

**ROAD, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH A SPECIAL USE PERMIT TO BUILD CONVENIENCE STORE WITH GAS STATION, TAX MAP #906, AREA #0, PARCEL-PART OF PARCEL #7A.
(PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – 7 FOR, 1 AGAINST])**

**FILE #023-2000Z, 2386 GADSDEN ROAD, 4½ MILE EAST OF ALABAMA STATE LINE @ ANGEL ROAD, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH A SPECIAL USE PERMIT TO BUILD A CONVENIENCE STORE WITH A GAS STATION, TAX MAP #888, AREA #0, PARCEL #16 & #26.
(PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – 7 FOR, 1 AGAINST])**

FILE #024-2000Z, PROPERTY LOCATED ON PLEMONS ROAD, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) WITH A SPECIAL USE PERMIT TO BUILD A DUPLEX, TAX MAP #96A, AREA #0, PARCEL(S) #009.

(PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – 7 FOR, 1 AGAINST])

**FILE #007-2000SUP, 1223 BETHEL CHURCH ROAD, REQUEST A SPECIAL USE PERMIT IN AN A-R (AGRICULTURAL RESIDENTIAL) ZONING DISTRICT TO BUILD TELECOMMUNICATIONS TOWER, TAX MAP #236, AREA #0, PARCEL(S) #009X.
(PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – 7 AGAINST, 1 FOR])**

**FILE #08-2000SUP, HIGHWAY 27 AT GLENWOOD AVENUE, REQUEST A SPECIAL USE PERMIT IN A C-C (COMMUNITY COMMERCIAL) ZONING DISTRICT TO BUILD A CARWASH, TAX MAP #504, AREA #0, PARCEL(S) #17.
(PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – UNANIMOUS])**

**FILE #09-2000SUP, 2548 ALABAMA ROAD, REQUEST A SPECIAL USE PERMIT IN A C-C (COMMUNITY COMMERCIAL) ZONING DISTRICT TO BUILD A COMMUNICATION TOWER, TAX MAP #462, AREA #2, PARCEL(S) #002.
(PLANNING COMMISSION RECOMMENDATION: WITHDRAWN)**

**FILE #010-2000SUP, 3128 HIGHWAY 411, REQUEST A SPECIAL USE PERMIT IN A C-C (COMMUNITY COMMERCIAL) ZONING DISTRICT TO BUILD A COMMUNICATION TOWER, TAX MAP #572, AREA #0, PARCEL(S) #017.
(PLANNING COMMISSION RECOMMENDATION: DENY [VOTE -5 AGAINST, 3 FOR])**

**FILE #011-2000SUP, PROPERTY LOCATED ON HIGHWAY 27 NORTH, REQUEST A SPECIAL USE PERMIT IN A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT TO BUILD A CHURCH, TAX MAP #512, AREA #0, PARCEL(S) PART OF PARCEL #123.
(PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE - UNANIMOUS])**

AMENDMENT TO SECTION 2-5-35 OF THE FLOYD COUNTY CODE RELATING TO WORDING IN THE ANIMAL CONTROL ORDINANCE (ANIMAL CONTROL AND WELFARE BOARD RECOMMENDS CHANGING “RELEASE OF ANIMALS” TO “ADOPTION OF ANIMALS”).

Chairman Mayes called for a Motion to place these on First Reading. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

SECOND READING/PUBLIC HEARING

(FIRST READING HELD JUNE 27, 2000 AT 6:00 P.M.)

**AMENDMENT TO CHAPTER 2-11 OF THE
FLOYD COUNTY CODE OF ORDINANCES
RELATING TO "ALARM SYSTEMS"
(FIRST READING HELD JUNE 27, 2000 AT 6:00 P.M.)**

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

YES NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mahanay

Motion Carried

County Manager Kevin Poe stated that there were three changes to the ordinance, as submitted. In Section 2-11-70, under Registration, Item Number 2, added was "Initial registration fee is \$15.00 for newly installed alarm systems". Under Item 3, "registration is not transferable. New owners must re-register and pay the \$15.00 fee". Item 5 was changed to read "All alarm companies must submit a list of all customers in Rome and Floyd County to the E911 annually, between January 1 and January 31. The list should include the name of the customer, the customer's address and customer's phone number". Commissioner Hufstetler questioned if the change needs to be noted. Assistant County Attorney Wade Hoyt, IV stated that the ordinance can be enacted since the change does not substantially change the contents of the amendment, it was reworded to be read more clearly. Therefore, a second Public Hearing is not necessary.

