

May 9, 2000

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
May 9, 2000 **2:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners Chuck Hufstetler, Garry Fricks, Jerry Jennings, and Tim Mahanay.

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 Mahanay led the Invocation.

PLEDGE OF

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

ADOPTION OF

MINUTES: Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular

Meeting of April 25, 2000 as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PROCLAMATIONS:

Commissioner Mahanay presented a Proclamation proclaiming the **week of May 15, 2000** as **Police Memorial Week**. The proclamation was accepted by Greg Dobbins, Floyd County Police Department.

Proclamations were also presented for **NAIW Week, May 21 through May 27, 2000** and for **Wheeler's Day, May 11, 2000**. There was no one present to accept these proclamations.

FIRST READING:

**(Set Second Reading/Public Hearing for
May 23, 2000 at 6:00 p.m.)**

Chairman Mayes read the following items to be placed on First Reading with
Second Reading/Public Hearing for May 23, 2000 at 6:00 p.m.

**FILE #016-2000Z, TURNER CHAPEL ROAD,
REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO T-R (TRADITIONAL
RESIDENTIAL) WITH A SPECIAL USE
PERMIT TO CONTINUE IN THE PRESENT
USE AS RESIDENTIAL, TAX MAP #220,
AREA #0, PARCEL #49B & 49C (PLANNING
COMMISSION RECOMMENDATION:
APPROVAL [VOTE – 6 YES, 1 NO]).**

**FILE #017-2000Z, 2036 KINGSTON ROAD,
REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO C-C (COMMUNITY
COMMERCIAL) WITH A SPECIAL USE
PERMIT TO CONSTRUCT A CARWASH,
TAX MAP #116, PARCEL(S) PART OF
PARCEL #87 (PLANNING COMMISSION
RECOMMENDATION: APPROVAL
[VOTE – UNANIMOUS]).**

**FILE #018-2000Z, 96 DUGGER DRIVE,
REQUEST REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL)
TO CONSTRUCT MINI-WAREHOUSES, TAX
MAP #508, PARCEL(S) #42B & 133 (PLANNING
COMMISSION RECOMMENDATION:
APPROVAL WITH A CONDITION FOR MINI
WAREHOUSES [VOTE – UNANIMOUS]).**

SPECIAL USE PERMITS:

**FILE #02-2000SUP, OLD SUMMERVILLE
ROAD, REQUEST A SPECIAL USE PERMIT
IN AN A-R (AGRICULTURAL RESIDENTIAL)
ZONING DISTRICT TO CONSTRUCT DUPLEXES
(2), TAX MAP #504, AREA #0, PARCEL(S) #88
(PLANNING COMMISSION RECOMMENDATION:
APPROVAL WITH THE CONDITION THAT THE
SITE PLANS SUBMITTED BE SITE SPECIFIC
[VOTE – UNANIMOUS]).**

**FILE #03-2000SUP, 805 PARK AVENUE,
LINDALE, GA, REQUEST A SPECIAL USE
PERMIT IN A S-R (SUBURBAN RESIDENTIAL)
ZONING DISTRICT TO CONSTRUCT DUPLEXES
(2), TAX MAP #386, AREA #04, PARCEL(S) #41
(PLANNING COMMISSION RECOMMENDATION:
DENIAL [VOTE – 4 YES, 3 NO]).**

**FILE #04-2000SUP, 33 EAST KENORA DRIVE,
REQUEST A SPECIAL USE PERMIT IN A
S-R (SUBURBAN RESIDENTIAL) ZONING
DISTRICT TO CONSTRUCT DUPLEX,
TAX MAP #666C, AREA #01, PARCEL(S) #028
(PLANNING COMMISSION RECOMMENDATION:
DENIAL [VOTE – UNANIMOUS]).**

Chairman Mayes called for a Motion to accept the items on First Reading and set Second Reading/Public Hearing for May 23, 2000 . MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PUBLIC HEARING:

VARIANCE REQUEST

**FILE #004-00V, REQUEST FOR VARIANCE
FROM JERRY BRANTON ON PROPERTY
LOCATED AT 6 ALFORD STREET, NE
(PROPOSED BUILDING IS ENCROACHING
ON SETBACK ON SIDE LOT LINE).**

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

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

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

Mike Ashley, Building Inspection, presented the variance request stating that this is for a side yard setback variance. It is on a portion of an unopened street which was platted many years ago but has never been constructed. Due to the current zoning ordinance, any building larger than 144 square feet requires that it be setback the same distance as a principal structure on the property, and this building is larger than that and the applicant is asking to go within seven feet of the side property line which abuts the unopened section of the roadway which has never been constructed.

SUPPORT

Jerry Branton, 6 Alford Street, applicant, stated that he had applied for the variance. He stated that if his lots were zoned residential, it would be in accordance to the variance on the side dimensions. The lots in the area are zoned Community Commercial, therefore the standard setback is 25 feet. Rather than ask for a rezoning he is requesting a variance in order to build a workshop to do woodworking. Currently there is a barn on the property which he plans to tear down and build a larger barn, which will make the area more attractive. He stated that it would be within 7 feet of the non-existent road, but still all on his property. He noted that it would not be an eyesore or cause any problem to anyone. It is just a matter of obtaining more use of his land.

Commissioner Hufstetler asked where the 7 foot restriction came from. Assistant County Manager Tom Tully replied that it is the principal setback for the building. Since the size of his storage building is larger than 144 square feet he has to prescribe to the same setback as if it were the principal building. He noted that if it is zoned C-C, the side setback is 15 feet. Commissioner Hufstetler asked why the property would be zoned C-C? Assistant County Manager Tully replied that there are businesses on Calhoun Avenue, which adjoin this property. He also noted that the map showed it as Dodd Street, but it is actually Alford Street. It would be a dead-in street, but has never been opened and there is no road there currently. It was clarified that if it was zoned Suburban Residential, the 7 feet would be within the requirements. Commissioner Jennings asked if there were any plans or petitions to open the road. Assistant County Manager Tully replied there were not. Commissioner Fricks asked if there was any other structure on the lot other than a pool? Assistant County Manager Tully replied that Mr. Branton owns two lots and uses them as one lot. It was noted that behind the property is a pasture belonging to John Dempsey and the non-existent road is between Mr. Branton's property and Mr. Camp's step-daughter's property. It was asked who owns the property on non-

existent roads. County Manager Kevin Poe replied that technically you would have to go back to the original property owner, but it has been set aside for use by the public. It was noted that if someone has a lot behind these lots, they have the right to use that property to access property.

OPPOSITION

Frank Camp, 790 Billy Pyle Road, asked what a non-existent road was since Mr. Branton's son drove up the road today. He uses the road to get into his property behind his house. He stated that the other part of the road which he was told was non-existent, he drove down it yesterday. He had been to see Mr. Tully and told him he did not know where the boundary was. He stated that he had recently cut the grass in the road. He stated that when his step-daughter purchased the property four years ago she was told that her lines went out about where he believes in the middle of the road. He stated that he did not understand how it could be a non-existent road when people drive on it every day. He also referred to a portion of Billy Pyle Road which the county had wanted to close, but a property owner requested that it be left open and, this had been done. He said he had asked Mr. Tully the location of the road, and it was to be surveyed by the County Engineer, but was told today that it could not be done since it is a non-existing road. Mr. Camp asked again what a non-existent road was. Commissioner Mahanay replied that, to him, the term non-existent is different from unopened, and to his understanding, the correct terminology for this is unopened. Assistant County Manager replied "platted, but not opened, nor never turned over to us for maintenance". Mr. Camp asked what was proposed to be done with the road which is there, but being used. It was noted that it is not property of the county. Mr. Camp asked who it belonged to. County Manager Poe stated he would have to go back and do a title search to find out who platted the subdivision and owned the property originally. It was designated for use by the public for a potential right-of-way. Mr. Camp stated there is a lot of property in the area which has not been designated and a few months ago property behind his step-daughter had been surveyed and the trees cut, but they had not cut trees on the right-of-way. Mr. Camp stated that he did not know of two finer people to live next to than Mr. and Mrs. Branton, and he had not had any discussion with Mr. Branton regarding this. He stated he would like for the Commissioners to wait on a decision until it can be determined where the road is, and where the building will setback seven feet from. Assistant County Manager Tully replied that the request is that it will be set back from Mr. Branton's property line. Mr. Camp questioned where the property line is and where the road is. It was noted that who owns the road is another issue. County Manager Poe asked Mr. Branton if he currently has property corners established on his property. Mr. Branton replied that he has two corners and he can measure and obtain the others. Mr. Branton stated that he is wanting to build within his property, just with a lesser setback than required for Community Commercial. He stated the road is not an issue to him, since he is building on his part of the property. Mr. Poe stated that the only obligation Mr. Branton has is that the building be built on his property, since in the future if the road is developed, his structure would have to be removed. It was asked if a building permit would be granted if it was not clearly established that the building was on Mr. Branton's property. Mike Ashley stated that before it passed the first inspection the lines would have to be

measured for the setback. It was noted that if the road width is substandard, a developer would possibly not be able to develop the road unless he could acquire additional right-of-way. Mr. Camp expressed concern that his step-daughter might want to build another house on the back part of her lot, since she has more property than is required. It was noted that this is not a county maintained road and requirements are in order to build on the back of the property, the road would have to be brought up to county standards and turned over and there is not sufficient frontage on the back side of the property. In the revised ULDC there are provisions for putting more than one structure on a piece of property as long as it is only served by private sewage, which according to Mr. Camp would apply in this case. Commissioner Fricks asked for clarification that the only option for developing anything on the property would be if it became a county maintained road and part of it would be acquired for proper right-of-way. County Manager Poe replied that if someone owns a lot there, they can build a house off of Alford Street, but if someone wanted to subdivide, they could not because they do not have access to a county maintained public street. Assistant County Manager Tully stated that there is already one structure on that property. It was noted that if the property was zoned suburban residential, the variance would not be needed. It was noted that it would take legal action in order for the property to go to the adjacent property owners. It was also noted that if this was a street which had been taken over on county maintenance and was closed and abandoned, it would be a different route.

REBUTTAL

Jerry Branton stated that he owns land and he wants to use the land for its highest and best use in his opinion. With the 25 foot setback it will hinder him from having sufficient room to build a building, and had requested the variance rather than rezoning. He stated that if rezoning would benefit him, then he might consider it, but this seemed to be the simpler thing to do. He noted that there is a more than sufficient buffer between his property and Mr. Camp's step-daughter's property and he would appreciate approval of the variance. Commissioner Fricks asked Mr. Branton if he had explored any other positioning or placement for the building. (*Mr. Branton's reply was not audible.*) Commissioner Jennings asked how close the carport is to the property line. It was noted that the corner of the proposed shop seems to line up on the same line with the carport. When the carport was built, there was not setback.

Chairman Mayes called for a Motion to close the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

CORRECTION ONLY

**FILE #014-2000Z, 202 HIGH STREET,
REQUEST REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO H-I
(HEAVY INDUSTRIAL), TAX MAP #330,
AREA #1, PARCEL(S) #110, 111.
(Planning Commission recommendation:
approve [vote – unanimous])
Correction to change from S-R (Suburban
Residential) to H-C (Highway Commercial).**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

NO ACTION REQUIRED

**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])
(First Reading held February 22, 2000 at 6:00 p.m.)
(Second Reading/Public Hearing held March 14, 2000
at 2:00 p.m. [will take up at next meeting])
(Second Reading/Public Hearing held March 28, 2000
at 6:00 p.m. [no action])
(Second Reading/Public Hearing held April 11, 2000
at 2:00 p.m. [no action])
(Second Reading/Public Hearing held April 25, 2000
at 6:00 p.m. [no action])

Chairman Mayes stated that no action is required.

CHAIRMAN'S REPORT:

APPOINTMENTS:

Chairman Mayes stated they had received recommendations from the Airport Commission. Assistant County Manager Tully clarified that the **Airport Commission** was submitting Hans Rogers and C. F. Callahan for **Post 3** and they will subsequently submit two more names for the vacant post. Chairman Mayes called for a Motion to appoint one of the two names to Post 3. MOTION was made by Commissioner Hufstetler that **Hans Rogers** be appointed, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

APPOINT TWO COMMISSIONERS TO SERVE ON ROME/CAVE SPRING/ FLOYD COUNTY WATER COMMISSION PER HB489 AGREEMENT.

Chairman Mayes appointed Commissioner Jennings and Commissioner Mahanay to serve on the Rome/Cave Spring/Floyd County Water Commission.

**APPOINT TWO COMMISSIONERS TO
JOINT CITY/COUNTY OPERATIONS
OVERSIGHT COMMITTEE PER
HB489 AGREEMENT.**

Chairman Mayes appointed himself and Commissioner Hufstetler to serve on the Joint City/county Operations Oversight Committee.

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE

Commissioner Hufstetler, Committee Chairman, reported that the next meeting of the Administrative/Finance Committee will be at 2 p.m. on May 15, 2000. He reported that an operational review had been done of the Tax Appraiser's Department by DMG Maximus consulting firm. He summarized that they did a survey of six counties, Carroll, Columbia, Douglas, Hall, Lowndes and Whitfield, and said the number of parcels per appraiser in Floyd County were in the acceptable range and in fact are below the average of these counties. Five of the counties have completed a re-evaluation process in the last year and Whitfield will be doing that next year. They recommend the re-evaluation be done in-house with the current staff and that it can be done within two to two and one-half years with minimal overtime, which would be within the three year time frame which is mandated by the state. It was also noted that Carroll County had completed it with comparable staff in twelve months and Hall County in sixteen months. He stated they will be meeting with the departments and discussing this and the next steps we take on the reappraisals of Floyd County.

PUBLIC SAFETY COMMITTEE

Commissioner Mahanay, Committee Chairman, reported that their next meeting will be on May 10, 2000 at 2 p.m.

PUBLIC WORKS COMMITTEE

Commissioner Fricks, Committee Chairman stated that action is needed on the following items. Commissioner Fricks made a MOTION to **authorize engineering and surveying services for culvert installation on Bert Road with Williams, Sweitzer and Barnum**. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Fricks made a MOTION to **add Silver Hills Road, 0.150 miles with an anticipated cost of \$1,815, to the county resurfacing list for future paving.** SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Fricks noted that an updated paving list for the year is currently on the Internet. In the near future the entire paving list will be placed on the Internet. It is accessible through the Public Works on the County Web Site.

County Manager Kevin Poe noted that all asphalt plants which produce mix for D.O.T. funded projects are rated by the D.O.T. and the Floyd County Asphalt Plant is number five on the list for quality control ratings.

WATER COMMITTEE

Commissioner Jennings, Committee Chairman, reported that the engineering is going forward on the work in the Chulio Road area to connect on the City of Rome water tank. Currently they are talking with the City of Rome regarding cost and anticipate it will be completed the first of July, simultaneously with the renovation of the City of Rome's water tank in that area. Regarding the ground water studies, they are continuing to look at the priorities in terms of sites for the southern part of Floyd County. Work on the Armuchee Creek project continues, complying with the EPD guidelines and requests for additional information. They have projects completed in the Shannon area and current projects are Lakeview Subdivision in Lindale and Lake Park Subdivision in the Coosa Area. He stated that the Department of Natural Resources will be conducting governmental meetings around in the 40 counties which have been identified in the Governor's Green Space Program. The DNR had been invited to hold one of the meetings in Floyd County and they have accepted. The meeting will be held June 7, 2000 at 7 p.m. at the Forum to discuss rules for requesting Green Space funds which would be approximately \$310,000 for Floyd County.

CLERK'S REPORT:

CONSENT AGENDA

County Clerk Sue Broome advised that Item 2 needed a 4/5 vote for it to be added to the Agenda, after that is added, all other items have been reviewed and are presented for your consideration. Chairman Mayes called for a Motion for a 4/5 vote. MOTION was made by Commissioner Fricks to add item number 2 to the Agenda, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes called for a Motion to approve the Consent Agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Tax Refunds:

Gene & Elizabeth Fowler, 1578 Pleasant Valley Road, SE, Silver Creek, \$48.70
Bill Whitener, 305 Raymond Avenue, \$14.13
Dewey Jowers & Robert Bowling, P.O. Box 64, \$9.81
Billie & Rebecca Oldham, 305 Roswell Avenue, \$6.59
Ray L. Underwood, 303 Woodward Street, NE, \$316.31
R. G. Brookshire, 3131 Rockmart Highway, \$169.78
Stan B. Brooks, 31 Stonebrook Drive, \$122.82
Randall, Richard & Floyd Ozment, 3900 Alabama Road, NW, \$12
Huell & Helen Hargett, 7350 S. Mitchell Court, Villa Rica, \$92.90
Syble Raines, 273 Woods Road, \$190.90
Florence Deanne Cook, 19 Lady Marion Drive, \$6.71
Eugene C. Wigley, 19 Robinhood Road, \$41.26
Andrew Hawkins, 3266 Wax Road, SE, \$193.64

Authorize removal of attached list of tax bills from tax roll

MANAGER'S REPORT:

**ADOPT RESOLUTION AMENDING THE
FEE SCHEDULE BOOK TO INCLUDE
PLANNING COMMISSION FEES.**

County Manager Kevin Poe presented a resolution adopting a fee schedule for the Planning Department. They had made a proposal to add some fees and adjust fees for Rezoning and Special Use Permits. He recommended the resolution be adopted with the following changes to the fee schedule.

Under number 1, Rezoning and related Special Use Permit fees for residential districts be set at a flat fee of \$75.00. Under number 2, Rezoning and related Special Use Permit Fees for non-residential zoning districts be set at a flat fee of \$150.00. Chairman Mayes called for a Motion. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF COPS
IN SCHOOLS AWARD. (CN-0183)**

County Manager Kevin Poe presented a grant award from the U. S. Department of Justice, Office of Community Oriented Policing Services. This is a COPS in School Award which is a grant to allow funding for four resource officers to be put in the four county high schools, and is funding over three years. The obligation of the county would be that after the third year the county will assume the full funding. He noted there is an agreement with the Floyd County Board of Education that they will pay 75% of the salaries for these officers. Based on these agreements he recommended approval of the grant award. MOTION for approval was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**APPROVE LEASE AGREEMENT WITH
FIRST BAPTIST CHURCH FOR OFFICE
SPACE IN FOURTH AVENUE COURTHOUSE.**

County Manager Kevin Poe stated that he had been working with Joel Snider of First Baptist Church regarding their request to lease property in the Fourth Avenue Courthouse. They are doing major renovations to their church and need office space for administrative functions. They will lease approximately 3,400 square feet on the second floor of the Fourth Avenue Courthouse, which is the majority of the office space on that floor, at a cost of \$2,000 per month for the first six months and then \$2,300 per month. They anticipate using the space for six to nine months. They will be responsible for their own phones and billing of the phones and also their own janitorial services. County Manager Poe recommended approval for the County Attorney to draft a Lease Agreement based on these conditions, with the First Baptist Church. MOTION for approval was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Fricks stated there had been discussion in the Agenda Session about the potential of having a Space Study done about our areas in Floyd County to find out if we will need to plan on expanding at the Fourth Avenue Courthouse. He noted that we want to do a planned growth rather than haphazard growth. He asked if a consensus was needed for obtaining proposals. County Manager Kevin Poe replied that the discussion had been to try to find a consultant that specializes in space needs studies and similar type work, that we would put together a request for proposals and obtain proposals to provide the services. Commissioner Fricks made a MOTION that for the request for proposals for a Space Study be added to the Agenda, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Fricks made a MOTION to request proposals on a Space Study in terms of office space needs for the future of Floyd County and utilization of the old Courthouse, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**DISCUSS EMPLOYER/EMPLOYEE
SHARE OF INCREASE IN HEALTH
INSURANCE PREMIUMS.**

County Manager Kevin Poe stated that during the Caucus Session the different options dealing with the increase in health insurance premiums had been discussed. Chairman Mayes stated that the consensus had been that this item be deferred. Since it had previously been decided that the county would be responsible for any premium adjustments through May, it was suggested that this be extended for another month in order to have time for changes to be made to payroll. No action was taken.

**AUTHORIZE TRANSFER OF TITLE
TO NEW RESCUE TRUCK TO CITY
OF CAVE SPRING.**

County Manager Kevin Poe reported that they had purchased the cab and chassis and the new truck body for the rescue truck which we are helping purchase for the City of Cave Spring. Our obligation is 75% of the \$35,000 estimated cost or not to exceed \$26,250. The total cost to the county will be a little over \$24,000. County Manager Poe requested authorization of transfer of title to the City of Cave Spring to be put on their inventory and be responsible for the insurance. It was never determined which funds would be used to pay for it and it had been taken from Contingency Fund and General Funds. County Manager Poe recommended that it be taken from General Funds. It was noted that Cave Spring's share of the cost is approximately \$8,000. Chairman Mayes called for a Motion to authorize transfer and make the purchase from General Funds. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AUTHORIZE PAYMENT TO REVENUE
DEPARTMENT IN THE AMOUNT OF
\$87,156.94 FOR SPLOST REFUND PER
LETTER FROM REVENUE DEPARTMENT.**

County Manager Kevin Poe stated a letter had been received from the Department of Revenue, Sales and Use Tax Division, noting that a taxpayer in the county had requested to receive a refund against the 1996 SPLOST totaling \$87,156.94. The Georgia Department of Revenue has requested that we forward a check payable to them to refund them the amount they had refunded the taxpayer. County Manager Poe requested authorization to issue the check. In light of how helpful the Department of Revenue is to us, Commissioner Jennings made a MOTION to authorize payment of \$87,156.93 to the Department of Revenue for this charge. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

AWARD BIDS:

County Manager Kevin Poe stated there were several awards of bids and that a memo was in their packet detailing the bids and also the bid tabulations and recommendations from each department. On items a, b, c, e, f and g, the recommendation is low bidder. On item d, the recommendation is for the second low bid from Metrac for a John Deere 250 because the low bid did not meet specifications as submitted to the vendors. He stated that all items were basically under budget except for paver machine which had been estimated at \$178,000 and it was \$183,546. He noted that the paver is being purchased with guaranteed maintenance which will cost \$2,300 over five years and a guaranteed buy back after the five years for \$78,000. He recommended the acceptance of the bids as detailed in the memo from Jerry Pless, Purchasing Director to Mr. Poe, dated May 8, 2000 as submitted. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

"	Fricks
"	Jennings
"	Mahanay

Motion Carried

BIDS

Cargo Van – Facilities Management

Southlake Ford	\$ 20,786.00
Bob Williams Dodge	\$ 17,657.00
Heritage GMC	\$ 19,040.00
Riverside Chevrolet	\$ 21,365.70
Nalley Chevrolet	\$ 20,999.00

Speed Monitor/Trailer – County Police

MPD Industries	\$ 8,250.00
Kustom Signals, Inc.	\$ 10,290.00
American Electronic Sign	N/B
Applied Concepts, Inc. #I	\$ 10,960.00
Applied Concepts, Inc., #II	\$ 12,960.00

Self-Propelled Sweeper – Public Works

O.D.B., Inc.	N/B
M-B Companies	N/B
Reynolds Warren Equipment	\$ 25,425.00
Burch-Lowe, Inc.	\$ 27,005.00
Stith Equipment Co., Inc.	\$ 26,890.00

Skid Steer Loader – Recycle Center

Yancey	\$ 27,988.00
Metrac	\$ 22,915.00
Rhinehart Equipment	\$ 18,990.91
Franklin Ford Tractor	N/B
North Georgia Lift Truck	N/B

Paving Machine – Asphalt Plant

L. B. Smith, Inc.	N/B
Roadtec	N/B
Burch-Lowe	\$183,546.00
Yancey	\$200,679.00
Reynolds Warren Equipment	N/B

(2) Six Yard Dump Trucks – Public Roads

Ron Epps International	\$ 44,750.19
Lee Smith Trucks	\$ 42,834.37
Peach State Ford	\$ 43,132.00
Volvo-GMC Trucks/Atlanta--#1	\$ 45,060.00
Hardy Family Ford	N/B
Volvo-GMC Trucks/Atlanta--#2	\$ 46,160.00

(2) Tandem Axle Dump Trucks – Asphalt Plant

Ron Epps International	\$ 67,841.71
Lee Smith Trucks	\$ 70,044.80
Peach State Ford	\$ 65,996.00
Volvo-GMC Trucks/Atlanta	\$ 70,790.00
Hardy Family Ford	N/B

DISCUSS “MYSTERY SHOPPING PROGRAM.

County Manager Kevin Poe stated that this is the second year the University of Georgia has put together the Mystery Shopper Program and we participated in it last year. They have an open enrollment period for cities and counties in Georgia to participate in the program, with applications to be submitted by May 12 to get involved in the program. He stated there are two types of shops that are offered, telephone and walk-in shops. Last year we participated in the program using telephone shops in various departments and felt it was quite successful. County Manager Poe recommended allocation of \$5,000 to participate in the program again this year, allowing five departments to be involved in walk-in shops and five departments to be involved in telephone calls. He noted they are hoping to make more of a push toward improving customer service and have contacted Coosa Valley Tech to do customer service training for employees. MOTION for approval was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

ATTORNEY’S REPORT:

AMEND THE FLOYD COUNTY CODE

REGARDING NEPOTISM.

County Attorney Wade Hoyt stated that the amendment is not ready and he needs input from the Commissioners. He will send a multiple choice memo to the Commissioners on May 10, 2000, which will include a recommendation.

AUTHORIZE EXPENDITURE FOR ATTORNEY ON QUARRY ORDINANCE.

County Manager Wade Hoyt stated that the final draft of the Quarry Ordinance is ready. He will have to do a little revising, but it will not affect the legality of the ordinance itself. He requested authorization by the Board of the expenditure for the independent counsel to review that ordinance. Mr. Grubiak at ACCG had recommended three attorneys. Two were in the same firm in Hall County and one was from Bartow County, but was the partner of Frank Jenkins who had prepared the ULDC ordinance in the first place, so felt it might be more appropriate to use the two attorneys that had no previous connection with the ordinance. He stated he did not know either of the attorneys in Hall County but both were recommended highly and have been involved in this type ordinance before. He had talked with Bill Blalock and his fee is \$100 per hour, his county rate, and will not require a retainer. County Attorney Hoyt stated that if the expenditure is authorized he will submit the final draft to Mr. Blalock as soon as it is received from Commissioner Fricks. Mr. Blalock will have his recommendation, at least legally, for the Commissioners to review when they make their decision. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

OTHER BUSINESS:

Commissioner Jennings advised the Board that the week of May 22, 2000 is Water Week across the United States and the Water Department employees will be celebrating with a picnic at the Lock and Dam on Friday, May 26, 2000 at noon. He invited the Commissioners to join them for the Picnic. He also noted that Buddy Porter and John Boyd would be on Nell Reagan's radio program that day to discuss water in Floyd County.

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

" Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN