

November 23, 1999

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
November 23, 1999 5:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners Chuck Hufstetler, Garry Fricks, 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 Mayes called the meeting to order.

INVOCATION: Commissioner Chuck Hufstetler led the Invocation.

PLEDGE OF

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

ADOPTION OF

MINUTES: Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of November 9, 1999 as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

RESOLUTIONS:

**AMEND FEE SCHEDULE BOOK TO
INCLUDE NEW LANDFILL TIPPING
FEE SCHEDULE:**

Chairman Mayes called for a Motion to adopt the Resolution to Amend the Fee Schedule Book to include the new Landfill Tipping Fee Schedule to be effective January 1, 2000. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings stated it is his understanding that the Fee Schedule is compatible with the City of Rome's Fee Schedule, and we are doing this to get in line with what has already been done by the City of Rome. Commissioner Hufstetler stated that it is also in line with the original fee schedule set up when the landfill was built. County Manager Kevin Poe stated that these fees are as recommended by the Solid Waste Commission and the City Commission has not met since the recommendation, but they do plan to adopt the Tipping Fee Schedule as presented.

VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

FIRST READING:

**AMENDMENT TO FLOYD COUNTY
AIRPORT CODE:**

The First Reading was postponed until the December 14, 1999 Regular Meeting.

SECOND READING/PUBLIC HEARING:

This item will be taken up at 6:00 p.m. to comply with advertisement requirements.

CHAIRMAN'S REPORT:

APPOINTMENTS:

Joint Floyd/Gordon County Development Authority – Chairman Mayes called for a Motion to appoint Chip Riddle to this position. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

Quarry Ordinance Study Committee – Chairman Mayes stated that an appointment needs to be made to replace Commissioner Kim Canada who lead the Committee. Chairman Mayes called for a MOTION to appoint Commissioner Garry Fricks to replace Commissioner Canada on the Quarry Ordinance Study Committee. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

CHANGE DATE FOR AGENDA SESSION:

Chairman Mayes stated the date for the next regular Agenda Session is December 23, 1999, and due to the Christmas holidays, the Agenda Session will be held on Tuesday, December 21, 1999 at 1:00 p.m.

VOTE ON CHAIRMANSHIP:

Chairman Mayes stated that Chairmanship had been discussed in Caucus and he has agreed to serve as Chairman for thirty (30) days and he asked the commission to make a commitment for the year 2000. Chairman Mayes stated that a vote would be held during the first week of January, 2000, to determine who the Chairman will be.

Commissioner Jennings expressed his appreciation to Chairman Mayes for completing the term as Chairman and stated that he looks forward to his role as Chairman. Commissioner Jennings stated that this is not an easy circumstance and he appreciates the willingness to put the time and energy into it and he has every confidence that he will serve well in that role.

Commissioner Hufstetler stated that the Commissioner's voted Commissioner Mayes in as vice-chairman unanimously, knowing that should something happen he would be able to step in and do the duties, and he appreciates him doing this.

Commissioner Fricks stated he feels the same.

PROCESS OF SELECTING SUCCESSOR TO CHAIRMAN KIM CANADA:

Chairman Mayes stated that the process of selecting a successor to Chairman Kim Canada has been discussed and gave the following outline for the process:

Profile Sheets from those interested will be due by December 6, 1999
Called Meeting on December 7, 1999 at 3:00 p.m.
Interviews will be conducted on December 13, 1999, Noon – until
December 14, 1999 vote on new commissioner

County Clerk Sue Broome asked what process is to be used to get the word out to the public – do you want to advertise – or how do you want the public to know?

Assistant County Manager Tom Tully stated that he feels the news media who are present at this meeting will be getting the word out, and people should be made aware that profile sheets are available in the Clerk's Office and they can either come by and pick it up or call and request that it be faxed, just make sure they are aware of the December 6th deadline.

Commissioner Hufstetler pointed out the requirement for the position is for a City of Rome resident.

Commissioner Fricks stated that resumes may also be submitted with the profile sheet if the applicant wishes to submit one.

Commissioner Jennings stated the ultimate intent is to make this as open a process as possible, and invites any interested citizen to apply, and let the Commissioners consider as many people as they possibly can.

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

Commissioner Hufstetler, Committee Chairman, stated the Committee meeting scheduled for December 20, 1999 at 2:00 p.m. will be moved to December 27, 1999 at 2:00 p.m.

Adopt Revised Budget for various departments:

Commissioner Hufstetler recommended accepting pages 1-5 of the Revised Budget with one change to the General Services line item. County Manager Kevin Poe advised that on page 2, line item General Services, 1999 Revised Budget Column, the \$3,264,030 will be revised to \$3,224,030 (Account No. 100490). Commissioner Hufstetler asked Board approval of the revisions, with the reduction of \$40,000, knowing that more revisions would be made at the next meeting. Commissioner Hufstetler stated this recommendation is made in the form of a MOTION. Chairman Mayes called for a Second. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks

" Jennings

Motion Carried

PUBLIC SAFETY COMMITTEE:

Chairman Mayes, Committee Chairman advised the next meeting of the Public Safety Committee will be on December 8th.

PUBLIC WORKS COMMITTEE:

Commissioner Fricks, Committee Chairman advised the next meeting will be on December 1st at 9:00 a.m.

Place Beard Lake Road, length .40 miles, on future resurfacing list.

Commissioner Fricks made a MOTION to place Beard Lake Road, length .40 miles, on future resurfacing list, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

County Manager Kevin Poe advised that a tentative date of December 20th has been set for the Public Works Committee Public Hearing on the Mays Bridge Road closing at Coosa High School. Mr. Poe stated that plans are to post the road similar to the way DOT posts their road work, posting the date and time of the public hearing, and also run a block ad in the newspaper to make people aware of the closing.

WATER COMMITTEE:

Commissioner Jennings, Committee Chairman, reported that the Coosa Valley RDC along with the North Georgia RDC is involved in applying for state grants, as well as requesting money from local municipalities in the Coosa Valley area to conduct a water resources study for the Coosa Valley area, and he will bring more specific information to the Board at a later date regarding the project.

PROPOSAL FROM A&S ENVIRONMENTAL SERVICES, INC., FOR GROUNDWATER RESOURCE EXPLORATION AND DEVELOPMENT PROGRAM:

Commissioner Jennings stated that he would request representatives from A&S Environmental Services to attend the next meeting to make a presentation regarding the proposal. Commissioner Jennings stated the anticipated cost for the study is \$80,000 and the purpose of the study is to obtain a good site in the southern part of the county for a potential groundwater source.

Commissioner Jennings stated a letter of appreciation had been received from the Loveless family for two water department employees who stayed with their cat that had apparently been hit by a car. Commissioner Jennings recognized the employees involved as Lark Walker and Clay Gordon.

Commissioner Jennings stated two other employees, Jimmy Ivey and Ricky Williamson, had spotted people stealing water and filling up a tank, the employees reported the theft and the suspects were apprehended.

Commissioner Jennings expressed his appreciation for the help and the work they do, adding that county employees are out in the community and do good things and wanted to recognize these four employees for what they have done.

CLERK'S REPORT:

CONSENT AGENDA:

County Clerk Sue Broome advised there is one item and it is in order and presented for consideration. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler to accept the Consent Agenda as presented. VOTING:

YES

NO

Commissioner Hufstetler

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Fricks

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Jennings

Motion Carried

Self-Service Fuel License, Muhammad Waseem/Southern Pride Food Mart #2, 3510 Martha Berry Highway.

MANAGER'S REPORT:

**PROPOSAL FROM NATURE CONSERVANCY
OF GEORGIA:**

County Manager Kevin Poe advised that this item is deferred to the next meeting.

**REORGANIZATION OF
HUMAN RESOURCES DEPARTMENT:**

**ABOLISH POSITION #17-005 (INSURANCE TECHNICIAN)
UPGRADE POSITION #17-003 (SECRETARY) PAYGRADE 7, TO
ADMINISTRATIVE ASSISTANT, PAYGRADE 9:**

County Manager Kevin Poe advised that this item has been discussed in Caucus and the specific action needed to accomplish this is to Abolish Position #17-005 (Insurance Technician), effective December 8th, which is in concurrence with policy for lay-offs, and Upgrade Position #17-003, (Secretary Position) paygrade 7 to Administrative Assistant paygrade 9.

Mr. Poe stated the reasons for considering the reorganization is changes made in implementing the insurance function, reorganization of the workload, and further automate employee records. Mr. Poe requested the Board take action as recommended.

MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.
VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings

Motion Carried

REQUEST FROM TAX ASSESSOR FOR PRINTER:

County Manager Kevin Poe advised that a request has been received from Bill McWhorter, Chief Tax Assessor, for a line printer which was not included in the 1999 budget, because of a state mandated personal property form which is six-part. Mr. Poe stated the cost of the printer to handle the form is \$2,350, and they have money remaining in their equipment line item and therefore would not require a revision or additional funds for their department. Mr. Poe recommended authorization to purchase the printer in the amount of \$2,350.

MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings.
VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

REQUEST FROM PARKS & RECREATION AUTHORITY TO HELP FUND MASTER PLAN UPDATE:

County Manager Kevin Poe advised that this item will be set-aside until budget hearings.

DISCUSS TAX SERVICE AGREEMENT BETWEEN FLOYD COUNTY, TAX COMMISSIONER AND CITY OF ROME:

County Manager Kevin Poe advised that the Agreement is to collect taxes for the City of Rome and pointed out some of the specifics of the Agreement. Mr. Poe stated that law provides that the Tax Commissioner can be paid directly by the City of Rome for services he performs above and beyond what the county already provides for him and pays him. Mr. Poe stated he feels consideration should be made that if there is a change in the law related to compensation for the tax commissioner that the tax commissioner will be required to comply with the law.

Mr. Poe stated that Jim Ford, Tax Commissioner, has struck paragraph seven of the proposed Agreement regarding additional personnel, and has an alternate paragraph to submit which reads "In the future, if the purchase of certain replacement/new office equipment or computer enhancements (including software) that will be used exclusively for the collection of taxes is determined to be necessary in order to keep the Floyd County Tax Collection Office operating properly, then the City of Rome agrees to pay one third (1/3) of the cost to purchase such equipment and supplies. The City will pay a maximum of \$5,000 in any given year." Mr. Poe stated both the City and the Tax Commissioner have agreed to this substitution.

Commissioner Hufstetler asked if there would be any situation where something would be required for the City that would not be required for the County. Mr. Poe stated he did not believe there would be, but he believes the City would be in a position where they would understand they

would have to help with that if it happened. Mr. Poe added he is not aware of anything that would be any different from the way it is currently being done. Mr. Poe suggested that language be added that if it can be determined that the need to purchase equipment is strictly related to collecting City of Rome taxes that they would agree to fund the improvements or renegotiate the agreement.

Commissioner Hufstetler stated that the agreement basically gives the Tax Commissioner more funds and saves the City of Rome costs in personnel and software and he thinks this is a good thing, but he does not want it to get into a situation where it cost the county.

County Manager Kevin Poe noted paragraph 11, stating that is new since the meeting with the City. Mr. Poe explained that if a delay occurs with the City to the point that tax bills cannot be sent out on time, then the City of Rome would be responsible for the costs incurred with sending out the bills for the City of Rome taxes or vice-versa - if the county is late we would be responsible.

County Manager Kevin Poe recommended approval of the Agreement, with the changes noted relating to (1) the compensation of the Tax Commissioner if the law is rescinded; and (2) future expenditures relating to City of Rome requirements only. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler to approve the Agreement as outlined by the Manager. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

DISCUSS PROCEDURE FOR ZONING REQUESTS:

County Manager Kevin Poe reported that procedures for variance and special use permit requests has been discussed and it was agreed that first readings will not be required, adding that this is the way the current code reads.

AUTHORIZE EXECUTION OF CDBG/EIP ECONOMIC DEVELOPMENT AND CONSTRUCTION AGREEMENT BETWEEN FLOYD COUNTY, CITY OF ROME, DEPARTMENT OF COMMUNITY AFFAIRS AND ROME HOLDINGS, LLC:

County Manager Kevin Poe advised that this item will be deferred until next month.

BUDGET PROCESS:

County Manager Kevin Poe asked if the Commissioners want to wait until a successor is appointed for Commissioner Canada's position to start the budget process. It was the consensus of the Board to begin budget hearings as soon as possible.

OTHER BUSINESS:

County Manager Kevin Poe stated that if the Board is going to do something special for the employees we needed to start the process. Commissioner Jennings stated that his suggestion of providing something for the employees came from the employees having agreed this past year that the merit pay system was going to be revamped and there was no merit pay raise for the employees and he feels the employees have stepped up to the plate and done a great job and the county has done very well in a variety of areas this year, one of which is financially, and he would like to recommend that at the annual Christmas party every employee be provided with a turkey for Christmas

It was the consensus of the Board to authorize the expenditure at a cost not to exceed \$6,500.

SECOND READING/PUBLIC HEARING:

REQUEST FOR SPECIAL USE PERMIT, FILE #011-99SUP, 107 BEARD DRIVE IN A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT, TAX MAP #506B, AREA 01, PARCEL 044:

Chairman Mayes called for a Motion to Open the Public Hearing regarding the Request for Special Use Permit. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Martha Little, Rome/Floyd County Planning Commission Director, advised that this is a request for duplex development, and the vote of the Planning Commission was 7 to 2 to recommend approval of the request.

Chairman Mayes asked if there was anyone present to speak for or against the request.

Support

Jeff Barnett, Old Dalton Road, stated that he owns the adjacent property and there are duplexes already very close to the property and he feels this would be a good use of the property.

Ricky (John) Davis, 218 Rollingwood Circle, (applicant) stated that he will be the builder and owner of the property. Mr. Davis stated there are currently duplexes on the road, and the duplexes he plans to build will be very nice construction, all brick with concrete driveways and he feels they will enhance the value of adjacent property and will be very good use of the property.

Oppose

James Gibbons, stated he owns the three lots directly across the road from the proposed duplexes and there is currently no sewer on Beard Drive, and he is concerned about

the storm water runoff from the additional concrete on Beard Drive. Mr. Gibbons stated he plans to build houses for his children on his lots and if he can be assured of the runoff and sewer he has no other problems with the request.

Rebuttal

Ricky (John) Davis, stated that Mr. Barnett currently has a lift-system that pumps to the sewer lines, and this is a very good system which would be an efficient alternative for him if it is not possible for the sewer lines to be installed for the remainder of the road.

Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

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Fricks

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Jennings

Motion Carried

Chairman Mayes called for a Motion to approve or deny the request for special use permit. MOTION was made by Commissioner Fricks to **approve** the request, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

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Fricks

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Jennings

Motion Carried

**REQUEST FOR SPECIAL USE PERMIT,
FILE #012-99SUP, 6792 ROCKMART ROAD,
SILVER CREEK IN AN A-R (AGRICULTURAL
RESIDENTIAL), ZONING DISTRICT, TAX MAP
3240, PARCEL 5D:**

Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

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Fricks

"

Jennings

Motion Carried

Martha Little, reported this is a request for a communication tower, and the Planning Commission voted unanimously to approve the request.

Commissioner Jennings asked Ms. Little if the proposal meets the requirements of the City of Rome Cell Tower Ordinance? Ms. Little stated that she thinks it does meet the requirements, but she has not reviewed the request under every aspect of the Code.

Chairman Mayes asked if there was anyone present to speak for or against the request.

Support

George Cohen, Nextel Communications, 1207 Althea Parkway, Savannah, Georgia, stated he feels the tower meets the intent and spirit and direction the new ordinance is going in. Mr. Cohen stated the set-back is more than required in the current code and probably as much as what will be in the new code, although nobody knows for sure until it is adopted. Mr. Cohen stated this is a very high point in the county and with the surrounding topography it is difficult to see the sight from any other vantage point. Mr. Cohen stated the subject property is approximately 47 acres and the surrounding property is undeveloped woods, adding Nextel has taken a lot of caution to place the tower inside the woods so the Barton's don't have to look out at it.

Oppose

Joseph Magnet, stated he is a neighbor of the proposed tower and pointed out that the agricultural land in the area is farmed and has a lot of wildlife. Mr. Magnet questioned whether Nextel has considered wildlife hazards of tower construction in the area, stating he moved to the area to be away from the city and towers. Mr. Magnet asked if an environmental impact study is routinely done by Nextel or the Commission? Mr. Magnet stated he is opposed to the request unless environmental impact studies can show that towers of 185' cause no harm.

Rebuttal

George Cohen, stated there is no known impact on wildlife that they know of for cell towers, however, he is not saying that when cell towers go up in undeveloped areas they do not have some effect on wildlife. Mr. Cohen stated that part of the FCC requirements is that they do a National Environmental Impact Study and additionally they perform a Phase I environmental on the property which gives the basics of what is out there and the impacts and it determines if there is a critical area or concern then a Phase II study is conducted.

Discussion: Commissioner Jennings asked Martha Little if the issue of cell towers is addressed by identifying locations in the community that are agreed upon for cell towers. Ms. Little stated there is nothing she is aware of being planned, however, certain areas are going to be proposed as better in the new ordinance which would be co-locations with as many at one site as possible and this could be addressed in the planning process.

Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

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Fricks

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Jennings

Motion Carried

Chairman Mayes called for a Motion to approve or deny the request. MOTION was made by Commissioner Hufstetler to **approve** the request contingent upon the Phase I Environmental Study coming back okay, and if not the Phase II study showing that everything is okay, SECOND by Commissioner Fricks.

Discussion: Commissioner Jennings stated his concern is that whether we as a community are doing a good job in exploring where the sites should be and getting a community consensus as to that process, and protecting the landscape and investment that people have, as well as meeting the requirements of technology that we all seek. Commissioner Jennings stated that he would hope that we could go back to the Planning Commission and have them help us as far as making good decisions on the cell tower issue.

VOTING:

YES

NO

Commissioner Hufstetler

Commissioner Jennings

" Fricks

" Mayes

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

" Jennings

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN W. MAYES, CHAIRMAN