

February 22, 2000

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
February 22, 2000 6:00 P.M.**

PRESENT: Commissioners John Mayes, 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: County Attorney Wade Hoyt called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Scout Troop 34.

APPOINTMENT OF INTERIM CHAIRMAN:

Commissioner Hufstetler made a MOTION that Commissioner Mayes be appointed Interim Chairman until the March 28, 2000 meeting, SECOND by Commissioner Jennings.
VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

4/4 VOTE TO PLACE ITEM ON THE AGENDA:

Interim Chairman Mayes called for a Motion to place the appointment of a Vice-Chairman on the Agenda. Commissioner Hufstetler made a MOTION to place the item on the agenda, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mayes

Motion Carried

APPOINTMENT OF INTERIM VICE-CHAIRMAN:

Commissioner Hufstetler made a MOTION to appoint Commissioner Fricks as Vice-Chairman through March 28, 2000, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

ADOPTION OF

MINUTES: Interim Chairman Mayes asked the County Attorney if the Minutes are in order, Mr. Hoyt stated they are. Interim Chairman Mayes called for a Motion to approve minutes. Commissioner Jennings made a MOTION to adopt the minutes of the Regular Meeting of February 8, 2000 as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

FIRST READING: (SET SECOND READING/PUBLIC HEARING FOR MARCH 14, 2000 AT 2:00 P.M.)

Interim Chairman Mayes read the following items to be placed on First Reading with Second Reading/Public Hearing for March 14, 2000 at 2:00 p.m.

REZONING REQUESTS –

FILE #001-2000Z, CORNER OF KINGSTON HIGHWAY AND KEOWN ROAD, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL), WITH A SPECIAL USE PERMIT TO BUILD A CARWASH, TAX MAP #304, AREA 09, PARCEL 26. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE UNANIMOUS]).

FILE #002-2000Z, WEST SIDE OF HIGHWAY 27 NORTH BETWEEN SELMAN ROAD AND LINDSEY DRIVE, REQUEST REZONING FROM M-R (MULTIPLE RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL), TAX MAP 506C, AREA 01, PARCEL 8, 8A, 12. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE UNANIMOUS]).

FILE #003-2000Z, 5607 CEDARTOWN HIGHWAY, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL), TAX MAP #594, PARCEL 34.

**(PLANNING COMMISSION RECOMMENDATION: DENY
[VOTE – 5 AGAINST, 2 FOR]).**

**FILE #004-2000Z, CORNER OF ROBINSON AVE. AND BURNETT
FERRY ROAD, REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH A
SPECIAL USE PERMIT TO BUILD A CARWASH/LAUNDRY, TAX
MAP #448, AREA 9, PARCEL 22 & 23. (PLANNING COMMISSION
RECOMMENDATION: DENY [VOTE – 4 AGAINST, 4 FOR]).**

SPECIAL USE PERMITS

**FILE #019-99SUP, MALLARD POINT ROAD, REQUEST A SPECIAL
USE PERMIT, TO CONSTRUCT A COMMUNICATION TOWER IN
A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT, TAX MAP
#570, PARCEL 34. (PLANNING COMMISSION RECOMMENDATION:
DENY [VOTE – 4 AGAINST, 4 FOR]).**

Interim Chairman Mayes called for a Motion to accept the items on First Reading and set Second Reading/Public Hearing for March 14, 2000. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

PUBLIC HEARING:

VARIANCE REQUEST

**FILE #002-00V, REQUEST FOR VARIANCE,
JAMES R. WILLIAMS, APPLICANT, 13 LEAWOOD
COURT, LINDALE (TO BUILD A 24' x 32' GARAGE –
15' FROM BACK LOT LINE):**

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

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request. There was no one present to speak, however, the Commissioners did recognize a letter from an adjacent property owner who is against the request.

Mr. Tully explained that the property owner is requesting a variance from the rear set back of the property, and the set back in this zone calls for 25' from the rear property line and the proposed garage would encroach upon that 10' so it would be 15' from the property line.

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

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings

Motion Carried

Interim Chairman Mayes called for a Motion to approve or deny the request. Commissioner Hufstetler stated that since the applicant was not present to explain the request, and there was a letter presented from a neighbor that is opposing the request, he made a MOTION to **deny** the request, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

CHAIRMAN'S REPORT:

APPOINTMENTS:

SOLID WASTE TASK FORCE – Interim Chairman Mayes called for a Motion to appoint the following applicants: Gene Mathis, Indefinite Term; Joe Cook, Indefinite Term; and Lamar Ammons, Indefinite Term. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

DISCUSS HOMESTEAD EXEMPTION:

Commissioner Hufstetler, Committee Chairman, reported the Board is exploring increasing homestead exemption. Commissioner Hufstetler stated this change requires legislative action and the County Manager will investigate the matter to see if this is an action that can be taken by the end of this legislative session, and if necessary a meeting will be scheduled to handle this matter.

PUBLIC SAFETY COMMITTEE:

Interim Chairman Mayes, Committee Chairman, reported the next meeting of the Public Safety Committee will be held on March 8th at 2:00 p.m.

PUBLIC WORKS COMMITTEE:

Commissioner Fricks, Committee Chairman, reported the next meeting of the Public Works Committee will be held on March 1st at 9:00 a.m.

WATER COMMITTEE:

Commissioner Jennings, Committee Chairman, updated the Board on the water project at Armuchee Creek, and reported that the Committee will take a field trip on February 28th to visit the Armuchee Creek area and the Riegel Springs area in southern Chattooga County to look at potential water sources.

CVRDC COMMITTEE – AUTHORIZE EXECUTION OF RESOLUTION OF CONCURRENCE DESIGNATING WORKFORCE INVESTMENT ACT SERVICE DELIVERY AREA:

Commissioner Jennings reported, as representative to the Coosa Valley RDC, the JTPA program is being phased out and is being replaced by the Workforce Investment Act program.

Commissioner Jennings explained the basic difference between JTPA and the Workforce Investment Act is that JTPA funds were used primarily with people who had to demonstrate a low-income economic need and the Workforce Investment Act provides funding and training for people regardless of their income and economic needs.

Commissioner Jennings made a MOTION to authorize the Resolution of Concurrence designating the fifteen counties in Northwest Georgia as the Service Delivery Area for the Workforce Investment Act, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

CLERK'S REPORT:

CONSENT AGENDA:

County Clerk Sue Broome advised there are four items on the Clerk's Report and they are all in order and submitted for consideration. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Tax Refunds:

Antonie Coursey, PO Box 247, Cave Spring, \$96.53
Joann H & William T Armitage, PO Box 457, Cave Spring, \$371.37
Billy C Gore Sr & Joan Gore, 37 Doncaster Dr, \$25.64
Jo Marks Heyman, 143 Vinings, \$10.59
Doug & Linda Lawrence, 14 Orchard Spring Dr, \$78.75
George R McDurmont, 12 Lionel Lane NE, \$17.50
Teresa Kirchmeyer, 300 Robinhood Rd, \$25.76
Stephen Mullen, 4 Freemont St, \$346.52
A D Winkelman, 219A Youngs Mill Rd, Kingston, \$4.67
Ray E Stepp, 801 Warren Rd, \$22.27
Donald J Mayer, 337 Flora Ave, \$2.57
Teresa M Brock, 300 Robinhood Rd, \$70.11
Rodney & Stephanie Willingham, 20 Spring Cr, Lindale, \$172.01
David Woodard, 3840 Blacks Bluff Rd SW, \$33.97
Tim & Patricia Bullinton, 159 Garrard Rd SE, \$117.61
Willard Maxwell Gaston, 306 Clark Dr, \$2.79

Authorize release of tax bills of less than \$1.00 from the 1998 Tax Digest, totaling \$74.78.

Precious Metals Application, Vivian M. Sprayberry, 555 First St., Shannon, GA.

Malt Beverage Applications:

Ronda M. North, North Ridge Stop N Shop, 2355 Old Calhoun Rd., Convenience Store.

Joyce R. Duke, Conoco Food Mart & Tobacco Outlet, 3560 Alabama Hwy., NW, Convenience Store.

Lillie I. Shepherd, Conoco Fuel Center, 5646 Alabama Hwy., NW, Convenience Store.

MANAGER'S REPORT:

**CLERK POSITION FOR
JUVENILE COURT:**

County Manager Kevin Poe advised this item has been postponed until budget hearing on February 29th at 1:00 p.m.

**REVISE WORKING AGREEMENT BETWEEN
FLOYD COUNTY, POLK COUNTY AND THE
NATURAL RESOURCES CONSERVATION SERVICE (NRCS):**

County Manager Kevin Poe advised he has met with representatives of the NRCS and they have requested that the contingency on the agreement approved earlier be removed and the agreement be approved as presented with the participation of Polk County. Mr. Poe requested execution of the original Agreement, which would be effective until October 1, 2000 and the county will fund the position in the amount of \$10,300.00, and Polk County will reimburse Floyd County in the amount of \$4,120.00 and recommended approval. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**AUTHORIZE EXECUTION OF A QUIT-CLAIM DEED
FOR PROPERTY LOCATED AT 534 WEST 13TH STREET
TO GARCIE MAE ORE:**

County Manager Kevin Poe recommended authorization of a Deed Quit-Claiming property located at 534 West 13th Street to Garcie Mae Ore, as outlined in a letter from Jim Ford, Tax Commissioner. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**AUTHORIZE A BUDGET AMENDMENT TO
REINSTATE FUNDS IN COMMUNITY DEVELOPMENT
BUDGET FOR FIRE SAFETY CLOWNS PROGRAM (CN-0160):**

County Manager Kevin Poe advised funds have already been presented by the State in the amount of \$11,550.00, and the funds will be used for expenses to carry on the Fire Safety Clowns Program. Mr. Poe stated there would be no net cost to the budget to add the expenditure in the revenue account. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**AMEND FEE SCHEDULE BOOK TO
DELETE MINIMUM TRIP CHARGE
UNDER LANDFILL DISPOSAL FEES:**

County Manager Kevin Poe advised that the Solid Waste Commission has made a recommendation to amend the fee schedule for landfill disposal fees to delete the minimum trip charge and everything that comes across the scales will be charged and paid based on the actual per ton weight. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler to accept the recommendation. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**AWARD BID FOR CONSTRUCTION
OF SCALEHOUSE AT WALKER MOUNTAIN
LANDFILL:**

County Manager Kevin Poe advised that sealed bids were accepted for the construction of a new scalehouse at the Walker Mountain Landfill, and only one bid was received. The Solid Waste Commission recommends that the bid submitted by Tom Bennett Company, in the amount of \$136,265.00 be accepted, and will be paid through the Solid Waste Commission. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings to accept the recommendation. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

OTHER BUSINESS:

Commissioner Hufstetler stated Juanita Wilson, Payroll Clerk, will be retiring (*retiring March 3rd*) before the next Board meeting after 25 years of faithful service and wanted to recognize her and thank her for her years of service.

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, INTERIM CHAIRMAN