

April 22, 2003

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
April 22, 2003 6:00 P.M.**

PRESENT: Chairman Garry Fricks, Commissioners Tom Bennett, Chuck Hufstetler, Jerry Jennings, and John Mayes.

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Tom Manning, Clerk Michele Fountain, and Assistant County Manager Sammy Rich.

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

INVOCATION: Commissioner Hufstetler led the Invocation.

PLEDGE OF

ALLEGIANCE: Boy Scout Troop 10 conducted a Flag Ceremony and led the Pledge of Allegiance.

SERVICE AWARD PRESENTATIONS:

The Commissioners presented Service Awards to the following employees for their years of service to Floyd County:

Robert Brock, Floyd County Police Department, 24 years
Dallas Battle, Floyd County Police Department, 24 years
Nancy Lam, Purchasing, 24 years
John Harkins, District Attorney, 24 years
Deborah Staney, Tax Assessor, 24 years
Ray Logan, Floyd County Police Department, 24 years
Vicki Powers, Clerk of Superior Court, 24 years
Anne Brinkley, Prison, 23 years
David Byars, Public Works, 23 years
Leola Winslett, Public Works, 23 years
Nancy Farmer, Transportation for Elderly, 23 years
David Reeps, Floyd County Police Department, 23 years
Lisa Hawkins, Prison, 23 years
Darrell Wheeler, Community Development, 23 years
Jerry Sexton, Floyd County Police Department, 23 years
Hugh Atkins, Emergency Management, 22 year
Anne Kight, Superior Court/Judge Walther, 22 years
Ronald Lynch, Bailiff/Security, 22 years
John Stewart, Engineering, 22 years
Mark Wallace, Floyd County Police Department, 22 years

Margaret Willingham, Floyd County Police Department, 22 years
 Stanley Payne, Coroner, 22 years
 Sandra Fowler, Finance, 21 years
 Kenneth Lackey, Tax Assessor, 21 years
 David Carroll, Public Works, 21 years
 Arthur Camp, Public Works, 21 years
 Karen Blanton, Tax Assessor, 21 years
 Nancy Canada, Jail, 21 years
 Steve Hulsey, Water Department, 20 years
 Dekaler Wilson, Magistrate Court, 20 years
 Jerry Rowland, Water Department, 20 years
 Wayne Gentry, The Forum, 20 years
 Teri Davis, Floyd County Police Department, 20 years
 Timothy Pape, Juvenile Court Judge, 20 years
 Freddie Stewart, Public Works, 20 years
 Fay Frankland, Court Reporter/Judge Walther, 20 years
 Edward Ballard, Water Department, 20 years
 Debbie Sparks, District Attorney, 20 years
 Phil Hart, Superior Court Administrator, 20 years

Commissioner Jennings congratulated everyone and stated that they appreciate the service of everybody who works for Floyd County, especially the honorees there tonight.

ADOPTION OF

MINUTES:

County Attorney Tom Manning stated that he had reviewed the Minutes and the only issue to bring to their attention was under the Parking Deck Committee report, he was not sure that was actually intended to be in the Minutes. The comment County Attorney Manning referred to was made by Commissioner Jennings and he agreed for it to be removed from the Minutes. Commissioner Hufstetler made a MOTION to approve the minutes of the Regular Meeting of April 8, 2003, with the change noted, and the Called Meeting of April 17, 2003 as presented. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

PROCLAMATIONS

OLDER AMERICAN MONTH

Commissioner Jennings presented a Proclamation recognizing **May, 2003** as **Older American Month**, to Karen Carter. Commissioner Jennings stated that Ms. Carter works for the Coosa Valley Regional Development Center and is in the Area Agency on Aging Program. He stated that Coosa Valley RDC serves not only Floyd County, but surrounding counties, 15 counties in all, and has a substantial budget in support of senior citizens throughout northwest Georgia. Ms. Carter thanked the Commission for the Proclamation and their support.

RESOLUTIONS

SPLOST RESOLUTION.

Chairman Fricks presented a Resolution in support of the upcoming wording of the SPLOST. County Manager Poe asked that they look at the Intergovernmental Agreement and the Exhibit details the projects that are to be included in the SPLOST. He stated that the action they are looking to take now would be to approve the Intergovernmental Agreement, then send to the City, and then it comes back and pass the Resolution calling for the vote. County Attorney Manning stated that the SPLOST Resolution cannot be approved since it includes projects for municipalities, until the Intergovernmental Agreement has been executed by the City of Cave Spring and the City of Rome. He stated that the City of Cave Spring had executed it and they are waiting on the City of Rome. MOTION was made by Commissioner Hufstetler to approve the Intergovernmental Agreement. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

Chairman Fricks

Motion Carried

Commissioner Bennett abstained in an effort to limit the discussion of SPLOST to the projects and not other issues.

County Attorney Manning stated that he has the original, which has been signed by the Mayor and Clerk of Cave Spring, if they would like to sign the document in order for it to be forwarded on the City Commission.

SECOND READING/PUBLIC HEARING

**FILE #22-2003Z, REQUEST REZONING
FROM O-I (OFFICE INSTITUTIONAL)
TO C-C (COMMUNITY COMMERCIAL)**

**FOR MARKETING PURPOSES FOR
PROPERTY LOCATED AT 1500 VETERANS
MEMORIAL HIGHWAY, ZONING MAP
216-00-070.**

(PLANNING COMMISSION RECOMMENDATION:

APPROVE [VOTE – UNANIMOUS])

**(FIRST READING HELD APRIL 8, 2003 AT
2:00 P.M.)**

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. MOTION was made by Commissioner Hufstetler to **approve** the rezoning request. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett
Chairman Fricks

Motion Carried

FILE #25-2003Z, REQUEST REZONING
**FROM O-I (OFFICE INSTITUTIONAL)
TO C-C (COMMUNITY COMMERCIAL)
TO OPEN A CONVENIENCE/GAS STATION
ON PROPERTY AT THE CORNER OF WOODS
ROAD AND ALABAMA HIGHWAY, ZONING
MAP 666-00-053.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])
(FIRST READING HELD APRIL 8, 2003
AT 2:00 P.M.)**

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

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

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

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

ROAD CLOSING:

Chairman Fricks stated that Resolutions had been approved at the April 8, 2003 meeting.

EAST BOUNDARY STREET AND RIDGEWAY DRIVE.

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Chairman Fricks asked if there was anyone who would like to address the Commission in support or opposition on East Boundary Street or Ridgeway Drive.

SUPPORT

Randy Davis, Vice President of DaBrad Company, which owns property adjacent to these roadways, actually a paper roadway since they have never been opened. As far as he can see they serve absolutely no purpose to any other adjacent property. He noted that most of the adjacent property he owns. He had presented a plat of the roads. He stated that he does not know of any reason that they need to be held open and noted that they have only a 40' right of way.

OPPOSITION

Virgil Haney, owner of property on Ridgeway Drive, stated that he has lived there 17 years and has owned the property since 1947 and he does not want the road closed. He stated that he might want to build there again. Chairman Fricks stated that only a portion of Ridgeway Drive is supposed to be closed and asked Mr. Haney the location of his property. Mr. Haney stated that his property is Lot 69. Commissioner Hufstetler asked if he was not wanting the road to be closed that is already opened or where there is no road at all right now. Mr. Haney stated that he does not want it to be closed; it is grown up now, but can be opened again. He lived there for 17 years and he does not want it closed off. Commissioner Hufstetler asked if it is a road that he is presently using. Mr. Haney replied that it is not in use now. Commissioner Mayes asked Mr. Haney how he gets to his property. Mr. Haney explained that he currently goes up Pine Hurst Drive and turning right on Ridgeway Drive. Comment was made that that road does not exist. Mr. Haney replied that it must exist, because he pays tax on it.

Daniel Morgan, Mr. Haney's grandson and for these purposes his attorney. He stated that the letter that was sent to his grandfather stating the reasons for the closing of the road simply stated that (*it was done*) "at the behest of Mr. Davis." He stated by no offense to Mr. Davis, a road closing or abandonment must be done for the public purpose, for the general public good, not for the good of any one individual. They have not stated any public reason for wanting to close this road. As his grandfather stated, he had paid taxes on this property for 47 years and he might very well build there again, soon. In actuality, he wishes to, and he could clear that road out within a week. He stated that he hates to say this, but it is his opinion that there aren't valid legal grounds to close this road, and if the Commission votes to close it, they will pursue action.

REBUTTAL

Randy Davis, stated that he does not see what the problem is on closing the road, this particular part of Ridgeway Drive. He has property on all sides of it. Mr. Haney's property is actually accessed on a part of a road that he is not requesting to be closed, so it would not affect his property at all. He stated that Mr. Haney only owns a small corner of the part of the road that he wants closed, he (*Mr. Davis*) owns all property on both sides of it and he has access from another unopened road if he wants that access, but why would he want access through his property when he can access from the other way, which is his property. Commissioner Mayes asked Mr. Davis to show him exactly what he wants to close. Mr. Davis showed on the map the area he wanted to cut off. Commissioner Mayes noted that if it is cutting it off where Mr. Davis wants, it would cut off half of Mr. Haney's frontage, and why would he request cutting it off? After discussion, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett
Chairman Fricks

Motion Carried

Commissioner Hufstetler asked County Attorney Manning that since they are looking at two different segments and one seems to be no problem and the other one needs to be further researched, if they could go ahead and make a Motion on the East Boundary Street, to close it, and if they can hold off action on Ridgeway Drive. County Attorney Manning asked if they were wanting to close part of it. Commissioner Hufstetler stated that there doesn't seem to be any problem with East Boundary and they want to go ahead with that, but on Ridgeway, there is further information they need to gather. They are willing to move on East Boundary, but not on Ridgeway. County Attorney Manning stated that he thought they could move on the East Boundary. He would have to check, but he thought they would have to re-advertise if they come back to the Ridgeway property. Commissioner Jennings stated that on East Boundary Street, Lots 117, 118 and 119, would basically be land locked lots having no access to them. He noted that there was no one there who owns that property, but it would be similar to the gentlemen with Lot 69. Chairman Fricks asked if the adjoining property owners had been notified. County Attorney Manning stated that it had been advertised and adjoining landowners had been notified. It was noted that 116 and 117 were owned by the same person, but 118 would be land locked. Mr. Davis stated that the Knowles family owns all of the property mentioned and therefore would not be landlocked. There was concern among the Commissioners that property owners might be land locked. MOTION was made by Commissioner Hufstetler to approve the closing of East Boundary Street and that no action be taken at this time on Ridgeway Drive, and that any cost related to closing was be paid by the applicant. SECOND by Commissioner Bennett. County Attorney Manning pointed out that he does not know the answer, but he could see where there may need to be a new resolution and notice with regard to the remaining street that is not being closed if the Motion carries, but if no action is taken at all, then he knows that they can bring back and discuss it all at the next meeting. Commissioner Hufstetler agreed to take no action at this time. Commissioner Bennett withdrew his SECOND. It was asked that pictures be available for the next meeting and an investigation be made as to determine what is what. Chairman Fricks stated that they will not be taking any action on this today, and they will have someone to notify them when it comes back up for action. The Public Hearing is closed, but they would like to address the issue on where the street needs to be closed. Commissioner Hufstetler noted that this will automatically come up at the next Commission Meeting, which is the second Tuesday in May, May 13 at 2 o'clock, and that meeting will be held at Pepperell High School.

EAST TROUTMAN ROAD.

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

YES

NO

Commissioner Hufstetler
" Mayes

" Jennings
" Bennett
Chairman Fricks

Motion Carried

Chairman Fricks stated that the Public Hearing is open and asked if there was anyone present wishing to address this in either support or opposition.

There was one person present in support of the request and they stated that they did not need to speak since there was no one present in opposition. There were no questions from the Commissioners. MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to **approve** the road closing for East Troutman Road with the stipulation that the applicant pays any cost related to this road closing. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

MAYS BRIDGE ROAD.

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

YES NO

Commissioner Hufstetler

" Jennings
" Bennett
Chairman Fricks

Motion Carried

Commissioner Mayes abstained from voting.

Chairman Fricks asked the people wishing to speak in support of this road closing and noted that they will have two minutes each to speak. He then asked the people wishing to speak in opposition and stated that they will have 5 minutes each. He noted that support and opposition are allowed a total of 10 minutes each to speak, and the support group will have an opportunity for rebuttal of items presented in opposition.

SUPPORT

Tommy Dunagan, a contractor for Inland Paperboard, stated that he cuts timber for them and delivers it to the mill. He stated that they go in and out of there from 25 to 60 times a week. He stated that when they are trying to get back into the road, there is a hill and sometimes there will be trucks backed out into the road. Cars will come around the trucks, which are parked in the road. With them trying to get out into the road, and you can't see around the front of the truck, you just have to pull up and, if they aren't going real fast, you are in pretty good shape. They will come up there too fast and you can't see. It is really a bad situation there and has been for a long time. It is just a miracle that there has not been a lot of people killed or injured in that particular area. He stated that he recommends that they close the road. It would be to the benefit of the public. Mr. Dunagan thanked the Board.

Al Hodge, Greater Rome Chamber of Commerce, stated he is also speaking on behalf of the Greater Rome Existing Industries Association. He stated that he speaks with great pleasure in support of closing Mays Bridge Road to support Inland, its 1,000 employees and families and the many others who depend upon Inland for their living. Also Inland is an excellent corporate citizen, it has paid extensive property taxes, an incredible corporate citizen in support of schools and many other organizations within the community. He stated that he would be happy to answer any questions when that time comes.

David T. Brown, 1133 Mays Bridge Road, thanked the Commission for the opportunity to speak. He said that he endorses the proposed closing. He stated that he accepts the scenario package that Inland has presented, which lays out the necessity for survival for this closure. However, there are two or three thoughts he would like to be considered, and his endorsement in that sense is a conditional one. He said surely you can understand that the awarding of this mile of roadway is a give away of taxpayer resources, built and maintained for many decades by the taxpayers of this county. Such an asset would cost dearly to replace and therefore he thinks Inland should make, and he thinks is willing, some substantial contribution to the cost of new construction for the

Turner Bend Improvements. In the second place, residents along Mays Bridge Road and Turner Bend will likely bear additional expenses and inconvenience over the years as they make their way to Alabama Highway. Every Friday or Saturday morning when he wants to go Evans Deli to get a breakfast, it will cost him about two miles round trip and that is going to make his breakfast cost about 60¢ more. But, in a serious vein, it is an additional expense for many people who traverse this roadway right now. Wouldn't it be nice if you made at least a token recommendation to the Tax Assessor's Office, give residents along Mays Bridge Road and Turner Bend Road a one time tax credit of \$50 to help defray that additional expense that they will have over the years? Finally, the section of Mays Bridge Road that is to be closed should be renamed. He won't presume to tell them what it should be called, maybe Pops Parkway. He stated that he can't help but give Willis a little humor there. But whatever you do, you should rename this driveway because many people coming along Mays Bridge Road will see that sign and think they can turn right and get to the south end of Mays Bridge Road and they will only wind up on a dead-end street. Mr. Brown thanked the Board for their time and consideration.

Dennis Urquhart, a Forester with Valley Wood, is a timber dealer that supplies wood to Temple Inland, Georgia Pacific and a lot of other mills. He stated that he is there to urge the closing of the road for the safety issue. They have about 20 logging contractors and several trucking contractors and probably haul 35-40 loads a day in there. The combination of the stop and go truck traffic wanting to get into Inland and the through cars and traffic wanting to get where they want to go as quick as they can, creates a bit of a hazard. He urged closing because of the safety issue in addition to the other reasons.

Ken Dunagan, contractor with Inland Rome, hauls wood into the Mill and his concern is the safety. He stated that he drives a truck himself occasionally and he has seen several very close accidents there, cars coming around the trucks, trucks coming out and could not see the car coming. He stated again that it is just a safety issue.

Tom Pachinger, employee of Temple-Inland, which is the sawmill. For safety considerations he would like to say that he thinks the road needs to be closed. They received about 100 trucks on average per day, logging trucks coming into the plant. And they have an additional 25 lumber trucks that they load on average every day that leave the plant. They have to come in and go out so they have a very considerable truck traffic that comes into the plant. The public traffic, back and forth on the highway is a concern. Speed on the highway is a concern and the highway is getting in bad shape. As you come up the hill there are big potholes that are starting to cave away into the bank, so that is a consideration as well. If the road isn't closed for the company there will have to be some repairs made to the road toward the proper use of the road.

OPPOSITION

Montie Rasure, Mays Bridge Road, stated that he came today because he uses Mays Bridge Road almost daily or at least every other day. He attended a meeting a couple of years ago where they discussed closing it down because of construction going

on at Inland and his understanding is that construction fell through when Enron, the financier for that power plant, fell through, so he thought that was a dead issue. He saw in the newspaper last month where Inland was now saying that Inland staying open was purely going to be based upon this road being opened or closed. If it remained open, Inland was not going to survive because of the pollution control standards that they say are coming in that are going to force them to close if they cannot keep the public away from their plant. He stated that he had the opportunity of talking to Mr. Poe at the Bypass Meeting and he expressed his concerns to him that after reading the newspaper article, he checked with the Georgia EPD to get some idea what was going on here. He talked with Lou Musgrove and Susan Zimmer-Dauphince at EPD who handle the air pollution control standards and they gave him some information about pollution control. He told them what was going on here and they said they could not understand where Inland may be coming from with this air pollution problem. They say there are several different types of tests. One is done inside the smoke stacks of Inland and so therefore there is no outside monitoring at the fence line as was indicated in a newspaper article from, he thinks, Mr. Potts. There is also the ambivalent air quality test, which is done from fixed stations and from mobile stations. The fixed stations, one is at the Health Department, two are at the Coosa High School, and one is at the Coosa Elementary School, none of which are on that road at the fence line nor would Kraft Inland Container have any control over it by closing that road, nor would it have any impact on those pollution control monitoring devices. The portable testing equipment that they use, they have gone out twice in the last ten years, to check pollution standards with the portable ones. That is the only thing that the folks he talked to at EPD could think of that would affect fence line monitoring as indicated by Mr. Potts. They said even that would not be involved with fence line monitoring because they would do a computer model to check where the prominent prevailing winds are going; where the pollution is going; where the pollution is going to fall at; and the pollution is not going to fall up under the smoke stack, so they would be downwind some place with their monitoring equipment. Again closing Mays Bridge Road is not going to affect that pollution monitoring. The newspaper said something about new regulations going into effect, having to do with Atlanta or Rome being brought into the Atlanta Pollution Control area. Talking to Lou and Susan about this, at EPD, they had no knowledge at all of anything that would change the Pollution Control Monitoring Stations in regard to any new regulations or bringing Rome or Inland into the Atlanta area. The comment was made and he stated that he has to agree, it sounds like there is more than just smoke being blown out of those smoke stacks. He stated that he is concerned that Inland is trying to blackmail Floyd County into giving them that road or otherwise they are going to close down. But EPD says there appears to be no basis in these comments. He would like to know what pollutants they are referring to; what new rules they are referring to and exactly how that is going to affect them; what office of the State is going to be doing the monitoring, if it is not the EPD; and what difference does the road make if the monitoring sites are in their smoke stacks and at the schools, well outside of their boundaries. As for the trucks coming in and out of Inland, there are a lot of trucks going through there, but if Inland is concerned about safety, why don't they take a little bit of their property there along the road front and widen the road so the trucks can get further off the road so there can be better site visibility for the trucks coming out of their plant? Why do they want us to give

up the road so they don't have to worry about possible liability? It sounds like they are just trying to avoid their liability. If we close every road that has a company with trucks coming out of it so that nobody would have an accident because the trucks have a difficult time seeing, or the people coming down the road are coming too fast, we would spend all of our time sitting here in meetings like this, discussing closing roads. At Mr. Poe's request, he did call into his (*Mr. Poe*) office the names of people and phone numbers that he had talked to. He asked if anybody pursued that to see if Inland was ... County Manager Poe stated that they received a letter from Inland regarding that issue, and it was distributed to the Commissioners. He stated that he thought they (*Inland*) would have to answer the question he is asking, but there has been information provided regarding that question to the Commissioners. Mr. Rasure stated that he would like to have a copy and be able to pursue this further because EPD did request more information on it. Commissioner Hufstetler asked if he was referring to the Mactec letter. County Manager Poe replied, "yes." Commissioner Hufstetler stated that he would give Mr. Rasure his copy and would get another one later. Mr. Rasure asked that, in conjunction with that, did anyone bother to check with EPD to see if this is a valid concern or are we just taking the word of the company that wants the road? Commissioner Hufstetler stated that he does not think that necessarily the decision has to be made today so that can certainly be investigated before this takes place. He stated that sometimes they have to hear all of the issues and then if there is a request for verification they can go from there and do that. Commissioner Hufstetler gave Mr. Rasure a copy of the letter mentioned.

Don Rusaw, 154 Halls Valley Road, stated that he came to talk in opposition of closing Mays Bridge Road. Sixteen months ago they had a Public Hearing at Coosa High School. Commissioner Fricks was there and that evening, everyone in the audience there was not in support for closing this road except for the representative from Inland. The next day in the paper they said the majority, but it was unanimous that night. He stated that Commissioner Fricks was in favor of it back then. The reason they gave 16 months ago for closing Mays Bridge Road was that they were going to have so many construction vehicles going into the plant and it would be unsafe for the traffic coming through there. As Mr. Rasure said, that didn't happen. Now they are giving the reason for closing Mays Bridge Road as being to help out with their pollution control situation. He stated that he hoped their person from the Chamber of Commerce has paid attention to history, because it seems to him that in the late 70's, early 80's there was another company in this town, in fact it was the number two polluter in this county, and they gave us all sorts of things that we needed to support and take care of or they would close down. We took care of those things, but they still closed down. They closed down because they could not sell their transformers anymore. Now we are paying the price for their pollution with the PCB problems. So, now the number one polluter comes to us and says that if we don't do this, so we can back off our pollution controls that they will have to close down. He stated that he is not a tree hugger, he doesn't like to see 600-1,000 jobs lost, but at the same time to threaten us with that because of their pollution problem they have out there, that is not right. Also, shifting the traffic from Mays Bridge Road to Turners Bend Road puts it right in front of Coosa High School and there is a problem with traffic there right now and he understands there is going to be a traffic light put up, but there are two entrances that come out of Coosa High School, not one. There will only be one traffic light. Also there is another new big company on Turner Bend Road, to the

left, that is doing all sorts of construction, so there will be plenty of trucks going in and out of there too. Are we going to close the Turner Bend Road next because of their construction trucks, because of their problems with traffic? We have a traffic problem in this county, we have a traffic problem in this city and anytime we close a road, we are just adding to traffic in another direction. He just does not think it is right to close that road. They have plenty of land out there and if they need another entrance, they can go into it. Also, they had that weigh station right there on their property, and they said 16 months ago that they are still going to allow them to be in there. Once it becomes their property they don't have to allow them to be there. And if they don't do that, where do they go? They will go out on the highway and then the log trucks will be backed up to the Alabama state line. He stated that he rises in opposition to it. He thanked the Board.

REBUTTAL

Willis Potts, General Manager of Inland, stated that regarding the comments that have been made, history is indeed history. There was a time when they hoped to build a \$500 million plant that was going to significantly change the look of their plant, significantly change its economic impact on this community and change the traffic out there. Unfortunately, as it was commented previously, it didn't work. Lots of things happened so they are faced with doing some things to a 48½-year-old paper mill to try to keep it running. Not many pieces of equipment around these days that are 48½ years old that have to run 24-hours a day, seven days a week, reliably as theirs do. So they began to approach a Plan B, that is, if we can't build something new and shut the old down, what might we do to sustain operations? Not a pleasant thought, but nonetheless, the only one they were left with. They looked at the old equipment that they have, as he mentioned in the meeting earlier, they looked at their 1953 Desoto and tried to figure out how to keep it running for several years longer. They came up with an internal plan to do just that. It requires massive rebuild of the old boilers, a lot of re-tubing, a lot of pretty significant work. The problem that they ran into that changes things from what these gentlemen mentioned earlier is that they cannot do that repair work without permits from the State of Georgia. That was referred to in the letter sent from Mactec trying to explain in detail this permitting process that one has to go through to even be able to do repairs to old equipment. It has to do with the installation of the best available control technology and you cannot do it unless the State of Georgia, through its Environmental Protection Division, grants you the appropriate permits. He stated that they are paper makers, they are not environmental experts so they contracted with Mactec, the law, engineering and environmental consulting group, he thinks is one of the best founded groups in the south, to investigate this issue for them. Their findings, not theirs (*Inland*), has nothing to do with anything that he could dream of, he stated that he is not that smart. Their findings are that the way the prevailing winds blow and the way that the emissions from their stacks fall place Mays Bridge Road squarely in what is called "a hot spot". That is an area that is not allowed by modeling required for the permits through the EPD. He can guarantee that you do not get the permits without the modeling. He would not be paying Mactec to do this work for them if they did not have to do it. Granted, the Air Branch of the State may not know about this yet because they have not approached them for the permits. They are trying to get ready to approach them for the permits and they can't do that unless they have models in hand that show they have no impact at the fence

line of their property. Yes, this is different from 16 months ago, because their chances for survival now are different. Once upon a time it was very nice to be looking at \$500 million in new equipment, now they are looking at patching what they have. He stated that he wished they could repair it without permits, unfortunately, the Federal government does not allow that. He stated that he has with him today a representative from Mactec who can address this in any intimate detail they would like, if they so desire. He stated that he cannot go into the details, but he trusts these people, they know what they are doing, their relationship with the State is impeccable. They will prepare the permit request for Inland, hopefully once the Commission understands their issue and will allow them to proceed with the closing of this road.

Commissioner Jennings stated that he would like to hear from him, there is some question about EPD requirements.

Mr. Potts introduced **Ken Hiltgen, Mactec Engineering Consulting**, formerly known as Law Engineering and Environmental Services. Mr. Hiltgen stated that their company has a strong reputation with the Environmental Protection Division, DNR. He noted that their Vice President is a former Director of Environmental Protection Division, and he is Mr. Hiltgen's boss. He stated that he personally has had 20 years experience permitting in this state. He is a professional engineer, a chemical engineer by training and has a Master's in Environmental Engineering. There are a lot of good reasons to close Mays Bridge. About two years ago they were the ones recommending to Inland to close this road from public access and it is not as the paper seems to insinuate, that it is because of new regulations. It is because of the existing regulations. "Regulations, as Mr. Potts just explained, require you to permit any change, any major change in the mill. And, this major change could be as simple as rebuilding an existing boiler that has been falling apart. EPA requires that, EPA requires you to look at existing emissions compared to what it potentially could emit. If that difference is greater than a small significant amount, then you have to go through what is called PSD permitting." EPD has several people who just do reviews of applications of consultants such as him who put PSD permit applications together. PSD stands for prevention of significant deterioration and, in that permitting process, a company must prove to the Director of the Environmental Protection Division that; a) they are putting the best available controlled technology on any modified unit and; b) they must do significant ambient air quality analysis, which includes computer modeling. Inland has been well above board and volunteered installing the best available control technology. That was never an issue. That is well defined and they are ready to spend that money. The issue is next the computer model. In computer modeling, they have to locate receptors, which is an XY point on the plot, wherever the public has access. In fact, we have to model Mays Bridge Road as if there were residents on that road, people living there 24 hours a day. It doesn't make sense, he knows that, he does not defend that, but it is the rules. And because of the modeling, because of the rules, they recommended to Inland, roughly a year and a half ago, that they close Mays Bridge Road. He did not know until tonight that they actually tried that before. It is crucial that this occur for them because they cannot get the permit to make the rebuilding modifications they want to do. If this doesn't happen, they will be, backed into a corner, where only minor modifications can occur. Eventually, that mill will have to slowly reduce its production, eventually closing the mill. That is why

they recommended the closure of Mays Bridge Road and that is why it is crucial for that to occur. Mr. Hiltgen offered to answer questions.

Commissioner Jennings asked if the remodeling were retrofitting... Aren't these the Old Source Regulations? Mr. Hiltgen stated that actually they are called NSR (New Source Review) and there are two sets of rules under that New Source Review. It is called Non-Attainment and, for areas that are an attainment of current Ambient Air Quality, then you go into what is called a PSD Review, to prevent a Non-Attainment issue, like there is in Atlanta, which is a Non-Attainment area. Commissioner Jennings asked, in the models, is this upgrade or retrofitting of equipment, is that going to improve the quality of the air in the surrounding area or is it going to stay the same? Mr. Hiltgen stated that it should improve it. Commissioner Jennings asked the amount. Mr. Hiltgen replied that he would have to run a computer model before and after, but you are applying best available controlled technology, which essentially would cut emissions from the particular units they are talking about two-fold. So just by less pollution going out the stack, it means less impact in the air. Commissioner Jennings asked if the changes taking place are going to improve air quality in Rome and Floyd County, and also downwind. Mr. Hiltgen replied that is correct, in a 50 kilometer radius, which is as far as the models go. Again, they cannot do that without the closing of Mays Bridge Road because of that computer model.

Commissioner Hufstetler stated that the question they have heard from one of the residents against it that... and he knows he is saying there are people down there (*EPD*) that may not be aware of this situation, but his conversation seemed to indicate maybe not necessarily that. He noted that they actually have not made the application yet because they are waiting to do this to make the application. He asked if there was some way they could have EPD verify this information so that everybody is comfortable with it. Mr. Hiltgen replied that he could give them several references to call. The head of permitting for EPD is Jimmy Johnson and the general number there is 404-363-7000. If they want to talk with his boss, Ron Methier, who is in charge of all of the air side, both existing air quality and permitting could be reached at the same number. He mentioned that Harold Reheis is the head of the agency. Mr. Hiltgen stated it was asked previously the current air quality in Floyd County, and they gave a correct answer, an attainment of all air quality standards, that is true. But the question is for a major modification of a major facility under PSD rules, which is to prevent any change in that air quality, which are the procedures they have to go through? Specifically, under air modeling do you have to include receptors on public roads? In fact, he can give them EPA documents that say you must and he offered to email them to the Board.

Commissioner Jennings asked if the plant could continue operation under the current equipment, but the air quality wouldn't be reaping the benefit of the change in the air quality to almost a two-fold increase and improvement, if it just stays the same. Mr. Hiltgen stated that is correct, they cannot get a permit to construct; they cannot get a permit to improve conditions. Commissioner Jennings stated that he and Commissioner Bennett recently attended the Transportation Policy Committee and they got the approval of everyone on the Policy Committee to recommend to the DOT that the Southwest by-pass, which is basically from Highway 20 to Blacks Bluff Road, be bumped up as the first priority in terms of the South Rome

By-pass. Currently, in the document they saw, it is the third priority and it is out several years and he thinks they are making the case that this by-pass should be done first. This has the potential of giving another significant route through the Coosa area. Commissioner Hufstetler stated that once the by-pass is completed, this becomes a moot point because the road is a safety problem and no doubt Inland has to have the upgrades because they are required to continue operation. But, at the same time, when they close this, they are going to create traffic problems on Turner Bend and significant traffic problems, so our only question is "Is there any way at all that the EPD would have any 'wiggle' room on allowing a period of time for the by-pass." That is the questions they have to have answered. He stated that Mr. Hiltgen knows better than him how rigid federal regulations are and he does not think anyone there disagrees with them in that sometimes there is no common sense allowed in them. But he thinks that is a question they still have to answer. Mr. Hiltgen stated that unfortunately there is no common sense in a lot of these things, as mentioned. EPD's boss oversight is EPA. Basically they do not care. These rules are made to have certain things occur and there is no in-between.

Chairman Fricks stated that at the Public Hearing 16 months ago, really one of the things that they were trying to measure at that point was the potential resolution to the problems that people were posing. Traffic issues were one of the big ones. That is one of the reasons they sat down with Mr. Potts and starting acquiring right of way on Turner Bend Road and they realized, without the upgrading of Turner Bend Road and improving on the intersection at Coosa High with a the red light and improvement at the railway crossing, that we would provide them with a safer environment. He stated that traffic safety was the key issue brought up at that meeting and, yes, we always talked about the possibility of the by-pass, but that was an unknown tangible there, no one knew when it would come and how it would come. That is one reason they started pursuing it. They did get some commitments, as Mr. Brown mentioned earlier, of dollar commitments and assistance from Inland to help with improvement of that road and improvement of some the safety issues on that road. They also addressed the truck traffic that was also brought up. It has been increased. Truck traffic at the clay pit that was providing the clay to produce the bricks. An interesting scenario is that they state they will be producing them on site and they will only be bringing the finished product out of there eventually. They will be addressing improving that road to suffice that traffic as well. The purpose of that meeting was to find out what the problems were and to find out what kind of resolution they could come to and each identifiable problem. The only one you can't argue against is convenience. He stated that he personally always would take the issue of safety over convenience every day. He thinks that they have addressed the safety issues and he hopes to provide them with a safe environment. Mr. Hiltgen reiterated that it is not a convenience as far as Inland is concerned, this is a real problem.

Commissioner Hufstetler stated that his question would be, "Would there be any merit in a couple of the Commissioners meeting with both sides and EPD and try to verify, with all parties present, what these regulations are?" He volunteered to be a part of the meeting. Commissioner Jennings suggested including in that that the DOT would share with us what the current plan is for the by-pass out there and see if they can put as much pressure as they can on the DOT to flip flop the schedules and to get that part of the by-pass done first. He thinks that would help, too. Chairman Fricks stated that one of the

issues that had been brought up here, and the reason they had initiated this in this direction, is that the purpose of the Turner Bend Road upgrade was to accommodate the additional traffic. They did not want to bring the road closing up after they had completed road improvements. He stated that the first thing they need to do is close the discussion and close the Public Hearing.

Mr. Potts commented from the audience, stating that he did not know how long the conversations between the Commission and the State might take, but these things can drag from days, to weeks, to months to get meetings arranged and getting decisions made. They are on a fairly significant time line to get the work done and he asked that they (*the Commission*) keep that in mind when they approach the State. He also offered consent to send the letter from Mactec to anyone from Harold Reheis down. Commissioner Jennings suggested trying to make all of this happen before the next meeting. Commissioner Hufstetler agreed, and Commissioner Bennett asked Mr. Potts if that would fit his schedule. It was noted that the meeting was May 13. Mr. Potts replied that he cannot go to June. If they cannot get a decision by then, they will need to start canceling the order. Chairman Fricks stated that they have a lot of work to do before they have could actually close the road since they want to complete the construction of the improvements on Turner Bend Road. So it is subject to pull that way back and give the intent of closing the road prior to actually closing the road before that is completed. Commissioner Bennett asked if he understands correctly that the road will physically stay open and that will work in Inland's schedule as long as EPD knows that they have that road. Mr. Potts replied that he thought it would work. Commissioner Jennings stated that is another thing that they can verify. He also noted that it has been his experience, if EPD is reluctant, the State Representatives can usually get them here.

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

YES

NO

Commissioner Hufstetler

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Mayes abstained from voting, due to contractual relationship with the applicant.

County Attorney Tom Manning stated that his firm does represent Inland on some matters, primarily litigation matters. They have not represented them in connection with this, they (*Inland*) know of their representation of the County and they have informed the County of their representation in unrelated matters of Inland. It is his understanding, he has not worked on this particular item, they waive any conflict there and their representation is on behalf of the County in this matter. He stated that he just wants to

make sure that everyone understood that and if there was a question or they were not satisfied with that prior relationship, they can certainly bow out of this.

Commissioner Jennings asked Assistant County Manager Sammy Rich to get the phone number of Mr. Rasure and Mr. Rusaw so they could be contacted

No action was taken.

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Fricks stated that they had names to be submitted to the Grand Jury for the Hospital Authority. MOTION was made by Commissioner Hufstetler to make an appointment recommendation to the Grand Jury for three names to the Floyd Hospital Authority, the three names are Al Hales (current representative), Chairman Garry Fricks and Commissioner Tom Bennett, and that they instruct them of their satisfaction with Al Hales' work and that they certainly think he could do a good job being reappointed. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Bennett

Chairman Fricks

Motion Carried

Commissioner Mayes was out of the room at the time the vote was taken.

Chairman Fricks recognized the group from Leadership Rome and mentioned that they had picked a long meeting to attend.

COMMISSIONER'S REPORT

There were no reports.

SPECIAL COMMITTEE REPORTS

SPLOST COMMITTEE.

County Attorney Tom Manning presented an Intergovernmental Agreement that has been executed by Floyd County, the City of Rome and the City of Cave Spring. He presented a draft of a Resolution approving a SPLOST Referendum which complies with

Georgia Law, including among other things, the ballot question that will be put to the voters and referencing the fact that the project would be a \$26.4 million SPLOST and include \$9.5 million in General Obligations Bonds that would be issued in connection with the SPLOST. County Manager Poe pointed out that when they read the Ballot Question, when they first look at the number in there, \$25,260,000, that is for everything but roads, streets and bridges and apparently by law they have to separate that out as an additional \$1,140,000 which totals the \$26.4 million. MOTION was made by Commissioner Hufstetler to approve the resolution calling for the 24 month SPLOST issue to be placed on the ballot. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

Chairman Fricks

Motion Carried

Commissioner Bennett abstained for reasons previously stated.

There were no reports on the other Special Committees.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there was one item on the Consent Agenda that was submitted for approval. MOTION was made by Commissioner Mayes for approval of the Consent Agenda. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

1. Tax Refunds:

- a. Chris B. Whitlock, 150 Ervin Coker Drive, \$8.10
- b. David Phillips, 8 East Drive, \$45.63
- c. Harriet Allee/Stephine Griffin, 225 Blacks Bluff Road, SW, \$5.35

- d. Alchem Plastics Corporation, %C Force, Inc., P.O. Box 2519, \$1,802.23
- e. Grady Mabry Post 506/American Legion, 21 Peachtree Street, \$8.10
- f. Larry T. Estle, 492 Reeceburg Road, SE, \$313.72
- g. Citifinancial Services, 300 S. Paul BSP10D, Baltimore, MD, \$25.03
- h. William H. Morgan, 3 John Ross Drive, \$54.14
- i. Harry J. & Patricia A. Clay, 261 Old Summerville Road, \$75.35
- j. EDD Properties, 117 Rollingwood Circle, \$36.29
- k. Redmond Family Care Center/Lindale, 3138 Maple Road, Lindale, \$547.33
- l. Healthcare Providers, Inc., P.O. Box 1502, Nashville, TN, \$2,188.94
- m. Earl S. & Lisa Drummond, 16 Donahue Drive, \$367.68
- n. Maplewood Recreation, Inc., 23 S. Ivy Ridge, SE, \$605.69
- o. Donald E. & Shirley L. Adams, 519 Broad Street, \$11.24
- p. Carol O. Willis, 102 Brentwood Drive, \$131.71
- q. Ray Alto, %Barbara Fowler, P.O. Box 356, Shannon, \$356.99
- r. Bayshore Development/Checkers, 900 Broad Street, \$18.19
- s. Jack I. Roberson, 26 Silvermont Drive, Silver Creek, \$199.07
- t. Mildred L. Adams, 313 N. Elm Street, \$47.43
- u. David L. Langston, 3011 Old Dalton Road, NE, \$78.24
- v. Virginia Sutton Adams, 122 Blacks Bluff Road, \$5.35
- w. Mike Lane, 16 N. Pointe Drive, NE, \$1.84
- x. James F. Orr, 600 Redmond Road, NW, Apt. E5, \$83.09
- y. Mike Lane, 25 Bramblewood Drive, \$3.09
- z. George B. Allen, 5 Norcross Way, \$65.85

MANAGER'S REPORT

CONTRACT WITH MIKE PAGE REGARDING HEALTH DEPARTMENT.

County Manager Kevin Poe presented a contract between P & C Design Build, LLC and the Floyd County Board of Commissioners for architectural services related to the new Health Department. The total lump sum fee for the project is \$375,000 and it is broken down by phase, so if the project does not move forward at any point the County is only responsible for the fees up to that point. He stated that this is a standard AIA document and it has been submitted to the County Attorneys for review and he assumed that everything was found to be in order. County Manager Poe recommended approval of the document. MOTION was made by Commissioner Bennett to accept. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Mayes
" Jennings
" Bennett
Chairman Fricks

Motion Carried

Commissioner Hufstetler thanked the County Manager and Commissioners Jennings and Bennett for their hard work on this project.

**AUTHORIZE CHAIRMAN TO SIGN
TURNER BEND ROAD CONTRACT
WITH DEPARTMENT OF TRANSPORTATION.
(PR000-S005-00(013))**

County Manager Kevin Poe presented a document with the Department of Transportation, entitled Department of Transportation, County Right of Way Agreement. This is another document that they are requiring the County to sign off on that is the process of us being submitted from the DOT a County contract for financial assistance in the reconstruction of Turner Bend Road from Oreburg Road to Highway 20. He stated that, again this is not a formal document, it is just part of the procedure so at any point we can stop the process, but this will keep the process moving on. He recommended approval of the document. MOTION was made by Commissioner Hufstetler to approve the Manager's recommendation. SECOND by Commissioner Bennett. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Fricks

Motion Carried

Commissioner Mayes abstained for reason previously stated.

**DISCUSS LAND PURCHASE OPTION
FOR HEALTH DEPARTMENT PROJECT.**

County Manager Kevin Poe stated that County Attorney Tom Manning had provided the Option Agreement for the purchase of property from William A. Johnson, Jr. on 12th Street for the location of the Health Department as was described in the Caucus Session. He stated that basically the terms are \$5,000 Option Payment, 90-day option that would begin Wednesday, April 23rd and terminate Wednesday, July 23rd. The purchase price that they have agreed to is \$275,000. County Manager Poe recommended

approval of the Option Agreement for the property for the proposed new Health Department facility. MOTION was made by Commissioner Jennings to approve the Option Agreement for the potential purchase of property on East 12th Street. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Mayes

" Jennings

" Bennett

Chairman Fricks

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

GARRY E. FRICKS, CHAIRMAN