office Institutional. It was noted that he is currently planning to build four duplexes and will not be building in the flood plain area. Commissioner Hufstetler asked the size of the

site. Mr. Brown stated it is 5.3 acres, 2 acres where the duplexes will be located and 3 acres in the flood plain.

SPEAKERS *AGAINST* APPROVAL OF THE REQUEST:

Faye Smith, 30 Poplar Street, Rome, Georgia, stated her property joins the apartments currently on the property and it had caused a lot of problems. There are a lot of traffic problems. Her main concern is raw sewage which is a problem that started when the apartments were built. She stated she is not opposed to people building apartments, but feels they do not need more in that area. There has also been a problem with children living in the apartments damaging other people's property and trespassing. Commissioner Jennings stated Ms. Smith had called him previously about the sewage problem and he had referred her to Billy Baker with the City of Rome. She stated she had talked with Mr. Ross at the City and he stated he would look into the problem. Commissioner Jennings asked if she would object to a commercial establishment or light industrial locating on the property. She stated that nothing would help concerning the traffic. Chairman Canada clarified that if the request is not approved there could be storage units or other light commercial built on the property as long as it meets the current building requirements.

Agnes Jane Roderick, Redwood Street, Rome, Georgia, stated that regarding the street being one lane, the parking for the ball field is inadequate. This causes problems for them getting out of their driveways. She stated she is concerned about traffic as well as flooding. She stated the City has water which runs 24-hours a day out into Redwood Street and down a sewer drain beside her property line. Every time it rains Redwood Street floods. At times there is also the smell of sewage. She stated she does not feel there would be as much traffic if there were warehouses on the property. Commissioner Jennings asked Ms. Roderick if she had a choice of light industrial, mini-warehouses or the apartments on the property, which did she prefer. Ms. Roderick stated it is a hard decision, but a company with a warehouse would be more aware of the children and elderly in the area. She stated she felt like if it was commercial, it might be better, at least they would not increase the sewage problem. Commissioner Fricks asked for examples of what is allowed in light industrial zoning. Assistant County Manager Tom Tully stated it is broad, it could be warehouses, mini-warehouses, so it could not be just one company, there could be 20 to 30 units there. The office industrial could be any type retail operation with the potential of customers also coming in and creating traffic. The flood plain issue comes with the building permit and the zoning will not affect that.

There were two other residents who had requested to speak but waived their time to speak.

Chairman Canada then gave Mr. Brown the opportunity to answer any of the issues brought up by residents opposing the request.

Bernard Brown stated that regarding sewage and water he was not aware of that problem. He stated the problem was not coming from his apartments, they had been inspected by the Floyd County Building Inspection Office and when he put the footings and slabs in they have to be above the flood plain. Storm water management will be taken care of whether it is

commercial or residential. The street flooding is not caused by his property since it is lower than that area. If warehouses were built, it would be 80 units as well a commercial warehouse which would involve large trucks coming in the area. He stated he feels the apartments would have much less of an impact on the neighborhood than what could be built under the current zoning. Commissioner Hufstetler asked if the area was on septic tanks or sewage line. Mr. Brown stated that all are on sewage line and there is an 18-inch main going to the property.

There being no others 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 Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion to approve or not approve the request for rezoning Redwood Street in the Riverside Community, File #016-99SU, Tax Map 500, Area 00, Parcel 028, 032. MOTION was made for approval by Commissioner Mayes, SECOND by Commissioner Hufstetler.

Discussion: Commissioner Jennings stated that a number of issues had been raised which may or may not deal specifically with the issue. He requested that the County Manager's Office check into the sewage and water problems in the area. Also the question of parking at the ball field could be presented to parks and recreation to rectify the situation. He also requested that Public Works be asked to check on the drainage situation and assess if Redwood Street is wide enough to accommodate two lanes of traffic. It was clarified that the flood plain issue would be addressed when a building permit was issued. He stated the question of which is worse, duplexes or a commercial is a hard decision and therefore he wanted feedback from the residents on that issue. Commissioner Hufstetler stated that of the three options, the third being not building anything is not a legal option for the Commission because it is zoned light industrial.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**SPECIAL USE PERMIT REQUEST FOR
SECOND STREET EXTENSION IN SHANNON
VILLAGE COMMUNITY TO BUILD DUPLEXES
INA S-R (SUBURBAN RESIDENTIAL) ZONE,
FILE NO. 06-099SU, TAX MAP 132B, AREA 02,
PARCEL 063.
(First Reading held June 8, 1999 at 2:00 p.m.)**

