

**December 28, 1999**

**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 Hufstetler led the Invocation.

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

## **PUBLIC PARTICIPATION:**

**George Anderson**, addressed the Board stating that he had spoken to Sue Broome, County Clerk, regarding tapes made of Board Meetings and a recent meeting in Atlanta, and asked if these tapes could be stored and he was told there was not enough storage space. Mr. Anderson stated that in 1995 there was a case of minutes of a meeting and the tapes were already erased and gone, and recently there has been a case of a tape that was destroyed after parts of the information was deleted. Mr. Anderson asked the Board to consider making changes in the Rules and Procedures concerning several different areas: (1) tapes – tapes and documents belong to Floyd County citizens and they should be safeguarded – it is the responsibility and obligation of the Board to keep and protect the tapes and all government documents; (2) Rules and Procedures should be amended to prevent anyone from being able to tell any county employee to destroy public records in the future; (3) in the future all meetings should be held in Rome and Floyd County. Mr. Anderson asked if the County Attorney was consulted by Chairman Canada before the minutes were deleted? Mr. Anderson stated that he understands that Clerk, Sue Broome was dutifully ordered to delete minutes and she did what she was told to do, but he believes it was improper. Is it legally permissible to delete or add to the official minutes of a county Board meeting – Mr. Anderson stated this is something that perhaps could be looked at to make sure it is in the Rules and Procedures – that this would not ever happen again. Does this Commission condone any Commissioner ordering the deletion of minutes and asked the Board of Commissioners to request that the Floyd County Grand Jury decide if this illegal act by then sitting Chairman of the Commission should be investigated. Mr. Anderson stated that he has a letter which will go to District Attorney Tami Colston concerning the matter. Mr. Anderson stated that he feels the Board needs to fix the loop holes which allowed this to occur. Mr. Anderson asked that politics be kept out of the selection of a new commissioner, think only of the peoples interest and not special interest, and if this cannot be done then he asks that the law take effect where the governor will make a decision. Mr. Anderson asked the Commissioners to support the legislative delegation to correct the flaw in the law and try to change the law so that after an appointment the county commission will appoint an interim commissioner for the time until the next general election.

## **ADOPTION OF**

**MINUTES:** Chairman Mayes asked County Attorney Wade Hoyt if the minutes are in order; Mr. Hoyt stated they are. Chairman Mayes called for a Motion to adopt the Minutes. Commissioner Jennings made a MOTION to adopt the minutes of the Regular Meeting of December 14, 1999 and the Called Meeting of December 20, 1999 as presented. SECOND by Commissioner Hufstetler. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

## PROCLAMATIONS:

Commissioner Hufstetler presented a proclamation for **“Bring One For The Chipper Day”, January 8, 2000**. Ms. Mickie Dobbs, accepted the Proclamation and asked everyone if they have a live Christmas tree that they recycle it and in return they will be given a seedling.

(Proclamation/Resolution Book page no. 117)

## **PUBLIC HEARING:**

## **VARIANCE REQUESTS:**

**FILE #010-99V, VARIANCE REQUEST FOR  
PROPERTY LOCATED AT 3080 CAVE SPRING  
HIGHWAY, LARRY C. MARTIN (FOR DOLLAR  
GENERAL WEST GRAPHICS) APPLICANT:**

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Mike Ashley, Chief Building Inspector, reported that this request is for a side set-back variance request for a sign in front of the business.

Chairman Mayes asked the applicant if he would like to speak, Mr. Ivester representing Mr. Martin, waived his right to speak. There being no one present to speak against the request, Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Commissioner Hufstetler made a MOTION to approve the variance request, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

**FILE #011-99V, VARIANCE REQUEST FOR  
PROPERTY LOCATED AT 2 SUPERIOR DRIVE,  
MICHAEL SWEENEY (FOR PACKAGING PRODUCTS  
CORP.) APPLICANT:**

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Mr. Tom Tully, Assistant County Manager, reported this request is for an expansion to the spec building, there will be no increased encroachment within the existing building.

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Commissioner Fricks made a MOTION to approve the request, SECOND by Commissioner Jennings. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

**FILE #012-99V, VARIANCE REQUEST FOR PROPERTY  
LOCATED AT 4 GARRETT ROAD, CECIL BRINKLEY,  
APPLICANT:**

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Mr. Mike Ashley, reported this request is for an addition to a single family residence.

Ms. Debbie Malone, applicant's daughter, waived her right to speak.

## Oppose

**Ms. Mary Jo Keith**, stated she owns the property that backs up to the applicant's property. Ms. Keith stated she understands the need, however, she was not contacted about the variance request stating she has only been knowledgeable about this for a couple of days. Ms. Keith stated she has seen the diagram of the requested addition and she thinks there may be an alternative way to put the addition on which would not require a variance and she would like time to discuss this with the applicant and maybe they can come to an agreement at a later date. Ms. Keith stated at this time she opposes the variance because it backs up to her property line.

