



Commissioner Jennings presented the **Employee of the Quarter Award to John Boyd, Floyd County Water Department** and thanked him for the job he does for the county. Commissioner Jennings stated that it is always a pleasure to work with bright, intelligent, enthusiastic, dedicated employees, and John is just one such person. He noted that Mr. Boyd is involved with the Consumer Confidence Report, he takes care of the water treatment facilities and is engaged in continuing education not only for himself but for the future of the Water Department.

**FIRST READING:**

**SET SECOND READING/PUBLIC HEARING  
FOR APRIL 25, 2000 AT 6:00 P.M.**

**FILE #07-2000Z, 711 OLD SUMMERVILLE  
ROAD, REQUEST REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO A-R  
(AGRICULTURAL RESIDENTIAL)  
CONTINUE EXISTING USE OF PROPERTY.  
TAX MAP #506C, AREA #05, PARCEL #007.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS]).**

**FILE #08-2000Z, CITY OF ROME WALKER  
MOUNTAIN ROAD LANDFILL REQUEST  
REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO H-I (HEAVY INDUSTRIAL)  
FOR THE EXPANSION OF EXISTING LANDFILL,  
TAX MAP- #612, PARCEL(S) #1A, TAX MAP  
#606, PARCEL(S) #2, 3, 4, 5, 10, 15.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS]).**

**FILE #013-2000Z, 3994 ALABAMA HIGHWAY,  
REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO C-C (COMMUNITY  
COMMERCIAL) TO CONTINUE THE  
EXISTING USE AS COMMERCIAL, TAX MAP  
#750, PARCEL(S) #08D. (PLANNING  
COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 6 FOR, 2 AGAINST])**

**FILE #014-2000Z, 202 HIGH STREET,  
REQUEST REZONING FROM S-R (SUBURBAN  
RESIDENTIAL TO H-C (HEAVY COMMERCIAL),  
TAX MAP #330, AREA #1, PARCEL(S) #110, 111.**

**(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS]).**

Chairman Mayes called for a Motion to place these rezoning requests on First Reading. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

Motion Carried

**SECOND READING/PUBLIC HEARING:**

**FILE #04-2000Z, CORNER OF ROBINSON AVENUE AND BURNETT FERRY ROAD, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH A SPECIAL USE PERMIT TO BUILD A CARWASH/LAUNDRY, TAX MAP #448, AREA 9, PARCELS 22 AND 23 (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – 4 AGAINST, 4 FOR]) (First Reading held March 14, 2000, withdrawn and deferred to April 11, 2000).**

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

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

Motion Carried

**Bernard Brown, 79 Shoals Ferry, Rome**, stated that he purchased the property in 1988 with the purpose of using it for light commercial/community commercial. In 1989 it had been approved by the Planning Commission and County Commission for this

use. When he applied for building permits recently, he found that the property had been rezoned to residential last year. He requested the property be rezoned as it had been for the past ten years. He stated he is aware of the concerns of neighbors and assured them that he will do nothing of detriment to their property and he will meet all guidelines set forth by the Southern Building Codes and local permits. He noted that the property is in a very busy intersection and not right in the residential area.

## **OPPOSITION**

**Harlan Brewer, 412 Burnett Ferry Road, Rome**, stated that his property adjoins this property. He has been living there since 1962 or 1963 when he built the house. At that time he could not get on the sewer system because he was told that it was built for the church and the school. Later he was told he would have to go on the sewer system. Now the system pipe is decaying and will not take care of all of the water from the car wash. Mr. Brewer had a petition with 30 names, protesting the approval. He noted that there is already a problem with traffic in the area and that there are three car washes within one and one-quarter miles of the property. He also mentioned that there was no sign on the property regarding today's meeting, that it had been removed after the last meeting was postponed. He stated that he feels that the property should remain residential.

**Steve Harbin, 6 Betty K Avenue, Rome**, stated that he lives less than a half a block from the property. He stated he has been a resident there for 45 years. He agreed with Mr. Brown that this is a very busy road, and noted that there are a lot of accidents. He stated that since the ball fields had been opened it turned a residential area into a major highway and the average traffic speed there is 50 mph. He noted that the store, which was mentioned earlier, has been at that location for more than 60 years. If the property is built up, then it will cause water problems on surrounding property. He stated that he understands that people have a right to do whatever they want with their property, as long as it does not violate the rights of the people around it. In this case it definitely violates the safety and welfare of children, it violates Mr. Brewer's rights to have peace and quiet and tranquility at his own home, as well as water problems on surrounding property. The property to be zoned commercial for a car wash is just not a good idea. Commissioner Hufstetler asked Mr. Harbin what he saw the property being used for. Mr. Harbin replied that it could be used for residential, there once was a house at this location before it was torn down.

