

March 26, 2002

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 26, 2002 **6:00 P.M.**

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

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Wade Hoyt, III, and County Clerk Michele Fountain.

CALL TO ORDER: Chairman Fricks called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

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

PROCLAMATIONS

Commissioner Hufstetler presented proclamations to two outstanding students in the area. They are both **Georgia Class AA Wrestling Champions**. He stated that in his opinion, it is the toughest sport in high school and he is especially proud of their achievements. The first proclamation presented was to **Nathan Weekley** from **Armuchee High School**, the **189 Pound Class AA Georgia State Wrestling Champion**. He is a two-time State Wrestling Champion as well as having achieved many other outstanding accomplishments. Commissioner Hufstetler then presented a proclamation to **Jason Swinford** from **Coosa High School**, the **275 Pound Class AA Georgia State Wrestling Champion**. Commissioner Hufstetler also noted his many other accomplishments.

PUBLIC PARTICIPATION

GEORGE ANDERSON REGARDING
THE FIRST AMENDMENT.

George Anderson, stated that he wanted to speak to the Board about the First Amendment and how it gives the citizens the right to speak here and in a court of law. It gives us the right to petition the government for a redress, for instance. It gives a citizen the feeling that he can try to make a difference and that whether he is an individual or is part of a group, he can try to make a difference. He feels like this Board and other elected officials try to make a difference when they run for office and are elected, You are trying to make a difference every day in what you do. He thanked the Chairman for allowing him to speak. He stated that when he called last Thursday, there was some

confusion as to his speaking, whether it was to be April 9, at the next meeting or whether tonight, and he appreciated the Chairman calling and getting the confusion out of the way. It appeared when he first called that the County Manager did not want him to speak. He stated that the Chairman had said to him that 48 hours was sufficient, but for the future he would like a clarification of the time and he can look at the policy and make sure that he calls in plenty of time. A bit of time has subsided since the November election of last year and the action that he filed against the Board of Commissioners. The First Amendment to the Constitution allows citizens to petition the government and to give citizens the right to speak. As you know, he has made an endeavor for several years of trying to keep elected officials accountable to the people. It was never ever the issue, and he wanted to state it publicly tonight to the Board, of baseball. In fact his oldest son, Joe, received a baseball scholarship and had ambitions, and he hoped that he would succeed at playing major league baseball. He tried out for several teams and was diagnosed with a minor heart disorder, but he loves baseball, and we they loved to attend his ballgames over the years. In fact he wants to state to every member of the Board tonight that whether it has been attending a Braves game in Atlanta or attending a game that his son was playing in as pitcher, and he had quite a fast ball, he will support the team coming to Rome. He looks forward to Randy Davis throwing out the first pitch. But, again in his same efforts to keep elected officials accountable, he was directing the suit at procedures not followed for putting the SPLOST on the ballot. Again the constitution is created to protect the people from their government and to protect our civil rights. Under that protection, if you point out discrepancies in procedures, if you feel there is something that needs to be brought forward, then really under that situation there should be no penalty directed at you under law. Unfortunately, that is not what he feels happened and he is concerned that it has discouraged other citizens from getting involved in government that is supposed to be for the people and by the people. Several years ago he spoke before the previous Board of Commissioners and called the members on the phone about a situation with a quit-claim deed and Floyd Medical Center. At that time an elected member of the Board had him arrested. On November 15, 2001, he filed a civil action against Floyd County, naming the County Commission as the responsible party, which he understood by law that he had to do. You, as the Board, were the public party to be named, even though he wanted to state tonight that they, as our County Board members, don't handle the legal aspects of the procedure to put that together. On November 29, 2001, he was in court pointing out election procedures not followed according to the law, when another Floyd County elected official seized his bank account. And did not follow procedures of due process, but decided to go after a local political activist. Many local citizens have come to him and have called him on the phone and said that no one wants to fight City Hall. They get discouraged with the system, because what they see of that system is that if they do, if they think about coming forward, then they believe that they will have somebody, whether it is the government or whatever, coming after them for retribution. He stated that he knows that as elected representatives of the people, they do not want to feel this way just as you would not want to think the government and the elected officials you trust would or could retaliate against you. The people should not be intimidated by their government. His constitutional rights have been violated and he asked the Board, as his county government representatives, what they can do about it. He came tonight to make them

aware of what people have been saying. He wants them to be able to reassure citizens, the voters, that they have a voice in their government and that you will not support a government, locally, statewide or even nationally that would come after one of their citizens in some type of vendetta. He stated that he only holds this Board accountable because you are the government, just like we have the city government, the state government and so forth. But, in doing so he has always endeavored to make it a situation where he wanted to point out something. It was not in any way at all, as he has spoken to several people before and said in any way, shape or form, personal. He was trying to show that this or that may not have been done the way it should have been. Our elected representatives are responsible to the people. When he filed against Floyd County, and he calls it Floyd County because the Board is always considered Floyd County in legal documents. What he sees are human beings, people that he knew before they ran for office and people that are serving the public. What he wants to say is that, in a way, when you put Floyd County, it appears to him that it came back after him in some type of retribution through an agent of Floyd County, Tax Commissioner Jim Ford. The First Amendment gives him the right to speak and to petition the government for redress of grievances. The founding fathers set up government to protect the people, not to punish a member of the people for speaking up, which is his right. He asked them to please understand that where he is coming from is someone that has been doing this for several years on a statewide basis as well as locally and he feels like he was targeted and he does not think it was right. He asked his representatives in front of him of him tonight to think about it. Perhaps in some type of meeting or whatever, discuss it, because he thinks from what has been coming out, it is not right and as a lot of times he says to people, lets have our elected officials in our prayers, lets hope that they always do the right thing. A lot of the time he is so proud of this Board, much more so than the previous Board, but he also wants to say to them, keep in mind, where he is just a citizen, there are a lot of other citizens out there and if they speak up and try to do anything, there should be no government official coming back at them. He thanked the Board for their time.

Chairman Fricks commented that the intention of this Board has always been to be open and he feels they have addressed that. They have never denied anyone their ability to speak. One of the elements they have all done is make themselves very available through phone calls, through email, by any method that they possibly can. It is his opinion that a lot of time the frustration evolves because of taking the first realm of defense. If you have a problem with Floyd County, they make themselves available and represent Floyd County, give them a call. He does not think that he has received a call from Mr. Anderson since he has been in office, and asked that he take advantage of that. It is the first line of defense and it makes them aware of things before they get to the position of going to court where, and Mr. Anderson knows how frugal they are with Floyd County tax money, it does frustrate them when they see tens of thousands of dollars in defense funds having to go out to answer a question which they hoped a phone call might have been able to fix in the first place. Mr. Anderson replied that he agreed with the Chairman, and when he first came into office, he did sit down with him regarding some question and he now regrets that he has not called on this occasion and he is in full agreement that he should have. But, in saying that he also wanted to say that it

would have been nice to have a phone call or even a government official supposedly looking for a book the day before he levied his bank account to at least given him notice and asked for payment or demanded payment. That was not done. He stated that he should have asked, or called, or contacted their email or whatever last November and it looks like a government official could have given him that kind of decency and that kind of appropriate behavior too. He stated that it was a very good comment and he thinks they understand that he did not receive that either.

Commissioner Jennings commented that as far as the organization of Floyd County is concerned, and he thinks this is correct, is that the Tax Commissioner's Office is a separate entity from the Board of Commissioners and the Board of Commissioners really have no say in the operation of that department. He thinks that is a clear distinction of responsibilities that was set up for good reason, to keep elected officials from peering into the tax records of individuals. County Attorney Wade Hoyt stated that the only addendum would be unfortunately when constitutional officers are sued like that, you are required to pay the attorneys fees and it is your insurance policy that has to pick up the slack and take the coverage. You can't really control the Constitutional Officer, although you could talk to him, and he thinks Mr. Ford has always been amenable to them talking to him. Commissioner Jennings noted that it is a clear separation of responsibilities and powers. Mr. Anderson stated regarding Commissioner Jennings comments, he understands that, and if he had made a phone call or email or contact to any member there, he feels that all five members would have spoken to him, and unlike the previous Board, he would not have had a member laugh on the phone and have him arrested, which occurred years ago. He knows that it is a separate area, separate department, separate from the Board of Commissioners. It falls under, unfortunately, Floyd County so he has known all along that this was again more tax dollars going out to the Floyd County Attorney. He does not like that and he wanted to say to the Board that his poor wife and himself are typing up these papers, because he cannot afford to put any kind of legal representation into this, but he knows when something is wrong and he knows when he needs to stand up for himself and he is doing so. But he really regrets that had not happened because he feels very strongly that it is politically motivated.

ADOPTION OF

MINUTES:

Regular

Commissioner Mayes made a MOTION to adopt the minutes of the

Meeting of March 12, 2002 as presented. SECOND by Commissioner Hufstetler.

VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

SECOND READING/PUBLIC HEARING

**FILE #10-2002Z, DOGWOOD STREET,
TAX MAP 500, AREA 00, PARCEL 021,
REQUESTS REZONING FROM O-I
(OFFICE INDUSTRIAL) TO D-R (DUPLEX
RESIDENTIAL).
(SECOND READING/PUBLIC HEARING
HELD FEBRUARY 26, 2002 AT 6:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
DENY [8 – 1 VOTE])
(VOTE ONLY)**

No action was taken.

**FILE #24-2002Z, 3299 ALABAMA ROAD,
TAX MAP 666, PARCEL 72, REQUESTS
REZONING FROM L-I (LIGHT INDUSTRIAL)
TO A-R (AGRICULTURAL RESIDENTIAL).
(FIRST READING HELD MARCH 12, 2002
AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Sue Hiller, Planning Commission, stated that the requests presented are all recommended for approval by the Planning Commission Staff as well as the Planning Commission and none of them were particularly controversial. Regarding this particular file the property was zoned L-I for a large animal veterinary and the Veterinarian who wants to occupy this building would like to have small animals as well. Under the current code, only in A-R zoning are both large and small animals veterinaries are

allowed, so they are asking to rezone this property to A-R to allow both. Ms. Hiller stated that in the

zoning revisions proposed, hereafter any zoning district that allows a large animal veterinary would also allow small animal veterinary. The property has an adjacent residence on one side and is commercial on the other. She noted that it is an existing veterinary.

SUPPORT

Dr. Bill Brooks, the owner, stated that he just discovered that this was not zoned correctly. He had talked with the Planning Commission before the new zoning was enacted and it is just an oversight. He does not plan to do anything new, he has retired and sold the business, there is an option on the property and it will be sold one day. This is a service business and were there to be a catastrophe such as a fire or tornado, they don't have two months to go through a zoning process before they would start building back. If he had a fire as soon as the insurance and Fire Marshall finished, he would want to clean up the property and start a new building the next day. He stated that he just wants to take care of this to prevent problems down the road. He stated he is not wanting to build anything new, he is 65 years old and is ready to quit.

There being no one present wishing to speak in opposition, MOTION was made by Commissioner Jennings to close the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings
" Mahanay
" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Jennings to **accept** the request to rezone 3299 Alabama Road from Light Industrial to Agricultural Residential. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings
" Mahanay
" Mayes

Chairman Fricks

Motion Carried

**FILE #22-2002Z, HUFFAKER ROAD,
TAX MAP 460, AREA 03, PARCEL 003,
REQUESTS REZONING FROM S-R
(SUBURBAN RESIDENTIAL TO D-R
(DUPLEX RESIDENTIAL)
(FIRST READING HELD MARCH 12,
2002 AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

Sue Hiller, Planning Commission, stated that this property as well as the next request are adjoining property and she pointed out the other duplexes in the area. The Planning Commission staff recommendation was for approval and there were no issues raised by other city or county staff members and the Planning Commissioner recommended this be approved.

MOTION was made by Commissioner Hufstetler to open the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

There being no one present wishing to speak in support or opposition of this request, MOTION was made by Commissioner Mayes to close the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Mayes for **approval**. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

**FILE #21-2002Z, HUFFAKER ROAD,
TAX MAP 460, AREA 3, PARCEL 002,
REQUESTS REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO D-R
(DUPLEX RESIDENTIAL).
(FIRST READING HELD MARCH 12, 2002
AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])**

Sue Hiller, Planning Commission, stated that this is this property adjoins the property approved previously and he had no further comments.

MOTION was made by Commissioner Hufstetler to open the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

A gentlemen in the audience asked for an explanation on the reason File #11-2002Z was not being voted on. The County Attorney explained that the item will have to return to the Planning Commission and be advertised again in order for the vote to be legal. Chairman Fricks apologized for the inconvenience and stated that he would have another opportunity to speak at the Planning Commission and then at the Commissioners Meeting. Ms. Hiller explained that there was an error in the publication, the one on the Agenda as to how the meeting was listed and advertised and for that reason it would have to come back to this Board anyway. *Comments from the audience was not audible.*

There being no one present wishing to speak in support or opposition of File #21-2002Z, MOTION was made by Commissioner Mahanay to close the Public Hearing. SECOND by Commissioner Jennings.

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Mayes to **approve** rezoning request from Suburban Residential to Duplex Residential. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**AMEND CODE OF FLOYD COUNTY
RELATED TO IMPLEMENTATION OF
THE STATEWIDE MINIMUM FIRE
CODE.**

**(FIRST READING HELD MARCH 12, 2002
AT 2:00 P.M.)**

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

There being no one present wishing to speak in support or opposition, MOTION
was made by Commissioner Hufstetler to close the Public Hearing. SECOND by
Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to amend the Code of Floyd
County related to implementation of the Statewide Minimum Fire Code. SECOND by
Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**PROPOSED REVISIONS TO THE
UNIFIED LAND DEVELOPMENT
CODE (U.L.D.C).**

**(FIRST READING HELD MARCH 12,
2002 AT 2:00 P.M.)**

MOTION was made by Commissioner Jennings to open the Public Hearing.
SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

There being no one present wishing to speak in support or opposition of the item,
MOTION was made by Commissioner Jennings to close the Public Hearing. SECOND
by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Jennings to accept the Rome/Floyd County Planning Commission's recommendations on revisions to the Unified Land Development Code. SECOND by Commissioner Mayes. Chairman Fricks stated that at one time a letter had been directed to Ms. Hiller on the basis that an interpretation of an amendment which went into place on October 26, 1999 and reflected the ability to grandfather in uses and basically be able to continue and be able to expand the non-conforming uses. Instead of an interpretation, they received a recommendation to pull, and in his opinion the action in 1999 and the intent was very well specified in the minutes that were reflected. Ms. Hiller replied that she was not here for that process, but she understands that a lot of things that people thought went into the code, did not show up in the code. That is a great deal of what they are doing with the revisions, correcting mistakes, correcting items which appear to be in conflict. There are other things that people are coming back and saying they thought they made it quite clear, but are not sure that the code states what they meant it to state. She assumed when she received the letter from Mr. Hoyt that this is one of those. The only way the ULDC said that they can go back and change that is to go through the process of going to the Planning Commission

for their recommendation and be approved by both the City and County Commissions. She misinterpreted that request, she thought the request was to initiate a revision in the code and that is the way it was handled. Chairman Fricks stated that precedence has been set by the adaptation of the amendment. The concern is in a legal positioning, if they have specified the intent in the minutes when it was adopted, are they not setting a precedence unless they go back and change the entire process and change the amendment. It will be interpreted the way they actually intended it if it is drawn out in the minutes of the Commission Meeting. Ms. Hiller stated that she thought that the way it would be interpreted in a court of law, and she is not an attorney, would be whatever is in the ULDC that has been adopted. If you look at other communities and their zoning code, it is very common to have amortization of non-conforming uses. That essentially says that if they decide that an area is meant to be zoned a certain way that is the best zoning for the area. That they expect that eventually the uses in the area will conform to that zoning. It also says that that is a hardship on people who do not conform. So the uses are allowed to continue and in the code, they can continue indefinitely, but they do not want people to spend more money on the property, they do not want them to add on to them, because the idea is that eventually they will get away. She guesses that in a court of law our code would be interpreted that way also. The only thing, which makes an exception of that is, that in some cases to a residential property and in some cases if the use you had legally established prior to the ULDC becomes a Special Use, then you can continue as if you are not in a non-conforming area. Just in general, anything that is a non-conforming use can be repaired, it can be maintained, it can continue to operate, but it cannot expand beyond what it was on the day the ULDC was adopted. If you had already taken out a permit to build something, you would be grandfathered in. Commissioner Hufstetler noted the example they have discussed, which is Kay-Townes, which is in a suburban residential area and it is an industry in the middle to the residential area. The area would be generally looked at as S-R, however, they were not zoned S-R and told to continue their use, they were zoned commercial. But you take another business in the middle of another neighborhood and not zoned commercial. How is it fair for this business to be treated in the middle of a residential area differently than the other industry? Ms. Hiller replied that she could not think of an example such as that to respond to it. She was not here at the time, but her guess would be that how the process is done is the consultants who were hired, who were consultants on land use and zoning issues came though and said what was an appropriate use for property. They had several occasions where landowners were allowed to come in and tell them they have business there and that is not right. In many cases this was changed, but she does not know if they were changed in all cases. Commissioner Hufstetler stated that they were not changed in all cases, and that is the problem. Ms. Hiller stated that those owners have the right to come back and request to be rezoned and state it is not right, they are an industry and want to expand. Commissioner Hufstetler stated that they have the right to come back and be rezoned whereas other industries were zoned that way to begin with and that is where the problem comes in. Chairman Fricks stated that they were not asking for an interpretation, they had a specific intent when it had been voted on. He feels that it would be a hard legal battle to deny them on the basis of the amendment with the defined minutes which state specifically why it was put in there. County Attorney Wade Hoyt replied that the most dangerous time, if there is a dangerous time, would probably be the

time between the time the minutes were enacted and the time the ULDC was adopted. It is probably that little time frame that could put somebody in a difficult situation if that person relied on the minutes. Chairman Fricks stated that his intentions a long time ago and part of the reason for the amendment was because of various interpretations of what rights people had on existing uses. It was a very confused matter. He had explained to people at the public hearings before the ULDC was adopted, that this was not affecting their use of their property. We were told at the time that the continuous use was there. We are trying to get it to a point of a defined definition of what the amendment means. They went through a process, voted on a process defining the amendment. Somehow down the line the interpretation keeps changing. If the Commission wants to eliminate the amendment and change it, then the Commission make that revision. When this was first adopted, it was in his opinion, a very unfair process because they selectively zoned areas on the basis of who had the highest profile. Chairman Fricks stated that zoning is to fix the incompatible uses in the future, but we cannot fix the past. When people bought property next to things they do not like, they bought unprotected property, and they knew it. He feels a real responsibility to keep his promise to the people from three years ago.

Commission Jennings stated that the fact of the matter is that proposed changes to the ULDC until this point had not gone through the process necessary to make that change. When it was brought in front of the Planning Commission, the Planning Commission voted unanimously to maintain the language relative to non-conforming use as it is currently contained in the code. It is his contention that one, non-conforming uses can continue as they are, as stated by Ms. Hiller. Secondly, that if there is an intention to expand that non-conforming use, he believes that the expansion should have to go through the normal process of presenting the expansion to the Planning Commission and eventually coming to the Board. He does not think in any way they are saying that non-conforming uses cannot expand; they are saying that the non-conforming uses would have to go through the normal process, and the people whether they are neighbors or the community as a whole should have input into the process.

Commissioner Hufstetler stated that some would have to go through the process, and some of them would not because they were selectively already given the non-compatible zoning. Chairman Fricks stated that if they had done a proper job of identifying all the existing uses, there would be no need for this.

VOTING:

YES

NO

Commissioner Jennings
" Mahanay
" Mayes

Commissioner Hufstetler

Chairman Fricks

Motion Carried

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Fricks stated they needed to start working on several items. The Hospital Authority is one item, and possibly putting together a Task Force of a couple of Commissioners and they need to aggressively pursue this since the Grand Jury requires they submit three names for each office, and they have three appointments. Commissioner Mahanay and Commissioner Mayes volunteered to serve on the Task Force to pursue people to sign up and submit names to the Grand Jury.

ADMINISTRATIVE/FINANCE COMMITTEE.

RECOMMENDATION TO INCREASE THE CAPITAL ASSET THRESHOLD TO \$500 FOR CONTROL PURPOSES.

Commissioner Hufstetler, Committee Chairman, presented a recommendation for coming into compliance with some of the recommendations from the GASB 34, to increase the Capital Asset Threshold to \$500 for control purposes. Currently they are at \$250, for recording any item on inventory. This would raise it to \$500, which is the staff recommendation, and the recommendation of our consultant that the change be made. MOTION was made by Commissioner Hufstetler to make the change. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes

Chairman Fricks

Motion Carried

RECOMMENDATION FROM MAXIMUS

**FOR RECLASSIFICATION OF ADMINISTRATIVE
ASSISTANT POSITION IN DISTRICT ATTORNEY
OFFICE.**

Commissioner Hufstetler presented a recommendation from Maximus, formerly DMG Maximus, to reclassify the Administrative Assistant position in the District Attorney's Office. It was noted that this is a one-step increase. Commissioner Hufstetler made a MOTION to accept the recommendation from Maximus to reclassify the Administrative Assistant position in the District Attorney's Office. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**DISCUSS CRIME VICTIM ASSISTANCE
FUND.**

No action taken.

**DISCUSS RENEWAL OF PROPERTY
AND LIABILITY INSURANCE.**

No action taken.

PUBLIC SAFETY COMMITTEE

Commissioner Mahanay, Committee Chairman, stated that the next Public Safety Meeting will be April 10, 2002.

WATER COMMITTEE.

**AUTHORIZE PROPERTY PURCHASE
FOR PUMP STATION ON SHORTER
INDUSTRIAL BLVD.**

Commissioner Jennings, Committee Chairman made a MOTION to authorize property purchase on Shorter Industrial Blvd. as documented in the Board Packets, for

the purpose of replacing the pump station which currently exists on Shorter Avenue, with a purchase of up to one acre for a cap cost of \$40,000. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Commissioner Jennings reported on the Northwest Georgia Water Resources Partnership, a fifteen county group of county and city water permit holders, industrial permit holders, water authority permit holders. In the last meeting he was elected to serve on the Executive Committee of that Board and this morning he was elected as Chairperson of the Board. He feels this is a good opportunity for Northwest Georgia to support our water uses within the fifteen counties and also to monitor what is going on in other parts of the state, especially the Atlanta area.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there are two items on the Consent Agenda and they were submitted to the Board for their approval. MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

1. Tax Refunds:

- a. Anthony Glen Duke, 3301 Maple Road, Lindale, \$701.98
- b. Barrie C. Hiern, Sr., P.O. Box 6205, \$177.45
- c. Charles A. Howell, 4527 Cave Spring Road, \$375.72

- d. Claudette & Robert H. Coffia, 1102 Highland Avenue, \$56.31
- e. Daniel O. Moore, 11 Orchard Spring Drive, SW, \$451.07
- f. Debra Godfrey, 4518 Old Calhoun Road, NE, #3, \$122.63
- g. Frances H. McKinney, 195 Halstead Smith Road, SW, \$43.53
- h. Giles M. & Iva M. Chapman, 509 East 9th Street, \$257.59
- i. Jack L. & Annie Sanford, 612 Eden Valley Road, SE, \$248.37
- j. Jimmy H. Chittom, 13 Bent Oak Trail, NW, \$697.90
- k. John H. & Geraldine Hall, 8 Rollingwood Drive, \$12.05
- l. Kenneth D. Comer, 1 Oxford Place, \$60.33
- m. Raydon W. Jones, 22 Northside Drive, NW, \$107.19
- n. Robert T. Brownlow, 125 Harrison Road, \$86.57
- o. Stan & Julia Brooks, 5 Westridge Place, SW, \$80.69

- 2. Malt Beverage License: Charlie Adkins, Sav A Ton #2, 5880 New Calhoun Highway (convenience store).

MANAGER'S REPORT

AUTHORIZE PURCHASE OF USED BOAT WITH 150 HP MOTOR AND TRAILER FROM DEPARTMENT OF NATURAL RESOURCES.

County Manager Kevin Poe presented a request from Hugh Atkins to purchase a used boat and trailer from the Department of Natural Resources. It is a 1994 Ranger with a 150 HP Mercury outboard motor. They have declared it surplus and are willing to sell it to the county for \$1,000. There has been a value put on it of approximately \$12,500. He recommended approving Mr. Atkins' request for the boat. MOTION was made by Commissioner Hufstetler to approve the purchase of the used boat with 150 HP motor and trailer from the Department of Natural Resources. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

BUDGET REQUEST FROM MAGISTRATE COURT FOR \$225 INCREASE TOWARD PURCHASE OF A COPIER.

County Manager Kevin Poe stated that in the Magistrate Court Budget, \$7,500 had been budgeted for the purchase of a new copier. Bids have been taken on the copier that they feel is adequate for their needs and the price is \$7,725. They are requesting to be allowed to purchase the copier for \$225 more than budgeted. He recommended if approval of the request is made, it be taken from some other line item and have no net increase in the departmental budget. MOTION was made by Commissioner Hufstetler to accept the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

**AWARD BID FOR RECYCLING HOUSEHOLD
HAZARDOUS WASTE COLLECTION.
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe stated that this item requires a 4/5 vote to be placed on the Agenda.

Chairman Fricks requested voting one time to place the two items requiring a 4/5 vote to be placed on the Agenda.

APPROVE 2001 SPLOST BUDGET FOR FY2002.

MOTION was made by Commissioner Mayes to place the two items on the Agenda. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

County Manager Poe stated that bids had been taken for handling the waste that will be collected at the Household Hazardous Waste Collection Day. Three companies

submitted bids and they were submitted in unit prices, based on the quantities of waste that were collected last year. He recommended awarding the bid to the lowest bidder, Clean Harbors. It was noted that these are estimated costs, the cost will be based on the unit prices quoted in the proposal. MOTION was made by Commissioner Mahanay to award the bid to the lowest bidder, Clean Harbors for \$29,266.61. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Bids

Clean Harbors	\$29,266.61
Safety Clean	\$32,455.10
Caring Environmental	\$38,537.25

County Manager Kevin Poe stated that they had put together a 2001 SPLOST Budget for FY2002 based on a projected draw down schedule on the construction project. This had been reviewed at the Caucus Session and he recommended approval of the budget as submitted for expenditures of SPLOST monies during FY2002. MOTION was made by Commissioner Jennings to accept the recommended 2002 SPLOST Budget. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Commissioner Hufstetler presented a report on the stadium. He stated that planning for the stadium construction is going well and it looks as if they will be under budget. Based on the sales tax report received yesterday, and last month, they are ahead on SPLOST for the last two months from the previous year. They are up 9%, so it looks like the SPLOST money will be better than projected and the project will be within budget so there will be an opportunity for some additional funds to be used elsewhere on

other projects. They are looking at some needed projects, such as the Health Department building, which he feels should be given strong consideration for any remaining funds. Chairman Fricks stated that a Public Meeting had been held the previous night on introducing designs and potential designs, which were received very well. He stated that they appreciated the public comments they had received at the meeting and he feels they will help them continue with the design phase. County Manager Poe stated that they are coordinating with the Braves on a groundbreaking and a tentative date is April 11 at 12 noon, at the stadium site. This will be exactly a year to date to the first game to be played in the stadium. The Rome Braves will start the 2003 season on the road and the first game at home will be April 11, 2003.

ATTORNEY'S REPORT

APPROVE AND AUTHORIZE CHAIRMAN TO SIGN GE RELEASE AGREEMENT FOR LOCK AND DAM.

County Attorney Wade Hoyt stated that the GE Release Agreement to be signed between GE and Floyd County was a part of the Board Packet. There is a total payment of \$600,000, \$200,00 earmarked for the Lock and Dam Project, \$400,000 earmarked for whatever they want to use it for, but it all could be used on the Lock and Dam Project. The Release Agreement only applies to the Lock and Dam itself, it does not apply to any other areas in the county. It is a general release as only to the Lock and Dam Project. He stated that he needs a Motion to approve the Release Agreement and authorize the Chairman to sign. MOTION was made by Commissioner Hufstetler to approve the Release Agreement and authorize the Chairman to sign this agreement for the Lock and Dam. SECOND by Commissioner Mahanay.

Chairman Fricks commented that they appreciate GE working with them on this issue. They have made sure that they have protected the public's future in terms of any issues that might be arising in the future, outside of the Lock and Dam. He stated that, in his opinion, they made them a very generous offer on the assistance they will be applying towards the Lock and Dam. They look forward to working with them in the future on other issues and hope that good things will be coming. Commissioner Jennings stated, for the records, that they all have been involved to some degree with the discussions and negotiations with GE, but Chairman Fricks and Commissioner Hufstetler have done a good job of representing them and bringing about this settlement and he thanked them for their work. Commissioner Mayes agreed that they had done a fine job.

VOTING:

YES

NO

Commissioner Hufstetler

"

Jennings

"

Mahanay

" Mayes
Chairman Fricks

Motion Carried

Comments from a member of the audience were not audible.

Chairman Fricks stated that there is a Sub-Contractor Meeting scheduled to be held at the Forum, and H & M is looking for all contractors, especially local contractors who are interested in doing some work on the project to obtain a Pre-Qualification Bid Package from the County Manager's Office and send in their qualifications and then at the meeting they will go over details about different aspects of the project. They will let them know what opportunities are available for different trades to do work on this project. They are interested in getting as many local contractors working on the project as possible. Chairman Fricks noted that they have been very strong on encouraging H & M to utilize as many local contractors as possible.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS
GARRY E. FRICKS, CHAIRMAN