

August 22, 2000

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
August 22, 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 Hufstetler led the Invocation.

PLEDGE OF

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

ADOPTION OF

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

Meeting of August 8, 2000, as presented. SECOND by Commissioner Hufstetler.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PROCLAMATIONS:

A Proclamation proclaiming **August 22, 2000** at **22nd Marine Expeditionary Unit Appreciation Day** was presented to Col. Paul E. Lefebvre at 4:30 p.m. in the Commissioners Meeting Room.

FIRST READING

**(SET SECOND READING/PUBLIC HEARING FOR
SEPTEMBER 12, 2000 AT 2:00 p.m.)**

AMEND COMPREHENSIVE PLAN'S FIVE YEAR

**SHORT TERM WORK PROGRAM AND ADOPT
RESOLUTION. (SET SECOND READING/PUBLIC
HEARING FOR SEPTEMBER 12, 2000 AT 2:00 P.M.
AND AUTHORIZE ADVERTISING)**

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

**ADOPT RESOLUTION OF SUPPORT FOR
OPEN DOOR HOME – CDBG APPLICATION.**

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 AUGUST 8, 2000 AT 2:00 P.M.)**

**FILE #026-2000Z, CORNER OF ROGERS AND
ADDINGTON DRIVE, REQUEST REZONING
FROM L-I (LIGHT INDUSTRIAL) TO S-R
(SUBURBAN RESIDENTIAL) WITH A SPECIAL
USE PERMIT TO BUILD DUPLEXES (2), TAX
MAP #438, AREA #02, PARCEL(S) #13.
(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

Chairman Mayes asked **Phil Helton of the Planning Commission** to give a brief review of the request. Mr. Helton provided a map showing the location and surrounding properties and reviewed the use of the surrounding properties. He stated that all public services, with the exception of public sewer are available. The property was designated as Light Industrial on the Future Land Use Map of 1998. It was noted that the sewer line will be extended to the property.

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

Chairman Mayes called for a Motion for approval or denial. MOTION for **approval** was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**FILE #013-2000SUP, 142 BOOZE MOUNTAIN
ROAD IN THE LINDALE AREA, REQUEST A**

**SPECIAL USE PERMIT IN AN A-R (AGRICULTURAL RESIDENTIAL) ZONING DISTRICT TO BUILD COMMUNICATION TOWER, TAX MAP #574, AREA #0, PARCEL(S) #005.
(PLANNING COMMISSION RECOMMENDATION: WITHDRAWN)**

No action was taken since this request had been withdrawn.

VARIANCES

**FILE #009-00V, JEFF BARNETT, APPLICANT, MARTHA BERRY HIGHWAY, VIOLATION OF MINIMUM SETBACK.
(DEFERRED FROM AUGUST 8, 2000 MEETING)**

SUPPORT

Jeff Barnett, Armuchee, stated that he is not ready to bring this request to the Board since there are still unsettled issues, such as with Glenwood Avenue, and there are also requirements by the DOT. He requested that this item be tabled until the next meeting.

It was noted that a Public Hearing on this request had been held at the previous meeting. Chairman Mayes stated that no action would be taken on this request.

**VOTE ONLY
(DEFERRED FROM AUGUST 8, 2000 MEETING)**

**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])
(FIRST READING HELD JULY 11, 2000 AT 2:00 P.M.)
(SECOND READING/PUBLIC HEARING HELD JULY 25, 2000 AT 6:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD AUGUST 8, 2000 AT 2:00 P.M. [NO ACTION])**

No action was taken.

**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 2:00 P.M. [NO ACTION])

(SECOND READING/PUBLIC HEARING HELD JULY 25, 2000

AT 6:00 P.M. [NO ACTION])

(SECOND READING/PUBLIC HEARING HELD AUGUST 8, 2000

AT 2:00 P.M. [NO ACTION])

No action was taken.

CHAIRMAN'S REPORT

Chairman Mayes noted that there will be a Called Meeting held on August 28, 2000 at 1:30 p.m to set the millage rate. There will be a Commissioners Planning Session on August 29, 2000 at Zion Farms.

COMMISSIONER'S REPORT

ADMINISTRATION/FINANCE COMMITTEE

Commissioner Hufstetler, Committee Chairman, made the following statement regarding the Tax Assessor Board. *"I do want to state again as I stated in the Caucus that Raymond Lambert was invited to attend the meeting, and chose not to. The previous Board of Tax Assessors did not follow the State guidelines on assessing all property at Fair Market Value. Instead some increases were limited, and the Tax Appraiser Office*

received additional staff and equipment from the previous Commission to reassess all property on a three-year basis. Then they did not perform the door-to-door reassessments. Some other items, and I don't want to list them all, that concern me is an employee hired into a position that required them to use their own personal vehicle and receive mileage reimbursement and then refused to drive their own vehicle. This employee has been allowed to defy the rules of the County and not drive their own vehicle. The current Board of Tax Assessors were questioned about their request for an additional \$600,000 in funding. The Boards subsequently agreed to hire an independent party to assess the situation. The consultant then compared Floyd to six other counties and said that Floyd County was adequately staffed to personally visit all Floyd County property before reassessing it. The Tax Assessor Board then said it did not agree with the third party consultant and would ignore its findings. It then began a computer generated reassessment of all Floyd County property without ever looking at the property, some of which had not been looked at in years. The combination of not doing the door to door reassessments and deliberately not appraising property at Fair Market Value by limiting increases on certain property has now cost the governments of Floyd County over \$800,000. I am requesting that Raymond Lambert resign his position immediately. If he will not resign, I will then later request that the other Commissioners join in and ask the County Attorney to investigate whether his malfeasance in office can be grounds for a court to remove him from his office."

PUBLIC SAFETY COMMITTEE

AUTHORIZE EXPENDITURE OF \$3,000 FOR START-UP OF LEC MEMORIAL FUND.

Commissioner Mahanay, Committee Chairman, stated that he had mentioned in a previous meeting that the law enforcement agencies of Floyd County have designed a bronze memorial for the officers who have fallen in the line of duty. The memorial will be place in front of the Law Enforcement Center with an appropriate wall behind it displaying plaques with the names and vital information. This project will take approximately \$80,000 to fund and there are a number of fund raising projects which will be launched. One of these is the design and production of tags for the front of automobiles. There will be a tag representing the City, Floyd County and Berry College. In order to produce all three at once, funds in the amount of \$6,000 are needed. The County would provide \$3,000 and the City would provide \$3,000. These funds will be reimbursed from the fund raising. Commissioner Mahanay made a MOTION that the County support this memorial and provide the \$3,000 needed for three months. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PUBLIC WORKS COMMITTEE

Commissioner Fricks, Committee Chairman, stated that the implementation of the Quarry Ordinance will be discussed in the Commissioners Planning Session.

Commissioner Jennings stated that on Thursday, August 24, 2000 at 7:00 p.m. there will be a meeting at the First Baptist Church in Cave Spring. Jeff Cowan, Director of the Surface Mining Unit of the Georgia EPD will be present to discuss the permit which was granted to Florida Rock. There have been questions from the community about the permit and this will be an opportunity to hear directly for the EPD about the permit and the conditions of the permit.

WATER COMMITTEE

Commissioner Jennings, Committee Chairman stated that we still are in the midst of a drought and still have water restrictions. As a county, we are holding our own in terms of water pressure and water supply and ask people to continue conservation as much as possible.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Sue Broome stated there were four items on the Clerk's Report, they have been reviewed by the Board, they are in order and are presented for consideration. 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

1. Tax Refunds:

a. CIT Group EQ Financing, Inc., 650 CIT Drive, Livingston, NJ,
\$4,152.62

b. Bobby Payne/Trustee Fannie Lou Payne, 105 Whispering Oaks
Lane, NW, \$165.64

- c. Highlander Poultry/Janis Justice, P.O. Box 549, Silver Creek, \$2,289.10
- d. Miltson, Inc., 1675 Alderbrook Road, Atlanta, \$70.76
- e. Amber C. Jones, 22 Tamassee Lane, NW, Apt. N4, \$17.59
- f. Timothy M. Little, 9 Crosscreek Drive, NW, \$75.69

Authorize execution of Independent Contractor Services Agreement between Floyd County Victim Witness Assistance Program, Floyd County Juvenile Court and Andrea Finley, Contractor (former contractor – Misty Kirkland).

- 3. Approve application for Precious Metals License:
 - a. Tara Cain Flory, The Silver Touch, 405 Blackberry Lane, Lindale
- 4. Authorize execution of the Children and Youth Coordinating Council statement of subgrant award, general and special conditions and other related documents for the Juvenile Prosecutor program, subgrant number 99B-CM-0007 (\$37,988)(CN-0197).

MANAGER'S REPORT

AUTHORIZE EXECUTION OF CERTIFICATE OF OWNERSHIP AND MAINTENANCE AGREEMENT FOR LEVELING AND RESURFACING ON 11 COUNTY ROADS, PROJECT NO. LAR-30-359-1(115).

County Manager Kevin Poe presented a Certificate of Ownership and Maintenance Agreement related to the Department of Transportation's Local Assistance Road Program (LARP). This document needs approval, then a contract will be submitted to us at a later time. He recommended authorizing the Chairman and Clerk to sign this document. MOTION was made by Commissioner Mahanay to authorize the Chairman and Clerk to sign the document. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

BID RESULTS.

County Manager Kevin Poe stated that sealed bids had been taken on August 4, 2000 for a **fifteen passenger van for Floyd County Prison**. The low bid was from Carl Gregory Dodge in the amount of \$20,931.93 and he recommended the bid be awarded to the low bidder. 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

Bid Results

Carl Gregory Dodge	\$20,931.93
Nash Chevrolet	\$22,597.65
Rome Ford Company	\$23,322.00
Bob Williams Dodge	\$23,600.00
Heritage GMC	\$21,600.00
Riverside Chevrolet	\$23,837.28
Nalley Chevrolet	\$21,099.00
Kimball Ford	\$22,027.10
Prater Ford	\$21,185.00

County Manager Kevin Poe stated that sealed bids had been taken for **ten portable radios for the Floyd County Police Department** on August 4, 2000. He recommended awarding the bid to the low bidder, Advance Communications in the amount of \$539 each. MOTION for approval was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

Bid Results

Advanced Communications	\$539.00 each
Bearcom	\$579.00 each

Coosa Valley Communications

\$609.00 each

County Manager Kevin Poe stated that sealed bids were also taken on August 4, 2000 for the purchase of a **brush chipper for the Floyd County Public Works Department**. He presented the bid results and a letter from Rodger Swaim, Public Works Director, detailing their review of the bids and the recommendation was that bid number 3 from Southeastern Equipment in the amount of \$21,870 be accepted.. County Manager Poe recommended acceptance of bid number 3 from Southeastern Equipment in the amount of \$21,870, according to the recommendation of Rodger Swaim. Commissioner Hufstetler asked the reason that the other bids were not accepted. County Manager Poe stated that the others did not meet the specifications. It was noted that this is not the low bid, but the only one which meets the specifications. MOTION for acceptance of the bid which met specifications was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Bid Results

Vermeer Southeast	No Bid
Southeastern Equipment (Bid #1)	\$22,738.00
Southeastern Equipment (Bid #2)	\$19,934.00
Southeastern Equipment (Bid #3)	\$21,870.00
R. Z. Zimmerman, Inc.	No Bid
Cobb County Tractor	No Bid
Rhinehart Equipment	No Bid

AWARD OF SOUND SYSTEM PROJECT AT THE FORUM.

County Manager Kevin Poe stated that sealed bids had also been taken for the installation and upgrade of the sound system at the Forum. One bid was received from Central Electric Systems in the amount of \$19,425. He recommended the bid be awarded to Central Electric Systems in that amount. Chairman Mayes called for a Motion. MOTION for approval was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

Bid Results

Central Electric Systems	\$19,425.00
David Culp, Inc.	No Bid
Conrad Feirn	No Bid
MDS Lighting	No Bid
Lee Shealy	No Bid
David Elliott	No Bid
Terhune Electric	No Bid

**AUTHORIZE CHAIRMAN TO SIGN
LETTER REGARDING OPEN DOOR
HOME FUNDING.**

County Manager Kevin Poe stated that, as had been discussed in the Caucus Session, the Open Door Home is seeking a letter signed by the Chairman of the County Commission related to current and future funding of the Open Door Home. This letter is needed to be submitted with the grant application. He recommended authorization for the Chairman to sign a letter that basically states that we would continue our funding level at the same percentage amount as previously committed to, which is 13.8% of the overall operating budget. Commissioner Mahanay made a MOTION that they follow the intent of the request and that they also use the percentage number of 13.8 of the proposed budget for the new Boys Home. SECOND by Commissioner Fricks. After discussion, Commissioner Mahanay amended his Motion to use "comparable" rather than the specific percentage. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

**AUTHORIZE CONTRACT WITH NORTHWEST
GEORGIA PAVING, INC. – MULCH SITE PAVING
PROJECT AT WALKER MOUNTAIN LANDFILL.**

County Manager Kevin Poe stated that sealed bids had been received for paving work at Walker Mountain Landfill associated with the new Mulch Site. The project is being funded through a GEFA Grant which Floyd County has received. Bids were taken and the low bidder was Northwest Georgia Paving, Inc. in the amount of \$21,300. He noted that this is under the projected budget amount and the Solid Waste Commission has recommended that the bid from Northwest Georgia Paving, Inc. be accepted. Chairman Mayes called for a Motion. MOTION for approval was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**REQUEST FROM PROBATE COURT JUDGE
TO AMEND HIS BUDGET TO PURCHASE
A MICROFILM READER/PRINTER.**

County Manager Kevin Poe presented a request from Judge Burkhalter, Probate Court, to transfer \$350 into his Equipment Line Item to cover the purchase of a microfilm reader/printer. He noted that this is just an amendment to his Equipment Line Item, it would not increase his overall Departmental Budget. He recommended the acceptance of the request. MOTION for acceptance of the request was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

County Manager Kevin Poe reminded the Commissioners of the August 29, 2000 Board Retreat which will begin at 8:30 a.m. at Zion Farms.

OTHER BUSINESS

Lyn Davis, 110 Sheridan Drive, stated his concern is the recent tax appraisal. He stated that he represents a group of residents in his area. He stated that in 1998 a

resident had their house appraised, it appraised for slightly over \$50,000. In 1999, Floyd County had the same house appraised for \$78,060. The new tax notice has the house appraised for \$99,680, he stated that is a \$44,000 increase in three years. They went up \$15,000 on another house in one year, which is a 32% increase. The smallest of all the houses in the area also went up \$15,000. He asked how the Commissioners thought the residents would pay for this. He stated that he had met with Bill McWhorter that morning and knew the reason for the increases. Three houses had been sold in the last couple of years for good prices, but the residents he represented have no plans for selling their houses. He stated that he had a proposal to present. If you have been living in your house for 20 years, it is paid for, you are 70 years old, and are living on a fixed income, why can't we grandfather that and not go up on their taxes any more. He stated that everyone there is going through the same thing. Can't something like that be done, that is why he is here. He stated that he appreciated the Board's time.

Commissioner Hufstetler stated that the Board had gone on record as saying that they know the assessments need to be accurate. Their biggest concern is that these houses were not visited before the reassessments were done. He stated that he did not know the property so did not know if the assessments were correct, but would feel better and felt that the citizens of Floyd County would feel better if they were visited and looked at. The two things that the County has done as a Board of Commissioners is that the millage rate had been lowered last year and they will lower it this year. On the ballot this November will be Homestead Exemption which will take away \$7,500 of the increase. Since most of the ones mentioned were \$15,000, it will not take away all of the increase. He stated that he feels it is a step in the right direction and hopes that more can be done in the future to help the people on fixed incomes.

Mr. Davis stated that one resident had registered three or four complaints. Mr. McWhorter had told him this should have been done last week. There has to be an answer, we need to grandfather the people, not go up on their taxes, but when you sell the house, then we will recoup our money. He asked that they help these residents.

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**