

" Fricks
" Mayes
" Jennings

Motion Carried

**ZONING REQUEST, WITHDRAWN, FILE #25-99Z,
OFF MCGEE BEND ROAD AT TUGGLE ROAD,
REQUEST FROM A-R (AGRICULTURAL RESIDENTIAL)
TO C-C (COMMUNITY COMMERCIAL).**

Chairman Canada stated for the record that this file has been withdrawn, and asked the County Attorney for concurrence that the items which had been withdrawn could be taken off the agenda as long as the file number was read. County Attorney Wade Hoyt stated that this is correct.

Chairman Canada stated that it is the recommendation of the Board to send the following Zoning Requests back to the Planning Commission for renotification:

FILE #27-99Z, 3853 Calhoun Road, Request Rezoning From S-R (Suburban Residential), To A-R (Agricultural Residential). Tax Map #126, parcel(s) 04a, 59,60.

FILE #29-99Z, Cedartown Road and Perry Farm Road, Request Rezoning from S-R (Suburban Residential) to A-R (Agricultural Residential). Tax Map #822, parcel(s) 054; Tax Map #824, parcel(s) 5,16; Tax Map #826, parcel(s) 001.

FILE #30-99Z, Freezer Locker Road in Cave Spring, Request Rezoning from S-R (Suburban Residential) to A-R (Agricultural Residential). Tax Map #824, parcel(s) 5A.

FILE #32-99Z, Old Cedartown Road, Request Rezoning from S-R (Suburban Residential) to A-R (Agricultural Residential). Tax Map #822, parcel(s) 29E.

Chairman Canada called for a Motion to send these requests back to the Planning Commission for renotification. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**ZONING REQUEST FILE #31-99Z, 4472 MARTHA BERRY HIGHWAY,
REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO
H-C (HEAVY COMMERCIAL). TAX MAP #510, PARCEL(S) 58.
(SET SECOND READING/PUBLIC HEARING FOR
SEPTEMBER 14, 1999, 2:00 P.M.)**

Chairman Canada called for a Motion to place this item on First Reading and set Second Reading/Public Hearing for September 14, 1999 at 2:00 p.m. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes

" Jennings

Motion Carried

**SECOND READING/PUBLIC HEARING
FOR BJA, 1999 LOCAL LAW ENFORCEMENT
BLOCK GRANT FOR INSTALLATION OF
COMMUNICATION INFRASTRUCTURE
TO TRANSMIT DATA:**

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

Chairman Canada asked if there was anyone present to speak concerning the grant. Chairman Canada recognized that no one was present to speak and 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 authorize the BJA, 1999 Local Law Enforcement Block Grant for installation of communication infrastructure to transmit data. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings.

Discussion: County Manager Kevin Poe stated that the money had been awarded from BJA with a grant value of \$25,659, which includes the County match of \$2,566. Mr. Poe stated the actual grant award is \$23,093, and the money is earmarked to implement an electronic warranting system, and this would allow installation of communication infrastructure to transmit data between governmental buildings.

VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

CHAIRMAN'S REPORT:

ADOPT OPEN RECORDS ACT POLICY:

Chairman Canada stated that this was discussed in detail in caucus, and the Board will make a uniform Open Records Act Policy throughout the county which would adhere to the governor's new Open Records Policy and have equal unification throughout the county. Chairman Canada called for a Motion to adopt the Open Records Act Policy as part of the county policy. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks to adopt the Policy.

Discussion: Commissioner Fricks stated that we communicate with all department heads, and they communicate to their employees that it is the intention of the Board to be as open as possible on everything we do. Commissioner Fricks added that with so much information available on the internet now that this should cut down on the number of requests. County Manager Kevin Poe stated that the policy will be reviewed with the department heads in detail.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

HEALTH INSURANCE:

Commissioner Hufstetler, Committee Chairman, stated that this item had not been placed on the Agenda because he was not sure if they would have a recommendation ready, however, he stated that a recommendation was ready and requested a 4/5 Vote to place the item on the Agenda.

4/5 VOTE TO PLACE ITEM ON AGENDA:

Chairman Canada called for a Motion to place the item on the Agenda for recommendation of an Agent for the Floyd County Insurance. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings commented that it had been discussed that the Benefits Committee meet and present the options and seek their input. Commissioner Jennings wondered if this could be done before the next meeting to allow employees to hear what the proposal is and why the Board thinks it is a good proposal and let the employees have input into the process, adding that he thinks communication with employees is important in this regard and suggested holding off on taking specific action at this point and get information and input from employees.

Chairman Canada stated that the recommendation would be for either Garner & Glover or McBurnett and Szabolcsi to be the agent of choice for the health plan and we would still be able to choose the benefits that we want to offer.

County Manager Poe stated that after the decision was made for an agent, it would be up to the County to decide how the plan is structured, (i.e., premium and tiers).

Commissioner Hufstetler stated that we need to get started on the open enrollment, that time is of the essence.

Mr. Poe stated that even if there are details still to be worked out, that selecting an agent would allow us to get started on the open enrollment.

Commissioner Jennings stated that he wanted to ensure that we incorporate some information and feedback from the employees.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**RECOMMENDATION FOR
HEALTH CARE PROVIDER:**

Commissioner Hufstetler stated that RFP's had been received and reviewed. Commissioner Hufstetler recommended that McBurnett and Szabolcsi handle all the county insurance, the Health as well as the voluntary benefits, contingent upon reductions on premiums for life insurance. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler to accept the recommendation. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Commissioner Mayes

Motion Carried

Discussion: Commissioner Hufstetler stated that the staff has worked hard on insurance this year, and it seems like we get huge increases every year in the health insurance area. We have a plan which will keep the rate basically even overall on the health care, and on the voluntary area we are looking at decreases in costs to the county and in most cases to the employee that pays most of the voluntary costs (Group Life 16%; Supplemental 15% - 28%; Long Term Disability 52%; Dental 11.5% decrease). Commissioner Hufstetler stated that insurance would cost the county and the employee overall less beginning October 1st this year than it has in the past and commended everyone in the Personnel Office and the County Manager's office who has worked on this.

Chairman Canada stated as Board Chairman, he wanted to extend his thanks to Commissioner Hufstetler for helping the committee work on this, and getting the decent premiums on the insurance.

PUBLIC SAFETY COMMITTEE:

Commissioner Mayes, Committee Chairman, stated he had nothing to report from the committee and announced the next committee meeting will be September 8th at 2:00 p.m.

PUBLIC WORKS COMMITTEE:

Commissioner Fricks, Committee Chairman stated that the Public Works Committee meeting scheduled for September 1st will be postponed due to a conflict, and will be rescheduled.

Commissioner Fricks requested a 4/5 Vote to add an item regarding changes in the ULDC to the agenda.

4/5 VOTE TO ADD ITEM TO AGENDA:

AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE:

Commissioner Fricks stated that this item involves a recommendation regarding the wording of the ULDC and a definition of interpretation. Commissioner Fricks read the following memo from Bill Ross:

TO: Jim Dixon, Assistant City Manager
FROM: Bill Ross
DATE: August 16, 1999
RE: Nonconforming Uses

*In each zoning district, the UDO provides for uses that are permitted by right, permitted by right but with limitations and permitted as a Special Use. In the S-R district, several agricultural uses are permitted as Special Uses – specifically agricultural production involving livestock (other than hogs) and fishing, hunting and trapping. **You asked whether or not a farm that had livestock operations prior to adoption of the UDO, and that is now zoned S-R, is subject to the nonconforming use provisions of Sec. 1.4.3, particularly the prohibition against enlargement or alteration that would increase its nonconformity.***

*The answer is **No, Special Uses do not come under the nonconforming use provisions.** The definition of a nonconforming use under Section 1.4.3.a.(1) was carefully worded to apply only to uses that are permitted by right (with or without limitations) and thus not to uses that are permitted as Special Uses. The definition reads:*

*A nonconforming use is a use or activity that was lawfully established prior to the adoption, revision or amendment of this Ordinance, but which, by reason of such adoption, revision or amendment, is no longer a use or activity **permitted by right** or no longer meets or conforms to the requirements of this Ordinance. (emphasis added)*

Admittedly, the language could have been clearer to specifically exempt Special Uses. I would suggest that a new paragraph (d) be added to Sec. 1.4.3.a.(3), Exceptions, to clearly recognize this provision. The new paragraph should read as follows:

A use that was lawfully established prior to the adoption, revision or amendment of this Ordinance, but which, by reason of such adoption, revision or amendment now requires approval as a Special Use in the zoning district where the use is located, shall not be considered a nonconforming use under the provisions of this Ordinance.

If I can be of any additional help, please call me at your convenience.

Chairman Canada called for a Motion to place the item on the agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

AMENDMENT TO ULDC, SEC. 1.4.3.a.(3)(d):

Commissioner Fricks recommended that the memo be accepted as a new interpretation of the original reading. MOTION by Commissioner Hufstetler, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings stated, for clarification, the Motion is to accept the contents of the memo. Commissioner Fricks stated that contents of the memo which defines the interpretation of the original wording of the ULDC, and the interpretation comes from Bill Ross who was the author of the particular document.

Commissioner Jennings added, that the effect of this, and we had a motion at a meeting two meetings ago, which was to send to the Planning Commission a change in some of the wording on nonconforming uses, and that the effect of that change was broader, in his understanding, than the effect of the change being proposed here. Commissioner Jennings asked in what areas is it different.

Commissioner Fricks stated that allowing more nonconforming use in a specific area, and the new paragraph defines it more into agricultural use.

Assistant County Manager Tom Tully stated that it also 'cleans up' the definition of what is and what isn't a nonconforming use according to Mr. Ross's interpretation, and the motion now on the table is whether or not you accept Mr. Ross's definition of what constitutes a nonconforming use, as outlined in his memo.

Commissioner Fricks stated that the purpose and reasoning behind this is that this is the original interpretation he was given, and he carried on that, and feels that a number of Commissioners carried the interpretation further and then there was a difference of interpretation within the Planning staff and a number of different areas.

Commissioner Jennings stated that it had been his position all along that where we have agricultural use in a zoned suburban residential area that requiring a special use permit for any kind of additions or changes serves to protect the public as far as what those changes might be, so the adjacent property owners can voice their concerns and it also requires the property owner to request the special use permit so that we as a Board can insure that there is not going to be any extra encroachment and any extra effect on the surrounding property owners, and that he maintains that position, that the interpretation that we have had is an appropriate interpretation and that the vote the Board took was a very appropriate vote in that light.

Chairman Canada stated that if the interpretation had been completed as we had felt the interpretation was in the beginning that he doesn't feel we would be here in the first place making this vote.

Commissioner Fricks stated that he doesn't think zoning is in a situation where we protect people from the past, that he thinks we are protecting them from the future and that we can't take away property owners rights, we can't straighten out all the mistakes that have been made by not having zoning and in this situation he thinks we are beginning from square one – from this point on if you want to develop a nonconforming use next to property that is properly zoned you would have to come to the Board and make a request. Commissioner Fricks stated that he thinks we are interfering with peoples livelihood when we get to a point whether we decide if they have the right to expand or continue the use like they are right now.

Commissioner Jennings stated that the future use of the particular property is the ultimate question, that he has taken no negative position on maintaining the current use and he hasn't necessarily taken a negative view toward changing the future use, he is adamant that the rights of the adjacent property owners be protected.

VOTING:

YES

NO

Commissioner Hufstetler

Commissioner Jennings

" Fricks

" Mayes

Motion Carried

4/5 VOTE TO ADD ITEM TO AGENDA:

**AMENDMENT TO ULDC
SECTION 1.4.3.a.(3)(d):**

Commissioner Fricks requested that the item be placed on the agenda to Amend the wording of Section 1.4.3.a.(3)(d) as follows:

Sec. 1.4.3.a.(3)(d)I

A Use that was lawfully established prior to the adoption, revision or amendment of the Ordinance, but which, by reason of such adoption, revision or amendment now requires approval as a Special Use in the zoning district where the use is located, shall not be considered a nonconforming use under the provisions of this ordinance, and therefore is not subject to the prohibitions against enlargement or alteration of an existing use.

Assistant County Manager Tom Tully stated that this would be a new paragraph added to the ULDC.

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

YES	NO
Commissioner Hufstetler	Commissioner Jennings
" Fricks	
" Mayes	
" Canada	

Motion Carried

Commissioner Fricks recommended that the paragraph be accepted as written. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings restated his concern regarding the issue and offered an amendment to the MOTION to strike the word not in any place the word appears in the Amendment. MOTION died for lack of SECOND.

Chairman Canada called for a VOTE on the original MOTION. VOTING:

YES	NO
Commissioner Hufstetler	Commissioner Jennings
" Fricks	
" Mayes	

Motion Carried

**4/5 VOTE TO PLACE ON AGENDA
AMENDMENT TO ULDC, SECTION
1.4.3.a(3)(d) FOR FIRST READING (SET
SECOND READING/PUBLIC HEARING
FOR SEPTEMBER 14, 1999, 2:00 P.M.)**

Chairman Canada called for a Motion to place the item on the Agenda for First Reading and set Second Reading/Public Hearing for September 14, 1999 at 2:00 p.m. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES	NO
Commissioner Hufstetler	Commissioner Jennings
" Fricks	
" Mayes	
" Canada	

Motion Carried

**FIRST READING:
AMENDMENT TO ULDC, SECTION 1.4.3.a.(3)(d):**

Chairman Canada called for a Motion for First Reading and set Second Reading/Public Hearing for September 14, 1999 at 2:00 p.m. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.

County Manager Kevin Poe advised that the Planning Commission will consider the Amendment on September 2nd and proper advertising has been made for Public Hearing at the Planning Commission.

VOTING:

	YES	NO
Commissioner Hufstetler		Commissioner Jennings
" Fricks		
" Mayes		

Motion Carried

WATER COMMITTEE REPORT:

Commissioner Jennings stated that the public has been very helpful in the voluntary restrictions on outside watering and this has helped to maintain levels in the water tanks, adding that the voluntary restrictions are still in place and expressed his appreciation to all who helped conserve water resources during the crisis situation.

Commissioner Jennings stated that discussions have been had regarding HB 489 and that it looks like it will be agreed to keep separate water systems, and we are close to agreeing on rate structure, service delivery areas and some changes are being considered for the Mt. Alto and Wayside Road areas. It has been agreed to create a Rome-Floyd Water/Sewer Commission made up of two commissioners from each of Floyd County, City of Rome, and City of Cave Spring, also a water supply study, also considering a consolidation of billing for City of Rome and Floyd County water systems.

Commissioner Jennings stated that Bob Moss, Engineer, has been asked to evaluate the spring in Vanns Valley off of Highway 411 South. Commissioner Jennings reported that Crawford and Associates, Dye Tracing experts, had injected three different dyes on July 14th and all three dyes had been detected at three separate sites. Commissioner Jennings stated the report indicated that dye has not been detected at Cave Spring or Old Mill Spring, but they will continue monitoring until at least the middle of September.

CLERK'S REPORT

CONSENT AGENDA:

County Clerk Sue Broome requested that a 4/5 Vote be made to add item 4 on the Clerk's Agenda for a Malt Beverage Application, then a vote can be taken for the entire Consent Agenda which has been reviewed and is in order.

4/5 VOTE TO ADD ITEM TO AGENDA.

Chairman Canada called for a Motion to add item 4 on the Clerk's Report to the Agenda. 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 approve the Consent Agenda (Items 1-4) as presented. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings
Motion Carried

Request from developer to accept Misty Ridge Drive in Pleasant Ridge Subdivision on county maintenance.

Tax Refunds:

North Broad Motors, 724½ Kingston Ave., Rome, \$17.18
Betty Beck, 120 Holly St., Rome, \$197.75
Tommy M. Gentry, 380 Shorthorn Rd., Lindale, \$7.88

Adopt Resolution reaffirming the Resolution adopted on April 10, 1990 authorizing BellSouth Telecommunications, Inc., to collect monthly '911' charges.

Malt Beverage Application, Galen Miller/Food Lion, Inc., 3365 Martha Berry Hwy., Rome, (Convenience Store).

MANAGER'S REPORT:

**AWARD BIDS FOR FIRE ALARM SYSTEM
CLEANING AND INSPECTION:**

County Manager Kevin Poe reported that sealed bids were received for fire alarm system cleaning and inspection for six county buildings. Mr. Poe stated that two bids were received and recommended that the bid be awarded to Simplex Time who submitted the low bid in the amount of \$5,949.00.

Chairman Canada called for a Motion to accept the recommendation as outlined by the County Manager. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

Bid Results

Suntech Systems

\$ 14,125.00

Simplex Time

\$ 5,949.00

**AUTHORIZE EXECUTION OF
LOCAL GOVERNMENT PROJECT
AGREEMENT FOR BRIDGE REPLACEMENT
ON SR156 AT JOHNS CREEK ON FLOYD/GORDON
COUNTY LINE, PROJECT NO. BRST-0823(6), PI#642395:**

County Manager recommended that an item be added to the Agreement that it is not accepted as submitted but would agree only to relocate and adjust the Floyd County water line which would be in conflict with the construction of the project.

Chairman Canada called for a Motion to accept the recommendation as outlined by the County Manager. MOTION was made by Commissioner Fricks, SECOND by Commission Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**CREATE POSITION #31-014,
PAYGRADE 6A, DEPUTY CLERK
IN MAGISTRATE COURT:**

County Manager Kevin Poe presented a request to create Position #31-014, Paygrade 6A, Deputy Clerk in Magistrate Court.

Chairman Canada called for a Motion to create the position as outlined by Manager. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

**ABOLISH POSITION #31-005,
MAGISTRATE COURT:**

County Manager Kevin Poe requested the position previously held by Judge Crabbe, Position #31-005, in Magistrate Court, be abolished effective October 15, 1999. Chairman Canada called for a Motion to abolish the position as outlined by the Manager. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler

" Fricks

" Mayes

" Jennings

Motion Carried

**AUTHORIZE ANNUAL INCREASE
FOR CHIEF MAGISTRATE:**

County Manager Kevin Poe advised this is an annual increase in the amount of \$5,000 to the Chief Magistrate's salary. Chairman Canada called for a Motion to authorize the annual increase as outlined. MOTION was made by Commissioner Mayes, SECOND by Commissioner Jennings.

Discussion: Commissioner Hufstetler stated that there would be no increase in the Magistrate budget resulting from these three items being approved, that Judge Wood (Chief Magistrate) has said with the elimination of the judge's position he can stay within his current budget. County Manager Kevin Poe advised that the improvements to the office vacated by Judge Crabbe will also come out of their existing budget and Facilities Management will be authorized to proceed with the renovations.

VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

ATTORNEY'S REPORT:

County Attorney Wade Hoyt stated that the items listed on the agenda had been stricken and there was no report.

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks, that the meeting be adjourned.

VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Mayes
" Jennings

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

KIM A. CANADA, CHAIRMAN