

**September 14, 1999**

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
September 14, 1999                      2:00 P.M.**

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

**OTHERS**

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

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

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

**PLEDGE OF**

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

**PUBLIC PARTICIPATION:**

There was no one present who requested to speak during Public Participation.

**ADOPTION OF**

**MINUTES:**                      Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of August 24, 1999 as presented. SECOND by Commissioner Fricks. VOTING:

YES                                      NO

Commissioner Hufstetler  
"        Fricks  
"        Mayes  
"        Jennings

Motion Carried

**PROCLAMATIONS:**

Chairman Canada read a Proclamation proclaiming the week of **September 17 – 23, 1999 as Constitution Week**. MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler to accept Proclamation. VOTING:

YES                                      NO

Commissioner Hufstetler  
"        Fricks  
"        Mayes  
"        Jennings

Motion Carried

(Resolution/Proclamation Book page109)

**FIRST READING  
ZONING REQUEST, FILE #26-99Z  
474 GENTRY ROAD, REQUEST REZONING  
FROM S-R (SUBURBAN RESIDENTIAL) TO  
A-R (AGRICULTURAL RESIDENTIAL).  
TAX MAP 050, PARCEL 002.  
(SET SECOND READING/PUBLIC HEARING  
OCTOBER 12, 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 October 12, 1999 at 2:00 p.m. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**ZONING REQUEST, FILE #28-99Z  
FLOYD COUNTY INDUSTRIAL PARK  
OFF HIGHWAY 27, REQUEST REZONING  
FROM L-I (LIGHT INDUSTRIAL) TO H-I  
(HEAVY INDUSTRIAL). TAX MAP 574,  
PARCELS 1,22,24,16,17.  
(SET SECOND READING/PUBLIC HEARING  
FOR OCTOBER 12, 1999 AT 2:00 P.M.)**

Chairman Canada called for a Motion to place this item on First Reading and Set Second Reading/Public Hearing for October 12, 1999 at 2:00 p.m. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**SECOND READING/PUBLIC HEARING**

**ZONING REQUEST, FILE 24-99Z, CORNER OF  
HIGHWAY 27 AND HIGHWAY 140, REZONING FROM A-R  
(AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY  
COMMERCIAL). TAX MAP #518, PARCEL(S) 12A.  
(First Reading, August 24, 1999)**

Chairman Canada called for a Motion to open the public hearing for the rezoning request. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks to open the public hearing. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

Chairman Canada opened the floor and asked if there was anyone present to speak for or against the request.

**John Ivester, Martin Real Estate, 2004 Dean Street, Rome** – stated that he would answer questions regarding this particular case. Mr. Ivester stated that there was confusion regarding a car repair place which has always been on the property and it should have been painted red on the land use map, and has always been used as commercial. Mr. Ivester stated that the other corner of property was colored correctly (commercial) and this is just to correct the mistake made on the maps.

There being no one else to speak regarding the rezoning request, Chairman Canada 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 regarding the rezoning request. MOTION was made by Commissioner Hufstetler to approve the rezoning request, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**ZONING REQUEST, FILE #31-99Z,  
4472 MARTHA BERRY HIGHWAY,  
REQUEST REZONING FROM S-4  
(SUBURBAN RESIDENTIAL) TO  
H-C (HEAVY COMMERCIAL)  
TAX MAP #510, PARCEL(S) 58.  
(First Reading, August 24, 1999)**

Chairman Canada called for a Motion to open the public hearing for the rezoning request. MOTION was made by Commissioner Mayes, SECOND by Commissioner Fricks to open the public hearing. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

Chairman Canada opened the floor and asked if there was anyone present to speak for or against the request.

There was a lady in the audience who waived her rights to speak for the rezoning. There being no one else to speak regarding the rezoning request, Chairman Canada 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 regarding the rezoning request. MOTION was made by Commissioner Hufstetler to approve the request, SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**CHAIRMAN'S REPORT:**

**DISCUSS COMMITTEE FOR  
QUARRY ORDINANCE:**

Chairman Canada stated that he had completed meetings with the quarry groups and anti-quarry groups and the citizens who wanted to develop an ordinance. Chairman Canada stated that he would be developing a list of proposed committee members (Quarry Ordinance Development Committee) at the Agenda Session on September 16<sup>th</sup>, to bring before the board for recommendation at the meeting on September 21<sup>st</sup>. Chairman Canada stated that the development of the Quarry Ordinance should begin in early October.

**COMMISSIONER'S REPORT**

**ADMINISTRATIVE/FINANCE COMMITTEE:**

Commissioner Hufstetler, Committee Chairman stated that the committee would meet next Monday at 2:00 p.m.

**PUBLIC SAFETY COMMITTEE:**

Commissioner Mayes, Committee Chairman stated that the next committee meeting would be October 13<sup>th</sup>.

**PUBLIC WORKS COMMITTEE:**

Commissioner Fricks, Committee Chairman stated that the committee would meet tomorrow at 10:00 a.m.

**WATER COMMITTEE:**

Commissioner Jennings, Committee Chairman stated the voluntary water ban continues to be in effect because of the drought in the area and stated his appreciation to the people in the community of the efforts they have put forth to conserve water. Commissioner Jennings stated the voluntary bans are from 4:00 p.m. until 9:00 p.m.

Commissioner Jennings reported that the conversion of the computer system in the water department is almost complete and the billing system should be Y2K compliant.

Commissioner Jennings shared information regarding the Alabama-Coosa-Tallapoosa 'water wars' issues which are taking place between Georgia, Alabama and Florida. Commissioner Jennings stated there is concern that there may be some diversion of water from Lake Allatoona to the City of Atlanta and urged lobbying to keep this from occurring.

Commissioner Jennings reported that the dye tracing study is continuing with a proposed completion date of September 23<sup>rd</sup> and the County Manager has been asked to schedule a meeting with Dr. Crawford at that point to share his findings and recommendations with the Board. Commissioner Jennings stated that the study has taken place during a drought period and the question perhaps remains as to would the dye continue to show up in Vann's Valley and Cave Spring in wet conditions.

**CLERK'S REPORT**

**CONSENT AGENDA:**

County Clerk Sue Broome advised there are two items on the Clerk's Report which have been reviewed and are submitted for approval.

Chairman Canada called for a Motion to accept the Consent Agenda as outlined. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

Authorize execution of Agreement between Floyd County Victim Witness Assistance Program, Juvenile Court and Edward G. Buckenham, III, as Child Victim Advocate Assistant. (September 1, 1999 – September 30, 1999).

Tax Refunds:

Parke A. Avery, 15 John Maddox Dr., \$770.73  
Gregory S. Baer, 208 Rollingwood Circle, \$137.83

**MANAGER'S REPORT**

**AUTHORIZE CHANGE ORDER NO. 3  
FOR THE BERRYHILL LANDFILL  
CLOSURE WITH JORDAN, JONES & GOULDING:**

County Manager Kevin Poe advised that this change order is with East Tennessee Grading, for installing three leachate control trenches to control leachate outbreaks related to the closure of the landfill and the work has been completed as well as a standpipe in the retention pond. Mr. Poe stated that he has talked with the engineers and feels comfortable that this is additional work, and not due to faulty construction. Mr. Poe recommended approval of the Change Order in the amount of \$5,568.71, stating the new total contract price is \$1,786,588.71. Mr. Poe stated that this project was part of the original 1995 SPLOST project and that money has been depleted, so the funds will be paid out of the Solid Waste Commission.

Chairman Canada called for a Motion to accept the recommendation of the Manager. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks  
" Mayes  
" Jennings

Motion Carried

**AWARD BID FOR JANITORIAL SUPPLIES:**

County Manager Kevin Poe advised that sealed bids have been received for janitorial supplies and the bids have been evaluated by the user departments. Mr. Poe recommended that the bids be awarded as detailed in a memo dated August 31, 1999, from Nancy Lam, Purchasing Department for the low bid for each item to be split between the following companies:

Georgia Correctional Industries, Rome Paper, Roman Chemical and Fulton Paper

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 Jennings. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**REQUEST FROM WARDEN ANNE BRINKLEY  
TO PURCHASE BUSH HOG:**

County Manager Kevin Poe advised that Warden Anne Brinkley has made a request regarding a bush hog for the prison farm, stating that the current one is down for repairs and comparing cost of repair to the cost of a new bush hog, it is recommended that a new bush hog be purchased at the cost of \$520.00.

Chairman Canada called for a Motion to authorize purchase of a bush hog for the prison at a cost of \$520.00. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**NAME ROOMS AT FORUM:**

County Manager Kevin Poe advised that this item would be sent to the Forum Advisory Committee.

**ATTORNEY'S REPORT:**

**LILA MARGARET MOORE AND  
TIM LOONEY CONDEMNATION ON  
KINGSTON ROAD PROJECT:**

County Attorney Wade Hoyt, III, requested authorization for execution of a Resolution approving a consent order which was settled last year. Mr. Hoyt stated there is no money involved in the settlement, that the lease holder of the Homestead Restaurant has been provided additional property for parking because the condemnation took some of his parking.

Chairman Canada called for a Motion to approve the attorney's request. MOTION was made by Commissioner Mayes, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Mayes  
" Jennings

Motion Carried

**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**