OPEN PUBLIC HEARING:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Tommy Sanders, 175 Highway 140, Adairsville, Georgia, owner of the property, stated there is currently one duplex on the property and he is proposing to build one duplex facing the current duplex. He stated that at the time of zoning they may not been aware there was a duplex on the property, that most of the Village consists of single family dwellings. He stated that his father lives on adjoining property and would not do anything detrimental to the area. The duplex he currently has and the one he plans to build are brick construction and appearance wise are good for the community. This property is on a dead end road and he feels this is the best use for the property. He stated that he had spent several thousand dollars for grading work prior to it being rezoned. He asked the Board consider and approve his request.

He stated it was his understanding that the Planning Commission recommended approval. Assistant County Manager Tom Tully stated this is a Special Use Permit not a rezoning request. It has always been zoned suburban residential. Chairman Canada asked the proximity of the new duplex to the current duplex. Mr. Sanders stated they will be facing each other and they will be mirrored duplexes.

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

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

Chairman Canada called for a Motion for approval or denial of the Request for Special Use Permit, File #06-99SU. MOTION was made by Commissioner Hufstetler that Special Use Permit, File #06-99SU be approved, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

**SPECIAL USE PERMIT REQUEST FOR
949 YOUNGS MILLS ROAD TO BUILD
AN ADDITION ON THE CHURCH IN AN
S-R (SUBURBAN RESIDENTIAL) ZONE,
FILE NO. 07-99SU, TAX MAP 008,
AREA 00, PARCEL 024
(First Reading held June 8, 1999 at 2:00 p.m.)**

OPEN PUBLIC HEARING:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada called for a Motion for approval or denial of the Request for Special Use Permit, File #07-99SU, Tax Map 008, Area 00, Parcel 024. MOTION was made by Commissioner Mayes that Special Use Permit, File #07-99SU be approved, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS:

Chairman Canada called for a Motion that the appointment for the Floyd County Board of Tax Assessors be deferred to the next meeting, pending information that had not been received. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

AUTHORIZE EXECUTION OF AGREEMENT WITH DEPARTMENT OF COMMUNITY AFFAIRS AND FLOYD COUNTY FOR EMERGENCY

**FUND GRANT IN THE AMOUNT OF
\$20,000 FOR ROME/FLOYD COUNTY
SAFETY CLOWNS. (CN-0160)**

Chairman Canada stated this is a fund grant, which was requested by the legislative group to the Governor. The Governor makes a discretionary approval of this, and Floyd County will only act in the capacity of handling financial responsibility of how the funds are disbursed. This is a one time grant and would go to the expenses in connection with the Rome/Floyd County Safety Clowns which is a part of the Rome/Floyd County Fire Department. Chairman Canada called for a Motion to authorize the execution of the agreement. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE REPORT

Commissioner Hufstetler, Committee Chairman stated he had no information to report.

PUBLIC SAFETY COMMITTEE REPORT

Commissioner Mayes, Committee Chairman reported the next Public Safety Committee Meeting will be July 14, 1999 at 2 p.m.

PUBLIC WORKS COMMITTEE REPORT

Commissioner Fricks, Committee Chairman reported their next meeting will be July 7, 1999.

WATER COMMITTEE REPORT

Commissioner Jennings, Committee Chairman reported the next Water Committee Meeting will be Thursday, June 24, 1999 at 1 p.m. One of the issues, which will be discussed, will be conditions for water restrictions, if necessary.

CLERK'S REPORT:

CONSENT AGENDA

Sue Broome, County Clerk stated there were four items on the Consent Agenda and they are in order and submitted for approval. 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

1. Authorize execution of Affiliation Agreement and Contract for Services, between Georgia Court Appointed Special Advocates, Inc., Juvenile Court of Floyd County and Floyd County for Fiscal year 1999-2000 in the amount of \$20,000.

2. Authorize execution of contract between Floyd County and Brooke Collins for services under the Court Appointed Special Advocate Program (CASA).

3. Request from Lee Grissom Developer of Devonwood Subdivision to accept Devonwood Drive, SE and Hannah Court, SE on County maintenance (final inspection approved by County Engineer) road reviews to be entered into minutes.

