

January 25, 2000

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
January 25, 2000 6:00 P.M.**

**PRESENT:** Interim Chairman John Mayes, Commissioners Chuck Hufstetler, Garry Fricks, and Jerry Jennings.

**OTHERS**

**PRESENT:** County Manager Kevin Poe, County Attorney Wade Hoyt, County Clerk Sue Broome, and Assistant County Manager Tom Tully.

**CALL TO ORDER:** County Attorney Wade Hoyt called the meeting to order.

**INVOCATION:** Commissioner Hufstetler led the Invocation.

**PLEDGE OF**

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

**APPOINTMENT OF INTERIM CHAIRMAN:**

County Attorney Wade Hoyt called for a Motion to appoint an Interim Chairman. Commissioner Hufstetler made a MOTION to appoint Commissioner John Mayes as Chairman for the next two weeks. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**PUBLIC PARTICIPATION:**

**Alvin Jackson, Sr., 23 Conn Street, Rome**, addressed the Board with his insight and possible solution to the process of the appointment. Mr. Jackson stated he had been through many appointments with every governing body in Floyd County, most recently with the City Board of Education, and now the Floyd County Commission. Mr. Jackson stated he was an integral part of the Sam Burrell appointment, stating he was there when he was appointed, he sat there several hours, went through hundreds of votes, tie votes, and it was rather embarrassing at that time, adding Mr. Burrell was the first African American to be appointed to the Floyd County Commission. Mr. Jackson stated in every case the problem has been in the process used to fill the vacancy when they occur, adding it is his understanding that of the 159 counties in the State of Georgia, Floyd County is the only one that has a law in place that says their commission can appoint certain people.

County Attorney Wade Hoyt stated they appoint for the balance of the term.

Mr. Jackson stated that is a point that needs to be changed, and we all know why that was put in place during that time, a long time ago, to give the 'good 'ole boys' the opportunity to

choose a person of their choice and not a true representative of the people. Mr. Jackson stated you now have an opportunity to change that, since this vacancy occurred there have been many rumors circulating in our community, one that was pointed out by Mr. George Anderson at a previous meeting that Mr. Hoyt might be replaced by Mr. Guldenschuh as the county attorney, the other is the chairmanship, depending on who is chosen, the other one according to a meeting that was held by certain influential people the day before the interviews began, and also the input by Congressman Barr, adding the people in this community are well aware of that. Mr. Jackson stated while our legislative delegation has said they intend to introduce into legislation requiring any appointee to run in the next general election, that does not solve the problem. The problem is not, nor never has been, the electoral process it has been and continues to be the selection process itself, no governing body has a standard procedure in place and neither has one that includes public input, this needs to be corrected.

Mr. Jackson continued stating, he is here to offer what he feels, and many others feel, to be the only fair and honest solution to ensure that this does not happen again. Mr. Jackson stated there are two ways to handle this and asked that the commission approach the legislative delegation, who has already indicated that they intend to introduce legislation in the upcoming session, that any person that is appointed will run in the next general election, that does not solve the problem. Mr. Jackson asked that the Commissioners sit down with the local legislative delegation and call for a special election and within a certain time to fill vacancies that may occur in the future. This is not the first time we have had that problem, we have had that problem in every branch of government, City Commission, most recently the City Board of Education, County Board of Education, and it continues to be a problem. Mr. Jackson said this not only eliminates the selection process, but it also gives the citizens of Rome and Floyd County the opportunity to have input, for their voices to be heard, after all I'm pretty sure you are familiar with what the commission's responsibilities are – one is to get people involved in the electoral process, and this is one way to do that, if you have a special election to fill these vacancies then the people's voices will be heard – it will be the choice of the people and not the choice of any influential group or any one group of people – it is very unfair and in a time when there is a democratic society in place it is very unfair when you eliminate the voices of the people, and I guarantee the people in Rome and Floyd County deserve this. The law needs to be changed, you have an opportunity to do that, to include all people throughout Rome and Floyd County in an electoral process and the selection process – this eliminates you from having the upper hand or even eliminates you from getting to a situation which you are in now. Mr. Jackson stated he had been told he had no chance the day before the election, he was told about all the rumors and things that had been said, and he feels bad about that because he thinks the people should have the opportunity to choose who represents them the best, they should have input. By our local legislative delegation willing to put on the ballot in this upcoming election, he thinks another option should be considered, that is placing a question on the ballot should vacancies be filled by appointment or should they be filled by special election, that would give the people in Rome and Floyd County the opportunity to decide what avenue they want to take. Mr. Jackson stated that with moving into the new millennium, we talk about getting people involved in government in the political process, this is the perfect opportunity, if you sit down with the local legislative delegation and make sure that this does not happen again, to give the people in Rome and Floyd County an opportunity to select the person that they feel will best represent them, it also gives the candidates who are willing to offer themselves an opportunity to place their agenda before the people and let them have that say so. Mr. Jackson asked the commissioners to give this serious consideration.

**Discussion:** Commissioner Fricks stated his agreement with Mr. Jackson's comments, stating he would love to see this back in the people's hands to make the election, adding this is one of the elements that he has not enjoyed, that he does not like to make the decision for everyone here. Commissioner Fricks stated unfortunately the process was adopted and they are stuck with it, but he would support some type of legislation.

Mr. Jackson stated he understands the tremendous amount of pressure the Commissioners are under, not only from the community, but from the people in the community and he hopes his suggestions will give some insight as to what direction to take, the other solution being to the problem they have now as far as selecting a candidate, he feels all the commissioners are very intelligent men and were put here to do a job, it is a tough decision they are going to have to make, but one that needs to be made, and the solutions he has offered would eliminate that, would give the power back to the people where it needs to be - in the hands of the people of Rome and Floyd County. The other solution to the problem they have now is that number one you should judge a person by who he is, what he stands for, what he has done in the past, how involved he has been in the community, things that he has contributed to – you may not agree, it may not be up to your standards, but what about the people of Rome and Floyd County, there is a job that needs to be done and I'm pretty sure you are going to come up with a solution sometime soon.

#### **ADOPTION OF**

**MINUTES:** Interim Chairman Mayes asked the County Attorney if the minutes are in order. County Attorney Wade Hoyt stated they are. Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of January 11, 2000, as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

#### **VARIANCE REQUESTS:**

#### **FILE #012-99V – VARIANCE REQUEST FOR PROPERTY LOCATED AT 4 GARRETT ROAD, CECIL BRINKLEY, APPLICANT:**

Interim Chairman Mayes asked Mr. Mike Ashley, Chief Building Inspector, to explain the variance request. Mr. Ashley stated the request is for an addition to a single family dwelling that would be closer to the rear set-back than allowed in the current zoning.

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

## Motion Carried

### Support

**Ms. Debbie Malone**, 4 Garrett Road, stated she is the daughter of Cecil Brinkley, who owns the property. Ms. Malone introduced her daughter who also lives at the residence. Ms. Malone stated at the last meeting Ms. Keith stated she wanted to talk with Ms. Malone to get a better understanding of what they had planned, and after not hearing from her she contacted personally contacted Ms. Keith and after discussing their plans Ms. Keith still voiced questions and Ms. Malone addressed these questions to the Board. (1) the placement of the addition – Ms. Malone stated they have checked into the option of placing the additional room sideways instead of lengthwise and they have been advised that there is a possibility that it could be done but not without more involvement structurally and financially, stating they are continuing to look into this as an option but would like to be able to make the final decision based on what would best meet their needs; (2) if the structure is turned sideways, there is an air conditioning unit and an electrical box that will keep them from putting it as close to the mobile home, thus keeping the variance the same. Ms. Malone stated that after explaining this to Ms. Keith she asked why they couldn't put it on the side or the front, neither of these suggestions is viable to their needs, the level of the ground would not make this practical; (3) the second concern of Ms. Keith was having to see the addition. Ms. Malone replied there is approximately 200 feet of woods between their dwelling and the back of her dwelling which is set at an uphill angle. Ms. Malone stated Ms. Keith has asked again why the addition could not be placed on the side or the front. Ms. Malone replied that if either of the options were practical just based on aesthetic reasons it would be better to put it in the back as not to be in the open; (4) the third concern voiced by Ms. Keith was that it would devalue her property – Ms. Malone replied that they are very aware of property value and maintaining their property to retain the most value, and if this were the case then the fact that the mobile home has already been on the property for approximately 4-5 years would make this a null concern. Ms. Keith stated she has shown Mr. Ashley the plans for the addition and he has said after looking at them that it meets with HUD requirements. Ms. Malone asked the commissioners to consider two things, (1) they have tried their best to accommodate Ms. Keith, they have agreed to postpone the decision for thirty days, they have personally contacted her, and they have looked into other options, (2) many people do not apply for a variance either because they don't know they have to or they don't want to go through what they have, even though they were aware that doing so would possibly bring road blocks they have chosen to take the honest route. Ms. Malone thanked the Board.

### Oppose

**Mr. Chris Crider, 105 Mathis Road**, stated he currently resides in this home but has sold the home to his mother-in-law, and he is the one who received the registered letter. Mr. Crider stated the trailer has been there four or five years, but he did not understand how they got it into a subdivision anyway. Mr. Crider stated you can sit on his back deck and the trailer is basically in view, and he feels the building should not be placed on the back it should be placed on the side or on the front so it affects their property and not his. Mr. Crider stated he is concerned with the future, that at the current time it is woods, but what if they decide the clear it off and do something else with it.

**Mr. Jim Nolan, 119 NE Mathis Road**, stated he is concerned about the value of his property, if variances like this are allowed, then what do we have next. Mr. Nolan stated there are other options and he feels like options should be used if that is what they choose.

**Ms. Mary Jo Keith**, stated she is the property owner of the property in questions. Ms. Keith stated measurements were taken from the trailer to her property line, the east back corner

of the trailer right now is sitting 23 feet from her property line, the west corner is 32 feet from her property line, the door which Ms. Malone told her would be access to the building that she plans to put back there as living quarters is 29 feet from her property line, the lot the trailer is sitting on is approximately 175 feet deep, so she does have ample property on either side or in front of the trailer to put the addition if she so chooses. Ms. Keith stated her concerns are the same as stated earlier.

### **Rebuttal**

Ms. Malone stated she thinks their needs are evident and asked that the commissioners take that into consideration.

**Discussion:** Commissioner Jennings stated the drawing presented was apparently not to scale and asked Mr. Ashley to explain the proposed addition, stating the proposed addition would bring it within 10 feet of the rear property line and asked Mr. Ashley how much is required. Mr. Ashley stated 25 feet is required, and the trailer was placed long before there was a set-back requirement to the property line, therefore it was not in violation. Commissioner Jennings also asked about the comments made regarding the addition could go on either side, and the drawing does not look like it would fit on either side, because of the side set-backs, and asked if it was a flaw in the drawing. Mr. Ashley stated if it went on the side, depending on how it was located, a side-yard variance might be needed also.

There being no further discussion, Interim Chairman Mayes called for a Motion to Close the Public Hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes called for a motion to accept or deny the request. Commissioner Jennings made a MOTION to **deny** the proposed variance, SECOND by Commissioner Fricks.

**Discussion:** Commissioner Hufstetler stated in the past they had tried to get the parties together on this and see if something agreeable could be worked out, but it is awful hard if they don't work it out for them to vote to put something closer than the set-back requirements, he does not feel like it is the Board's place, it is a regrettable situation. Commissioner Jennings stated it sounds like there are some other options that would fulfill the requirements of the zoning code.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #001-00V – VARIANCE REQUEST FOR  
PROPERTY LOCATED AT 2531 SHORTER AVE.,  
SW, DAVID S. PETRO, PINE VILLAGE ASSOCIATES,  
LLC, APPLICANT:**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

**Support**

**Mr. Jack Busbin**, stated he represents Mr. Petro, and stated they are not here to request a change in the zoning, but are asking that they continue to use the access to the manufactured home park off of Shorter Avenue (or Alabama Road), which is currently a 40 foot easement and under the Manufactured Home Ordinance which was passed in 1990 it says to go to 60 feet and they are asking to grant a variance to continue to use the 40 foot easement, which they currently have from Shorter into the park. Mr. Busbin stated they have gone to the Planning Commission and was referred to Mr. Ashley and from there they went to see Mr. Tully before they proceed with the plan. Mr. Busbin stated they have to show on the plan before it is submitted back to the Planning Commission that the variance was granted by the Commission. Mr. Busbin stated that under the Manufactured Home Ordinance which was passed by the County Commission in 1990, there is a buffer zone at the rear of each of the manufactured homes which would be placed, that they have to be set back at least 10 feet from the rear property line, and the owners are willing to work with the county or a designee to establish a fence or plant red tips to satisfy the surrounding property.

**Mr. David S. Petro, Roswell, Georgia**, stated he is the managing member of the LLC that owns Pine Village Manufactured Housing Community. Mr. Petro stated the property on Shorter Avenue was purchased by the Association last year and they have spent the last year trying to upgrade the park, skirting all existing homes to bring them into an aesthetic conformity with what they want the park to look like in the future, and they are in the process of removing the older homes and replacing them with newer ones. Mr. Petro stated the park has been in existence since 1968 and they are not trying to change the zoning or reconfigure the existing park in any way, they just want to use the land they have most efficiently and profitably while conforming to the laws. Mr. Petro stated they are simply asking for the right to use the road which was developed with the park as a right-of-way to the park some thirty-two years ago as it was intended for use at that time and it is still capable of being used for that purpose. Mr. Petro stated it is there intention to try and develop the park into a retirement sort of community with larger and more expensive homes in it, and to gradually remove the older homes from the park, feeling it will be a benefit to the community to have the park upgraded in this way, and

also feels it will produce a profitable investment for the members of the company that owns it.

**Discussion:** Interim Chairman Mayes asked Mr. Petro how many homes are currently there and how many are proposed. Mr. Petro stated there are currently 107 homes and they have not fixed an absolute figure, but probably between 50 and 70 more. Mr. Petro stated there is a corresponding piece of property of equal size to the existing park which was purchased with the park.

Commissioner Jennings asked if a 'green space' was being planned as part of the upgrade. Mr. Petro stated they are, and the park already has a considerable common area with an amenity package that includes a pool and a clubhouse and plans are to extend the area, they are also planning to gate the community at the end of the existing right-of-way, not on Shorter Avenue but at the border of the property.

## **Oppose**

**Mr. Bill Sparks, 17 Kenwood Drive, Rome, Georgia,** presented a petition containing 207 names, stating there was a great deal of concern in the community that the variance would be approved by the Board. Mr. Sparks stated this is an attempt to put another 107 mobile homes (you can put 5 mobile homes per acre) and they have developed 20 acres and put 107 mobile homes there and now they want to develop another 20 acres and put another 107. Mr. Sparks stated they think there is a fire hazard, that there is one fire hydrant in the entire mobile home part, at least that was the case in October 1998, and he doesn't think things have changed. Mr. Sparks stated they came before the City Commission in October 1998 at which time there was an effort by the owner to enlarge the mobile home park by adding a considerable amount of mobile homes. Mr. Sparks stated they feel there is a variance which should not be disturbed (1) under the ordinance you need at least 60 feet in order to expand a mobile home park that is adjacent to a public road, and they do not have that, they have only an easement. Mr. Sparks stated the big problem is one that will impact the county noting the county gets \$4,850 in taxes from this particular mobile home park, and in the last two years the county police have had to go out thirty times, everything from assault and battery, burglary, harassing phone calls, a multiple number of problems and they think those particular problems will be compounded, but the real threat is the fire hazard, stating there is a buffer zone between the mobile home park and residents itself of upwards to \$400,000, one resident alone pays in excess of \$1,900 a year for taxes to the county. Mr. Sparks stated he thinks it is a bad deal for the county to even think about letting the mobile home increase, or double in size, without a particular guarantee of some way to get in and out in case of a fire. Mr. Sparks stated it is not in the best interest of the county, it is not in the best interest of the residents in the Fair Oaks Community, and it certainly isn't in the best interest of the residents of the mobile home park, they are not here encouraging the county and they are the ones that should be here instead of just the owner. Mr. Sparks stated the owner knew when he bought the property that he did not have any property adjacent to a public thoroughfare, he is using an easement and can continue to use the easement. Mr. Sparks stated they respectfully feel the biggest mistake this county could make would be to let them put one more mobile home park.

**Discussion:** Commissioner Hufstetler asked Mr. Sparks if he is suggesting they should have another entrance into the park. Mr. Sparks stated that on prior occasions they have attempted to open up the Seven Hills Road without success, and in the event that they are allowed to put in another 107, there has been one fatality on Coker already and you may as well open up Seven Hills Road and have another fatality because it is going to happen, you can't put 214 mobile homes in 40 acres without opening up a road to come through the west Rome subdivision.

Interim Chairman Mayes asked Mr. Ashley to come forward and Commissioner Fricks asked Mr. Ashley if the 10 foot set-back from the property line is correct. Mr. Ashley stated that without the Ordinance before him he could not answer the question, but being in a mobile home park the set-back requirements are different, adding the variances requested by the applicant are not a set-back situation.

Commissioner Jennings asked Mr. Ashley about the purpose of the 40 foot easement being changed to a 60 foot easement. Mr. Ashley stated he was not around when that was done, that he came after the mobile home ordinance was adopted and it was decided by the people on the committee and adopted by the County Commission that a mobile home park front on a publicly maintained street and shall have a minimum frontage of 60 feet on that publicly maintained street, and this property only has an easement to a public street. Mr. Ashley stated the other variance they have requested is to expand the mobile home park on a road that is not classified as a collector or a minor arterial collector on Floyd County's register. County Manager Kevin Poe stated 60 feet matches the right-of-way requirements for county roads. Mr. Ashley stated it is not a county road it is on an easement only.

### **Rebuttal**

**Mr. Jack Busbin**, stated the plan that would be brought in to the Planning Commission to be approved would have to be approved by the Fire Marshall, and it actually spells out the amount of water and the number of hydrants and things of this nature, and the owner of the park stated he would not put 107 in and Mr. Sparks kept referring to 107 spaces and he found that a little tough to take. Mr. Busbin stated they would be guided by the Manufactured Home Ordinance.

**Mr. David Petro**, stated the plan has not been submitted to the Planning Commission, but they do not plan to put 107 new homes in the park, they have been moving in and out on the right-of-way for 32 years 16 foot wide mobile homes and certainly a fire truck can get in there. Mr. Petro pointed out that he thinks they have considerably changed the demographics of the park already, and if the police were consulted now they are having a lot less trouble out of Pine Village than they have in the past, and while the park is being upgraded and the rent is being increased and newer homes are being brought in the park will be better, they are just asking for the right to use in conformity with the law the land that they purchased in the county.



Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes called for a Motion to approve or deny the request. Commissioner Jennings made a MOTION to deny the request, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**Interim Chairman Mayes called for a 5-minute recess.**

Following the recess Interim Chairman Mayes reconvened the meeting.

**SECOND READING/PUBLIC HEARING  
(FIRST READING JANUARY 11, 2000):**

**FILE #051-99Z, 6880 CAVE SPRING ROAD,  
REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL),  
TAX MAP #724, PARCEL 33. [PLANNING COMMISSION  
UNANIMOUS VOTE FOR APPROVAL]**

Interim Chairman Mayes asked Ms. Martha Little, Planning Commission Director, to review the request. Ms. Little reported the request is for a feed and tack shop.

Commissioner Jennings asked if the land use map is available for viewing at this meeting. Ms. Little stated the map is at the Planning Commission and Commissioner Jennings asked if it is possible that someone could go over and get the map. Mr. Poe offered to go to his office and get maps that were used in the Comprehensive Plan. Ms. Little stated she would bring the land use maps to the meetings in the future.

Interim Chairman Mayes postponed this item until County Manager Poe returned with the maps from his office.

**FILE #052-99Z, NORTHWEST CORNER OF**

**TURNER CHAPEL ROAD AT THE EAST ROME  
BYPASS, REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL),  
TAX MAP #112, PARCEL 23C. [PLANNING COMMISSION  
UNANIMOUS VOTE FOR APPROVAL]**

Interim Chairman Mayes asked Ms. Little to review the request. Ms. Little reported the Planning Commission voted conditional approval for a billboard only.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if anyone was present to speak for or against the request. There being no one present to speak for or against Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes called for a Motion to approve or deny the request. Commissioner Hufstetler made a MOTION to **approve** the request with conditional approval for billboard only, SECOND by Commissioner Fricks.

**Discussion:** Commissioner Jennings asked Ms. Little to walk them through the requirements from the land use code regarding billboards. Ms. Little read from the code "...the sign must be located in a community commercial, heavy commercial, light industrial or heavy industrial zoning district, within 660 feet of a state or US numbered highway and shall comply with all requirements of the State of Georgia. The area of the sign face shall not exceed 384 sq. ft., nor shall the sign exceed 40 feet in height or be located within 200 feet of a zoning district where billboards are not allowed, except that in the light industrial and heavy industrial districts in the unincorporated area the sign may be up to 672 sq. ft. in area and 40 feet high if it is no less than 400 feet from an S-R or T-R zoning district and 200..."

Commissioner Jennings stopped Ms. Little and asked what aspects of this does this billboard comply with. Ms. Little stated they are requesting rezoning to Community Commercial. Commissioner Fricks stated they will have to meet a set-back and size requirements. Ms. Little stated on top of that. Commissioner Jennings stated the only thing that does not exist is the Community Commercial zoning, everything else this billboard complies with. Mr. Tully stated they are not seeking variance. Ms. Little stated they would have to comply with it once they get the rezoning, these are all requirements that come into effect once they try to get their permits. Commissioner Jennings stated that if they did not comply they would have to come back seeking a variance. Commissioner Jennings asked what is the long-term plan relative to billboards in the community? Ms. Little stated the Planning Commission has never discussed it since she has been in this position, as far as the Comprehensive Plan, there is no mention of billboards so she doesn't think the community has discussed it in any venue that she knows of recently. Interim Chairman Mayes stated it is something we need to discuss before we have to do a moratorium. Commissioner Jennings stated that is his point, that he doesn't think that we as a community have discussed and addressed this issue and like other areas we could get inundated with this type of request and he thinks we want to balance the need for advertising with the aesthetic beauty of our area and none of us wants to see us littered with billboards like we do on a number

of highways around the state. Mr. Tully stated there are restrictions in the code for how many and how close they can be in proximity to one another. Ms. Little stated the Board is able to use aesthetics as a reason for not approving something like this. Commissioner Jennings stated he would like the Planning Director to address this issue for us as a community and any assistance the Board can provide is his point of the issue.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #053-99Z, THE VACANT LOT WEST OF  
TROVE DRIVE IN THE GARDEN LAKES SUBDIVISION,  
REQUEST REZONING FROM L-I (LIGHT INDUSTRIAL) TO  
S-R (SUBURBAN RESIDENTIAL), TAX MAP #660, PARCEL  
PART OF 1A. [PLANNING COMMISSION UNANIMOUS VOTE  
FOR APPROVAL]**

Interim Chairman Mayes asked Ms. Little to review the request. Ms. Little reported this is the Southeast corner of lot 85 at the end of Trove Street.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request. There being no one present to speak, Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Commissioner Hufstetler made a MOTION to approve the rezoning, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #054-99Z, LOT ADJACENT TO 2915 OLD  
SUMMERVILLE ROAD ON THE SOUTH SIDE,  
REQUEST REZONING FROM A-R (AGRICULTURAL  
RESIDENTIAL) TO O-I (OFFICE INSTITUTION).  
TAX MAP #516, PARCEL PART OF 11. [PLANNING  
COMMISSION UNANIMOUS VOTE FOR APPROVAL]**

Interim Chairman Mayes asked Ms. Little to review the request. Ms. Little stated the request is from Agricultural Residential to Office Institutional for a dental clinic.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the rezoning.

### **Support**

**Dr. Patricia Hampton**, stated she was making the request for rezoning to locate her dental office here and would be next to a medical office that has been there for ten years. Dr. Hampton stated she lives in the Armuchee community and has practiced dentistry in Rome, Georgia for 14 years.

There being no one present to speak in opposition to the request, Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

Commissioner Hufstetler made a MOTION to **approve** the rezoning request, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

**FILE #055-99Z, 5470 MARTHA BERRY BLVD.,  
AND LOT TO THE NORTH, REQUEST REZONING  
FRO A-R (AGRICULTURAL RESIDENTIAL) TO  
O-I (OFFICE INSTITUTION), TAX MAP #516, PARCEL 8A  
AND PART OF 11. [PLANNING COMMISSION UNANIMOUS  
VOTE FOR APPROVAL].**

Interim Chairman Mayes asked Ms. Little to review. Ms. Little stated the request is for an addition to the medical office.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

### **Support**

**Dr. Frank Hampton, 189 Ted Donath Road, Armuchee**, stated he has been practicing at this location for the past ten years and they are just bringing their current practice site into proper zoning status. Dr. Hampton stated they have purchased an additional lot of about 9/10 acre which will be directly adjacent to his wife's dental practice which will be used primarily for possible expansion of their current building. Dr. Hampton stated the building will not be actually on the property they bought, but it will actually just be used for parking and landscaping and sewer changes that will be needed from the engineering standpoint. Dr. Hampton stated he has been practicing there for ten years, they are right in the middle of the Armuchee community and serve over 10,000 active patients.

There being no one else to speak for or against, Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Commissioner Hufstetler made a MOTION to **approve** the rezoning request, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #056-99Z, OLD SUMMERVILLE ROAD, REQUEST  
REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO  
L-I (LIGHT INDUSTRIAL), TAX MAP #512, PARCEL 141.  
[PLANNING COMMISSION VOTE – THREE (3) YES TO  
APPROVE AND FOUR (4) NO.]**

Interim Chairman Mayes asked Ms. Little to review. Ms. Little reviewed the current designated zoning of the property. Interim Chairman Mayes asked Ms. Little to explain the problems the Planning Commission saw with the request. Ms. Little stated the applicant was not present at the Planning Commission to explain what the proposed use was, they had discussed a convenience/gas station and from what she could gather the Planning Commission just felt like this was more of a commercial area than an industrial site.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the rezoning. There being no one present to speak for or against, Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried



Interim Chairman Mayes called for a Motion to approve or deny the request. Commissioner Hufstetler made a MOTION to defer this item back to the Planning Commission, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

**FILE #057-99Z, 4709 MARTHA BERRY HWY.,  
REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL),  
TAX MAP #512, PARCEL 118. [PLANNING COMMISSION  
VOTE – FIVE (5) YES TO APPROVE DENIAL AND ONE (1)  
AGAINST DENIAL]**

Interim Chairman Mayes asked Ms. Little to review. Ms. Little stated the request is for a dry cleaning establishment and was denied by the Planning Commission because the applicant was not present to explain why they were requesting light industrial zoning rather than commercial zoning. Ms. Little stated a laundromat dry cleaning establishment would be allowed in a commercial zone, so it was unclear as to what the applicant was proposing, whether it was actually an industrial dry cleaning plant or not.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request. There being no one present to speak for or against Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings

Motion Carried

Commissioner Hufstetler made a MOTION to defer the request back to the Planning Commission, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #058-99Z, 25 NEW ROSEDALE HWY., REQUEST  
REZONING FROM A-R (AGRICULTURAL RESIDENTIAL)  
TO L-I (LIGHT INDUSTRIAL), TAX MAP #144, PARCEL 33.  
[PLANNING COMMISSION UNANIMOUS VOTE FOR APPROVAL  
WITH CONDITIONS FOR MINI WAREHOUSES ONLY]**

Interim Chairman Mayes asked Ms. Little to review the request. Ms. Little stated the request is for additional mini warehouses. Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request. There being no one present to speak for or against, Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Commissioner Hufstetler made a MOTION to approve the rezoning with a conditional approval for mini warehouses only, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #051-99Z, 6880 CAVE SPRING ROAD,  
REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL),  
TAX MAP #724, PARCEL 33. [PLANNING COMMISSOIN  
UNANIMOUS VOTE FOR APPROVAL]**

Interim Chairman Mayes asked Ms. Little to review. Ms. Little stated this is a request for a feed and tack shop. Commissioner Jennings asked Ms. Little to show on the map where the property is located. Commissioner Jennings stated the question is whether we want commercial uses along that highway. After reviewing the map, Ms. Little stated it has been suggested that this become a permitted use in the agricultural district (tack, feed type).

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

### **Support**

**Ms. Gina Lynch, 6880 Cave Spring Road**, stated she is looking at opening a tack shop basically because she has to travel a good 30 miles to get any kind of feed or anything for her animals. Ms. Lynch stated the kind of quality you need for animals, she has animals she likes to keep in good health and good shape they do shows and things and there are one or two in Rome, but it takes her at least 20 minutes to get to Rome and 20 minutes to get back and she has heard they do not sell good quality type feed. Ms. Lynch stated having the tack shop allows for everyone in the Cave Spring area to be able to have a variety of things that they can get for their horse and cattle at a good low price, on top of which everyone in that area has to travel at least 30 miles to get something for their animals and there are a lot of people out there, so she thought it would make a really good idea to have the feed and tack. Ms. Lynch stated that where the property is she has a drive way that comes in off the road and the actual tack shop would be sitting facing the drive way but would be in a corner where she has a small area that actually divides her residential section from this smaller section for her business.

Commissioner Jennings asked where the property is in conjunction to the park that's along Cave Spring Road. Ms. Lynch stated there are two people down from her, and then there is the park then the river goes around to the back of their house.

Interim Chairman Mayes called for a Motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes called for a Motion to approve or deny the request. Commissioner Fricks made a MOTION to **approve** the request, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

### **SPECIAL USE PERMITS**

**FILE #015-99SUP, GLENWOOD SHOPPING CENTER  
ON MARTHA BERRY HIGHWAY, REQUEST A SPECIAL  
USE PERMIT TO CONSTRUCT A COMMUNICATION TOWER  
IN A C-C (COMMUNITY COMMERCIAL) ZONING DISTRICT,**

**TAX MAP #506, PARCEL 23. [PLANNING COMMISSION VOTE – FIVE (5) VOTED YES FOR APPROVAL, TWO (2) VOTED AGAINST APPROVAL]**

Interim Chairman Mayes asked Ms. Little to review. Ms. Little stated the area is designated retail sales and service on the Future Land Use Map.

Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**Support**

**Mr. Jim Ney, Suite 600, 100 Galleria Parkway, Atlanta, representing SBA, Inc.,** the applicant for the Special Use Permit. Mr. Ney stated SBA has been working for well over a year with the Ledbetter family trying to come to this location in Floyd County at the rear of the Glenwood Shopping Center. Mr. Ney stated the proposed tower would provide for at least four carriers and would avoid having other towers and facilities to have to locate in this area. Mr. Ney stated the Board considered the overall proposal before them on December 28, 1999 and granted three variances that would allow and permit the tower to be located on this site, adding the Planning Commission reviewed the proposal on January 6, 2000 and they also made a favorable recommendation in favor of the proposal. Mr. Ney stated a building permit was previously granted for the 185 foot tower but the tower was not built, and they are asking for the special use permit in order to build the very same tower that was previously permitted. Mr. Ney presented pictures to the Board showing the property as it now stands without the tower and also a picture with the tower computer simulated in the picture and showing how much in the rear of the shopping center the tower is, but probably of greater importance is the fact that it is much more attractive than the very rusty, dilapidated and out of date water tank that is in the southern portion of the property. Mr. Ney stated there is a clear gap in coverage in this area, calls are dropped and calls are lost, and that is why they are seeking coverage to feel that gap.

**Mr. Byron Smith, 1025 Old Roswell Road, Suite 203, Roswell, Georgia,** stated he is a zoning specialist who works for SBA, Inc. Mr. Smith pointed out the site is located behind the Glenwood Shopping Center in a corner of heavily wooded area which allows both the shopping center screening it from the front and the trees and heavy foliage and vegetation from the rear. Mr. Smith stated the property is zoned Community Commercial and will be an unmanned site and as such will not require water and sewage so there will be no waste coming from the site, any noise which might come from maintenance will be very minimal and will only be visited about two times a month to check for any adjustments which might need to be done. Mr. Smith stated the safety factor has been carefully considered and they have gone to the expense of having a survey done pointing out and making sure the distance from the tower to any possible residential structure was well within the safe factor adding the closest residential structure is some 238 feet, well over the safety factor of the height of the tower. Mr. Smith stated SBA feels the location of the tower will greatly add to the capabilities to the fire and police making contacts needed in the area and also solve a vastly deficient coverage zone being demanded by the public for cellular telephone systems. Mr. Smith concluded by stating SBA respectfully requests the Board recommend and approve the application for a special use permit.

**Discussion:** Interim Chairman Mayes asked if there were any lighting requirements for a tower of this height. Mr. Smith replied none.

Commissioner Jennings asked if SBA has sought or surveyed the surrounding area within the site, are there other cell towers that are potential co-location sites for them within this zone. Mr. Ney stated the area has been very carefully surveyed and they have been unable to find any other facility upon which they can co-locate, in fact, part of their reasoning in building their tower is to build it with the capacity to have others co-locate on them so that no other towers in the area will have to be built. Mr. Smith stated that when a client or server for service designates that there is a need for service in a particular area they define a circle ring for a tower to be located, once that is assigned to an individual to go out and physically try to locate a site the first order of business is to determine if any existing structures, tower-wise, that have capacity on them are available, it is much less expensive to co-locate on a tower than it is to build a completely new facility, and much easier to go through zoning to get approval if there is an existing tower there – you are less likely to get one built immediately adjacent to it if there is capability of locating on an existing tower – it was researched and there was none found.

Commissioner Jennings stated the Commission is considering an ordinance and one of the factors they have asked the developers of the ordinance to look at is bonding for a communications tower that would cover the cost of moving the tower in the event the company should go out of business and we are stuck with the tower. Commissioner Jennings asked if SBA would consider a bonding with this tower if the details could be worked out with the attorney. Mr. Ney stated this had been brought up in the earlier meeting and reiterated they have no problem with providing such a bond in an amount of what has been mentioned in other municipalities of \$20,000 a bond, prior to the issuance of a building permit if necessary to meet this demand.

Commissioner Jennings stated apparently lighting has been problematic as far as day time lighting as compared to night time lighting. Commissioner Jennings stated this is probably in the flight path of our Airport, plus we have residences out there and asked what is the plan as far as lighting and how will that protect the residents in the area from any kind of noxious strobe light or whatever? Mr. Smith replied the type of lighting that is placed on towers is dictated by the FAA, and below a given height no lighting is required. Mr. Smith stated usually if it is above 200 feet the FAA will require that a strobe light, where there are concerns, to be used during the daytime which is much less intrusive, and a red light to be on top of the tower at nighttime which is much more visible to aircraft.

Commissioner Jennings commented so there would be no lighting on this tower and being that close to the airport is not a problem? Mr. Smith stated they have to go through a formal review and file with the FAA that the structure is being put up and receive approval from them before they are permitted to construct the tower.

There being no further discussion Interim Chairman Mayes called for a motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

"

Fricks

"

Jennings

Motion Carried

Interim Chairman Mayes called for a motion to approve or deny. Commissioner Fricks made a MOTION to **approve**, SECOND by Commissioner Hufstetler.

**Discussion:** Commissioner Jennings asked if bonding should be made a part of the motion.

Commissioner Fricks Amended his MOTION to conditional **approval** subject to a \$20,000 bond for removal of tower, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #016-99SUP, PROPERTY LOCATED OFF  
MANGO ROAD, REQUEST A SPECIAL USE PERMIT  
TO CONSTRUCT A COMMUNICATION TOWER IN  
AN A-R (AGRICULTURAL RESIDENTIAL) ZONING  
DISTRICT, TAX MAP #122, PARCEL #02. [PLANNING  
COMMISSION UNANIMOUS VOTE FOR APPROVAL]**

Ms. Little reviewed the request for a communication tower. Interim Chairman Mayes called for a motion to open the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

**Support**

**Mr. George Cohen, Nextel Communications**, stated there are three sites being requested and asked if he could briefly talk about the system and then get into the specifics of the site because all three of the sites tie in together. Interim Chairman Mayes gave his okay to the request.

Mr. Cohen stated Nextel is preparing to launch their system in Rome and Floyd County and displayed a design of the system, stating there are ten sites planned for the area, and 50% of the sites are co-located, one of which will be the SBA location which was just approved, and the other four are going on existing towers. Mr. Cohen stated they are proposing five new tower sites, one of which has already been approved, the other four have gone before the Planning Commission (three were approved unanimously and one was postponed because of an access

issue). Mr. Cohen stated all the facilities are non-manned facilities and all the proposals presented tonight either meet or exceed the current ordinance or guidelines adding they have worked very closely with the Planning Commission office who have been very cooperative. Mr. Cohen stated they are aware of the new ordinance proposal and they feel they are well within the direction the new ordinance will be going. Mr. Cohen stated all sites are built for co-location with a minimum three carriers, possibly more depending on what is actually placed on the tower. Mr. Cohen stated that in their lease it states Nextel will remove the towers at the end of the lease, and asked that the Board consider permitting Nextel to do an overall bond for their system in Floyd County.

Mr. Cohen stated this site will be a 250 foot lattice tower which will require lighting and the lighting is dictated by the FAA, however, Nextel does not mind dual lighting the tower to accommodate any possible nearby residences if the Board deems it necessary. Mr. Cohen concluded by stating they meet all current ordinances and given the direction of where the new ordinance will go he believes it will meet all of the proposed new ordinances and respectfully requested approval of the special use permit.

### **Oppose**

**Mr. Kurt Robbins, 240 Ward Mountain Road**, requested that the Commissioners take into consideration there are approximately 50 parcels in the general area of the proposed tower site where houses will be built when the road gets paved. Mr. Robbins reviewed the maps with the Commissioners.

Mr. Cohen explained that the FAA dictates the lighting on a tower, and at 200 feet it is required to be lighted, anything under that is only required to be lighted if it is in a flight pattern or if the FAA deems it necessary to be lighted. Mr. Cohen stated this tower will be required to be lighted and they would be agreeable to use a strobe light during the day going to an amber light at night which are as unobtrusive as they can possibly be.

**Ms. Shelly Robbins, 240 Ward Mountain Road**, stated she is a teacher at Model Elementary School, and the land they have bought on Mango is at the very top of the mountain and if the tower is at their level they will be able to see it real well when they build a house on Mango, they are just waiting for the road to be paved before building.

Discussion followed concerning bringing Mango Road up to county standards. Commissioner Fricks invited Ms. Robbins to attend future Public Works Committee meetings.

### **Rebuttal**

Mr. Cohen stated the tract is an 84+ acre tract and he feels the site is well placed in the tract and pointed out the elevation for the proposed tower on the display map, the total parcel is 156 acres.

Interim Chairman Mayes called for a motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

"

Fricks

"

Jennings



### Motion Carried

Interim Chairman Mayes called for a motion to approve or deny the request. Commissioner Hufstetler made a MOTION to approve the request, SECOND by Commissioner Fricks.

**Discussion:** Commissioner Jennings asked that dual lighting on the tower be added to the motion and the Board consider the bonding. Interim Chairman Mayes asked the residents if they were concerned with the lighting (*could not hear the response*). Mr. Cohen stated the lay of the land dictates sometimes the placement of towers, the lighting is not a problem, they are agreeable, however, as far as the design itself because of the Nextel type system and because of what they are trying to do to stay in the vein of where the new ordinance is going this tower is set up for co-location of at least four carriers and possibly additional equipment to be attached to it. Mr. Cohen explained the three different types of towers.

Commissioner Jennings proposed that the bonding for Nextel, as a whole, be 50% for whatever number of towers are located in Floyd County (5 towers \$50,000 rather than \$100,000).

Commissioner Hufstetler made an AMENDED MOTION to **approve** conditional on dual lighting and a bond of \$10,000 per site approved, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #017-99SUP, 831 BOOZE MOUNTAIN ROAD,  
REQUEST A SPECIAL USE PERMIT TO CONSTRUCT A  
COMMUNICATION TOWER IN A S-R (SUBURBAN RESIDENTIAL)  
ZONING DISTRICT, TAX MAP #388, AREA 19, PARCEL 2; TAX MAP  
#388, AREA 20, PARCEL 12. [PLANNING COMMISSION UNANIMOUS  
VOTE FOR APPROVAL]**

Interim Chairman Mayes asked Ms. Little to review. Ms. Little stated the present use of the property is an auto salvage yard. Interim Chairman Mayes called for a Motion to open the public hearing. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

### **Support**

**Mr. George Cohen**, presented photos of the proposed site to the Commissioners and pointed out that the proposed tower is a 150 foot tower which exceeds the set back distance for the property lines.

Interim Chairman Mayes asked if the pole is designed so you can height to them, rather than the height of the antenna. Mr. Cohen stated this particular tower will be designed to add height to it and will be designed for a minimum of three carriers so it can be extended if Nextel, the property owners and the proper authorities decide upon at a later time.

Commissioner Jennings asked Mr. Cohen if they had looked at the area of the county owned water tank on Booze Mountain. Mr. Cohen stated they had looked at it,

along with several other parcels in the area and the proposed site came up as the best property to accomplish the continuation of the system.

**Oppose**

**Ms. Jane Palmer, 45 Ridgeview Drive, Silver Creek**, stated her mother owns adjoining property and her concern is the number of towers going up in the county and the beautification of the land and suggested an existing tower off the Rockmart Road could be used.

There being no one else to speak for or against the request, Interim Chairman Mayes called for a motion to close the public hearing. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes called for a motion to approve or deny the request. Commissioner Jennings made a MOTION to **approve** this cell tower, subject to \$10,000 bonding on the site, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FILE #018-99SUP, 493 BARKER ROAD, REQUEST A  
SPECIAL USE PERMIT TO CONSTRUCT A COMMUNICATION  
TOWER IN A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT,  
TAX MAP #668, PARCEL 05. [PLANNING COMMISSION UNANIMOUS  
VOTE FOR APPROVAL]**

Ms. Little review the request stating the present use of the property is residential and agricultural, and the Planning Commission recommended conditional approval for a communication tower with dual lighting and amber light at night.

Interim Chairman Mayes called for a motion to open the public hearing. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Interim Chairman Mayes asked if there was anyone present to speak for or against the request.

**Support**

**Mr. George Cohen**, stated the property owner is present tonight and has been very involved with Nextel in the plans for use of the property. Mr. Cohen stated this is part of the system to provide seamless coverage and a part of the 50% of the new tower sites proposed for Floyd County. Mr. Cohen states the proposed site well exceeds the current set-back requirements, and respectfully requested approval of the special use permit. Mr. Cohen added that they had agreed at the Planning Commission to a light.

Commissioner Fricks made a MOTION to close the public hearing, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

Commissioner Fricks made a MOTION to approve subject to stipulations specified by the Planning Commission on lighting, and also acknowledge the bonding of \$10,000 on this site, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**Interim Chairman Mayes called for a 2-minute recess.**

Interim Chairman Mayes reconvened the meeting.

**CHAIRMAN'S REPORT:**

**APPOINTMENTS:**

**COUNTY MANAGER** – Interim Chairman Mayes called for a Motion to adopt the Resolution Appointing the County Manager (*Kevin Poe*). MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**COUNTY AUDITOR** – Interim Chairman Mayes called for a Motion to adopt the Resolution Appointing the County Auditor (*Read, Martin & Slickman*). MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**4/4 VOTE TO ADD EXTENSION OF MORATORIUM  
ON COMMUNICATION TOWERS ON THE AGENDA:**

Interim Chairman Mayes called for a Motion to place the Communication Tower Moratorium Extension on the Agenda. MOTION was made by Commissioner Jennings to add to the agenda the issue of the Communication Tower Moratorium, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Interim Chairman Mayes

Motion Carried

### **EXTENSION OF MORATORIUM ON COMMUNICATION TOWERS:**

Commissioner Jennings made a MOTION that we continue with the Moratorium on Communication Tower applications coming to the Planning Commission and the Floyd County Board of Commissioners until February 23, 2000, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

## APPOINTMENTS:

**AIRPORT COMMISSION** – Interim Chairman Mayes called for a Motion to appoint, stating Kenneth Lumpkin and Earl Tillman had been recommended by the Airport Commission. Commissioner Hufstetler stated he felt either one of those would be good candidates and made a MOTION to appoint **Earl Tillman** (*POST 1, 4 year term expires June 30, 2001 – replacing Steve Kemp who is vacating Post*), SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**FLOYD COUNTY BOARD OF HEALTH** – Interim Chairman Mayes advised Dr. Edwin Johnston Jr., and Dr. Mallory Smith had submitted a profile for a six year term. Commissioner Hufstetler made a MOTION to appoint **Dr. Edwin Johnston, Jr.** (*6 year term, expires December 31, 2005*) to the Floyd County Board of Health, SECOND by Commissioner Fricks.

**Discussion:** Commissioner Jennings made a SUBSTITUTE MOTION to table this appointment pending Commissioner's opportunity to interview all the candidates. MOTION DIED FOR LACK OF SECOND.

VOTE ON ORIGINAL MOTION:

YES

NO

Commissioner Hufstetler

" Fricks

Commissioner Jennings

Interim Chairman Mayes

Motion Carried

**SOLID WASTE TASK FORCE COMMITTEE** – Interim Chairman Mayes advised there are two recommendations for the Solid Waste Task Force Committee – **Bobby Thompson and Linda Smith** (*Indefinite Term*) and called for a Motion to appoint. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

## **SET QUALIFYING FEES FOR ELECTION YEAR 2000:**

Interim Chairman Mayes asked County Clerk Sue Broome to explain the Qualifying Fees. Ms. Broome stated the Qualifying Fees have been addressed in the folder and are all set by the Minimum Salary Bill, plus any supplements that they might be getting, and the Qualifying Fee is set on that salary of 3%.

### **2000 Qualifying Fees**

Floyd County Board of Education	
District 2	\$ 46.50
District 3	\$ 49.50
District 5	\$ 48.00
Judge of Probate Court	\$ 1,485.48
Clerk of Superior Court	\$ 1,343.16
Coroner	\$ 129.66
Sheriff	\$ 1,798.86
Tax Commissioner	\$ 1,461.09
County Commissioner, Post 1 & 2	\$ 216.00
Chief Magistrate Judge	\$ 1,263.00

Interim Chairman Mayes called for a motion to approve. MOTION was made by Commissioner Fricks, SECOND by Commissioner Hufstetler. VOTING:

YES	NO
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Commissioner Hufstetler	
" Fricks	
" Jennings	

Motion Carried

## **COMMISSIONER'S REPORT:**

### **ADMINISTRATIVE/FINANCE COMMITTEE**

Commissioner Hufstetler, Committee Chairman reported the regular committee meeting was held last week and the end of year budget was reviewed and is looking better as the numbers keep coming in, adding report should be coming from the auditors soon.

### **PUBLIC SAFETY COMMITTEE**

Interim Chairman Mayes, Committee Chairman commended all the Public Safety employees for their hard work during the recent cold snap.

### **PUBLIC WORKS COMMITTEE**

Commissioner Fricks, Committee Chairman announced the next Public Works Committee meeting will be held on February 2<sup>nd</sup> and commended the Public Works employees for the hard work and long hours put in by the Public Works employees during the cold snap.



## **WATER COMMITTEE**

Commissioner Jennings, Committee Chairman reiterated commendations to all county employees out during the bad weather. Commissioner Jennings announced the Water Committee would meet tomorrow at 3:00 p.m.

## **CLERK'S REPORT**

### **CONSENT AGENDA:**

County Clerk Sue Broome advised there are two items on the Clerk's Report which are in order and are submitted for consideration. Interim Chairman Mayes called for a Motion to approve the Consent Agenda as presented. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

### **Tax Refunds**

Garner & Glover Co, PO Box 31, \$259.28  
Howard H. Alexander Jr, 900 N 2<sup>nd</sup> Ave, \$61.57  
James Harold Benton Jr, 210 Buttermilk Rd., Cave Spring, \$121.44  
Scottie E & Cheryl D Rampley, 6853 Cave Spring Rd, Cave Spring, \$184.20  
Robert Donald Fitzpatrick, 494 W Union Rd NE, Calhoun, \$383.77  
Marty Blankenship, 202 Pinson Rd, \$251.76  
Lambert Super Markets Inc, 457 Wayside Rd NE, \$198.12  
Barbara Westbrook, PO Box 2951, \$6.55  
Edmund L Jr & James Yeargan, 1415 Martha Berry Blvd, \$14.42  
Rachael's Place, 274 Floyd Springs Rd, Armuchee, \$214.91  
Charlsie Aycock & William H Hampton Jr, 105 Straton Dr, Mt Holly, NJ, \$353.36  
Teresa J & Henry Faloon, 100 General Ave, \$96.29  
Lee Carter, 106 Etowah Dr, \$1.81  
Humphrey Cole, 983 Chulio Rd, \$21.78  
Edward Neal Lane, 5833 Rockmart Rd SE, Silver Creek, \$81.09  
Frank G & Pamela C Mills, 48 Glenda Dr SW, \$164.12  
James L Colston, 655 Bailey Rd SE, \$99.74  
Ira Randall & Barbara Orr, 2701 Big Texas Valley Rd NW, \$598.46

Malt Beverage Application, Cathy S. Nails, Wax Grocery, 2561 Wax Rd., Aragon,  
(Convenience)

### **MANAGER'S REPORT:**

#### **REQUEST FOR FUNDS FROM GORDON COUNTY/ FLOYD COUNTY DEVELOPMENT AUTHORITY:**

County Manager Kevin Poe reported a request has been received from the Gordon/Floyd County Development Authority for \$1,000 to the operating expenses. Mr. Poe stated that when the Authority was first set up both Gordon County and Floyd County put \$1,000 into the operation and they have no other source of income at this point in time and are requesting that each county contribute another \$1,000 to cover their operating expense.

Interim Chairman Mayes called for a Motion to approve the contribution. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks.

**Discussion:** Commissioner Jennings asked if the Authority shared with the Board a report of their use of the funds. Mr. Tully stated he acted as Secretary/Treasurer of the Authority for the past three years and could provide a ledger to account for all the monies, as well as they report to the State as an Authority. Commissioner Jennings stated for the record we might want to incorporate that into the county records.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**REQUEST FROM REGIONAL ADVISORY  
COUNCIL (RAC) FOR \$1,082.36 AS A PRO-RATA  
SHARE OF THE GROWTH MANAGEMENT PLAN:**

County Manager Kevin Poe advised the request from the Regional Advisory Council for funding of \$1,082.36 as a pro-rata share of a Growth Management Plan, the RAC is working on. Mr. Poe stated this money from 15 other counties will be leveraged with a grant received from the State to complete the Growth Management Plan.

Interim Chairman Mayes called for a Motion. Commissioner Fricks made a MOTION to approve the funds, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**AUTHORIZE EXECUTION OF CERTIFICATION  
STATEMENT ON PARKING DECK PROJECT FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT:**

County Manager Kevin Poe requested authorization for the Chairman and Clerk to sign the certification form regarding the parking deck to be built adjacent to the hotel at the Forum. Mr. Poe advised this document has been requested by the DCA for their files regarding the ownership of the deck.

MOTION was made by Commissioner Hufstetler to approve, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**ADOPTION OF FY2000 BUDGET:**

County Manager Kevin Poe stated this item will require a 4/4 vote to be placed on the Agenda, and requested adoption of the FY2000 budget. Mr. Poe advised the budgets which require formal adoption are: General Fund, E911 Fund, Fire Fund, Law Library Fund, Forum Fund, Rome/Floyd County Animal Control Fund, Rome/Floyd County Recycling Fund, Worker's Compensation Fund and 1996 SPLOST Fund. Mr. Poe stated the budgets have been reviewed and recommended the departmental and budgets submitted in the front of the document be approved.

**4/4 VOTE TO PLACE ITEM ON AGENDA:**

Interim Chairman Mayes called for a Motion to place the item on the agenda. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Interim Chairman Mayes

Motion Carried

Interim Chairman Mayes called for a Motion to adopt the FY 2000 Budget. MOTION was made by Commissioner Hufstetler, SECOND by Jennings.

**Discussion:** Commissioner Hufstetler stated the results are still coming in on the 1999 budget but we will be well over on what was expected on the Reserve Fund, it is expected to be in the neighborhood of \$12.5 million. Commissioner Hufstetler stated the General Fund budget adopted for 2000 currently has an excess of revenue over expenditures of \$1,774,716 and would expect that when the millage rate is set the tax payers of Floyd County should be able to expect a significant tax reduction in the millage rate, with these numbers and the trends we are seeing. Commissioner Hufstetler commended everybody in the Floyd County departments for all their hard work on these numbers, adding we may not have to borrow money on Tax Anticipation Notes this year and that will be the first year ever Floyd County does not borrow money until the property taxes come in and he thinks this is significant, and again stated he thinks everybody has worked hard on this on all levels.

Interim Chairman Mayes stated he would like to especially thank Commissioner Hufstetler for all his hard work on the budget.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**ATTORNEY'S REPORT:**

**APPROVE FLOYD COUNTY BOARD OF  
EDUCATION SCHOOL BOND RESOLUTION:**

County Attorney Wade Hoyt advised this is the final Bond Resolution which has to be adopted by the Board, stating a similar Resolution has been approved, but this Resolution is in the proper form for the closing of the Bonds and recommended authorization for the Clerk to sign the documents.

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

Motion Carried

**APPROVE AMENDED RESOLUTION FOR  
PACKAGING PRODUCTS, CORP., INDUSTRIAL  
DEVELOPMENT REVENUE BOND:**

County Attorney Wade Hoyt advised this is an Amended Resolution for Packaging Products Corp., who bought the spec building from the Rome/Floyd Development Authority and they are now using the Authority to get bond financing for the work they intend to do on the spec building. Mr. Hoyt stated a Resolution for \$4.5 million had previously been approved by the Board, however, Packaging Products has now determined it will take \$9 million to do the work, and have requested an Amended Resolution. Mr. Hoyt pointed out that neither Floyd County, nor the Rome/Floyd Development Authority are responsible for these bonds or required to pay any of the bonds in case there is a default. Mr. Hoyt requested approval for the Chairman and Clerk to sign the documents.

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

YES

NO

Commissioner Hufstetler

"

Fricks

"

Jennings

Motion Carried

**OTHER BUSINESS:**

Commissioner Jennings asked if we are members of the Greater Rome Chamber of Commerce. County Manager Poe advised yes. Commissioner Jennings asked if there was money budgeted in this year's budget for the Greater Rome Chamber of Commerce. County Manager Poe advised there is in Economic Development and GREIA. Commissioner Jennings requested a calendar of the Board's meeting dates for 2001 be sent to the Chamber and request that they schedule their Annual Dinner at a time when the Floyd County Board of Commissioners might attend that event. It was the consensus of the Board that the Clerk send a letter to them giving the meeting dates and requesting that they schedule their event around the meeting date.

**ADJOURNMENT:**

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

YES

NO

Commissioner Hufstetler

"

Fricks

"

Jennings

Motion Carried



**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**JOHN W. MAYES, CHAIRMAN**