

July 25, 2000

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 25, 2000 6:00 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 Hufstetler.

ADOPTION OF

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

Meeting of July 11, 2000 as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

RESOLUTIONS:

**ADOPT RESOLUTION AUTHORIZING
PARTICIPATION IN ACCG/PENSION
SERVICE COMPANY DEFERRED
COMPENSATION PROGRAM (GEBCORP)
AS RECOMMENDED BY THE BENEFITS
COMMITTEE.**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

SECOND READING/PUBLIC HEARING

(FIRST READING HELD JULY 11, 2000 AT 2:00 P.M.)

FILE #022-2000Z, HIGHWAY 20, ALABAMA 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])

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Phil Helton, Rome/Floyd Planning Commission, stated that Billy Timms, the owner, had made the request for rezoning. Mr. Helton reviewed the property location and surrounding property uses. He noted that all public services are available with the exception of sewer and a septic tank will be required. On the 1998 Future Land Use Map, this area was designated as (A-R) Agricultural Residential.

Chairman Mayes asked if there was anyone in attendance in support or opposition of the request.

There was no one present in support of the request.

OPPOSITION

Vickie Weaver, 7748 Alabama Highway, Rome, stated that she owns land adjoining the property and it is a rural area, that it does have a fireworks stand which is open twice a year and a tavern across the road which only has three or four cars a day parked there. She stated that she plans to build a house on her property. The property owner plans to build a truck stop which will be next door to her, and that is her reason for opposing the rezoning. She stated that another adjoining property owner was against the request, but could not attend the meeting. Commissioner Jennings asked Ms. Weaver to show them the location of her property on the map. It was noted that Ms. Weaver has 19 acres, and that the sale on the property will not be closed for approximately two weeks. Ms. Weaver asked how the approval of this request would affect her as to what she wanted to do with her property. Will this limit her in the use of her property? Commissioner Hufstetler stated that her property would still be designated as agricultural residential, so it would not affect her zoning. Commissioner Jennings asked Ms. Weaver if the applicant had talked with her and shown her plans or talked about lighting or buffers. She stated that he had not. Assistant County Manager Tom Tully stated that a buffer would be required between the store and any residential zoned property. Commissioner Mahanay asked how far away from the convenience store did she plan to build. She stated that both road frontages were approximately 300 feet, they are not wide, they are long. If they both put buildings in the middle, they will be side by side. Assistant County Manager Tully stated that there is a required 10' buffer along the side or back lot line and in addition it would require at least a 6' tall screening, either vegetation or a structural buffer. Ms. Weaver stated that she has talked with the engineer from D.O.T. at Cartersville and a deceleration lane will be required for the convenience store. It will not be on her property, but will possibly be on the whole front of her property, since it will have to be over 400 feet long.

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 a Motion for approval or denial. Commissioner Hufstetler stated that he was not ready for vote either way, that they are not receiving information packets in advance from the Planning Commission on the requests. No action was taken, and the request will be on the Agenda for the August 8, 2000 meeting, at which time questions can be asked of the applicant.

**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])**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Phil Helton, Rome/Floyd Planning Commission, stated the rezoning request had been made by Scott Cosper and Norcor Associates, Inc., Cave Spring, Georgia. The location of the property is 2382 Gadsden Road in Cave Spring at the Alabama Line. The present use of the property is agricultural and he reviewed the location of the property and surrounding property uses. All public services are available to the property except for public sewer. The area has been designated as Agricultural Residential on the Future Land Use Map and the Planning Commission voted for approval. Commissioner Jennings stated that he recalled there are wetlands in the general vicinity. Mr. Helton stated that he had received no comments to that affect when the plans were submitted to the Environmental Planner for review. County Manager Kevin Poe stated that based on action taken at the last Board Meeting, before a permit can be issued, Building Inspection will have to complete a review of the site and if there are potentials for wetlands, they will be required to do an engineering study.

SUPPORT

Scott Cosper, Rome, stated that he plans to build a nice store and hopes to be an asset to the community. He stated there is no store for approximately 4 miles. Commissioner Jennings asked about the lighting they will have, that many of the convenience stores are using bright lights which encroach on the neighborhood and asked

if he had considered the muted lighting available. Mr. Coper stated that the nearest resident would be 500-700 feet away, and type of lighting had not been considered.

Commissioner Jennings asked Mr. Coper his plans for vegetation buffers. Mr. Coper replied that he had not considered it, that he will be on the corner of Angel Road, and there is an old home place there which has a lot of trees and he plans to leave all of them, and that will probably be the only buffer since it is open property there.

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 a Motion to approve or deny. MOTION for **approval** of the rezoning request with a Special Use Permit was made by Commissioner Hufstetler. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**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])**

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

Phil Helton, Rome/Floyd Planning Commission, stated that the request had been submitted by Roger Bullington, Silver Creek. He stated that the property is located on Plemons Road, between Wax Road and Abrams Road. Presently the property is vacant and Mr. Helton reviewed the current uses of adjoining property. He stated that all public services are available except public sewer. The area was designated as Agricultural Residential on the Future Land Use Map of 1998. The recommendation of the Planning Commission was for approval.

SUPPORT

Roger Bullington, stated that he has had sickness in his family, and the duplexes are being built for his mother-in-law and father-in-law. He stated that he preferred not to build them, but it will be convenient for them and they will be able to care for them better. He stated that the set of duplexes is as nice as any of the homes in the area.

OPPOSITION

Chris Lowery, 7 Plemons Road, lives at the corner of Plemons and Abrams Roads. He stated that the red packet which had been submitted contained all the petitions. He stated that he had also received an additional petition and letter today from an adjacent property owner. He stated that they all sympathize with what Mr. Bullington will be going through. At the same time, with that in mind, it is still a duplex, and what the future holds is not good. Once the family is not there any more there is only one option and that is either keep it and rent it or sell it. It will still be rental property. He stated they bought their homes as single family homes and that is the way they want to keep it. They do not want rental property, they do not want anything other than single family homes. He stated there are other things Mr. Bullington could do to accommodate for his family. The packet shows the distance Mr. Bullington's house is from the location, which he estimated at approximately one-half mile. He stated that a small house could be built for them, then it could be sold as a single family home. They want to keep the quality of their neighbor, the way they intended when they moved there. He then reviewed the information in the packet which had been presented and the concerns of the residents. It was noted that building had started, but Mr. Bullington had been instructed to stop until after this hearing.

Herbert Taylor, 125 Plemons Road, stated that he has lived at this location for approximately 17 years, and his property is immediately adjacent to the location. He stated that Plemons Road is a very small narrow road and holds more traffic now than it

needs. He stated that his children are grown, but there are still small children in the neighborhood and people tend to drive fast on the road. They do not need a lot more traffic. The driveway to the property runs along beside his property and he does not want to see anymore traffic other than Mr. Bullington. He stated that he appreciates Mr. Bullington, he built his house and they have been good friends in the past, but does not feel this is the time or place to build a duplex.

Mr. Hodges, 91 Plemons Road, stated that Mr. Bullington is going to build a structure within about 50-75 feet of his property line. He stated that Mr. Bullington has over 20 acres and feels that it is very admirable what he is doing for his in-laws, but feels that he could put it a little closer to his own home, and not utilize the easement he has to his home.

REBUTTAL

Roger Bullington, stated that it is a set of duplexes and he is trying to move elderly family members into them. As far as helping the area, he feels that it will help the area more than it will hurt it. Looking at the houses in the area, this will be a nice set of duplexes. He stated that he had built most of the houses, and it is as nice as any of them.

Commissioner Fricks asked why a duplex would serve their purpose better than a single family home. Mr. Bullington stated that he also has a sister-in-law who is older and also helps look after his in-laws, and it will be convenient for her to live close to them. Commissioner Jennings asked Mr. Helton how many additional single family homes could be built on the property. Mr. Helton replied that under the current zoning, two homes per parcel and requires at least 15,000 square feet per home or be approved by the Health Department because it would require a septic tank. If it is changed to S-R, it would allow one duplex or a second single family home, and a Special Use Permit would be required for each additional duplex. It was noted that the property is approximately 1¼ acre. Mr. Bullington stated that if the property was divided and another family home was built, it would cause increased traffic on the road and driveway.

MOTION was made by Commissioner Jennings that the Public Hearing be closed. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes called for a Motion for approval or denial. MOTION for **denial** of the request was made by Commissioner Jennings. SECOND by Commissioner Fricks. Commissioner Hufstetler stated that generally the Board has had a policy of not approving duplexes in neighborhoods which currently have no duplexes. This is a unique situation, but it is consistent with their past policy. Commissioner Mahanay stated that he agrees and that in all due respect, when the in-laws are not living there, then who will and what happens. Commissioner Jennings expressed concern for preserving the neighborhood. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**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])**

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

Phil Helton, Rome/Floyd Planning Commission, stated the request had been submitted by SBA Towers, represented by Lannie Green. The location of the property is 1223 Bethel Church Road, Silver Creek and the present use is residential. Mr. Helton reviewed the uses of adjoining properties, and stated that all public services are available except public sewer. The area was designated as Agricultural Residential on the 1998 Land Use Map. The recommendation of the Planning Commission was that it be denied.

SUPPORT

Lannie Green, 278 Twelfth Street, Atlanta, Georgia, stated that he has applied for the building permit for the tower approved last month. He stated that he represents SBA Towers, the applicant, Mr. and Mrs. Worsham, the property owners and Georgia PCS, the anchor tenant. He is requesting permission to build a 190 foot monopole tower on the Worsham's property. He presented a site plan to the Commissioners. The tower is located approximately 800-900 feet off the Bethel Church Road and will be accessed by an access drive along the westerly property line. The compound itself will be shielded by pine trees and the tower will meet all setbacks off of structures and property lines with the exception of the easterly property line, which is also owned by Mr. Worsham. He stated that when they go into an area looking for coverage area, one of the first priorities is co-location, unfortunately this area does not provide any structures for co-location.

Mr. and Mrs. Mike Worsham, 1223 Bethel Church Road, presented a letter with signatures of the adjoining property owners who had been contacted by the county and had no objections. Mrs. Worsham stated that she has lived at this location for approximately 22 years and they acquired the extra five acres of land next to their current home to build a new larger home. She stated they have made many improvements on the property and keep the property mowed as they do their yard. Mr. Worsham stated that regarding the concern of it being an eyesore and devaluing the neighbors property, and they are planning to build an \$180,000 - \$200,000 home. The income from the tower will enable them to build the home immediately, rather than waiting. He stated that only the top of the tower will be seen. Commissioner Mahanay asked for clarification of the site of the new home, which was given by the Worshams.

Mr. Green stated that the compound, during construction and during operation of the facility will meet all local, state and federal requirements, which include FAA and FCC requirements. He noted that at 190 feet, it will not require any lighting by the FAA. Commissioner Jennings stated that according to the map of the existing cell tower sites, there is a cell tower site not far away on the Rockmart Road. Mr. Green stated that the site is too far south to meet the coverage requirements. Commissioner Jennings asked the radius of the cell tower. Mr. Green replied 2-3 miles. Coverage depends on the terrain of an area. Mr. Green noted that as a part of the application they had submitted maps showing the coverage and frequency in which they would be operating. He noted that when possible they co-locate, and they are currently working with Assistant County Manager Tom Tully on lease agreements on county property.

OPPOSITION

Randle Kilgore, 1251 Bethel Road, Silver Creek, stated that his property adjoins the property in question. He stated that he has been at this address for 20 years and it is a residential area. The tracts are very narrow, his property is 200 feet wide and the Worsham's property is 200 feet wide. As he understands from the meeting at the Planning Commission, the tower will be less than 300 feet from his house. There was discussion as to the location of the tower in relation to Mr. Kilgore's home. Mr. Kilgore

stated this is not a commercial area, it is residential. Commissioner Hufstetler asked if there were any businesses in the area. *(The reply was not audible.)* Commissioner Mahanay asked if Mr. Kilgore was making any changes to his home. Mr. Kilgore replied that he is currently upgrading the outside of his home. Commissioner Mahanay had visited the location recently, and the area where he understand the tower will be looked more than 300 feet to him. Commissioner Hufstetler asked how far would the distance has to be to meet regulations. Assistant County Manager Tully replied that setback is the height of the tower. Mr. Kilgore presented a petition to Clerk Sue Broome.

Jimmy Pointer, 1277 Bethel Church Road, stated that he opposes the telecommunication tower. Commissioner Hufstetler asked how close Mr. Pointer's property is to the tower. He replied that his property adjoins the Kilgore's.

REBUTTAL

Lannie Green, presented another site plan and stated that Mr. Kilgore's property is actually not adjacent to the property the tower will be located on. He stated they had measured the distance of the proposed location of the tower to his home and it is approximately 340 feet. He noted that because of tree line, the compound area will be well shielded from the view of his home.

Commissioner Fricks asked if a variance would be required if the Worsham's wanted to utilize the portion of their lot which is in the fall zone. It was noted that it is their property and they could build in the area.

MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Hufstetler made a MOTION for **approval with a Special Use Permit**, based on the fact that it meets all requirements, SECOND by Commissioner. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

Commissioner Jennings

" Mahanay

Motion Carried

**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])**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Phil Helton, Rome/Floyd Planning Commission, stated the applicant is Jeff Barnett, 2925 Old Dalton Road. He reviewed the location of the property and the current uses of surrounding property. The present use of the property is vacant. All public services are available to the property. The Future Land Use Map of 1998 designated the property as Community Commercial. There had been one comment from the Departmental Reviews, the City of Rome Sewer and Water Department stated an 8 inch sewer line is available on the same side of Highway 27 as the property in question. The carwash discharge pumps would have to be reviewed by the Water and Sewer Department in order to extend the sewage line.

SUPPORT

Jeff Barnett, 2925 Old Dalton Road, stated that he was there to answer questions by the Board.

There being no questions, MOTION for closing the Public Hearing was made by Commissioner Hufstetler. SECOND Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

Chairman Mayes called for a Motion for approval or denial. MOTION for **approval** of the Special Use Permit was made by Commissioner Hufstetler. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

**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)**

Chairman Mayes stated that the request had been 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])**

Chairman Mayes stated that this item will be tabled without action, and 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

SUPPORT

Shawn Caskey, 407 Bluff Street, Rockmart, representing Signal One, Chattanooga, Tennessee, stated he had appeared before the Planning Commission on July 6 with an application for a Special Use Permit to build a Telecommunications Tower at 3128 Highway 411 in the area known as. At this time they are asking that the request be tabled for 30 days. This is their first application under the new ordinance, and they do not feel they have adequately provided the Board with all the information needed to evaluate the proposal. They would like to go back and obtain more information to be submitted. Commissioner Jennings asked if they were familiar with the position taken by the Board in seeking co-locations wherever possible also for providers to look at potential county properties where there is already a structure so that it would be less obtrusive. Commissioner Jennings stated that he is adamant that the beautiful countryside will not have hundreds of the cell towers all over Floyd County. He asked Mr. Caskey to look at co-locations wherever possible. Mr. Caskey stated that one of the reasons they were asking to table the request is that they feel they want to make sure they exhaust every single possibility of co-location. He stated that Signal One is a Company which makes it business on co-locations. He stated that even if it is a competitor, he makes sure his customer is aware of an existing tower. Mr. Caskey requested a copy of the existing towers map to help them determine current tower locations. It was noted that there have been towers approved which are not on the map. There are other properties in the area which they did not look at and the delay gives them a chance to further review sites. Assistant County Manager Tully stated that he will be meeting with a representative of the company within a week or so and will provide the information on the sites approved, but not on the map as well as county sites available nearby. Commissioner Mahanay asked the distance of the proposed tower location to the nearest house. Mr. Caskey replied that it is his understanding that the tower would require a number of setbacks off the property lines. There are some structures to the north and northwest back, off Vann's Road. The abandon Southern Railway site is supposed be 100 feet wide and their tower is situated somewhere within 50 feet of their property line so they are at least 150 feet from the residential property.

MOTION to close the Public Hearing was made by Commissioner Mahanay,
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes stated no action is required on this item.

ADJOURNMENT FOR 5-MINUTE RECESS.

Chairman Mayes called for a Motion for a 5-minute break. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

RE-OPEN MEETING AFTER RECESS.

**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 #123.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

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

SUPPORT

Deborah Rogers, Pastor of Mount Berry United Methodist Church, stated that in January, 1996 there were several people worshipping there and now they have over 120. They have outgrown their facility, which is 100 years old and are looking forward, with the permission of the Board to build a new facility in which to minister to the people

of Armuchee. She stated that Jeff Howard, a parishioner and member of the Building Committee, was in attendance and would answer any questions.

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

MOTION for **approval** for the Special Use Permit to build a church was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AMENDMENT TO SECTION 2-5-35 OF THE
FLOYD COUNTY CODE RELATING TO THE
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 open the Public Hearing. MOTION was made by Commissioner Jennings, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

There being no one present to speak for or against the amendment, 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

Commissioner Hufstetler made a MOTION for Amendment of Section 2-5-35 of the Floyd County Code from release of animals to adoption of animals, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

VARIANCES:

**FILE #008-00V, ISAAC C. HIGHTOWER,
1525 HORSELEG CREEK ROAD, SW,
PROPOSED STORAGE BUILDING IS AN
ENCROACHMENT ON MINIMUM SETBACK.**

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

SUPPORT

Isaac C. Hightower, 1525 Horseleg Creek Road, stated that he is asking for the variance because his lot is on a hillside and he could move the building up the hill closer to his house and have not variance problem, but it would be on a down slope and he would have to raise a floor at least ten feet, to have room to obtain the 25 feet. He stated he has 16 plus feet on his back lot line and is on the back of his neighbor's side line, which is a wooded area behind her house. Chairman Mayes asked the size and kind of the building he plans to build. Mr. Hightower replied that it is a 30 by 36 metal storage building. Presently it will not have electricity, but he may add it in the future. The building will be used for storage of his lawnmowers, garden tractors and tillers. Chairman Mayes asked if there will be a business on the property. Mr. Hightower replied that there will be no commercial business whatsoever. Commissioner Hufstetler asked if he had talked with the neighbor on who the encroachment is on her property. Mr. Hightower replied that he had talked with her and after looking at the location said she has no objection, they do not have any planned use for the back corner and would sign anything needed. Commissioner Mahanay asked the County Attorney if it is advisable to have the neighbor put something in writing in the event that something comes up later. County Attorney Wade Hoyt replied that the property was posted and she had the opportunity to attend this meeting, and they have the right to ask that this be done, but it won't affect the approval. It was noted that the actual variance is approximately 9 feet.

Commissioner Fricks made a MOTION to close the Public Hearing, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

Chairman Mayes called for a Motion to approve or deny the request. MOTION for **approval** of the variance with an encroachment on the minimum setback was made by Commissioner Jennings. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

**FILE #007-00V, JAMES WORSHAM/SBA
TOWERS, 1223 BETHEL CHURCH ROAD,
VIOLATION OF COMMUNICATION
TOWER ORDINANCE AND MINIMUM
SETBACK.**

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

SUPPORT

Lannie Green, 278 Twelfth Street, Atlanta, stated that they are looking for a variance. The property where the tower will be located belongs to Mr. Worsham and the property where the setback variance is required is also Mr. Worsham's. He stated that with the application a letter had been submitted with Mr. Worsham's signature stating that he had no problems with the setback variance.

OPPOSITION

Randall Kilgore, 1251 Bethel Road, stated that the variance, from what he is reading, tells him there are two violations. There is a violation for the Communication Tower Ordinance and there is a violation for the minimum setback. He had previously stated his house is 300 feet from the tower and he realizes he is just one person, but if this is allowed to happen, it will happen all over Floyd County. There will be a cell tower in every cul-de-sac, you may be looking at a cell tower in your backdoor. This property is too tight, too close, it's too narrow to have a cell tower or any kind of commercial tower, no matter how high it is. He has lived in Floyd County all of his life, at this residence for over 19 years, this is my home. He stated his home and his property are being violated, his property value will drop, maybe not on paper, but if he decides to sell the property, who will buy it. He has 20 years invested and untold dollars invested in his property. Should he need to sell or want to sell, where would he go, this is not the place for a cell tower. He asked that the Board understand his position on this request.

REBUTTAL

Lannie Green, replied that the property was previously approved for the tower. The property meets all other setbacks with the exception of this one which is off of Mr. Worsham's property. Regarding property values, the Worshams earlier indicated that they have plans to build a \$180,000 to \$200,000 home and he feels that will have a bigger impact on the property values of the surrounding neighborhood. He stated that there have been studies which show that towers have no impact on property values. Regarding a tower going up in every cul-de-sac, the ordinance has been written to not allow this to happen. He noted that this is not a precedence setting tower, it has met all the requirements with the exception of this one variance.

MOTION was made by Commissioner Hufstetler to close the Public Hearing, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes called for a Motion for approval or denial. MOTION for **approval** of the variance was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. Commissioner Hufstetler stated that the violation of the minimum setback only applies to property which Mr. Worsham owns, it is not a violation of anyone else's property. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Commissioner Jennings

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])**

**(SECOND READING/PUBLIC HEARING HELD JULY 11, 2000
AT 6:00 P.M. [NO ACTION])**

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

CHAIRMAN'S REPORT:

APPOINTMENTS.

Chairman Mayes stated that appointments will be postponed until a later date.

COMMISSIONER'S REPORT:

ADMINISTRATIVE/FINANCE COMMITTEE:

**AMEND THE BUDGET FOR FLOYD MEDICAL
CENTER TO INCLUDE INDIGENT CLINIC –
\$420,000.**

Commissioner Hufstetler, Committee Chairman stated that this relates to a proposed agreement with Floyd Hospital whereby they use their residency program to run the County Clinic. In addition their total funding will be increased for Indigent and Ambulance Service from last year's total of \$220,000 to \$420,000. Currently there is \$100,000 in the budget for indigent care. MOTION to place this item on the Agenda

was made by Commissioner Hufstetler, and he stated a 4/5 vote is needed. SECOND by Commissioner Jennings. Commissioner Fricks asked if the full \$100,000 for the clinic will be funded since it will be only six months, and part of this budget had been utilized to operate the Clinic for six months. After discussion, it was noted that the annual amount can be divided by six and paid to them in six increments or divide the annual amount in half and then pay them for the rest of the year. Commissioner Hufstetler stated that he would like to see the \$420,000 be approved in calendar year 2000. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes stated the item is on the Agenda and called for a Motion. MOTION was made by Commissioner Hufstetler for approval to amend the budget for a total of \$420,000 for Floyd Hospital in the calendar year 2000, payable in three payments, one now and then quarterly. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

It was noted that the contract had previously been signed when it was originally proposed.

HEALTH FAIR.

This had been discussed during Caucus and will be discussed at the next meeting.

FLOATING HOMESTEAD EXEMPTION.

Commissioner Hufstetler stated that he had requested that the staff look at the Floating Homestead Exemption. This had been discussed among some of the Commissioners during April. Any time that an assessment is increased on a homeowner, it would give them a corresponding homestead exemption which will offset it. He stated he is not asking for action to be taken but that the needed information be obtained to look at it at a future date.

DISCUSS TERMS AND EXPANSION OF TAX ASSESSOR BOARD.

Commissioner Hufstetler stated that they are looking at expanding the Tax Assessor Board from three to five members and noted that an appointment will be made in December. He requested that any interested citizens who would like to serve on this board send in a profile sheet. He noted that it does require some real estate related background to serve on the board. This is also a paid position. Profile sheets can be obtained through the County Clerk's Office. Commissioner Fricks asked that Bill McWhorter, Tax Assessor, be requested to write a description of the responsibilities of the position.

Commissioner Hufstetler stated that the cabinets for the Tax Commissioner's Office had been approved in the budget, but no action has been taken. County Manager Kevin Poe noted that the previous package will have to be adjusted and rebid.

PUBLIC SAFETY COMMITTEE.

Commissioner Mahanay, Committee Chairman, stated that over a period of time, there are inequities regarding compensation and that he and the County Manager are reviewing the situation and they will be taking action as far as making evaluations. He stated they are also moving forward with the purchase of a CAD system (Computer Aided Dispatch) for the 911 Center.

PUBLIC WORKS COMMITTEE.

Commissioner Fricks, Committee Chairman, stated that he had no items to report at this time.

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that regarding the water situation, we continue to be holding our own. He thanked the distribution crews for their work in repairing any broken water lines in a timely manner. As a matter of information, he stated that he and Commissioner Mahanay had met with the City of Rome, City of Cave Spring and Floyd County Water Commission. Presentations had been made by engineering groups, which prepare studies of the existing water system and the future needs in the water systems. A selection of a firm to contract for the services will be made in the near future. This is a way of further looking at the long-range water needs of our community and making sure there is a more than adequate supply. Commissioner Jennings stated that they will be looking at the interconnections between the city and county and we would incorporate the studies that Bob Atkins has done on groundwater. From a county perspective they are looking at where they need to be headed in the next twenty-five to fifty years. Chairman Mayes asked if they are also looking at neighboring counties. Commissioner Jennings replied that they are, but it is more of a local study. He

noted that the Board has voted some funds to the RDC and they have recently hired someone to look at water issues from a regional perspective. He noted that there has not been official notification from the state that we need to provide them with those studies, but it is anticipated that this will be required in the future. The possibility of utilizing water from the rock quarry was discussed.

CLERK'S REPORT:

CONSENT AGENDA.

County Clerk Sue Broome advised that a 4/5 vote is needed to add Item #7 on the Agenda, which is to adopt a resolution requesting a performance review of the Floyd County Board of Tax Assessors Office by the Commissioner of the Department of Revenue. After Item #7 is approved then the Consent Agenda can be submitted for consideration. MOTION was made by Commissioner Hufstetler that Item #7 be added to the Consent Agenda, SECOND by Commissioner Fricks. VOTING;

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Fricks asked for an explanation for adopting a resolution requesting the performance review of the Tax Assessor's Office since it seems to have been approved previously. It was noted that the Revenue Department had requested a formal resolution. The Commissioners' questions will need to be submitted within thirty days and County Attorney Hoyt suggested that they be submitted to County Clerk Broome or County Manager Poe to be compiled into one list. It was the consensus that this will be a part of the August 8, 2000 Caucus Meeting, which will begin at 11:00 a.m.

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

1. Authorize execution of Local Government Enforcement and Education Grant - \$35,130 (Second year funding for scrap tire recycling) (CN-0184).

Tax Refunds:

William Steven Brooks, 1 Graben Drive, \$175.91
W. C. Roberson, 3 Robinson Avenue, SW, \$18.72
Marsha S. Carter, 2425 Flannery Street, \$34.61

Malt Beverage License

Javier Enriquez, Los Portales Mexican Restaurant, 3989 Martha Berry Highway, Rome

Authorize execution of Georgia Environmental Facilities Authority Recycling and Waste Reduction Grant, Project #2000-RWR-17 (Recycling and Waste Reduction Consultant - \$33,000) (CN-0187).

Approve 2000-2001 Budget for Rome/Floyd County Records Center and Facility Lease (\$92,617.28 – Floyd County \$32,416.04) for space (\$1,144.00) per year.

Authorize the Chairman to execute the Department of Revenue Certificate for Release of Errors for the 1999 Tax Digest - \$5,531.48.

Adopt Resolution requesting performance review of the Floyd County Board of Tax Assessors by the Commissioner of the Department of Revenue.

MANAGER'S REPORT:

AUTHORIZE EXECUTION OF DEPARTMENT OF TRANSPORTATION CONTRACT FOR MAINTENANCE OF HIGHWAYS, ADDITION OF ROME CITY STREET 1184 AND A SECTION OF FLOYD COUNTY ROAD 373 (RIVERSIDE PARKWAY) TO STATE HIGHWAY SYSTEM (TEMPORARY DESIGNATION AS STATE ROUTE 1027).

County Manager Kevin Poe stated that it had been discussed in the Caucus Session that documents had been received from the D.O.T. They want to designate Riverside Parkway as State Route 1027 during the time they will be reconstructing the road and are asking that Floyd County continue to maintain the county section of the road during construction. It was noted that the county currently maintains the road. MOTION to authorize the execution of the Department of Transportation contract for Maintenance of Highways was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay.

Commissioner Jennings stated that he will be voting “no” and stated that he is concerned about the project and Riverside Parkway. He stated that it has been proposed as a four lane, median divided highway with an at grade crossing on Turner McCall Blvd. and the four lanes will become two lanes beyond the Library. This will take a significant portion of the Library parking area and the landscaping, as well as take the trees in Riverside. He stated that he sees the need for widening Riverside Parkway and

providing bike lanes or sidewalks, but is opposed to the road being a four-lane with a median. He urged the D.O.T. and any other parties involved to review the project and make it a more reasonable project.

Commissioner Fricks stated that in the Motion they were only being asked to maintain the road during the existence of the project and a design of the project had not been submitted.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

Commissioner Jennings

" Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF OPTION
AND LAND LEASE AGREEMENT BETWEEN
FLOYD COUNTY AND SBA TOWERS, INC.
FOR PROPERTY LOCATED ON THE OLD
DALTON ROAD.**

County Manager Kevin Poe stated that recently SBA Towers had approached the county with interest in locating a tower on the Old Dalton Road. At that time there was concern about the location and SBA was requested to look at an alternate location. Since that time they have looked at the water tower site on Old Dalton Road, off of Highway 140. He presented an Option and Land Lease Agreement between Floyd County and SBA Towers for them to locate a tower at this site. A bond was also submitted in the amount of \$25,000 which will cover the removal of the tower at such time it is not being used. Assistant County Manager Tom Tully stated that the only change from the original proposal is that originally it was a 190 foot monopole tower, now they would like to put a 250 structure on the property which is adjacent to the county water tank. It was noted that the County Attorney has reviewed the lease. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Commissioner Jennings stated that he appreciated the efforts to locate on a different site, which will be less obtrusive.

**REQUEST AUTHORIZATION TO TRANSFER
TITLE OF A 1985 FORD F-700 DUMP TRUCK,
SERIAL #1FDPF70H6FZA64353 TO CAVE
SPRING FOR \$1,500.**

County Manager Kevin Poe presented a request from the City of Cave Spring Mayor Frank Scalf asking that the Board of Commissioners transfer the title of a 1985 Ford F-700 dump truck to the City of Cave Spring and that they will pay \$1,500 for the truck. He stated that in the past they have transferred equipment to Cave Spring. The dump truck had be surplusd and felt it was adequate for their needs. He recommended the transfer of the title be approved and accept the amount of \$1,500 for the truck. MOTION for approval was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AUTHORIZATION TO PERFORM
HYDROLOGICAL STUDY ON
OOSTANAULA RIVER PEDESTRIAN
BRIDGE.**

County Manager Kevin Poe stated that they are finishing up the design of the bridge and the way it is being designed, it may cost less than anticipated. He stated that one of the foundations will be in the floodway on the edge of the riverbank, in the water. The design had been modified to eliminate the problem with some of the supports going into the Forum parking area, the supports will now be underground. FEMA requires a

Hex II Study, or no rise certification, which is proof that putting the structure in the floodway will not increase the level of the water during normal flows. They had received a proposal from HMTB, the engineers, to complete the Hex II Analysis at a cost of \$13,920. This would be an amendment to their current contract. They did contact other engineers, but only one was less expensive and they would take 60 days for the project. He requested approval to proceed with hiring an engineering firm to complete the Hex II Study at a cost not to exceed the HMTB proposal, \$13,920. It was noted that the city and county would split the cost. After discussion, MOTION to authorize the hydrological study was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**REQUEST FROM OPEN DOOR HOME
TO INCREASE FUNDING FOR NEW
ADDITION.**

County Manager Kevin Poe stated that this had not been discussed in the Caucus Session. Commissioner Hufstetler stated that he would like to defer this item since there are still unanswered questions. He stated that he does intend to support the project. County Manager Poe stated that he has information which can be presented at a later date.

**AUTHORIZE CHAIRMAN TO SIGN
SECTION 157 GRANT PROPOSAL
FOR SAFETY BELT USE - \$9,347.44. (CN-0190)**

County Manager Kevin Poe stated that the State of Georgia, Department of Public Safety has requested that the county participate with them in a project to enforce seatbelt use. They will have three blitz enforcements, one over Labor Day holiday, one over Thanksgiving and one in February during Child Passenger Safety Awareness Week. They will provide funding to cover the additional cost of adding additional patrol during those times. He reviewed the requirements of the Grant. It was noted that the current seatbelt usage in Floyd County is 71% and the state would like to increase it to at least 80%. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mahanay

Motion Carried

MOTION was made by Commissioner Hufstetler that Items #8, #9 and #10 be added to the Agenda. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mahanay

Motion Carried

BID AWARD:

**FLOYD COUNTY WATER SYSTEM
RENOVATION TO SERVE NORTHWOOD
ESTATES AND HERMITAGE AREA
J-15430. (CN-0189)**

County Manager Kevin Poe stated that on July 20, 2000 bids were accepted for renovations to the water service in the Northwood Estates and Hermitage area. This is a planned project using the bond proceeds for payment. He noted that the bids were competitive, and the low bidder was Ronny D. Jones Enterprises, Inc., in the amount of \$904,463. The budgeted amount was \$923,000, so it did come under budget. He recommended awarding the project to Ronny D. Jones Enterprises, Inc. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Jennings
" Mahanay

Motion Carried

**APPROVE FY2000 PRISON CONSTRUCTION
BUDGET.**

County Manager Kevin Poe stated a Prison Construction Budget for FY2000 is needed. A budget had been submitted by Comptroller Al Leonard. He stated that the \$2 million amount is conservative, but wanted have enough. He reviewed the budget figures and recommended approval of the budget as submitted so they can proceed with payment of services provided. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AUTHORIZE CHAIRMAN TO SIGN
BUDGET CERTIFICATION FOR LOCAL
MATCHING FUNDS FOR TEA 21, SOUTH
BROAD BRIDGE PROJECT.**

County Manager Kevin Poe stated that at the previous meeting they had discussed submitting the South Broad Bridge Project as a TEA 21 project for funding. This is a \$1 million project and is similar to the Pedestrian Bridge and requires matching funds from the local government in the amount of \$250,000. As with the Pedestrian Bridge the city has agreed to fund \$150,000 and the county \$150,000. He presented an Attachment and Certification which states that Floyd County is willing to provide the matching funds as stated. The documents require the signature of the Chairman and then will be submitted along with the application which is due on July 28. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

County Manager Kevin Poe mentioned that the Board will be invited by the Rome Rotary Club to the Red Apple Luncheon at the Coosa County Club on August 7. He stated that the Planning Retreat has been scheduled for August 29 at 8:30 a.m., at Zion Farms and Gordon Maier with the University of Georgia, Carl Vinson Institute will be the Facilitator. Lunch and dinner will be provided. It was the consensus that a Called Meeting will be scheduled for August 28, 2000 at 1:30 p.m. to set the millage rate.

ATTORNEY'S REPORT:

**AUTHORIZE ATTORNEY TO SETTLE
JAIL BRACELET CASE.**

County Attorney Wade Hoyt stated that authorization was needed to settle the missing jail bracelet case for \$2,500. Information had been presented in the packets and he noted that the county is responsible for the lost bracelet and they had received an appraisal of \$3,000. A settlement has been reached for \$2,500. MOTION was made by Commissioner Fricks, SECOND by Commissioner Mahanay.

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

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