

Vice Chairman Fricks read the following Requests for Rezoning and Special Use Permit, stating the Second Reading/Public Hearing would be on March 28, 2000 at 6:00 p.m.

FILE #05-2000Z, US HWY 411 AND US HWY 27 AT WALKER MOUNTAIN RD, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL), TAX MAP #570, PARCEL #59. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE UNANIMOUS]).

FILE #06-2000Z, 391 PREACHER SMITH ROAD, SILVER CREEK AREA, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO H-C (HEAVY COMMERCIAL), TAX MAP #228, PARCEL 100. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE UNANIMOUS]).

SPECIAL USE PERMIT:

FILE #01-2000SUP, PROPERTY LOCATED ON HWY 27 NORTH ACROSS FROM ARMUCHEE HIGH SCHOOL, REQUEST A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A RETIREMENT COMMUNITY CONSISTING OF 80 UNITS IN A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT, TAX MAP 3508, PARCEL 39. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITION THAT IT BE SITE SPECIFIC AS NOTED ON THE SKETCH PLANS SUBMITTED. [VOTE – UNANIMOUS]):

Vice Chairman Fricks called for a Motion to accept the First Reading and Set Second Reading/ Public Hearing for March 28th at 6:00 p.m. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

SECOND READING/PUBLIC HEARING:

AMEND CHAPTER 2-6, ARTICLE VI, BUILDING CONSTRUCTION AND RELATED MATTERS OF THE FLOYD COUNTY CODE TO INCLUDE COMMUNICATION TOWER ORDINANCE. (FIRST READING 02/08/00):

Vice Chairman Fricks called for a Motion to Open the Public Hearing regarding this issue. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

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

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

Vice Chairman Fricks called for a Motion to approve or deny. Commissioner Jennings made a MOTION to **approve** the Communication Tower Ordinance, SECOND by Commissioner Hufstetler.

Discussion: Commissioner Hufstetler stated the Ordinance is basically the same as the City of Rome's and the Commissioners have been studying and making changes for weeks, but we have had a moratorium and this will allow the moratorium to be lifted. Assistant County Manager Tom Tully stated the moratorium will end at midnight tonight.

VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

**FILE #001-2000Z, CORNER OF KINGSTON HWY
AND KEOWN RD, 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]).
(FIRST READING 02/22/00):**

Vice Chairman Fricks called for a Motion to Open the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

Vice Chairman Fricks opened the floor for the Public Hearing.

SUPPORT

Mr. Tom Hackett, 22 Laurchris Dr., stated he is one of the property owners. Mr. Hackett stated there are 4.3 acres and they have split the parcel into two different parcels and they are asking for the front parcel which faces Kingston Highway, consisting of 1.67 acres, to be zoned commercial. Mr. Hackett stated they feel it should be zoned commercial with a BP station across the street, Homestead Restaurant and a park across the road. Mr. Hackett stated they have applied to the DOT for a permit for a road cut off the Kingston Highway, therefore keeping traffic off of Keown Road entering this piece of property. Mr. Hackett stated at the time of the application they applied for 24 hours operation, however after hearing some of the comments through the Planning Commission they are willing to curtail their hours from 7 a.m. to 11 p.m., trying to address some of the issues of security in the evening. Mr. Hackett stated he felt there are several things which are a plus, the fact that the new fire hall was built across the road, there is basically someone there 24 hours a day; if they were to curtail the operations of the carwash to 11:00 at night that would eliminate any loitering. Mr. Hackett stated they wanted people there washing cars – not hanging out, they do not want any problems either. Mr. Hackett stated he knows there has been concern regarding runoff from the property, and they will build a retention pond to meet county regulations, therefore, there would actually be less water coming off the property than there is now. Mr. Hackett stated they want to build a very up-scale carwash, well landscaped and well lit, something the neighborhood would be proud of to have on the corner. Mr. Hackett stated they are willing to work with the neighborhood and will be glad to meet with them and will address any concerns they have, within reason, and are willing to do anything to work through this.