Chairman Mayes called for a Motion to close 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 called for a Motion to enact the ordinance. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings. 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])**

**(SECOND READING/PUBLIC HEARING HELD MAY 9, 2000
AT 2:00 P.M. [NO ACTION])**

**(SECOND READING/PUBLIC HEARING HELD MAY 23, 2000
AT 6:00 P.M. [NO ACTION])**

**(SECOND READING/PUBLIC HEARING HELD JUNE 13, 2000
AT 2:00 P.M. [NO ACTION])**

**(SECOND READING/PUBLIC HEARING HELD JUNE 27, 2000
AT 6:00 P.M. [NO ACTION])**

Chairman Mayes stated that no action was required and it was deferred to the next meeting.

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

DISCUSS PRELIMINARY MILLAGE RATE.

Commissioner Hufstetler, Committee Chairman, stated that regarding the Preliminary Millage Rate, the key part to this has been the recent decision by the Tax Assessor to implement higher assessments without visiting the property. Millage rollbacks had been planned anyway, and also have a rollback planned as well for their increased assessment. The two things the Commission has done to offset this is that they have placed on the ballot for November an increase to the Homestead Exemption by \$7,500.00 of appraised house value. This is not something which the Board can implement themselves without it going on the ballot. The second is the millage rate. He stated they also need to send a letter to the State requesting an evaluation of the Tax Assessor's Office and also authorize our attorney to check into the legality of the way this assessment was done. He had heard that in similar situations it was not ruled legal.

Commissioner Hufstetler proposed a millage rate decrease of 1.08 mills. The county millage rate will then be lower than any time since 1992. As far as the total millage rate, considering that the School Board is proposing to decrease theirs 1.16 mills, it would mean a lower millage rate than in the 1980's. Commissioner Hufstetler made a MOTION that they adopt a preliminary Millage Rate, which would be 9.78 on M & O, which would be a decrease of 1.08 mills. And then accordingly a .087 decrease in the Fire Fund, which would be the rollback amount there also. SECOND by Commissioner Fricks. Commissioner Mahanay asked if the decrease of 1.08 mills would still leave an opportunity for an increase in the Fund Balance. Commissioner Hufstetler replied that under current projections they would rollback the amount of the increase from the Tax Assessor's, would rollback an additional amount and also increase our Fund Balance. He stated that perhaps there could be some changes down the line on the entire assessment process and we may have to adjust accordingly if it changes. Commissioner Jennings stated that this is basically the preliminary best guess at this point, but we will, at some point in August, officially set the millage rate. Commissioner Hufstetler replied that it has to be set in August. Commissioner Jennings stated that this lets the community know where they stand and it also relates to some rollback caused by the increase in the Tax Digest. This is a combination factor, rollback there plus a rollback based on what they have accomplished as a Commission. County Manager Kevin Poe noted that the information has to be published before the millage rate is actually set and this will enable them to have the correct number to be advertised properly and can therefore comply with all the legal requirements. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Hufstetler stated he would like to send a letter to the state requesting an evaluation of the Tax Assessor's Office. He made the following MOTION.

To adopt a resolution requesting that the Commissioner of the Department of Revenue appoint an independent Performance Review Board to conduct a performance review of the Floyd County Board of Tax Assessors according to the provisions of House Bill 1296 and authorize the County Manager to transmit the Resolution to the Commissioner. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Hufstetler asked if an official Motion needs to be made to have the County Attorney's Office investigate this. It was stated that the request can just be made to the County Attorney. It was noted that the County Attorney's Office will be looking for the precedence behind an assessment of this type. Assistant County Attorney Wade Hoyt, IV stated they will start the investigation immediately.

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that they are holding their own as far as water resources are concerned. There has not been any further decrease in the amount of supply at Old Mill Spring and the wells. Our tanks are maintaining our water levels, thanks to everyone in our community for understanding and working hard to conserve water. He noted that the County Manager will be discussing the connection to the City water tank on Chulio Road, which will help Twickenham and Woodfin Estates, and they will be moving ahead on that project in the near future. This will also increase the water pressure in the area. He asked that everyone keep up the good work and conserve water any time they can and we will get through this together.

CLERK'S REPORT:

CONSENT AGENDA.

County Clerk Sue Broome advised there were four items on the Clerk's Report. Item number four will take a 4/5 vote to add it to the Agenda, it is to authorize funds for advertisement in the Past Times Magazine to honor past commissioners. Chairman Mayes called for a Motion for item number four to be added to the Agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings
" Mahanay

Motion Carried

Commissioner Fricks abstained from voting on this item.

Commissioner Jennings made a MOTION to authorize the full Consent Agenda, with all four of the items, including the advertisement in Past Times Magazine. SECOND was made by Commissioner Mahanay. Chairman Mayes asked about the cost. County Clerk Broome stated that a consensus had not been received from all Commissioners, but comments had been for a one-half page ad in two colors, and asked if this was agreeable with most of the Commissioners. There was agreement with this size ad. VOTING:

YES NO

Commissioner Hufstetler

" Jennings
" Mahanay

Motion Carried

Commissioner Fricks abstained from voting on this item.

1. Authorize execution of Change Order #1, File No. J-1471 for Water Renovations to serve Lakeview Subdivision, new South Lindale Subdivision and Armuchee Trail, connection to City of Rome Water System Economy Lane, J-15477, \$59,861.95 (approved 3/28/00) **CN-0169.**

Tax Refunds:

Carl Leon Holtzelaw, 374 Bryant Road, \$19.73
Jeff Warren, 314 Robinhood Road, SE, \$123.84
Mark H. Wall, 38 Devonshire Drive, SE, \$23.39
Rental Service Corporation, 6929 E. Greenway Park, Suite 200, Scottsdale, AZ,
\$6,472.78
Carol L. Smith, P.O. Box 128, Coosa, \$54.16
Ethel Franklin, 1 Honeysuckle Ridge Road, SE, \$156.56

Authorize execution of Phyllis Harris contract as contract attorney to replace Bill Newton to provide legal services to indigent defendants - \$3,250.00 per month.

4. Authorize expenditure of funds for advertisement in Past Times Magazine to honor past Commissioners (1/2 page, 2 color ad).

MANAGER'S REPORT:

**REQUEST FROM DIRECTOR OF SARA
HIGHTOWER REGIONAL LIBRARY
FOR AN ANNUAL INCREASE OF
\$16,780 TO FUND INCREASES IN
HEALTH INSURANCE (DEFERRED
FROM JUNE 27, 2000 MEETING).**

County Manager Kevin Poe stated that it had been decided to defer this item to the next meeting, until requested information can be received from the Library.

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

County Manager Kevin Poe recommended approval of the Resolution which was in the Agenda package regarding the amendment of the Fee Schedule Book related to Planning Commission Fees. The Planning Commission had asked that the original Fee Schedule, which they had submitted earlier in the year, be reconsidered. The change basically would be related to residential districts on Rezoning and Special Use Permit fees. It would be a sliding scale with the base fee being from 0-5 acres, \$75.00; 5-10 acres, \$100.00; 10-20 acres, \$150.00; and 20 acres, \$200.00. On non-residential zoning districts, for Rezoning and related Special Use Permits, the base fee would be 0-5 acres, \$150.00; 5-10 acres \$200.00; 10-20 acres, \$250.00; and more than 20 acres, \$300.00. He recommended adoption of the Resolution as submitted. MOTION for approval was made by Commissioner Jennings, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**REQUEST FROM ROME/FLOYD PARKS
AND RECREATION AUTHORITY TO
ADVANCE \$150,000 AGAINST THE FY2001
CAPITAL BUDGET FOR RENOVATIONS
TO THE ALTO PARK TENNIS CENTER.**

County Manager Kevin Poe presented a request from the Rome/Floyd Parks and Recreation Authority to advance \$150,000 against their FY2001 Capital Budget for renovations to the Alto Park Tennis Center. This was discussed in Caucus and he understands that the consensus is that we would advance them \$55,000 against their Capital Budget for FY2001. Since this would be an amendment to their budgeted allocation, it would require action by the Board. Chairman Mayes called for a Motion. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.

Commissioner Fricks stated that the original request was for \$55,000 and, at that time information on the Fund Reserve had been requested. It was determined that the Fund Reserve was in excess of \$209,000. He stated that they are definitely in support of the project and recommend that they go to their Fund Reserve to complete the project this year and replace it with the Capital Expenditure funds which are funded next year.

Commissioner Jennings noted that apparently there was a discrepancy in the original request as compared to this request. He stated that from his perspective he would defer to Commissioner Fricks as a member of the Rome/Floyd Parks and Recreation Authority. Commissioner Fricks stated that it was his understanding that, on the original request, it would be \$55,000, but the last request presented was \$120,000 and the final request received was \$150,000. He stated that he questioned the actual amount as well as what involvement the county needs to have in terms of Public Works since they will also do in-kind services on this project. He recommended either he or County Manager Kevin Poe pursue this and determine the exact commitments we are making for in-kind services as well.

Commissioner Mahanay stated that as he understood it, the \$150,000 would come from the Parks and Recreation Reserve and then \$50,000 from the county. Commissioner Fricks stated that the county will provide them \$55,000 from next year's funding, then they will have \$95,000 to come from their Fund Reserve to complete the project. Next year they can replenish these funds with their capital, if they choose to do so. Commissioner Hufstetler stated that at that point the figures for reimbursement costs should be available. Commissioner Fricks stated that they are requesting to borrow against next year's capital, but he saw no need of that since they have a Fund Balance.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**REQUEST FROM TAX COMMISSIONER
TO AMEND EQUIPMENT BUDGET.**

County Manager Kevin Poe presented a request from Jim Ford, Tax Commissioner to transfer \$432.00 from his Data Processing line item to his Equipment line item to purchase computer equipment. County Manager Poe recommended approval of the change. MOTION for approval was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mahanay

Motion Carried

BID AWARDS:

SHERIFF'S DEPARTMENT AMMUNITION.

County Manager Kevin Poe stated that seal bids were recently accepted for purchase of ammunition for the Sheriff's Department. Three bids had been received with the low bid being from GT Distributors in the amount of \$7,446.55. He recommended the bid be awarded to the low bidder, GT Distributors. Chairman Mayes called for a Motion. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mahanay

Motion Carried

BIDS

Gulf States Distributors	\$7,781.00
Southeastern Public Safety	\$9,791.50
GT Distributors	\$7,446.55

TRAFFIC PAINT AND SIGN MATERIAL FOR PUBLIC WORKS.

County Manager Kevin Poe stated that sealed bids had recently been accepted for traffic paint and sign materials for the Public Works Department. A spreadsheet showing the bid results and a memo from Nancy Lam, Purchasing Department, recommending how the contract should be awarded, were presented. The memo noted that Public Works Director Rodger Swaim's recommendation differs, in that it gives sign faces and sign posts to Traffic Sign, which is second lowest vendor. The contract will run from July 15, 2000 to January 15, 2001 with possible extension of an additional six months. Other than that, their recommendation is that the bid be awarded to all the lowest bidders who met specifications. It is his understanding that the recommendation for the second lowest bidder was because the lowest bidder did not comply with specifications. County Manager Poe recommended approval of the bid awards as recommended by the Purchasing Department on the July 10, 2000 memo. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

AWARD BID FOR GEOTECHNICAL CONSULTING SERVICES ON FLOYD COUNTY PRISON ADDITION.

County Manager Kevin Poe stated that quotations for geotechnical consulting services on the Floyd County Prison addition project had been requested. Two proposals had been received, one from NOVA Engineering and Environmental and the other from Willmer Engineering. The low bidder was NOVA and he recommended they be awarded the work in an amount not to exceed \$4,600 for geotechnical engineering work. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

HANGER LEASE AGREEMENTS:

County Manager Kevin Poe stated this will need a 4/5 vote to place on the Agenda and deals with approval of two hanger lease agreements at the Richard B. Russell Airport.

Chairman Mayes called for a Motion to place this item on the Agenda. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

County Manager Kevin Poe stated that one lease is between Floyd County and **Master Aircraft Power, Inc.** this is Hanger #100 at the Richard B. Russell Airport, the term of the lease is from August 1, 2000 to December 31, 2001 in a monthly lease amount of \$1,700.00. The second hanger lease agreement is between **Inland Paperboard and Packaging** and Floyd County for the lease of Hanger #300 owned by Inland Paperboard and Packaging and the agreement terms would be August 1, 2000 to June 30, 2001, the amount of the lease will be \$650.00 per month. County Manager Poe recommended that these agreements be approved. Chairman Mayes called for a Motion. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**BID AWARD FOR A SEWAGE GRINDER
AT THE FLOYD COUNTY JAIL.**

County Manager Kevin Poe stated that this item will require a 4/5 vote to be added to the Agenda. Chairman Mayes called for a Motion for a 4/5 vote. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

County Manager Kevin Poe stated that bids had recently been received for the purchase of a Sewage Grinder for the Jail. As anticipated, they only received one bid, from Haywood, Inc., the sole distributor for what is known as a Muffin Monster. The amount of their bid was \$19,537.00 and he recommended awarding the purchase of the Muffin Monster from Haywood, Inc. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

OTHER BUSINESS:

Commissioner Jennings stated that he had asked the County Attorney for an update on the status of the Quarry Ordinance. Assistant County Attorney Wade Hoyt, IV stated that he had spoken with the attorney who is handling the independent review and the attorney is in the process of reviewing all of the documents and doing the required legal research. He is partially complete and estimated a report to the Board will be submitted around August 1st.

Commissioner Hufstetler recognized Rick Thielke, a 14 year old from Houston, Texas. Mr. Thielke was his neighbor in California, approximately 10 years ago, and has high political aspirations and was very interested in attending the meeting while he was here visiting Commissioner Hufstetler's son. He was also welcomed by the other Commissioners.

Visitors from the Junior Service League were also recognized and welcomed.

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

" Fricks

" Jennings

" Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN