

involving the legislation last year of this ordinance. He stated their (*the Board's*) boss, the taxpayers of Floyd County, as well as taxpaying citizens of Floyd County, have already paid close to a quarter of a million dollars if not more. He stated his purpose here tonight is to try and somehow protect the future of Floyd County citizen's money or in some way mention to them something that he is sure the Board are all concerned with on a daily, weekly, and monthly basis is the taxpayer's money, which they are stewards of.

He stated for over twelve years he has been involved in twenty-four counties in the State of Georgia trying to fight injustice from governments that are supposed to derive their authority from the governed. He stated Chairman Jennings, your credibility, and the credibility of all involved in this attempt to change what has already occurred will not do anything positive to leave a good legacy after you have left the Board. He stated cynicism is at an all time high across this country. He stated the people want, and demand accountability from their elected public servants. He stated he pleads with them do not waste anymore of the taxpayers money on something that is a speck of sand in one's eye versus the plank in your brother's eye. He stated in other word lets pick and choose our battles, especially when you are the custodian of the taxpayer's money. He stated they have a lot of people that look upon something like this and say lets get someone that is supposedly religious like this Chattanooga attorney, Scott Bergthold, and that professor from California. He stated what he is seeing from invoices is just like everybody all the time around the country, he thinks they are out to make money, and it is at the cost of the taxpayers of Floyd County. He stated Chairman please seize the initiative and do what needs to be done. He stated this lawsuit involving Floyd County, and by extension its citizens, against a store named Entice needs to stop. He stated trust your instincts, not some outside lawyer with an obvious agenda of making money off the taxpayers. He asked the commissioners, would you create an ordinance that would surely cause a lawsuit and spend thousands defending it if the funds you were using were instead yours and not Floyd County's. He stated if it continues, and he foresees that it will with some prejudgment motions and so forth, they might be looking at \$150,000 or more. He stated if they divide that by five that would be \$30,000 per Commissioner if it was coming out of their pocket, and that is what they need to consider here. He stated he does not think this Board would like to handle that expense.

He stated they need to serve the people and adhere to the rule of law. He stated the people want leaders who will put principles ahead of politics or other peoples self interest. He stated your constituents will measure your credibility by your honesty, confidence, and your ability to be inspiring. He stated be good stewards and consider what is best for Floyd County. He stated your basic values, character, integrity, and legacy are on the line with this. It is so easy to use other people's money. He stated be courageous and exhibit the right stuff. He stated lastly, he requests that this elected body compare their endeavor on the above subject to what he feels has continued to be a witch-hunt by the District Attorney Leigh Patterson with a comic book storeowner. He stated he surmised and tried to find out the other day, but he would imagine that the District Attorney's office is using a lot of man-hours, and time, and so forth prosecuting and trying to do something about a situation that occurred three years ago. He stated his biggest desire tonight is to say to you (*Commissioners*) lets step back and evaluate. He stated some of these that he has

looked at in the last two weeks ran into three and four hundred thousand dollars before the municipality or the county government decided to call it quits. He stated he received a copy of some of the invoices the other day, and what he has dealt with through the Attorney General's office for about twelve years now is invoices from the city, county, and state government. He stated for the past year and half the City of Atlanta Aviation Department has redacted just about everything. The Attorney General ruled they could not do that. He stated so he wants to ask them, if they would take a look at that situation, because some of the pages he feels like there could have been something there. He stated everything he received was completely redacted page after page. He thanked the Board for their time.

Ms. Serpentfoot, 324 Forsyth Street, stated she felt a little bit bad the last time she was here that she criticized some things that they (*Commissioners*) have done without offering a solution, and she intends to offer a solution tonight. She stated Chairman Jennings, she is referring to what he said in the newspaper where they quoted him saying that we are over the budget, we need more revenue, and maybe we need to talk to the Sheriff and some judges on how to raise more revenue. She stated she criticizes that as ruining people's lives. She stated if they have lost their license, and they do not have any means of transportation, there are no passenger trains, no Greyhound stations, no busses of any kind in the county. She stated they have gone backward since the 1830's. She stated they do not have steamboats on the Coosa River. They do not have boat travel. They do not have busses, and they do not have trains. She stated she wants to offer a solution. She stated instead of ruining people's lives imposing huge fines and jail time by forcing them to drive when they do not have license, or hitting them with camera fines, or seatbelt fines, the solution would be to cut the budget. She stated the first place to cut the budget is like this parking lot they are proposing. She stated just more things to force people to drive an automobile. She stated they need to subsidize some rides for the county, and they would have a natural hub of transportation. She stated John Ross saw it in the 1820's and 30's when he put his ferry in Coosa where the three rivers come together. She stated he had a bigger ferry than they have out there at Ridge Ferry Park. She stated they need to recognize the principal chief of the Cherokee's. She stated Chieftains was right here in downtown Rome. She stated Chieftains was where John Ross lived there on land lot 244 between Floyd Hospital and Barron Stadium. She stated they could have some river entertainment. They could have river cabs or river taxis. They could really have something nice for tourists. She stated they really need that area to be made a park, the Chief John Ross Park, and to subsidize Trailways, Greyhound, whatever they need to do to get them back here. She stated get a train station. Downtown Rome used to have three train stations. She stated they also had them at Shannon, Huffaker Road, and all these other places. She stated that is where the Trail of Tears started. She stated if we had not driven the chief out, there would have been no Trail of Tears. She stated this is a tourism spot, take advantage of it because there is some revenue there. She stated three of them (*Commissioners*) are supposed to represent the unincorporated area of the county. She stated that southwest by-pass; we are about ten or twelve years away from that. She stated the last people to get any help in this county is the unincorporated area. She stated concentrate on that, because three of you are obliged to do that. She stated quit funneling all this business into downtown Rome, and get them some bus services and passenger trains in the county. She stated put the money into subsidizing that, and make a John Ross park there. She stated that is another thing, Mr.

Doss wants them to subsidize his business at the good of that walking bridge. He used his public office for private gain to help himself and his partners. She stated they do not need to join into that.

**ADOPTION OF
MINUTES:**

Chairman Jennings asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of November 13, 2007. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FIRST READINGS:
(SECOND READINGS/PUBLIC HEARINGS
TO BE HELD JANUARY 8, 2008 AT 2:00 P.M.)**

- 1. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE RELATED TO CIVIL SERVICE RULES AND REGULATIONS. (2008-001A)**
- 2. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE RELATED TO REGULATION OF SCRAP METAL DEALERS. (2008-002A)**

Chairman Jennings stated Public Hearings for these items on First Readings will be held January 8, 2008 at 2:00 p.m.

**SECOND READINGS/PUBLIC HEARINGS:
(FIRST READINGS HELD NOVEMBER 13, 2007)**

Chairman Jennings reviewed the procedures for Public Hearings.

- 1. FILE #911-2007SUP, REQUEST A SPECIAL USE PERMIT TO ALLOW SHALE MINING IN THE H-I (HEAVY INDUSTRIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 2046 HUFFAKER ROAD. ZONING MAP F12 – PART OF PARCEL 008. (PLANNING COMMISSION RECOMMENDATION: APPROVE**

WITH CONDITIONS. 1) SETBACK/BUFFER AREAS AND UN-MINED AREAS SHALL BE MAINTAINED AS NATURAL VEGETATION WITH NATURAL TOPOGRAPHY AND CONTOURS; 2) INTERNAL ROADS, DRIVES AND VEHICLE PARKING AREAS SHALL BE SPRINKLED WITH WATER AND/OR TREATED WITH DUST SUPPRESSANT AS NEEDED TO ENSURE THAT FUGITIVE DUST DOES NOT ADVERSELY IMPACT RESIDENTIAL PROPERTY ADJACENT TO THE SUBJECT PROPERTY. NO VISIBLE AMOUNT OF DUST SHALL ESCAPE PAST THE NATURAL BUFFER; 3) MINIMUM OF 50' BUFFERS WITH NATURAL CONTOURS AND VEGETATION SHALL BE MAINTAINED ON BOTH SIDES OF ANY STREAMS ON OR ADJACENT TO THE PROPERTY; 4) MINING ACTIVITIES SHALL BE CARRIED OUT ONLY DURING THE HOURS FROM 7:00 A.M. TO 7:00 P.M., MONDAY THROUGH SATURDAY; 5) ALL TRUCKS AND EQUIPMENT SHALL BE PROPERLY FITTED WITH MUFFLERS TO MINIMIZE NOISE POLLUTION; 6) SECURITY LIGHTING ON THE PROPERTY SHALL BE LOCATED AND DIRECTED TO ENSURE THAT SPILL-OVER LIGHT DOES NOT ADVERSELY IMPACT RESIDENTIAL PROPERTY ADJACENT TO THE

THE

SUBJECT PROPERTY; 7) SANITARY FACILITIES FOR THE USE OF WORKERS SHALL BE INSTALLED AND APPROVED BY THE FLOYD COUNTY HEALTH DEPARTMENT; 8) VEHICLES SHALL ACCESS THE PROPERTY FROM HUFFAKER ROAD ONLY; 9) ALL FEDERAL, STATE AND LOCAL PERMITS AND INSPECTIONS, INCLUDING, BUT NOT LIMITED TO, STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND SECTION 404 (ARMY CORPS OF ENGINEERS)

SHALL BE OBTAINED, AND MAINTAINED IN GOOD STANDING, AND EVIDENCE SUPPORTING COMPLIANCE SHALL BE PRESENTED TO THE BUILDING OFFICIAL OR HIS DESIGNEE AS REQUESTED (NOTE: ENGINEERED PLANS AND DRAWINGS WILL BE PREPARED AS REQUIRED); 10) COMPLIANCE WITH ARTICLE 6 OF THE ULDC CONCERNING STORMWATER MANAGEMENT SHALL BE ON A BASIN SPECIFIC BASIS; 11) APPLICANT SHALL COORDINATE WITH FLOYD COUNTY

PUBLIC WORKS DEPARTMENT TO DETERMINE WHETHER ACCEL/DECEL

LANES WOULD BE REQUIRED ON HUFFAKER ROAD. [VOTE: 10-0]:

Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden
" Mayes

" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request and discuss the conditions presented by the Planning Commission. Ms. Hiller stated the site itself is currently zoned H-I (Heavy Industrial). She stated there is some H-I zoning to the north and west. There is A-R (Agricultural Residential) zoning to the west and east. To the south there is some A-R (Agricultural Residential), C-C (Community Commercial), and S-R (Suburban Residential) zoning. To the north there is also a segment that is zoned L-I (Light Industrial), and the property is owned by the county, formerly the Berryhill Landfill. She stated the surrounding uses include a church, several residences that are located in the A-R and C-C zonings that are to south and west of the property. Additional residential properties are located along Berryhill Road, which is predominately a rural residential and agricultural community in that location. She stated even though this property is zoned H-I, it does require a special use permit to do any kind of mining within Rome or Floyd County. That is specified by the ULDC, and is also specified by Floyd County's Mining Ordinance. She stated both the ULDC and the mining ordinance list a number of items that have to be included in a submittal for a special use permit, and a number of conditions that have to be met in order for that special use permit to be granted. In general, the applicant has met those submittal requirements, and they also met the developmental conditions of both the ULDC and the county code. She stated what they did submit indicated that the mining would operate approximately from seven in the morning until seven at night a total of five or six days per week. The property would be accessed from Huffaker Road. There would be no blasting carried out as this is relatively shallow mining. She stated roads within the site would be watered for dust suppression. There is no information provided about lighting on the property, so she does not know whether they are intending to do any lighting or not. She stated there are no mapped wetlands on the site. The flood plain maps indicate that the property is not within a flood plain. She stated Huffaker Road is classified as a collector, and currently has a fair amount of truck traffic from other heavy industrial uses. The applicant has indicated that the mining operation would last from twenty-five to thirty years. She stated at the end of that time the site would be reclaimed according to state regulations. That would include the disturbed sites being contoured and planted, and that the stormwater ponds would be reclaimed at that time.

She stated because this is adjacent to some residential properties, there is certainly some potential for adverse impacts on those properties. She stated compliance with all of the federal laws, state laws, and local laws helps to mitigate some of the potential impacts that might result from that. There are some conditions that were proposed by staff, and were recommended to the Board by the Planning Commission. She stated two of the requirements of the ULDC that the applicant is requesting not to meet includes fencing the active mining area, and provision of berms along the perimeter of the property. She stated the applicant has already been to the Zoning Board

of Appeals to ask for relief of those two requirements that come from the ULDC, and those were granted. She stated because they felt that the fencing would not be as critical with the shallow type mining that would go on here, and that berms would actually interfere with that natural buffer that is being proposed for this site. They have a recommendation from the Planning Commission that they approve this special use permit, and they have a determination by the Zoning Board that variances from the ULDC were granted. She stated the boundaries of the property have mature vegetation. East along Huffaker Road is not an area with a lot of development, it is very rural. She stated there are houses located on properties adjacent to the mine site. There is a washed-out area to the northwest side of the property that has been subject to some mining in the past, so that area has already been disturbed.

She stated this does come to the Board with the recommendation from the Planning Commission that they approve the request. The conditions from the Planning Commission are: 1) setback buffer areas and un-mined areas shall be maintained as natural vegetation with natural topography and contours. 2) internal roads, drives, and vehicle parking areas shall be sprinkled with water and/or treated with dust suppressant as needed to ensure that fugitive dust does not adversely impact residential property adjacent the subject property. No visible amount of dust shall escape past the natural buffer. 3) Minimum of 50' buffers with natural contours and vegetation shall be maintained on both sides of any streams on or adjacent to the property. 4) Mining activities shall be carried out only during the hours from 7:00 a.m. to 7:00 p.m., Monday through Saturday. 5) All trucks and equipment shall be properly fitted with mufflers to minimize noise pollution. 6) Security lighting on the property shall be located and directed to ensure that spillover light does not adversely impact residential property adjacent to the subject property. 7) Sanitary facilities for the use of workers shall be installed and approved by the Floyd County Health Department. 8) Vehicles shall access the property from Huffaker Road only. 9) All federal, state and local permits and inspections, including, but not limited to, stormwater management, erosion, and sediment control, and Section 404 (Army Corps of Engineers) shall be obtained, and maintained in good standing, and evidence supporting compliance shall be presented to the Building Official or his designee as requested (Note: engineered plans and drawings will be prepare as required). 10) Compliance with Article 6 of the ULDC concerning stormwater management shall be on a basin specific basis. 11) The Planning Commission recommendation is that the applicant would coordinate with Floyd County Public Works, but staff would suggest that this condition be reworded to say applicant shall be required to provide accel/decel lanes along Huffaker Road.

She stated those are the conditions that come with them as a recommendation to approve this special use permit from the Planning Commission. She stated they have an additional condition that was adopted by the Zoning Board of Appeals, and that is: 12) no setback or buffers shall drop below the requirements of the ULDC. She stated her recommendation to the Board would be if they choose to approve the special use permit that it be with those twelve conditions as she has read them to the Board.

Support: Gary Bowles, 100 Hill Street, Kingsport, Tennessee, stated he works for General Shale Brick. He stated they operate a brick production plant here in the county, and they require shale for that plant. He stated they have contracted Richard Fountain, with Richard Fountain & Associates, who is representing them on any permitting aspects required for this. County Attorney Manning asked Mr. Bowles to explain to the Commission how this type of mining that would be conducted here, if the special use permit is granted, is different from quarry mining that some people are familiar with. Mr. Bowles stated there are several differences. He stated there will be no blasting associated with this mine. It is a soft material so the only equipment that would be used would be scraper type equipment along with bulldozers to accompany that. He stated they would have a loader at the site to load the material into trucks. He stated the actual configuration of the mine is quite different. He stated quarries like Mr. Manning is speaking of, have vertical walls. They will have no vertical walls. He stated it will be gently sloped, with a maximum of three-to-one slopes during the process of mining, and at the reclamation stage as well.

Chairman Jennings stated one of the conditions was that activities would take place from 7:00 a.m. to 7:00 p.m., Monday through Saturday. He asked Mr. Bowles if he would anticipate that would be the case with constant activity at the site. He stated if he remembers correctly, Florida Tile had a time of year that they would do a lot of hauling of the clay, and then that would set up their site so there would not be six days a week, fifty-two weeks a year, where they would be hauling. Mr. Bowles stated their activity would be year round. He stated generally it would be five days per week, Monday through Friday. He stated the difference between them and what Florida Tile has done in the past is they hauled similar amounts of material, just in a shorter period of time so there were a similar number of truck trips on the road, just in a much shorter period of time. He stated they would have their activity spread out throughout the year. Chairman Jennings stated so it would be regular, but perhaps not as intense. Mr. Bowles stated not as intense and it is also weather dependent. He stated if it is bad weather, they generally do not haul.

No one desired to speak in opposition of the request.

Commissioner Mayes made a MOTION to close the Public Hearing.
SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to approve with the stipulations as defined by staff and as read by Sue Hiller, Planning Department Director

[1) setback buffer areas and un-mined areas shall be maintained as natural vegetation with natural topography and contours. 2) internal roads, drives, and vehicle parking areas shall be sprinkled with water and/or treated with dust suppressant as needed to ensure that fugitive dust does not adversely impact residential property adjacent the subject property. No visible amount of dust shall escape past the natural buffer. 3) Minimum of 50' buffers with natural contours and vegetation shall be maintained on both sides of any streams on or adjacent to the property. 4) Mining activities shall be carried out only during the hours from 7:00 a.m. to 7:00 p.m., Monday through Saturday. 5) All trucks and equipment shall be properly fitted with mufflers to minimize noise pollution. 6) Security lighting on the property shall be located and directed to ensure that spillover light does not adversely impact residential property adjacent to the subject property. 7) Sanitary facilities for the use of workers shall be installed and approved by the Floyd County Health Department. 8) Vehicles shall access the property from Huffaker Road only. 9) All federal, state and local permits and inspections, including, but not limited to, stormwater management, erosion, and sediment control, and Section 404 (Army Corps of Engineers) shall be obtained, and maintained in good standing, and evidence supporting compliance shall be presented to the Building Official or his designee as requested (Note: engineered plans and drawings will be prepare as required). 10) Compliance with Article 6 of the ULDC concerning stormwater management shall be on a basin specific basis. 11) The applicant shall be required to provide accel/decel lanes along Huffaker Road. 12) No setback or buffers shall drop below the requirements of the ULDC.]

SECOND by Commissioner Mayes. County Attorney Manning stated for clarification that would be the first ten conditions that are listed on the agenda, and number eleven would be that applicant shall be required to provide accel/decel lanes along Huffaker Road, and number twelve would be that no setback or buffers shall drop below the requirements of the ULDC.

Discussion: David Archer, 43 Robin Drive, Cartersville, stated he represents General Shale. He stated he believes what was proposed as to the accel/decel lanes is that they would be required to install the accel/decel lanes along Huffaker Road as required, or if required by the Public Works Department. Chairman Jennings stated they had that discussion, and Floyd County Public Works does not typically get into a DOT requirement. County Manager Poe stated they are not like the DOT where they would have to get a permit to access their road. He stated they do deal with driveway, culverts, and pipes, but typically they do not do that with accel/decel. He stated the decision was made that the Board should make that a condition, that they do provide an accel/decel lane. Chairman Jennings stated his thinking is there is going to be a lot of traffic on that road, and having the accel/decel lanes would facilitate getting in and out of the site so he thinks this would be a good idea. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield

Chairman Jennings

Motion Carried

2. FILE #01-2007MOV, REQUEST FOR A VARIANCE FROM THE FLOYD COUNTY CODE ON PROPERTY LOCATED AT 2046 HUFFAKER ROAD. ZONING MAP F12 – PARCEL 008. (H-I HEAVY INDUSTRIAL):

Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated that the Board would review staff recommendations for each Request for Variance. A vote was taken for each request independently, following reviews and discussions.

Support: **Greg Bowles, 100 Hill Street, Kingsport, Tennessee**, stated he works for General Shale Brick and he is here to speak in favor of the request. He stated he would be happy to answer any questions regarding the requests.

No one wished to speak in opposition of the requests.

Following the review of each Request for Variance, Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

a. §2-15-6(c)(4) PLAN FOR STORMWATER AND RUNOFF MANAGEMENT, PURSUANT TO THE PROVISIONS OF §6.15 OF THE ULDC, AND THE REQUIREMENTS OF THIS SECTION OF THE FLOYD COUNTY SURFACE MINING ORDINANCE; REQUEST VARIANCE TO ALLOW PLAN TO CONFORM WITH STANDARDS ESTABLISHED BY THE GEORGIA DNR FOR SURFACE MINES.

Review/Discussion: Chairman Jennings stated staff recommendation is to deny this variance request, thereby, requiring the plan to adhere to §6.15 of the ULDC regarding stormwater regulations, and local and state stormwater and erosion/sedimentation control standards. He stated further the condition that compliance with Article 6 of the ULDC concerning stormwater management shall be on a basin-specific basis, treating each removal site independently. He stated staff further recommended the requirement of engineered plans related to stormwater runoff.

He asked Mr. Bowles if he has comments about the staff recommendations. Mr. Bowles stated that will not be a problem. He stated the design they currently have is based on twenty-five year storm plan, and they can have that engineered and submitted in the next several weeks.

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to deny this request for variance as per the staff recommendations. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

b. §2-15-6(c)(5) A BUFFER PLAN PURSUANT TO §6.16 OF THE ULDC AND THE REQUIREMENTS OF THIS SECTION OF THE FLOYD COUNTY SURFACE MINING ORDINANCE; REQUEST VARIANCE TO ALLOW PLAN TO CONFORM WITH STANDARDS ESTABLISHED BY THE GEORGIA DNR FOR SURFACE MINES;

Review/Discussion: Chairman Jennings stated this is in specific regard to the buffer plan. Assistant County Manager Williams stated this is regarding the property buffer. He stated the applicant had presented a site plan, and staff had

asked for a little more detail on the site plan, which would compose the buffer plan, and that it would follow the guidelines of the ULDC. He stated they are proposing to use natural, mature vegetation that is there, which in the eyes of the ULDC is considered to be about as good as they can get, so they do not anticipate any issues with that item. Chairman Jennings asked Mr. Bowles if he had any comments about that. Mr. Bowles stated no.

Chairman Jennings called for a motion. Assistant Manager Williams stated staff recommendation is to deny this variance request, and require the plan to adhere to §6.16, buffer regulations, of the ULDC, and the requirements of this section of the code.

Commissioner Whitefield made a MOTION to deny the request per staff recommendations. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- c. **§2-15-6(d) WHERE THE LOT OF RECORD ON WHICH MINING IS CONDUCTED ABUTS A ZONING DISTRICT OTHER THAN H-I...A ONE-THOUSAND (1,000) FOOT NATURAL BUFFER SHALL BE PROVIDED; REQUEST VARIANCE FROM ONE-THOUSAND (1,000) FOOT BUFFER TO THOSE REQUIRED BY THE FLOYD COUNTY ULDC AND DROP REQUIREMENT FOR EARTHEN BERMS TO SHIELD MINE SITE FROM GROUND LEVEL VIEW. (REASONS BEING THAT A NATURAL VEGETATIVE BUFFER WILL SURROUND THE ENTIRE AND THAT THERE WILL BE NO BLASTING IN THIS MINE SITE.)**

SITE

Review/Discussion: Chairman Jennings stated the staff recommendation is to approve the variance from the 1,000-foot buffer width in accordance with the revised site map (see exhibit below). Assistant Manager Williams stated there was an additional 100-foot buffer around the Smith property, which is shown on the exhibit. County Attorney Manning stated it also shows a 200-foot buffer next to the L-I property. Assistant Manager Williams stated it also correctly shows a 200-foot buffer next to the old Berryhill Landfill because of the L-I zoning designation.

Chairman Jennings asked Mr. Bowles if he had any comments. Mr. Bowles stated he would like to add that they have spoken with Buddy Smith about providing an additional 100-feet, which he is very satisfied with. Chairman

Jennings stated he thinks it would be 1,200-feet from the Hardin property to the mine site. County Attorney Manning stated from the house to the mine site.

Chairman Jennings called for a motion. County Attorney Manning stated along with the motion to grant a variance, if one were to be made, the suggestion may be that the setbacks be in accordance with the map that is to be entered into the record. Chairman Jennings stated and that they drop the requirement for the earthen berms.

Chairman Jennings made a MOTION to approve the variance eliminating earthen berms conditioned upon there being a natural buffer with setbacks as shown on the attached site plan (Exhibit "A"), and that the setback buffer areas and unmined areas shall be maintained as natural vegetation with natural topography and contours. SECOND by Commissioner Whitefield. VOTING:

YES	NO
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Commissioner Lumsden	
" Mayes	
" Whitefield	
Chairman Jennings	

Motion Carried

EXHIBIT "A"

- d. §2-15-6(e) THE REMOVAL AREA SHALL BE COMPLETELY ENCLOSED WITH A FENCE NOT LESS THAN SIX (6) FEET IN HEIGHT; REQUEST VARIANCE FROM FENCING. (REASON THE MINE SLOPES WILL BE GENTLE AT ONE (1) FOOT VERTICAL TO THREE (3) FEET HORIZONTAL.)**

Review/Discussion: Chairman Jennings stated the staff recommendation is to approve this variance request. Assistant Manager Williams stated the approval should be with a condition that any sediment control structures that are more than 4-feet deep and within 500-feet of a residence will be required to have a fence around it. He stated this conforms to ULDC regulations.

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to approve this variance eliminating the requirement of fencing, except as where noted by staff [any sediment control structures that are more than 4-feet deep and within 500-feet of a residence will be required to have a fence around it]. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- e. §2-15-6(i) REMOVAL IS NOT PERMITTED WITHIN TWO HUNDRED (200) FEET OF ANY RIVER, STREAM OR LAKE EXCEEDING FIVE (5) ACRES. MINING IS NOT PERMITTED WITHIN ONE HUNDRED (100) FEET OF ANY LAKE OR POND UNDER FIVE (5) ACRES, UNLESS ENTIRELY CONTAINED IN THE MINING TRACT, IN WHICH CASE REMOVAL IS NOT PERMITTED WITHIN FIFTY (50) FEET. REQUEST VARIANCE FROM TWO HUNDRED (200) FEET AND ONE HUNDRED (100) FEET SETBACKS FROM ALL STREAMS ON ALL SITE WITHOUT CONSIDERATION FOR SIZE. (REASON BEING THAT**

STREAMS ON SITE ARE LESS THAN FIVE (5) ACRES IN SIZE AND THAT THE MINE SITE PROPOSED SETBACK OF FIFTY (50) FEET IS TWICE THAT OF THE STATE OF GEORGIA DNR FOR SETBACKS FROM WATERS OF THE STATE. IN ADDITION, THE PROPOSED FIFTY (50) FEET SETBACK CONFORMS WITH STANDARD ESTABLISHED BY THE GEORGIA DNR FOR SURFACE MINES.)

Review/Discussion: Chairman Jennings called for a motion. Assistant Manager Williams stated due to the nature of the mining operation, and because they(*General Shale*) are twice that of the state standards for such a mining operation, the staff recommendation is to approve this variance of the stream buffer to 50-feet, with a condition that the natural contour should be maintained on both sides of any streams on/or adjacent to the property.

Commissioner Whitefield made a MOTION to approve the request with the variance request to a stream buffer of 50 feet with the condition as per staff recommendations [the natural contour should be maintained on both sides of any streams on/or adjacent to the property]. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

f. REQUEST VARIANCE FROM FIFTY (50) FEET SETBACK FOR SEDIMENT CONTROL PONDS. (REASON BEING SEDIMENT CONTROL PONDS ARE CONSTRUCTED AS A PART OF MINING PROCESS AND REMOVED AT TIME OF RECLAMATION.)

Review/Discussion: Chairman Jennings stated staff recommendation is to approve the variance. He stated it goes to 50-feet on the streams, and to remove it for the sediment ponds that are on the mining sites. Assistant Manager Williams stated that is correct on the 50-feet from the streams, but after talking with the County Attorney with regards to the sediment control ponds, they do not feel it had

any applicability. He stated that if the Commission approved the variance, the Commission would be recognizing that sediment control ponds are subject to this restriction when we believe they are not. He stated what he and County Attorney Manning discussed is to recommend denying the 50-foot setback from the sediment control ponds because this is not required. He stated there is no buffer requirement around sediment control ponds that he is aware of, so there is really no need for that variance request.

Chairman Jennings called for a motion. Assistant Manager Williams stated it is their contention that this variance is not required, that the sediment control ponds do not require any type of buffer. He stated they will be in the removal area, therefore, staff recommends denial of the request for variance.

Commissioner Lumsden made a MOTION to deny the variance as recommended by staff. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

CHAIRMAN’S REPORT:

4/5 VOTE REQUIRED:

1. Appointments to Boards, Committees, Commissions.

Chairman Jennings stated called for a motion to place Appointments to Boards, Committees, and Commissions on the agenda.

Commissioner Whitefield made a MOTION to place the items on the agenda. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

a. Rome-Floyd County Planning Commission.

Commissioner Whitefield made a MOTION to re-appoint Ronnie Kilgo, and appoint Charles Jackson, to the Rome-Floyd County Planning Commission for 5-year terms expiring August 20, 2012. SECOND by Chairman Jennings. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

COMMISSIONER’S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

a. Authorize purchase of hardware for Document Management System.

Commissioner Whitefield deferred to Assistant County Manager Williams to present the specifics of this item.

Assistant Manager Williams stated RFPs were received for a Document Management System and staff has been interviewing firms regarding this. He stated they have short-listed two firms. However, they are not going to be ready to make a recommendation for the entire system before the end of the year. He stated however, they do have some monies in both Probate Court and the Tax Assessors budget for this item. Staff has identified hardware that will be necessary, and they recommend use the funds available to go ahead and purchase the hardware. He stated the purchase would be one server, and two high-speed scanners. He recommended spending approximately \$9,000.00 for a server, and \$5,000.00 each for two high-speed scanners. County Manager Poe stated that is well within the money they budgeted this year for those projects.

Commissioner Whitefield made a MOTION to approve the purchase of two scanners and a server for the Document Management System as recommended. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Lumsden

" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. Public Safety Committee – Commissioner Lumsden, Chairman

No Report.

3. Public Works Committee – Commissioner Fricks, Chairman

a. Proposal to Amend Road Acceptance Policy. (Deferred November 13, 2007)

Defer.

4. Water Committee – Commissioner Mayes, Chairman

No Report.

5. Judicial Services Committee – Commissioner Jennings, Chairman

No Report.

6. Special Committee Reports

a. SPLOST Committee (Lumsden)

b. Work Release Committee (Lumsden, Mayes)

c. Fire Overview Committee (Lumsden, Whitefield)

d. Joint Services Committee (Jennings, Whitefield)

e. Joint Development Oversight Committee (Mayes, Whitefield)

There were no Special Committee Reports.

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there is one item on the Clerk's Consent Agenda, which has been reviewed and is submitted for approval. Commissioner Mayes made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 1. Authorize submittal of Purchase of Services for Juvenile Offenders Application for Additional Funding.**

MANAGER'S REPORT:

- 1. DISCUSS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR 2008: (DEFERRED NOVEMBER 13, 2007).**

County Manager Poe stated staff is seeking approval from the Board of Commissioners to move forward with submitting an application for a Community Development Block Grant (CDBG) for the Rome Area History Museum.

Commissioner Lumsden made a MOTION to authorize submittal of a CDBG application for the Rome Area History Museum. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 2. DISCUSS ARMUCHEE CONNECTOR PROJECT (2006 SPLOST): (DEFERRED NOVEMBER 13, 2007)**

County Manager Poe stated staff is seeking approval from the Board of Commissioners to move forward with the Armuchee Connector Project as submitted at the recent Public Hearing.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation and move forward with the Armuchee Connector Project. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

3. DISCUSS AGREEMENT BETWEEN FLOYD COUNTY, CITY OF ROME AND BATTEY DOWNTOWN, LLC:

Defer.

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

JERRY JENNINGS, CHAIRMAN