Mr. Tully advised that he would look into the statement that Ms. Keith was not notified, stating the property was posted and the legal ads were made and he would review who was notified. Mr. Tully stated the request could be tabled and reviewed.

**Mr. Pete Tatalano, Langston, Pennsylvania**, stated he is Ms. Keith's son-in-law, and reiterated that they are not opposed to the needs of the applicant, but expressed concern about the fact that Ms. Keith was not notified and talked to by the applicant.

## Support

**Ms. Debbie Malone**, stated that she did make an effort to contact the neighbors, stating that this is her dad's property and her brother's property is adjacent. Ms. Malone stated that it was not her intent not to talk with the Keith's, that she had been told the property had been sold and the new owner's had not moved in yet. Ms. Malone stated the sign has been posted for fifteen days and it was advertised in the paper.

Mr. Tully stated that he and Mr. Hoyt had discussed this and an option the Board has is to reschedule the public hearing and start the process as a new request, and due to the time frame (15 days notification) this would not be presented until the second meeting in January, 2000.

County Attorney Wade Hoyt recommended the variance be taken off the agenda as a public hearing and make notification to hear the request at the second meeting in January, 2000.

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

**FILE #013-99V, VARIANCE REQUEST FOR  
PROPERTY LOCATED AT OLD SUMMERTON  
ROAD, S.B.A., INC., APPLICANT:**

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Mr. Mike Ashley reported this request is for a cellular phone tower which was originally permitted December 1, 1998, and was not constructed. Mr. Ashley stated the tower was permitted at 185' tall and all requirements had been met for the planned review and constructual components at that time and the permit expired due to no activity taking place.

## Support

**Mr. Bob Ledbetter, 1121 Kingston Road, Rome, Georgia**, stated the property was leased to SBA, Inc., last December to place a telecommunications tower behind the Glenwood Shopping Center on US 27. Mr. Ledbetter stated the tower is designed for four carriers so it will avoid having other towers in the area.

**Mr. Jim Ney, Suite 600, 100 Galleria Parkway, Atlanta, Georgia,**  
stated he represents SBA, Inc. Mr. Ney stated that there are questions about the building  
permit – as to whether or not they are grandfathered and have effective rights under it.

Mr. Ney presented pictures which simulate how the tower will look, and stated that once built the base of the tower will probably not even be seen due to the dense trees and vegetation in the area. Mr. Ney stated the tower would not be within 185' of any structure or improvement, he thinks the tower will be consistent with the purposes of the ordinance and not to grant it would create an undue hardship and asked that the variance be granted.

**Discussion:** Commissioner Jennings asked if there were any other towers in the vicinity which could be used by SBA. Mr. Ney stated they had looked at the issue and had examined all the other towers in the immediate and general area and cannot find anything that will serve their needs in filling this coverage gap. Commissioner Jennings asked what is the range of coverage the tower will serve.

**Mr. Byron Smith, SBA,** stated the selection of a site is based on several criteria, mainly the surrounding terrain. Mr. Smith stated the range varies due to the factors from 2-3 miles and is designed to cover much of the northern end of the county.

Commissioner Jennings pointed out that this basically provides a buffer for the property owners because nothing else could go within that area. Mr. Ney responded that there would be a base of about 60 x 60 which will be enclosed within a six-foot high screened in fence with barbed wire on the top, with very few trees cut and they intend to leave the dense growth around it and this makes the property largely unusable, and this is part of the reason for selecting somewhat of an isolated site.

Mr. Tom Tully stated there are also plans for landscape buffers around the fencing.

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

## **SECOND READING/PUBLIC HEARING:**

**FILE #044-99Z, 4753 MARTHA BERRY BLVD.,  
REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL TO H-I (HEAVY INDUSTRIAL),  
TAX MAP #512, PARCEL 146. (PLANNING COMMISSION  
RECOMMENDS APPROVAL [UNANIMOUS VOTE]).  
(FIRST READING DECEMBER 14, 1999):**

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

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

Ms. Martha Little, Rome/Floyd County Planning Commission Director, reviewed the request and reported this is a request to expand mini-warehouses.

Chairman Mayes asked if there was anyone present to speak for or against the request. The applicant waived their right to speak.

There being no one to speak for or against the request, Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

MOTION was made by Commissioner Hufstetler to approve the rezoning request, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

**FILE #045-99Z, 3325 ALABAMA ROAD,  
REQUEST REZONING FROM L-I (LIGHT  
INDUSTRIAL) TO C-C (COMMUNITY  
COMMERCIAL), TAX MAP #666, PARCELS  
72A & 72B. (PLANNING COMMISSION RECOMMENDS  
APPROVAL [UNANIMOUS VOTE]). (FIRST READING  
DECEMBER 14, 1999):**

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Ms. Martha Little reviewed the request and reported this is a request for a flea market.

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

## Support

**Mr. Ray Watters**, stated he represents George "Buster" Horton who owns the property, and the property is located approximately 2 miles west of the Shorter/Redmond Circle intersection on the Alabama Highway and making the change would not have any affect on the character of the neighborhood.

There being no one else to speak for or against the request, 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  
" Fricks  
" Jennings

## Motion Carried

Chairman Mayes called for a Motion to approve or deny the request. MOTION was made by Commissioner Hufstetler to approve the rezoning request, SECOND by Commissioner Jennings. VOTING:

YES  NO

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

FILE #048-99Z, 305, 311 BERWIN ROAD, REQUEST  
REZONING FROM S-R (SUBURBAN RESIDENTIAL)  
TO L-I (LIGHT INDUSTRIAL), TAX MAP #216, PARCEL 48.  
(PLANNING COMMISSION RECOMMENDS  
APPROVAL [UNANIMOUS VOTE]). (FIRST  
READING DECEMBER 14, 1999):

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Ms. Little reviewed the request and reported this is a request to build mini-warehouses.

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

## Support

**Mr. Jeff Barnett, 2925 Old Dalton Road**, stated there is a railroad in front of the property which makes the property undesirable for residential use.

There being no one else to speak for or against the request, Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES	NO
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Commissioner Hufstetler	
"	Fricks
"	Jennings

Motion Carried

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

YES	NO
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Commissioner Hufstetler	
"	Fricks
"	Jennings

Motion Carried

FILE #013-99SUP, 914, 922 OLD SUMMERTON  
ROAD AND 207 LINDSEY DRIVE, REQUEST SPECIAL  
USE PERMIT TO BUILD DUPLEXES IN A S-R  
(SUBURBAN RESIDENTIAL), TAX MAP #506C,  
AREA 03, PARCEL 03A. (PLANNING COMMISSION  
RECOMMENDS APPROVAL [UNANIMOUS VOTE]).  
(FIRST READING DECEMBER 14, 1999):

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

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Ms. Little reviewed the request and reported the request is for construction of duplexes.

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

## Support

**Mr. Jeff Barnett, Old Dalton Road**, stated the duplexes planned are an upper scale rental property which blend in well with the residential area, adding they will be all brick duplexes, well maintained.

There being no one else to speak for or against the request Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Chairman Mayes called for a Motion to approve or deny the request. Commissioner Fricks made a MOTION to **approve** the request, SECOND by Commissioner Jennings. VOTING:

**YES** **NO**

Commissioner Hufstetler  
" Fricks  
" Jennings

### Motion Carried

**AMEND CHAPTER 2-3 OF THE  
FLOYD COUNTY CODE TITLED  
AIRPORT TO INCLUDE A NEW  
ORDINANCE. (FIRST READING)**

**DECEMBER 14, 1999): 1999-005A**

Chairman Mayes 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

" Jennings

## Motion Carried

Mr. Tom Tully stated the proposed amendment has been reviewed by the County Attorney and has also been reviewed and recommended for approval by the Airport Commission.

Chairman Mayes asked if there was anyone present to speak for or against the Amendment. There being no one present to speak regarding the Amendment, Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

Commissioner Hufstetler

" Fricks

" Jennings

## Motion Carried

Chairman Mayes called for a Motion to approve or deny the Amendment. Commissioner Jennings made a MOTION to approve the new Airport Ordinance 2-3, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler

" Fricks

"Jennings

## Motion Carried

Commissioner Jennings commended Airport Manager Mike Mathews and the Airport Commission for doing a great job on the Ordinance and asked that the appreciation of the Board be conveyed to them.

## CHAIRMAN'S REPORT:

## APPOINTMENTS:

Chairman Mayes advised that this item will be deferred.

## **COMMISSIONER'S REPORT:**

## **ADMINISTRATIVE/FINANCE COMMITTEE:**

Commissioner Hufstetler, Committee Chairman, reported the time for the next Committee meeting will be on Tuesday, January 18, 2000 at 2:00 p.m., due to the regular meeting time being a holiday and the offices will be closed.

## **PUBLIC SAFETY COMMITTEE:**

Chairman Mayes, Committee Chairman, stated there is no report from the Committee.

## **PUBLIC WORKS COMMITTEE:**

Commissioner Fricks, Committee Chairman, recommended the following roads be placed on the future resurfacing list:

Craton Road (a.k.a. Otis Parker Road), .60 miles  
Sessler Drive, .20 miles  
Midway Estates Subdivision (Edgefield Drive, Midland Drive, Woodberry Drive, Highpoint Court, Fairfield Way and Crossridge Drive).  
Weatherington Road, .600 miles  
Garrard Road, .240 miles

Commissioner Fricks stated that the Public Works Committee will develop a procedure to inform the public regarding the process the petitions enter into and the time span involved in the paving process.

County Manager Kevin Poe stated another goal is to publish a schedule on the county web-site so that the public can see when their road is scheduled for resurfacing.

Commissioner Fricks stated the recommendation is made in the form of a MOTION, SECOND by Commissioner Hufstetler. VOTING:

YES  NO

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

## **REPORT ON MAYS BRIDGE ROAD PUBLIC HEARING:**

Commissioner Fricks stated the public hearing was very well attended and he will make a report at the next meeting.

## **WATER COMMITTEE:**

Commissioner Jennings, Committee Chairman reported that he felt the Water Summitt, which was held on December 21<sup>st</sup>, was a well attended and very productive session stating there were over 60 representatives from Northwest Georgia municipal water users, industrial water users, along with agricultural and governmental representation. Commissioner Jennings stated the group agreed a follow-up would be held in the next three or four months pending the outcome of the water negotiations, specifically related to the Alabama/Coosa/Tallapoosa (ACT) Rivers.

## **CLERK'S REPORT:**

## **CONSENT AGENDA:**

County Clerk Sue Broome advised there are six items on the Consent Agenda which have been reviewed and are submitted for consideration. Chairman Mayes called for a Motion to approve the Consent Agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

Request to accept the detention pond in Grayfield Subdivision on Grayfield Drive on County Maintenance.

Request to accept Beverly Drive in Beverly Heights Subdivision on County Maintenance.

Enter into Minutes results of the Personnel Board Election.

2000 Malt Beverage License Renewals (2 New Managers; 50 Renewals; 52 total licenses)

## **New Applicants (2 - New Managers)**

Karen Campbell, Sav-A-Ton #2, 5880 New Calhoun Hwy (Convenience)  
Lee R. Stanley, Craftsman Club, 384 Craftsman Club Rd (Consume on Premises)

## **Renewals**

Patricia L. Johnson, A1 Food & Beverage, 203 Ferry Rd (Convenience)  
Vibhakar A. Patel, AASKA Enterprize, Inc., d/b/a B.P. Food Mart, 4428 Martha  
Berry Blvd (convenience)  
Calvin Smallwood, Allstop, 581 Chulio Rd (Convenience)  
Dwight M. Boatner, BEAA Country Club, 227 Eden Valley Rd, (Consume on  
Premises)  
Arthur Miller, Callier Springs Country Club, 2637 Callier Springs Rd (Consume  
on Premises)  
Patsy Tumlin, Classic Bowling Center, 75 Huffaker Rd (Consume on Premises)  
Sonia Coleman, Cowboy's Food Mart #1, 500 Burnett Ferry Rd (Convenience)  
David W. Shiflett, Cowboy's Food Mart #18, 1881 Old Calhoun Rd  
(Convenience)  
Rhonda Faye Lyles, Cowboy's Food Mart #19, 1407 Kingston Hwy  
(Convenience)  
Sue Wethington, Cowboy's Food Mart #25, 2991 Cedartown Hwy (Convenience)  
Melba H. Kelly, DJ's Sports Bar, Inc., 1818 Redmond Cr (Consume on  
Premises)  
Gerald M. Shepherd, Dragon Fuel Service, 839 Park Ave (Convenience)

Wayne Molock, E-Z Serve, 4466 Rockmart Rd (Convenience)  
Larry Evans, Evans Service Station, 5680 Alabama Hwy (Convenience)  
Dolores A. Stocks, Favorite Market #202, Hwy 27 N (Convenience)  
Douglas T. Hice, Favorite Market #207, 7130 New Calhoun Rd (Convenience)  
Galen Miller, Food Lion, 3365 Martha Berry Hwy (Convenience)  
Hugh F. Freeman, Freeman Grocery, 2130 Kingston Hwy (Convenience)  
Khalifa Zain Ahmed, G&N One Stop, 1994 Kingston Rd (Convenience)  
Gary M. Cowan, GMC ValuMart, 3335 Alabama Hwy (Convenience)  
Gayle Chapman, Golden Gallon #88, 3131 Maple Rd (Convenience)  
Nancy Dobbins, Golden Gallon #103, 2006 Redmond Cr (Convenience)  
Emma Battle Moore, Golden Gallon #109, 4814 Alabama Hwy (Convenience)  
Nancy Carney, Golden Gallon #110, 4350 Martha Berry Hwy (Convenience)  
Beverly Walton, Golden Gallon #161, 3070 Cedartown Hwy (Convenience)  
John T. Carter, John's General Store, 3218 Kingston Hwy (Convenience)  
Bharat B. Patel, Kwik Way Foods #7, 1990 Booze Mtn Rd (Convenience)  
Gary L. Evans, Maple Minit Shop, 3110 Maple Rd (Convenience)  
Sam Reese, Jr., Mount Berry Shop, 2773 Martha Berry Hwy (Convenience)  
Kimberly K. Durall, Pasquale's, 4011 Martha Berry Hwy (Consume on Premises)  
Mark H. Wall, Piggly Wiggly #4, 3880 Martha Berry Hwy (Convenience)  
Wendy H. Poff, Poff's Enterprises, Inc., 9455 Alabama Hwy (Consume on Premises)  
Marsha Greer, Poison Ivy, 117 Burnett Ferry Rd (Consume on Premises)  
Billy Timms, Rhonda's Shopette #1, 1203 Cave Spring Rd (Convenience)  
Evelyn Garrett, Rhonda's Shopette #5, 4970 Rockmart Rd (Convenience)  
Avery Almand, Rhonda's Shopette #7, 3264 Fosters Mill Rd (Convenience)  
Robert E. Carroll, III, Sav-A-ton #11, 3173 Martha Berry Hwy (Convenience)  
Viral Patel, Silver Creek Mini Mart, 5729 Rockmart Hwy (Convenience)  
Stephen A. Stutts, Simpson Grocery Company, 333 Old Lindale Rd (Wholesale)  
Khalid Javaid, Southern Pride Food Mart, 3124 Rockmart Rd (Convenience)  
Muhammad Waseem, Southern Pride Food Mart #2, 3510 Martha Berry Hwy (Convenience)  
Deborah Page Trott, Stevie's Stop & Shop, 3200 New Rosedale Rd (Convenience)  
Gustavo Castillo, Taqueria Jalisco, 1800 Redmond Cr (Consume on Premises)  
Bhunpdra Patel, The Store, 102 Park Ave (Convenience)  
Joyce R. Duke, Tony's Food Mart #9, 3560 Alabama Hwy (Convenience)  
Lillie I. Shepherd, Tony's Food Mart #11, 5646 Alabama Hwy (Convenience)  
Vasant A. Patel, Twinkle's Food Mart, 4392 Old Calhoun Rd (Convenience)  
W. C. Reese, Village Shop, 5850 New Calhoun Rd (Convenience)  
Stephanie Prater, Walker Mountain Store, 2342 Cedartown Hwy (Convenience)  
Milford Agan, Weaver's Convenience Store, 7748 Alabama Hwy (Convenience)  
2000 Self-Service Fuel License Renewals (35 Renewals).  
(1)AASKA Enterprises, Inc., d/b/a/ B.P. Food Mart, 4428 Martha Berry Blvd (19 hoses)  
(2)Allstop, 581 Chulio Rd (6 hoses)  
Calfee Co. of Dalton, Inc., d/b/a Favorite Market #202, Hwy 27, (12 hoses)  
Calfee Co. of Dalton, Inc., d/b/a Favorite Market #207, 7130 New Calhoun Rd (24 hoses)  
Camp Oil Co., d/b/a Sav-A-Ton #2, 5880 New Calhoun Hwy (14 hoses)  
Camp Oil Co., d/b/a Sav-A-Ton #11, 3173 Martha Berry Blvd (14 hoses)  
D&D Oil Co., Inc., d/b/a Cowboy's Food Mart #1, 500 Burnett Ferry Rd (6 hoses)  
D&D Oil Co., Inc., d/b/a Cowboy's Food Mart #18, 1818 Calhoun Rd (26 hoses)  
D&D Oil Co., Inc., d/b/a Cowboy's Food Mart #19, 1407 NE Kingston Rd (18 hoses)  
D&D Oil Co., Inc., d/b/a Cowboy's Food Mart #25, 2995 Cedartown Hwy (23 hoses)

Dragon Fuel Service, 839 Park Ave (8 hoses)  
E-Z Serve, 4466 Rockmart Rd (3 hoses)  
Evans Store, 5680 Alabama Hwy (26 hoses)  
Golden Gallon, Inc., d/b/a Golden Gallon #88, 3129 Maple St (13 hoses)  
Golden Gallon, Inc., d/b/a Golden Gallon #103, 2006 Redmond Rd (3 hoses)  
Golden Gallon, Inc., d/b/a Golden Gallon #109, 4814 Alabama Hwy (13 hoses)  
Golden Gallon, Inc., d/b/a Golden Gallon #110, 4350 Martha Berry Hwy (25 hoses)  
Golden Gallon, Inc., d/b/a Golden Gallon #161, 3070 Cedartown Hwy (25 hoses)  
John's General Store, 3218 Kingston Hwy (3 hoses)  
Kwik Way Market, Inc., d/b/a Kwik Way Foods, 1190 Booze Mtn Rd (5 hoses)  
Mount Berry Shop, 2773 Martha Berry Hwy (12 hoses)  
Redmond B. P., 1924 Redmond Rd (6 hoses)  
Rhonda's Shopette #1, 1203 Cave Spring Rd (8 hoses)  
Rhonda's Shopette #5, 4970 Rockmart Rd (10 hoses)  
Rhonda's Shopette #7, 3264 Fosters Mill Rd (10 hoses)  
S & Z Inc., d/b/a G&N One Stop, 1994 Kingston Rd (6 hoses)  
Southern Pride Food Mart, 3124 Rockmart Rd (7 hoses)  
Southern Pride Food Mart #2, 3510 Martha Berry Hwy (12 hoses)  
Stevie's Stop & Shop, 3200 New Rosedale Rd (13 hoses)  
The Store, 102 Park Ave, (6 hoses)  
Tony's Food Mart #9, 3560 Alabama Hwy (12 hoses)  
Tony's Food Mart #11, 5646 Alabama Hwy (26 hoses)  
Twinkle's Food Mart, 5646 Alabama Hwy (3 hoses)  
Village Shop, 5850 New Calhoun Rd (25 hoses)  
Weaver's Convenience Store, 7748 Alabama Hwy (6 hoses)  
2000 Precious Metals License Renewals (2 Renewals).

Mary Ann Holcomb, Glenwood Pawn Shop, 3723 Martha Berry Hwy.  
Pauline Roberson, Polly's Gems, 571 Old Lindale Rd.

## MANAGER'S REPORT:

## **REQUEST FROM AIRPORT MANAGER TO INCREASE T-HANGAR RENTAL FEES:**

County Manager Kevin Poe advised that a request has been received from Mike Mathews, Airport Manager through the Airport Commission for an increase in t-hangar rental fees for the year 2000:

Current Rental	Proposed FY2000 Rental
\$145.00/month	\$160.00/month
\$175.00/month	\$190.00/month

Chairman Mayes called for a Motion to approve. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

## **WORKING AGREEMENT BETWEEN FLOYD COUNTY AND USDA NATURAL RESOURCES CONSERVATION SERVICE:**

County Manager Kevin Poe reported that based on additional discussions it appears it is the consensus of the Board to continue to fund the position for an additional 90-days. Mr. Poe stated that the City will again be asking the Conservation Service to let them do all the plan reviews in-house, and if the request is approved by the Conservation Service then the Board will continue to fund the position for the entire year based on the Working Agreement as presented.

Commissioner Hufstetler made a MOTION to approve a continuation of funding of that position for 90 days, SECOND by Commissioner Fricks.

**Discussion:** Commissioner Jennings stated that he feels we need to say that our intent is to streamline the process of getting proper approvals for developmental projects and we understand we have the expertise within our own Community Development office to assess the soil conservation elements of any proposals, so we feel like there may be a duplication of efforts in this regard that would extend the amount of time that we are trying to streamline. Commissioner Jennings stated that in no way are we saying that we don't believe that the conservation service doesn't have the expertise to do this we are just worried about duplication of effort. Commissioner Jennings stated that this should provide the individual in question more time to spend on some of the other value added activities in her job.

## VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

**NATURE CONSERVANCY REQUEST  
FOR COUNTY TO DEED PROPERTY  
ADJACENT TO BLACKS BLUFF PRESERVE:**

County Manager Kevin Poe advised that based on discussion, it was the consensus to accept the original proposal from the Nature Conservancy to deed the property from the map dated September, 1999 along with the additional cross-tached area, contingent on adequate right-of-way adjacent to the property be given to Floyd County for Blacks Bluff Road and that the Nature Conservancy bear all costs related to taking care of the matter.

Commissioner Jennings made a MOTION to accept the Nature Conservancy proposal as outlined by the County Manager, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

## **DISCUSS USE OF FOURTH AVENUE COURTHOUSE:**

County Manager Kevin Poe advised no action required on this item.

**MEMORANDUM OF UNDERSTANDING BETWEEN  
FLOYD COUNTY BOARD OF COMMISSIONERS AND  
GEORGIA DEPARTMENT OF TRANSPORTATION  
REGARDING PEDESTRIAN BRIDGE PROJECT.  
DOT PROJECT #STP-0000-00(113).**

County Manager Kevin Poe advised this is a Transportation Enhancement Activity (TEA) project and grant funding has been provided for the project. Mr. Poe explained that the Memorandum of Understanding would allow the County to begin the process (advertise and send out request for proposal) for the design and construction of the bridge and the DOT would allow any funds expended during this process to be allowed toward the local match. Mr. Poe recommended approval to allow the Chairman to sign the Memorandum of Understanding. Mr. Poe stated this will require a 4/4 vote to place the item on the agenda.

#### **4/4 VOTE TO PLACE ITEM ON THE AGENDA:**

Commissioner Hufstetler made a MOTION to place the item on the agenda, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings  
Chairman Mayes

## Motion Carried

Chairman Mayes called for a Motion to accept or deny the recommendation of the Manager. Commissioner Hufstetler made a MOTION to accept the Memorandum of Understanding, SECOND by Commissioner Fricks. VOTING:

Commissioner Hufstetler  
" Fricks  
" Jennings

## Motion Carried

**REQUEST FOR COUNTY COMMISSIONER  
TO BE APPOINTED TO REVIEW COMMITTEE  
FOR PEDESTRIAN BRIDGE PROJECT:**

County Manager Kevin Poe stated that a committee has been put in place (primarily consisting of staff) to listen to the proposals and review them, and requested that a County Commissioner be appointed to the Review Committee, as well as a City Commissioner, and recommended that the Chairman appoint Commissioner Garry Fricks to the Committee to review the proposals.

Chairman Mayes asked Commissioner Fricks if he would agree to serve, Commissioner Fricks stated he would. It was the consensus of the Board that Commissioner Fricks serve. Chairman Mayes appointed Commissioner Fricks to serve on the Review Committee.

**REPORT ON Y2K:**

County Manager Kevin Poe reported the county is ready for Y2K, contingency plans are in place in case there are any problems, however, none are anticipated. Mr. Poe stated there would be an Emergency Operation Center staffed for the night of December 31<sup>st</sup>, there will be management staff at the Law Enforcement Center from the county and the city, along with representatives from the utilities, hospitals, American Red Cross. Staff will also be standing by from the water department and public works department in case they are needed.

Commissioner Jennings expressed appreciation for all the hard work and efforts that Kevin and everyone in the county has put forth in preparing for Y2K.

**ATTORNEY'S REPORT:**

**ADOPT RESOLUTION FOR APPROVAL  
OF INDUSTRIAL DEVELOPMENT REVENUE  
BONDS FOR VTI OF GEORGIA, INC.**

**AND**

**ADOPT RESOLUTION FOR APPROVAL  
OF INDUSTRIAL DEVELOPMENT REVENUE  
BONDS FOR PACKAGING PRODUCTS CORP.:**

County Attorney Wade Hoyt advised that VTI of Georgia is an existing company in Rome and Floyd County and are proposing an approximate \$6 million expansion of their existing business.

Mr. Hoyt stated Packaging Products Corporation is a new business who purchased the spec building in the Industrial Park and are proposing an approximate \$9 million investment in the new business.

Mr. Hoyt stated that both the expansion and the new business will be funded by the bonds using the Rome/Floyd County Development Authority as a conduit, however, it does require approval of the Board. Mr. Hoyt stated the County is not responsible for any of the money, the bond format requires approval by the Board and recommended approval of the Resolutions and authorize the Chairman and Clerk to sign.

MOTION was made by Commissioner Hufstetler to approve the Resolutions as outlined by the County Attorney, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

**OTHER BUSINESS:**

Chairman Mayes asked if there was any other business to discuss.

Commissioner Jennings made a MOTION to place the selection of Mr. Tim Mahanay for Post 1, Floyd County Commission on the agenda.

Chairman Mayes asked County Attorney Wade Hoyt if it was okay for the Chairman to make a Second. Mr. Hoyt stated no, and referred to Section 1-05 which requires that although the Chairman may have the same rights and privileges of other commissioners, it specifically excludes the Chairman the right to make motions or to offer a second. Mr. Hoyt stated in his opinion based on the Rules and Procedures he would not be allowed to make a second.

MOTION made by Commissioner Jennings died for lack of SECOND.

**ADJOURNMENT:**

There being no further business to come before the Board Chairman Mayes called for a Motion to adjourn. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks, that the meeting be adjourned. VOTING:

YES	NO
Commissioner Hufstetler " Fricks	Commissioner Jennings Chairman Mayes

Motion Denied

Chairman Mayes stated the meeting is not adjourned and asked the County Attorney to instruct the Board. County Attorney Wade Hoyt advised that based on the Rules of Procedure if there is a two-to-two vote and there is no majority to adjourn then the meeting cannot be adjourned.

Commissioner Jennings stated he thinks it is a matter of trust in this community that we have initiated a process to select a replacement for Kim Canada, Post 1, it went through the process, he thinks the community demands, this community requires that we come to some sort of consensus in terms of following our own procedure. Commissioner Jennings made a MOTION to place the selection of Mr. Tim Mahanay for Post 1, Floyd County Commission on the Agenda.

Chairman Mayes called for a Second.

**Discussion:** Commissioner Hufstetler asked Commissioner Jennings if he is looking at just specifically one individual being put on the floor. Commissioner Jennings replied yes, this is the individual who went through the process that was agreed to and made it to the final part of the process, was not eliminated according to the system that three of the four commissioners decided upon and he doesn't understand why we have the silence in this regard, so he is making the Motion that Mr. Mahanay be selected for Post 1, Floyd County Commission and would like to put it on the agenda.

Commissioner Hufstetler stated that he thinks it should be opened up to a number of individuals. Commissioner Jennings stated it was, there were eleven people from the community who applied for this one position, there were fourteen who ran for five positions during the last election. Commissioner Hufstetler stated that during the process no one individual got three affirmative votes...(Commissioner Jennings stated they did not vote affirmatively)...so maybe that was a mistake.

Chairman Mayes stated the process was not about voting, it was a matter of elimination and that was the process that was agreed on, we eliminated everybody but one applicant and that was Tim Mahanay, but it is the prerogative of the Board not to put it on the Agenda, and if it is not going to be put on the Agenda, the business is finished for the day.

Commissioner Jennings stated he did not understand, that he thinks they have to answer to the people in the community as to why a process was decided on and then you say we really didn't mean it folks, we didn't mean for the eleven of you to put forth your application and to stand in front of us, we put nine people through the mill and Tim Mahanay made it to the end.

Commissioner Hufstetler stated he would have hoped that an individual would have several affirmative votes in the process and if they didn't perhaps it was a mistake to have that process.

Commissioner Jennings stated mistake or not, that was the process three of the four commissioners established and it was followed to the letter, there was nothing that they could determine that was wrong with that process.

Commissioner Fricks stated that Mr. Mahanay was one of the one's he struck in the process, he never felt comfortable with him in that situation, as he has discussed it with him on several different occasions. Commissioner Fricks stated it is very difficult for him to place a vote, he thinks it is the most important vote they have ever made as a commission, flipping the ballot for 84,000 people and even if he walks into the ballot booth if he does not feel comfortable with a person he does not flip the vote just because the process is there. Commissioner Fricks stated that in this situation he thinks he is flipping the ballot for 84,000 people and he is not comfortable with flipping that ballot. Commissioner Fricks stated if his choice of saying is he should make this vote because the process was there, or whether or not I should make the vote because I feel it is right – then maybe the process was wrong.

Commissioner Jennings stated it was a process Commissioner Fricks established. Commissioner Fricks stated he knows that and he is willing to say that he might be wrong. Chairman Mayes stated that he, Commissioner Fricks and Commissioner Hufstetler came up with the process, Commissioner Jennings was out of town.

Commissioner Fricks stated this is a brand new thing for all of them, they have never been through the process, there is no written procedure, and the way he looks at it if he doesn't feel right voting ... (*couldn't make out what he said*).

Commissioner Jennings stated the commission will have to answer to the community and he thinks Pauline Ayers said it very well, why would someone in the community want to apply for a Board, or a Commission or a Post on the Floyd County Board of Commissioners, why would somebody want to do that if when it comes right down to it and they go through the whole process, somebody at the end, at the eleventh hour, at the fifty-ninth minute of the eleventh hour, someone says oh we really didn't mean it, that to him that is an affront to the community.

Commissioner Fricks asked Commissioner Jennings if when he goes into a ballot box to vote, do you vote on people you don't feel comfortable with? Commissioner Jennings, stated if an individual goes through the appropriate process...Commissioner Fricks said no, he is saying in an electoral process – though they got there through a nomination process, if you walk in there and you see no person on the ballot you feel comfortable with do you automatically flip the ballot yes? Commissioner Jennings stated that is your choice not to vote, and what you are doing is allowing this selection to go outside of Floyd County and allowing Governor Barnes to make the decision. Commissioner Fricks stated to Commissioner Jennings that he still has not answered his question. Commissioner Jennings stated he has faith in Governor Barnes to make a good decision, but he thinks you are letting down your community. Commissioner Fricks stated by placing a vote for 84,000 people that I don't feel right about.

Chairman Mayes called for a Motion to Adjourn. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**JOHN W. MAYES, CHAIRMAN**