**Belinda Ely, 411 Burnett Ferry Road, SW, Rome**, stated that she lives across the street from Mr. Brewer, with woods next door to her property, then the community grocery. She agrees with all that Mr. Harbin and Mr. Brewer had said and she prefers that the property stay residential. She also noted the problems with the sewage backing up and feels the car wash would increase the problem. She also expressed concern about the increase in traffic.

**Ricky Brewer, 409 Burnett Ferry Road, Rome**, stated that the others had summed up everything. He noted that the sewer is in bad shape and he had called the City two weeks ago to clear the line out at the road.

## **REBUTTAL**

**Bernard Brown, 79 Shoals Ferry, Rome**, stated that he understands some of the concerns of the people. He feels that the traffic concerns and accidents and some other things happen pretty much any place where there is growth. He reiterated that he has had the property since 1988 and had it rezoned commercial at that time. He noted that it did have a house on it at the time, but he had donated it to the Rome Fire Department to have a burn exercise. He had spent money on building the lot up to get it ready for commercial. Regarding the concerns of the sewer, if in working with the City of Rome Sewer Department for any reason we have any problem now, he will wait until he can get a permit from them to build the necessary building. Regarding the storm water run off, he already has plans for an underground sediment pond that will not create any extra water and will also lessen any water sitting on top of the ground. He stated he understands their concerns, that he has been a property owner for 12 or 13 years and will not do anything to hurt the residents. He just wants what is right and feels that it had been zoned commercial for this many years and does not understand how it could be used for anything else. Commissioner Hufstetler asked if a certain amount of the water used in the car wash had to be recycled. Mr. Brown did not know the number amount, but that it is used several times. Mr. Brown stated that he does not plan to immediately put in the car wash. Commissioner Hufstetler asked what his plans are at this time. Mr. Brown replied that they plan to put in a mini-warehouse storage building on the outer perimeter and later put in the car wash. He noted that the warehouse building would be a buffer for the residents. Commissioner Mahanay asked the location of the storage unit. Mr. Brown replied that it will be parallel, close to the back property corner. It was noted the building will be 9 feet high, and that Mr. Brown has offered to replace the current 6 foot privacy fence on Mr. Brewer's property with a 10 foot privacy wooden fence or plant it with evergreen shrubbery if it will help to buffer the site from his property. Commissioner Jennings asked about the underground sediment pond. Mr. Brown stated that it is basically like a septic system, the water goes into the system and has to reach a certain level before it comes out into the ditches. Commissioner Jennings asked about this being zoned commercial ten years ago, since we did not have zoning until recently. It was noted that there was spot zoning. Mr. Brown stated that in 1989 it was zoned H-C (Highway Commercial), and when it was rezoned, unaware to him, it had been zoned residential. It was explained that this classification is from the old zoning classification.

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  
" Mahanay

Motion Carried

Commissioner Hufstetler asked for an opinion from the County Attorney on this issue. County Attorney Hoyt stated that it is his understanding and recollection that the fact that Mr. Brown had the zoning changed in 1989 to Heavy Commercial use, and in his opinion that does include exactly what he is asking for now. In his opinion, if that is correct, he is vested and has relied on the fact that he was granted commercial. If that is the case, it would be his opinion that the Board would have very little discretion in this matter. Commissioner Mahanay asked Mr. Hoyt to narrate on the vested aspect of the rezoning. Mr. Hoyt stated there were a number of uses he could have put the property to since 1989. If he had known that ten years later this would change, he could have used the property for another reason. Mr. Brown had spent money to build the property up for commercial use and relied on the fact that the Planning Commission changed his zoning so that he could use the property in this fashion. To come back at a later date and reverse that puts him in detriment because he relied on that fact. In his opinion he probably has vested rights. Commissioner Fricks asked if, in areas that were identified as zoned areas, have we continued to acknowledge that existing zoning. (*Response from Planning Commission representative was not understandable.*) Commissioner Jennings stated that verification is needed that this was actually spot zoned. Commissioner Mahanay asked if it could be approved contingent upon verification. Mr. Hoyt stated that it could be approved subject to verification that it, in fact, was rezoned in 1989 and that that rezoning would entitle him to place mini-warehouses and a car wash on the property. It was questioned whether approval was needed if it is vested. Commissioner Jennings stated that if stipulations were warranted, then it might need approval to put the stipulations in place. Commissioner Hufstetler stated that he felt the 10-foot fence would be a better barrier than the shrubbery. Mr. Brown replied that he would not have a problem with installing the 10-foot fence and it was noted the hours of operation would be the same as the store across the street.

Chairman Mayes called for a Motion to approve or deny, with or without stipulations, this rezoning request. MOTION was made by Commissioner Hufstetler that it be approved contingent upon verification of previous rezoning , installation of the 10-foot privacy fence and that they observe the same hours as the community store, SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

Motion Carried

**FILE #001-2000Z, CORNER OF KINGSTON HIGHWAY AND KEOWN ROAD, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL), WITH A SPECIAL USE PERMIT TO BUILD A CARWASH, TAX MAP #304, AREA 09, PARCEL 26. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – UNANIMOUS]).**

**(First Reading, February 22, 2000)**

**(Second Reading/Public Hearing held March 14, 2000 – vote deterred)**

**(Second Reading/Public Hearing held March 28, 2000 – vote deferred)**

Chairman Mayes stated that this request had been withdrawn by the owner, Mr. Tom Hackett. Chairman Mayes read the code regarding withdrawals. Commissioner Jennings made a three part MOTION, the first being the acceptance of the withdrawal of File #001-2000Z, which was a request for rezoning from S-R (Suburban Residential to C-C (Community Commercial) with a Special Use Permit to build a Carwash. The second part of the Motion is that the withdrawal be accepted with prejudice. The

third part of the Motion is that the time to resubmit any application for this property shall be six months. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**FILE #019-99SUP, MALLARD POINT ROAD, REQUEST A SPECIAL USE PERMIT, TO CONSTRUCT A COMMUNICATION TOWER IN A S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT, TAX MAP #570, PARCEL 34. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – 4 AGAINST, 4 FOR])**

Chairman Mayes stated that there is no action on this item and that it will automatically go to the next scheduled meeting.

**CHAIRMAN'S REPORT:**

## APPOINTMENTS

Chairman Mayes made the following appointments:

Chairman Mayes stated that as Chairman, he will be serving on the following:

- Floyd County Board of Health
- Rome/Floyd County Development Authority
- Rolling Hills RC & D Council
- Fire Overview Committee
- Prison Construction Committee

Commissioner Garry Fricks, Vice Chairman, will be serving on the following:

- Chairman, Public Works Committee
- Board of Greater Rome Convention and Visitors Bureau
- Industrial Park Overview Committee
- Keep Rome/Floyd Beautiful
- Rome/Floyd County Parks and Recreation Authority
- Rome/Floyd Urban Area Transportation Study Policy Committee
- Review Committee for Pedestrian Bridge

Commissioner Chuck Hufstetler will be serving on the following:

- Chairman, Administration and Finance Committee
- Three Rivers Community Service Board
- Hospital Authority of Floyd County
- Rome/Floyd Solid Waste Committee
- Steering Committee for Household Hazardous Waste Products

Commissioner Jerry Jennings, will be serving on the following:

- Chairman, Water Committee
- Board of Directors, Coosa Valley Regional Development Center
- Industrial Park Overview Committee
- Rome/Floyd Urban Area Transportation Study Policy Committee
- River Development Committee

Commissioner Tim Mahanay, will be serving on the following:

- Chairman, Public Safety Committee
- Rome/Floyd Solid Waste Committee
- Rome/Floyd County Planning Commission
- Rome/Floyd County Public Safety Committee
- Rome/Floyd County Commission on Children & Youth
- Floyd County Library Board/Sara Hightower Regional Library Board

**AMENDMENT TO FLOYD COUNTY  
RETIREMENT PLAN.**

MOTION to approve an amendment to the Pension Plan as outlined and authorization for the Chairman and Clerk to sign any documents including, but not limited to, resolutions from the Pension Plan Administrators, Inc. was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**COMMISSIONER'S REPORT:**

**ADMINISTRATIVE/FINANCE COMMITTEE**

Commissioner Hufstetler reviewed the details regarding the payment of the life insurance to the Doug Kilgo family. In summary, there were several insurance companies which had changed hands and we are having a hard time tracking this down, in addition, in 1996 he was not put into the disabled category as he should have been. Rather than the family wait on all of this process we would like to go ahead and pay them, what they are due. This will then be settled between the insurance companies and the county. The amount of the payment would be \$70,000.

**PUBLIC SAFETY COMMITTEE**

Chairman Mayes had no items to report to the Board from the Public Safety Committee.

**PUBLIC WORKS COMMITTEE**

Commissioner Fricks stated they had received petitions on three roads and recommended that the following be placed on the official resurfacing list:

Forest Hill Drive, 0.170 miles, anticipated cost \$3,013

Laverne Court, 0.10 miles, anticipated cost \$1,774

Twin Lake Road, 0.200 miles, anticipated cost \$2,581

MOTION to add these roads to the official resurfacing list was made by Commissioner Fricks,  
SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Commissioner Fricks gave an update on the Quarry Ordinance. It will probably be another seven days before revisions will be made and it can be turned over to the attorney. The attorney will review, reorganize and then put it into legal writings. Following that it will be submitted to outside council through ACCG.

**WATER COMMITTEE:**

Commissioner Jennings had no report but noted that they will meet on April 26, 2000 at 2:00 p.m. in the Manager's Conference Room.

**CLERK'S REPORT:**

**CONSENT AGENDA**

County Clerk Sue Broome advised there were four items on the Clerk's Report and they have been reviewed at the Caucus Session and they are submitted for consideration. MOTION was made by Commissioner Hufstetler that the Consent Agenda be approved, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

1. Amend the Community Development – Projects revenue and expenditure budgets by \$2,500 to accommodate the 100 Black Men Grant.

Tax Refunds:

- . Arnold Terry, P.O. Box 2443, \$13.27
- . Matthews C.W. Contracting Company, Inc., P.O. Box 970, Marietta, \$2,270.33
- . Tom Bennett, P.O. Box 1471, \$29.90
- . Virginia N. Burchfield, 400 Robin Hood Road, \$9.14
- . JDN Development Company, Inc., 359 East Paces Ferry Road, NE, Atlanta, \$1,079.62
- . Shelby B. Sims, 324 Livingston Road, SW, \$53.40
- . Richard David & Anne Graham, 1905 Mayes Bridge Road, \$90.16

David Miller, 6174 Cedar Mountain Road, Douglasville, \$18.50  
 Charles A. Patterson, 83 Fred Kelley Road, NE, \$3.50  
 Russell L. Morrison, 1 Ann Drive, NW, \$4.85  
 Jack T. Culberson, 459 Fred Kelley Road, \$232.31  
 Millard T. Kerns, 51 East Center Road, NE, \$1.16  
 Raymond A. Sewell, 2201 Broad Street, North, \$2.07  
 Karen Wetherington, 8 Beaver Run, SW, \$3.19  
 Mark Howard & Kimberly Lynn Layne, 10 Forrest Hill Drive, SE, Silver Creek,  
 \$94.75  
 Rome Little Theatre, Inc., P.O. Box 1063, \$516.62  
 Carol P. Edwards, 113-B Plantation Avenue, Cedartown, \$13.87  
 Bishop Wrecker Service, Inc., 925 Desoto Avenue, \$48.44  
 Carla Hyde, 1207 Dean Street, \$38.02  
 Stephen A. & Alane B. Evans, 7 Timberlane Terrace, \$1.74

Malt Beverage Applications

Syble Bruni, Favorite Market #202, 2918 Martha Berry Blvd., Rome  
 Vinod N. Patel, DISHA, Inc., d/b/a Northridge Stop-N-Shop, 2355 Old Calhoun  
 Road, Rome

4. Precious Metals permit – Monica L. Stuart, Beauty Worx & Rayz, 2365 Calhoun Road, Rome

**MANAGER’S REPORT:**

**AUTHORIZE WILLMER ENGINEERING TO INSTALL ADDITIONAL MONITORING WELLS AT BERRYHILL LANDFILL – \$32,000, AND AMEND BUDGET TO ACCOMMODATE EXPENDITURES.**

County Manager Kevin Poe presented a proposal from Willmer Engineering, the engineering firm who has done the groundwater monitoring at the Berryhill Landfill. EPD has required installation of additional monitoring wells to try to delineate possible site contamination. County Manager Poe recommended authorization for Willmer Engineering to perform the work at a cost not to exceed \$32,000,

and that the Solid Waste budget be amended to accommodate the expense. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler  
 " Fricks  
 " Jennings  
 " Mahanay

**DISCUSS EQUIPMENT REQUESTS  
FROM SHERIFF:**

**NEW PURSUIT VEHICLE.**

County Manager Kevin Poe presented a request from the Sheriff's Department to purchase an additional pursuit vehicle this year. Recently they had a vehicle which was declared totaled as the result of an accident. An order had been placed for eleven vehicles and we should be able to get the same cost for a vehicle without the lights, bars and cages and add it to the order. County Manager Poe recommended purchase of an additional vehicle for the Sheriff's Department. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

**TRIM, DIE AND HOLE PUNCH.**

County Manager Kevin Poe presented a request from the Sheriff's Office to purchase a Trim, Die and Hole Punch to be used with the Pinnacle armbands that are used at the Floyd County Jail. The cost of this equipment is \$750. MOTION to approve the purchase was made by Commissioner Hufstetler, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

**AUTHORIZE AMENDMENT TO  
1999 COUNTY WORKCAMP  
CONSTRUCTION GRANT PROGRAM  
BETWEEN FLOYD COUNTY AND  
GEORGIA DEPARTMENT OF  
CORRECTIONS.**

County Manager Kevin Poe presented an amendment to the 1999 County Workcamp Construction Grant Program. He stated that the two amendments to this are the increase in amount of money the Department of Corrections is participating in the project to \$5, 065,778 and also extends the anticipated completion date to January 31,

2002. He recommended authorizing the Chairman and Clerk to sign the document. MOTION was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

**AUTHORIZE CHAIRMAN TO SIGN  
CONSENT ORDER FROM EPD ON  
BERRYHILL LANDFILL CLOSURE.**

County Manager Kevin Poe presented a Consent Order from the Environmental Protection Division regarding Berryhill Landfill Closure. This is due to the fact that we have not received a Certificate of Closure from the EPD, particularly because of the grassing situation. Basically we will be committing to the State that we will try to address this situation before July 1, 2000 or we will be subject to a monitoring penalty as detailed in the Consent Order. He recommended authorization for the Chairman to sign this document and stated it is their complete intent to try to comply with this before July 1. MOTION for authorization was made by Commissioner Hufstetler, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

**DISCUSS BUILDING INSPECTION AND  
PLANNING COMMISSIONER BUDGETS.**

County Manager Kevin Poe stated that the Building Inspection Budget had been discussed previously and he recommended adding an item to the Agenda. The item to be added would be approval of an amendment to the Fee Schedule Book to increase the current Building Inspection Fees by 3% across the board. MOTION to add this item to the Agenda was made by Commissioner Mahanay, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks

" Jennings  
" Mahanay

MOTION to amend the Fee Schedule Book to increase Building Inspection fees by 3%, effective April 17, was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

### **ATTORNEY'S REPORT**

#### **ADOPT A RESOLUTION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE EXPANSION AND EQUIPPING OF A MANUFACTURING FACILITY OF STEEL KING INDUSTRIES, INC.**

County Attorney Wade Hoyt stated that Steel King Industries is an existing industry in the Industrial Park. They had previously gone before the Rome/Floyd County Development Authority and requested approval of the issuance of tax exempt bonds through the Authority. Approval of the Board is required in the bonding process, since it is in the Industrial Park and in the county. The county will not be liable, responsible or guarantee the debt, nor does the Development Authority. County Attorney Hoyt stated that a Motion is needed to adopt the resolution approving the issuance of the bonds for the expansion and equipping of the manufacturing facility of Steel King Industries and authorizing the

Chairman and Clerk to sign the documents. Chairman Mayes called for a Motion. MOTION was made by Commissioner Jennings, SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler  
" Fricks  
" Jennings

" Mahanay

**ADJOURNMENT:**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**FLOYD COUNTY BOARD OF**

**COMMISSIONERS**

**JOHN W. MAYES, CHAIRMAN**