OPPOSE:

Mr. Allan Brown, 133 Keown Rd., stated he appreciates Mr. Hackett wanting to look out for the property owners, and if he wants to work with them the biggest thing he can think of is if he will build his carwash somewhere other than at the entrance to their subdivision. Mr. Brown stated the light commercial property is on the other side of the highway, with the exception of the school building and the fair grounds, it is all commercial – on the west side of the property is a very nice pond - landscaped area, on the back side of the property is the Keown Road subdivision with

houses and all around it is residential. Mr. Brown stated if he wanted to build the carwash across the street he probably would not get any resentment or conflict with the neighbors. Mr. Brown stated as you turn right off Kingston Road, it is the entrance to their subdivision, it is where they live, and they do not think a carwash is appropriate for the area and asked the Commission to deny the request.

Mr. Craig Allee, 109 Keown Rd., stated his concern is safety and environment, that it is already a fairly heavily congested area coming out onto Kingston Road and he feels this will put more traffic on the road. Mr. Allee stated there is also major runoff, that in a good rain there is as much as 4 or 5 inches of water that will flood on that end of the road coming off that property. Mr. Allee stated on the environmental concern there is bound to be oils and grease and pollution coming off a carwash and it is not a good area to put a carwash, that it will only add to problems they already have just due to the construction of Kingston Road. Mr. Allee stated that due to the fact the Planning Commission has already turned down the request twice, it should be an indication it is not a good idea, it needs to be somewhere else.

Ms. Jean Graham, 101 Keown Rd., stated the proposed carwash would be in her front yard, and to her there is no such thing as a nice carwash when it is in your front yard and it is going to depreciate your property tremendously and also the other property on Keown Road. Ms. Graham stated all the people who live on Keown Road have been there 20 to 35 years, and she was appreciative that Mr. Hackett did remember some of the complaints from the other meeting, one of them being their original plans to be open 24 hours. Ms. Graham also expressed concern that there is no easy access to the carwash, that an alternative would be to put a drive off of Keown Road and there again it is destroying their properties.

Mr. William Ayers, 100 Keown Road, stated he lives directly across Keown Road from the property and reiterated the traffic problem they have – with the Senior Citizens Center, Etowah Recreation Park, Homestead Restaurant, Beauty Shop, Convenience Store and Service Station and the new Fire Hall, and this will just compound the problem. Mr. Ayers stated with the exception of a dentist office and what was formerly a residential house there is no commercial development from the fairgrounds to the bypass on that side and he feels this commercial will lower their property values, and lower their quality of life in addition to being bothered with the noise, lights and pollution and one of his biggest concerns is runoff. Mr. Ayers stated he would appreciate very much if the request was denied.

Mr. Joe Humphries, 131 Keown Road, stated from an engineering standpoint that this is not a business area – that in his opinion any business there would require a light and would require the other end of the street opened up and he would not like to see any kind of business there until improvements to the intersection are made.

Rebuttal

Mr. Tom Hackett, stated the pollution (oils, dirt, etc.) would be controlled and with a retention pond the drainage would probably be helped with less water coming out of that than is coming now. Mr. Hackett stated there would be a 2½ acre tract that would be left as a buffer from the neighborhood, and the state had left a turn-around at the senior center when the highway was widened.

Mr. Phil Helton, Rome/Floyd County Planning Commission pointed out the location and layout of the parcel on display maps and he and Mr. Hackett fielded questions from the Commissioners regarding the layout of the parcel, size of the proposed carwash and lighting.

Kevin Poe, County Manager, pointed out that the recommendation from the Planning Commission is that if it is approved lighting will be made an issue and insure that the adjacent residential area will not be adversely effected.

Commissioner Hufstetler commented that he doesn't know that the neighborhood should be infringed on, but he also doesn't think that if the property can't be developed for anything else that is all good either.

There being no further comments or questions, Vice Chairman Fricks called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

Motion Carried

Vice Chairman Fricks called for a Motion regarding the request. Commissioner Hufstetler made a MOTION to **defer** action to give time to visit the site, SECOND by Commissioner Mahanay.

Assistant County Manager Tom Tully stated if the action is to be deferred it will need to be until the April 11th meeting to allow time to readvertise. County Clerk Sue Broome asked if the action is tabled would it require readvertising. County Attorney Wade Hoyt stated if the action is tabled, since the Public Hearing has been held, it can be deferred until the next meeting (*March 28, 2000 at 6:00 p.m.*)

VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

Commissioner Jennings reiterated to everyone present that what the Commission has agreed to do is to defer the matter to the next meeting and a Public Hearing would not be held at the next meeting.

Assistant County Manager Tom Tully stated the code reads "...if no action is taken it shall be considered tabled and action deferred until the next regular meeting of the governing body."

Commissioner Hufstetler apologized for tabling the action, but he feels he needs more information and this is the first meeting for Commissioner Mahanay and he also needs time to review.

**FILE #002-2000Z, WEST SIDE OF HIGHWAY 27
NORTH BETWEEN SELMAN RD. AND LINDSEY
DR., REQUEST REZONING FROM M-R (MULTIPLE
RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL),
TAX MAP 506C, AREA 01, PARCEL 8, 8A, 12. (PLANNING
COMMISSION RECOMMENDATION: APPROVE [VOTE –
UNANAMIOUS]). (FIRST READING FEBRUARY 22, 2000):**

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

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

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

Support:

Mr. Howard Alexander, stated he is the owner of the property and he believes this is one of the parcels that was incorrectly zoned by the Planning Commission when zoning was implemented. Mr. Alexander stated he did not believe he has any opposition, that all the property owners around him are in agreement with what he is trying to do and he is just asking that the property be zoned as he requested.

Mr. Phil Helton, Rome/Floyd County Planning Commission pointed out the property on the display maps and explained the proposed zoning.

There being no further comments or questions, Vice Chairman Fricks called for a Motion to Close the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

Commissioner Hufstetler made a MOTION to **approve** the rezoning request, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

FILE #03-2000Z, 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]). (FIRST READING FEBRUARY 22, 2000):

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

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

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

SUPPORT:

Mr. Greer Hooper, Jr., 1245 Friendship Rd., Cedartown, stated he has owned the property approximately 10 years and he is requesting to use the property for his truck farming to sell his produce. Mr. Hooper stated he will put a nice fence and plant flowers, and he has a 40' drive-way easement for people to pull off the road at the location.

Mr. Phil Helton, Rome/Floyd County Planning Commission, pointed out the property on the display maps and fielded questions regarding the use of the adjoining property.

OPPOSE:

Mr. David Shetter, 5579 Cedartown Hwy, stated he owns the property just north of Mr. Hooper's, and they have lived there since 1961 and there has been nothing on the property since then. Mr. Shetter stated the property has always been a buffer between he and his neighbor, and since the highway is 4-laned there is also a turn around almost right in front of the property and this will cause congestion. Mr. Shetter also expressed concern about lighting if the property is zoned commercial, there may be lights shining at night, and if this is changed he could put up anything he wanted to, not just a place to sell his produce. Mr. Shetter stated he does not object to anyone selling their produce, but he does have objections to him putting other things there.

Ms. Sara Lou Shetter, 5579 Cedartown Hwy, stated her main objection is that when it is zoned Community Commercial it can be anything, if he wants to sell his produce that is no problem, but if he decides to sell the property then anything can be put there and they could not object then. Ms. Shetter stated this is a quiet community and they want it to stay that way - just a quiet peaceful community

Rebuttal:

Mr. Hooper stated there would not be any lights shining at night, and he was not planning to sell the property – his kids will probably get it.

Discussion: Assistant County Manager Tom Tully stated it could be considered as a conditional zone – zoning on condition it will be used for produce sells and the hours of operation could be restricted, and a condition of no lighting.

Following the discussion, Commissioner Hufstetler made a MOTION to close the public hearing, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

Commissioner Hufstetler made a MOTION to **conditionally approve** the rezoning request on the basis of produce sells only with no lighting, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

**FILE #04-2000Z, CORNER OF ROBINSON AVE.
AND BURNETT FERRY RD., 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]). FIRST READING
FEBRUARY 22, 2000):**

Vice Chairman Fricks advised this is the request which was withdrawn and has been deferred until April 11, 2000.

SPECIAL USE PERMITS

**FILE #019-99SUP, MALLARD POINT RD.,
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]):**

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

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

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

SUPPORT:

Mr. George Cohen, 1207 Althea Parkway, Savannah, representing the applicant (Nextel Communications), stated this is the last in a series of cell sites Nextel is proposing for their system in the Rome area. Mr. Cohen pointed out there were 10 sites picked for Floyd County for the year 1999-2000 and 50% of those were co-located on existing structures (an existing tower or proposed) and the other 5 sites were proposed on “raw land sites” to build a tower. Mr. Cohen stated all but one have gone through the process and met approval, and this particular site was with the last three and it was tabled at the January 6th Planning Commission meeting until the access issue could be addressed. Mr. Cohen stated at the Planning Commission on the 6th their attorney made the opinion that the lease/leasee (Nextel) has access to the site. Mr. Cohen stated the proposed access was coming up Vistual Drive which is a private road and they acknowledge that and they withdrew that as their access, also it was an error on the application that Mallard Point is not the actual location of the site, that just happened to be the closest road that the acquisition agent had listed. Mr. Cohen stated that in no way, shape or form does Nextel plan any access through Mallard Point or the Vistual Drive access, their access will be derived from the east of the property. Mr. Cohen stated Nextel has dropped the height of the proposed tower so there will be no lighting required. Mr. Cohen concluded by requesting approval of the special use permit.

Discussion: Commissioner Jennings pointed out that the county owns a water tank in the area of the proposed tower and discussion was had regarding placement of the tower on either the water tank site or the Walker Mountain Landfill site. Following discussion it was decided that Nextel representatives would revisit the site and examine the possibility of placing the tower in a different location.

OPPOSE:

Mr. Craig Milam, 101 Mallard Landing, stated he and Dwight Payne developed Mallard Lake which is a community of about 118 acres that adjoins the proposed site. Mr. Milam stated if the special use is granted it will depreciate their property values. Mr. Milam stated he does not think Nextel has explored all their options

and is in agreement with the Board that Nextel should reexamine their options. Mr. Milam stated the land is presently undeveloped, however the lots have been sold for residential housing.

Mr. Francis H. Fricks, 132 Walker Mountain Rd., stated he bought his property 38 years ago when he retired from the navy because it is a beautiful place on the mountain, and he was not notified of the hearing because the notification was for a hearing on Mallard Point Road, that Mr. Milam had called him and informed him. Mr. Fricks respectfully requested that the Board do the right thing.

Ms. Beffie Murphy, stated she owns two lots on Mallard Point Road, with one being on the top of the mountain which is approximately 750' at the top. Ms. Murphy stated if she did have a house at that point, with a 195' tower she would be able to see it once she is looking down. Ms. Murphy stated the trees buffer the water tank that is currently in place and she does not want to see a cell tower in her yard, she is very much opposed to it.

REBUTTAL:

Mr. Cohen, stated that access was always going to be the private drive, that it was a mistake that the application was listed as Mallard Point Road, that it was never their intention to come down that road it was always the private drive and this was dropped at the February 10th Planning Commission meeting and decided to use the secondary access for the Weeks' property going out to the East. Mr. Cohen stated that Ms. Little was asked at the last Planning Commission meeting and she stated that proper notification was given to the abutting property owners. Mr. Cohen concluded by saying the request from the Chairman to defer action to the next meeting is agreeable with Nextel.

There being no further discussion MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler that the public hearing be closed.
VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

County Attorney Wade Hoyt advised that no action was necessary and the item would automatically go over to the next meeting (March 28, 2000 at 6:00 p.m.).

Vice Chairman Fricks requested that the County Attorney check to see that proper procedures have been followed and the adjacent property owners have been notified.

Commissioner Hufstetler stated this matter will be taken up again in two weeks (*Mach 28th*) at 6:00 p.m., there will not be another public hearing but will be brought back for action.

VICE CHAIRMAN FRICKS CALLED FOR A 5-MINUTE RECESS.
Vice Chairman Fricks reconvened the meeting.

CHAIRMAN'S REPORT:

APPOINTMENTS:

Solid Waste Task Force Committee: Chairman Fricks advised that **Clint Hubbard** has been recommended to fill the position left vacant by the death of Mr. Irving Van Patten and called for a Motion. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings to accept Clint Hubbard to the Solid Waste Task Force (*Indefinite Term*). VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
Motion Carried		

**INDEMNIFICATION AND HOLD HARMLESS
STATEMENT FOR KIM CANADA:**

County Attorney Wade Hoyt explained that this is a restatement of the law and Mr. Canada has requested that the Indemnification and Hold Harmless Statement be signed because his concern is that since he was technically a member of the Board from November when he tendered his original resignation until February when his resignation was accepted, he would be held responsible in some way for some of the actions of the Board. Mr. Hoyt stated the Indemnification is an acknowledgement of the fact that he was not a member of the Board, he did not vote or attend meetings.

Commissioner Hufstetler made a MOTION that the Board Indemnify and Hold Harmless former Commissioner and Chairman Kim Canada, SECOND by Commissioner Jennings. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		

Motion Carried

**APPROVE A LETTER TO THE LEGISLATIVE
DELEGATION REQUESTING THEM TO RAISE
THE HOMESTEAD EXEMPTION ON M&O
COUNTY-WIDE TAXES BY \$3,000 (APPROVED
MARCH 1, 2000 AT A CALLED MEETING):**

Chairman Fricks called for a Motion to approve a letter to the Legislative Delegation requesting them to raise the Homestead Exemption on M&O County-wide taxes by \$3,000. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings.

Discussion: Commissioner Hufstetler pointed out that even though this is \$3,000, it is on assessed value and actually \$7,500 of appraised value that will be taken off the tax roles for M&O.

VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

COMMISSIONER’S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

Commissioner Chuck Hufstetler, Committee Chairman, reported the next meeting will be held on Monday, March 20th at 2:00 p.m. Commissioner Hufstetler stated they are working on the insurance situations and a letter will be sent to all county employees from the County Manager.

PUBLIC SAFETY COMMITTEE:

Commissioner John Mayes, Committee Chairman, was absent from the meeting, therefore there was no report.

PUBLIC WORKS COMMITTEE:

**RECOMMENDATION TO ADD THE FOLLOWING
ROADS TO THE COUNTY RESURFACING LIST
FOR FUTURE UPGRADING:**

Commissioner Garry Fricks, Committee Chairman, reported the Committee recommends adding the following roads to the county resurfacing list for future upgrading:

- Rice Springs Estates (N. Kenora Dr, E. Kenora Dr, W. Kenora Dr, Judson Dr, Lemont Dr, Albion Dr, Rice Springs Dr, Emerson Dr, and Fremont Dr) – 2.495 miles
- Franklin St – 0.200 miles
- Venetian Way – 0.208 miles
- Mary Mac Rd – 0.900 miles

MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler to accept the recommendation. VOTING:

YES	NO
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Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

WATER COMMITTEE:

Commissioner Jerry Jennings, Committee Chairman, reported the Well Exploration Project will be moving forward and recommendations will be forthcoming. Commissioner Jennings also reported the Water Tank Maintenance proposal will be brought forward at the next Board meeting.

REQUEST FOR WATER SERVICE ON BRICE

**STATION ROAD WITH AN EXTENSION OF
SERVICE FROM POLK COUNTY TO FLOYD COUNTY:**

Commissioner Jennings requested approval of a letter from the County Manager to Polk County regarding this issue. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

**AUTHORIZE ENGINEERING FOR NEW
CONNECTION TO CITY OF ROME WATER
SUPPLY AT HILLINDALE ROAD:**

Commissioner Jennings requested authorization for engineering for a new connection to the City of Rome water supply on Hillindale Road, in the southeastern quadrant of the county. Commissioner Jennings stated this would serve the Chulio and Woodfin areas, and made the request in the form of a MOTION, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

CLERK'S REPORT

CONSENT AGENDA:

County Clerk Sue Broome advised there are five items on the Clerk's Report and if there are no additions or deletions from the Consent Agenda it is presented for consideration. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Hufstetler to accept the Consent Agenda as presented. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

Tax Refunds:

Robert J & Sharon V Allen Jr, 718 Morrison Campground Rd, \$101.95
Jerry D & Midge K Watford, 106 Fieldwood Rd, \$31.83
Kenneth L Singleton, 39 Garrard Rd SE, \$5.20
Billy Paul Bowden, 92 Mango Rd NE, \$12.16
Robert E Hubbard, 14 Robinhood Rd, \$6.32
Charlotte Annette B Hubbard, 14 Robinhood Rd, \$41.91
Carol Diane Johnston, 883 Lovell Rd SE, \$13.44
T E & Doris D Yarbrough Jr, 73 Couey Cr NE, \$83.66
Jodie S Carper, 2 Heather Rd, \$15.08
Conney R & Marsha Batson III, 726 Compton Rd, Silver Creek, \$27.08
Robert L Moss, 12 Horseshoe Bend Rd SW, \$495.86
John R Boyskin, 40 Doncaster Dr NE, \$65.41
John Patterson Banks, 523 Miller Mtn Rd SW, Lindale, \$38.27
Cecil M & Vivian S Carney, PO Box 2184, \$255.06
Vivian Joanne Bartel, 59 Sleepy Hollow Rd, Cave Spring, \$575.53

Norman W Murdock, 19 Gaddy Dr, \$106.88
James C & Yvonne Storey, 214 Woodbine Ave, \$93.38
William L & Peggy Costlow, 998 Wax Rd SE, Silver Creek, \$30.75
Pat McAlphin, 22 Pine Valley Rd SW, \$108.08
Boyce H Ray Jr, 116 Wilshire Rd NE, \$34.53
Robert L & Lisa M McWhorter, 2372 Big Texas Valley Rd NW, \$.62
Habitat for Humanity of Rome/Floyd, PO Box 5595, \$5.64
M Randle & Linda N Brown, PO Box 366, Armuchee, \$48.45
Florence Buchanan Aycock, 265 Berryhill Rd NW, \$5.05
David R & Brenda H Pool, 6065 Big Texas Valley Rd, \$78.46
Charles Wayne Smith Jr, PO Box 161, Cave Spring, \$129.01
W Danny & Paulette Harbin, PO Box 405, Cave Spring, \$64.42
Jean P & Kelly P Blakely, 3 Townview Rd, \$4.47
Gerald E & Linda G Hannon, PO Box 346, Cave Spring, \$67.44

Authorize execution of Agreement for Independent Contractor Services between Floyd County Victim Witness Assistance Program, Floyd County Juvenile Court and Misti Kirkland for the period March 1, 2000 through March 31, 2000.

Authorize submission of Public Defender's Grant for Juvenile Court.

Request from Rome Area History Museum to place on loan, at the museum, two oak and glass display cases from the Historic Courthouse with the stipulation that the museum return these to Floyd County if the museum ceases to exist or the county has a special use for them in the future.

Self Service Fuel Application – Robert C. Abbott, The Walker Mountain Store, 2342 Cedartown Highway, Rome, Georgia.

MANAGER'S REPORT:

REQUEST FROM FLOYD COUNTY BOARD OF EDUCATION REGARDING FRANCHISE FEE WAIVER:

County Manager Kevin Poe advised the Floyd County Board of Education has requested a waiver of the franchise fees that would be applied to the project of running fiber optics to all Floyd County Schools. Mr. Poe stated the fees for the initial construction and installation of fiber optics would be \$11,000 and approximately \$60 per month for the monthly maintenance for the fiber optic cable.

Discussion: Commissioner Jennings stated this is basically assisting our Floyd County Board of Education to provide this service and yet save taxpayers some amount of money in the process. Mr. Poe stated if the Commission doesn't approve the request then the Board of Education would have to pay the costs plus the franchise fees.

Commissioner Jennings made a MOTION that the Franchise Fees be waived for the cable being run to the Floyd County Board of Education for projects at various schools in Floyd County, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

**REQUEST FROM SHERIFF TO PURCHASE
SOFTWARE AND SERVER FOR JAIL –
COST \$4,885.00.**

County Manager Kevin Poe advised the request is to allow an amendment to their Departmental Budget to purchase software and server for the jail. Mr. Poe explained this would allow additional users to be added to their computer system at the jail, the current system will only accommodate 32 users and this would upgrade the system to accommodate 50 users and the cost proposal from Paragon Total Solutions is \$4,885. Mr. Poe recommended approval with the condition that the department transfer funds from another line item within their budget, therefore not increasing their individual departmental budget.

Commissioner Mahanay made a MOTION that the funds be approved to be allocated for upgrading the networking software, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

**AUTHORIZE CONTRACT WITH HOFFMAN &
COMPANY INC., FOR AERIAL PHOTOGRAPHY
AND DIGITAL ORTHOPHOTOGRAPHS - \$202,130.00:**

County Manager Kevin Poe advised this would complete the aerial photography and digital maps of Floyd County. Mr. Poe stated the amount of the contract is \$202,130.00, which is the same rate they had in 1998 when this was first put out for bid. Mr. Poe recommended approval of the bid from Hoffman & Company in the amount of \$202,130.00, adding that the funds would come from the \$300,000.00 mapping project budget.

Commissioner Mahanay made a MOTION to accept the recommendation of the County Manager, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

**AUTHORIZE CONTRACT WITH HNTB, CORP.
TO DESIGN PEDESTRIAN BRIDGE - \$125,000.00:**

County Manager Kevin Poe advised they have worked with the Committee to come up with a designer for the Pedestrian Bridge over the Oostanaula River, and after the review process the recommendation to the county is to enter into a contract with HNTB Corporation, Atlanta, Georgia, in the amount of \$125,000.00 to complete the design work on the pedestrian bridge, contingent upon receiving contract documents from them and require that staff and attorney review the documents and that they be cleared through the staff and attorney once they are made available.

Commissioner Jennings made a MOTION to accept the contract, SECOND by Commissioner Hufstetler.

Discussion: Commissioner Hufstetler asked that when the company comes in and says they can do this within this cost, what is to prevent them from doing the study and then saying they have spent the \$125,000 and it looks like it is going to cost \$1.5 million.

County Manager Kevin Poe advised they had asked all the firms interviewed about the budget and everyone of them felt if they were given a million dollars they could definitely work within that, if we want them to come up with a more elaborate design we would have to give them more money, but they all felt they could easily work within the budget we had. Mr. Poe stated there would be meetings held where the public will have an opportunity to have input into the design because they are going to try to design the bridge the way the community wants it designed.

Commissioner Mahanay stated he would think the design would have some bearing on the construction cost and asked if this had already been discussed.

Vice Chairman Fricks stated he would think so, that everybody is aware of the total budget and they have been very strict in implementing that. Vice Chairman Fricks stated the original request went out as design/build and in the middle of the RFP's it had to be separated back out due to regulations.

Mr. Poe pointed out for clarification that there will be additional services that might come up through this project, it still will leave \$1 million, the \$125,000 doesn't cover everything, there might be surveying work that has to be done, geo-technical services, etc., which combined should be approximately \$10,000 - \$15,000 – he just didn't want to leave the impression there might not be other contracts for other services which need approval in the future, however, when it is all put together with the budget it will leave the million dollars plus to get the bridge built.

Commissioner Mahanay asked about future annual maintenance costs. Mr. Poe stated they have requested very low maintenance and explained that the preliminary designs say the best way to go is the cable type bridge and most of them come with some type of PVC coating to protect them long term. Mr. Poe assured that was one of the main concerns and they would make sure it is a low maintenance bridge.

VOTING:

YES

NO

Commissioner Hufstetler
" Jennings

" Mahanay

Motion Carried

**REQUEST APPROVAL OF UPDATED
PAUPER BURIAL POLICY:**

County Manager Kevin Poe advised there are some clarifications on the policy with minor changes such as the eligibility criteria, and who to look to for income and resources has been expanded. Mr. Poe recommended approval of the updated Pauper Burial Policy and Procedures.

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

Motion Carried

FORUM REQUESTS:

**REQUEST FROM FORUM TO AMEND
EQUIPMENT BUDGET TO PURCHASE
TWO (2) VACUUM CLEANERS - \$1,200.00:**

LIGHTING CONSOLE - \$2,200.00:

County Manager stated the total costs for the vacuum cleaners would not exceed \$1,200.00, and a lighting console was stolen from The Forum and the replacement cost is \$2,200.00. Mr. Poe recommended approval of the requests with the stipulation that money be transferred from another line item in their budget so there would be no net increase in their departmental budget.

Commissioner Jennings made a MOTION to approve, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

Motion Carried

**REQUEST TO PURCHASE AUTOMATED
SCALES FOR PUBIC WORKS - \$5,500.00:**

County Manager Kevin Poe advised the computer system for the scales at the Public Works Asphalt Plant has gone out and the company it was purchased through has gone out of

business and they need to replace the computer that operates the scales. Mr. Poe stated the cost of a Gateway computer to run the system is \$2,400.00, cost of uninterrupted power supply is \$432.00, and the initial cost to have the software custom designed and written in a language that our programmers are familiar with so that once it is written and put on the system we will not have to pay an annual maintenance fee and if there is a problem our MIS staff can go down to reprogram it get and it operational again, and we will have the ability to add or modify the programs in-house is \$2,500.00. Mr. Poe requested a total budget of \$5,500.00 for the cost of putting in the new computerization for the scales, with the monies being transferred from their repair and maintenance budget to their data processing budget with no net increase in their departmental budget.

Commissioner Hufstetler made a MOTION to approve, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

LOCAL DEVELOPMENT FUNDS FROM DCA FOR GRANT OF \$10,000.00:

County Manager Kevin Poe advised that the Recreation Department submits a grant each year for local development funds through DCA and those applications have to be submitted on behalf of the County. Mr. Poe stated this year's request of \$10,000.00 is for assistance in developing restrooms and an activity shelter for the Brushy Branch Park on Lake Weiss. Mr. Poe advised \$10,000 has been allocated in the Capital Budget, but to complete all the work necessary and put in the activity shelter they would like to request the county support the application for \$10,000.00. Mr. Poe advised that the Chairman or Manager would have to be authorized the sign the documents before they can be submitted to DCA.

4/4 MOTION TO ADD ITEM TO THE AGENDA:

Vice Chairman Fricks called for a Motion to add the item to the agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Fricks

Motion Carried

Commissioner Jennings made a MOTION to authorize the grant application, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings
" Mahanay

Motion Carried

Discussion: Commissioner Jennings stated there is no directional sign off Hwy. 100 off Blacks Bluff Road, and there should also be a sign on Hwy. 20 sending you down Hwy. 100 to the Park and he feels we should have improved signage because it is a great place, and also he hopes the project would involve repairs to the park. Commissioner Fricks stated he would convey these concerns to the Parks & Recreation Authority.

**PROPOSAL TO CONDUCT OPERATIONAL REVIEW
OF TAX APPRAISERS DEPARTMENT:**

County Manager Kevin Poe advised he has received proposals from Management Analysis Incorporated to conduct an Operational Analysis in the amount of \$10,000, and a very detailed proposal from DMG Maximus in association with ACCG to perform the study at a cost of \$12,500. Mr. Poe stated DMG has gone into other Georgia county governments and have looked at their Tax Appraisers office and have very good references and they know what they are looking for and he feels they have a little better project team and support behind them - that they seem to have a clear understanding of project methodology and what the final results would be – which would be a report on recommendations as far as any improvements of the Tax Appraisers Department.

Commissioner Hufstetler stated he had looked at the proposal yesterday, and DMG does have the stamp of approval from the ACCG and for this small study that might be what we need to go with, but if we go system-wide we might want to look at one of the other companies to do it on a percentage basis. Commissioner Hufstetler stated he was comfortable at this point to authorize the ACCG approved company. Commissioner Jennings echoed Commissioner Hufstetler's statements and added that DMG states in their proposal that they recognize time is of the essence and they could begin this in the middle of March and complete it within a 4-week period, and in light of the time issue he thinks the Board should approve.

4/4 VOTE TO ADD ITEM TO AGENDA:

Commissioner Hufstetler made a MOTION to add the item to the agenda, SECOND by Commissioner Jennings. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Fricks		

Motion Carried

Commissioner Hufstetler made a MOTION to authorize DMG Maximus to conduct the study in the Tax Assessors Office, SECOND by Commissioner Jennings. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		

Motion Carried

OTHER BUSINESS:

UPDATE ON PRISON CONSTRUCTION:

County Manager Kevin Poe advised he has received formal notification from the Department of Corrections that they did put \$3 million in the supplemental budget and an amended contract will be forthcoming. Mr. Poe stated the original budget was \$2,065,778 and this will amend the grant to \$5,065,778, which still leaves us a little short, however, as they did with the \$2 million they will give the County 50% of the money up front which we can put in the bank and start earning interest.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

GARRY FRICKS, INTERIM VICE-CHAIRMAN