Tax Refunds:

Polly M. Gibson, 1347 Redmond Circle, Apt. B-2, \$70.84
Billy L. Bellew, II, P.O. Box 870, Armuchee, \$272.04
Charles & Judy Swearingen, 205 Perry Road, Armuchee, \$287.02
Dellingers, Inc., Attn. Eugene Barnet, 75 Eden Valley Road, SE, \$98.87
Adrian Mayer & J. R. Spector & R. B. Paterline & S. I. Spector & Larry Maxey, 2400 Garden Lakes Blvd., \$8.36
C. Tommy White, 45 Fox Croft Road, NW, \$10.80
Julie S. & Frank Windler, 2400 Garden Lakes Blvd., \$2.63

MANAGER'S REPORT:

**AUTHORIZE EXECUTION OF RESOLUTION
1865D AND CONTRACT FOR MAINTENANCE
1864MD (SECTIONS OF FLOYD COUNTY
ROADS, (633) BOOZE MOUNTAIN ROAD,**

**(268) BLACKS BLUFF ROAD AND (96) SMITH
ROAD IN ALIGNMENT TO STATE ROUTE 746).**

Assistant County Manager Tom Tully stated that authorization is needed for a Resolution and Contract for Maintenance for Booze Mountain Road, Blacks Bluff Road and Smith Road with the realignment of State Route 746. The contract is with the Department of Transportation and Assistant County Manager Tully recommended approval of the contract. Chairman Canada called for a Motion to authorize execution of the Resolution and Contract as presented by Assistant County Manager Tully. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

AWARD OF BIDS:

**AWARD BID ON INSTALLATION
OF AUTOMATIC DOOR OPERATORS
IN ADMINISTRATIVE/COURTHOUSE
BUILDING.**

Assistant County Manager Tom Tully stated that sealed bids had been received for the purchase and installation of ADA compliant door operators for the Administration/Courthouse Building. The bid result was one bid from Rome Glass Company in the amount of \$11,452 and he recommended the approval of the bid. Chairman Canada called for a Motion to award the bid to Rome Glass Company in the amount of \$11,452. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mayes
" Jennings

Motion Carried

BID RESULTS

Rome Glass	
\$11,452.00	
Ingram & Talley	N/R
Bohannon Brothers	N/R
Elrod's Glass	N/R
Southern Glass	N/R
Layton Glass	N/R

AWARD BID ON PHARMACEUTICALS.

Assistant County Manager Tom Tully stated bids were sought and received regarding pharmaceutical services for both the Floyd County Jail and Floyd County Prison. After careful evaluation of the bids and which were discussed at length in the Caucus Session, Assistant County Manager Tully recommended authorization of the bid to Winslette Pharmacy using a formula for brand name prescription drugs being AWP-15%+\$2.00 per prescription, generic prescription drugs being AWP-75%+\$2.00 per prescription. On over the counter products the formula used would be AWP-15%+\$1.00 per prescription or the pharmacy's cost plus 20%, whichever is less. Chairman Canada called for a Motion to award the bid on pharmaceuticals to Winslette Pharmacy. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings.

Discussion: Chairman Canada asked County Attorney Wade Hoyt if he had had time to review the bid and make a determination. County Attorney Hoyt stated that in his opinion it is not so vague as to make it illegal or improper and each bidder had ample opportunity to respond and that you can accept the Assistant County Manager's recommendation without concern of legal problems. Commissioner Jennings noted that one other company had broken their bid down. Commissioner Hufstetler stated that he felt it had not been understood that it was to be one formula. Assistant County Manager Tully stated that on the bid package it states if they had questions and gave a contact name and telephone number. He stated he did have contact with that particular vendor on another question.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

BID RESULTS

Breakdown)	Armuchee Pharmacy	AWP minus 16% plus \$1.25 (No
	Avery Drug	<u>Prescription Drugs:</u>
13% plus \$2.00		Brand Name AWP minus
25% plus \$2.00		Generic AWP minus
		<u>Over the Counter Products:</u>
10% no plus		Brand Name AWP minus
20% no plus		Generic AWP minus
medical	Silver Creek	AWP listed cost of medications and
		supplies, Minus 15.25% plus \$2.49
	Winslette Pharmacy	<u>Prescription Drugs:</u>
15% plus \$2.00		Brand Name AWP minus
75% plus \$2.00		Generic AWP minus
		<u>Over the Counter Products:</u>
15% plus \$1.00		Brand Name AWP minus
vendor)		or net cost plus 20% (the lessor to

**AUTHORIZE EXECUTION OF CONTRACT
BETWEEN DEPARTMENT OF CORRECTION
FOR WORKCAMP CONTRUCTION GRANT
IN THE AMOUNT OF \$2,065,778.**

Chairman Canada called for a MOTION to place the item on the Agenda for vote.
MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler.
VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Chairman Canada stated the item is now added to the Agenda and asked the
Assistant County Manager to clarify the terms of this grant. Assistant County Manager Tom

Tully stated the authorization is to sign the contract acknowledging the award of grant for the 1999 County Workcamp Construction Grant. Under the terms of the contract we would be obligated, if we accept it, to construction of at least 128 new beds for the County Prison facility, which houses state inmates. The amount of the grant is \$2,065,778. Chairman Canada called for a Motion to authorize execution of the 1999 County Workcamp Construction Grant as presented by the Assistant County Manager Tully. MOTION was made by Commissioner Hufstetler to accept the Grant, SECOND by Commissioner Fricks.

Discussion: Chairman Canada asked if the vote to accept the Grant makes the County liable to continue with the Grant. County Attorney Wade Hoyt stated it is not a vote to spend it, but a vote to accept it in order to meet the deadline date of June 25, 1999. Commissioner Jennings stated that the ultimate intention is to rebuild the Prison at a cost of \$7 million and they will continue to pursue the additional \$5 million to rebuild the facility and the \$2 million would be designated to that goal. They will follow through with the Governor, Department of Corrections and our Legislative delegation to continue to pursue the additional money. Assistant County Manager Tully stated this will not preclude them from continuing to seek other avenues of funding in addition to this.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

ATTORNEY'S REPORT:

PROBLEMS WITH SPRINKLER SYSTEM AT THE JAIL.

County Attorney Wade Hoyt stated this item was fully discussed in the Caucus Session. The offers, which have been made by the manufacturer, are low and unacceptable. There are only two options, to join in the class action suit, which has been filed, and accept the amount offered or file suit outside the class action and try to recover replacement value. The Board's approval is needed for the County Attorney's office to file suit against the manufacture for replacement cost of the sprinkler system, plus an account for attorney's fees. County Attorney Hoyt noted that if enough people outside of the class action file law suits, these companies sometime go under and he will keep the Commission aware of what the situation. Assistant County Manager Tom Tully stated this is a major company and they are offering replacement sprinkler heads, which would be acceptable in many settings, but is not appropriate for jails and prisons. It was noted the cost estimate is approximately \$100,000 and remaining in the class action suit would realize a little over \$5,000. Chairman Canada called for a Motion to

authorize the County Attorney's Office to file suit against the manufacturer of the sprinkler heads for replacement costs and attorneys fees as outlined by the County Attorney. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

OTHER BUSINESS:

Chairman Canada thanked City Commissioner Ronnie Wallace for his attendance at the meeting.

Commissioner Jennings stated that in the past a committee on the Mining Ordinance had been authorized to begin looking at the Mining Ordinance, and asked if they are ready to proceed with the Committee. Chairman Canada stated they were not ready to proceed at this time, that he has a meeting set up with representative of the aggregate mining group to determine their feelings and concerns regarding adoption of the ordinance. After the meeting they will proceed with the committee.

Commissioner Jennings stated that in the current Zoning Ordinance there is a mining component which not only relates to aggregate mining, but basically relates to mining in Floyd County. This seems to be an important component of the zoning code since it is an umbrella type statement. He stated that it is his intention, as a Commissioner, to maintain this component of the Land Use Code and he asked if this is what the Implementation Study Committee understands also. Assistant County Manager Tom Tully stated that the staff thought that the Quarrying and Mining Committee would in fact submit an ordinance, which would replace that section of the Unified Land Development Code. The Implementation Study Committee would be making no changes in that part of the code. Commissioner Jennings stated that he felt both codes were needed. County Attorney Wade Hoyt stated that if a new ordinance is adopted, then they will be in court for many months on the new ordinance and therefore need to keep the current mining ordinance in the code. Assistant County Manager Tully stated that he will clear the confusion on this matter up at the next meeting of the Implementation Study Committee.

ADJOURNMENT:

There being no further business to come before the Board, MOTION to adjourn 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