

# August 8, 2000

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**August 8, 2000** **2:00 P.M.**

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

## OTHERS

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

**CALL TO ORDER:** Chairman Mayes called the meeting to order.

**INVOCATION:** Chairman Mayes led the Invocation.

## PLEDGE OF

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

## ADOPTION OF

**MINUTES:** Commissioner Jennings made a MOTION to adopt the minutes of the Regular

Meeting of July 25, 2000 as presented. SECOND by Commissioner Mahanay.

VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

### Motion Carried

## FIRST READING

**(SET SECOND READING/PUBLIC HEARING FOR  
AUGUST 22, 2000 AT 6:00 P.M.)**

**FILE #026-2000Z, CORNER OF ROGERS  
AND ADDINGTON DRIVE, REQUEST  
REZONING FROM L-I (LIGHT INDUSTRIAL)  
TO S-R (SUBURBAN RESIDENTIAL) WITH A  
SPECIAL USE PERMIT TO BUILD DUPLEXES  
(2), TAX MAP #438, AREA #02, PARCEL(S) #13.  
(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE –7 FOR, 1 AGAINST])**

**FILE #012-2000SUP, 3420 KINGSTON HIGHWAY,  
REQUEST A SPECIAL USE PERMIT IN A S-R  
(SUBURBAN RESIDENTIAL) ZONING DISTRICT  
TO BUILD A COMMUNICATION TOWER, TAX  
MAP #54, AREA #0, PARCEL(S) #57.  
(PLANNING COMMISSION--TABLED)**

**FILE #013-2000SUP, 142 BOOZE MOUNTAIN ROAD  
IN THE LINDALE AREA, REQUEST A SPECIAL  
USE PERMIT IN AN A-R (AGRICULTURAL  
RESIDENTIAL) ZONING DISTRICT TO BUILD  
COMMUNICATION TOWER, TAX MAP #574,  
AREA #0, PARCEL(S) #005.  
(PLANNING COMMISSION—WITHDRAWN)**

Commissioner Fricks made a MOTION that these three items be placed on First Reading. SECOND was made by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

**PUBLIC HEARINGS:**

**VARIANCES.**

**FILE #009-00V, JEFF BARNETT, APPLICANT,  
MARTHA BERRY HIGHWAY, VIOLATION  
OF MINIMUM SETBACK.**

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

There being no one present to speak in support or opposition to the Variance Request, Chairman Mayes called for a Motion. After discussion, it was the consensus that no action be taken on this request since the Commissioners had questions regarding this variance and there was no one there to answer them. Chairman Mayes called for a Motion to close the Public Hearing. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings  
" Mahanay

Motion Carried

Chairman Mayes stated the Public Hearing is closed and that no action will be taken on this request. County Manager Kevin Poe noted that these requests do not go through the Planning Commission, currently the Board of Commissioners is the appeals board. This item will be placed on the Agenda for the next meeting, August 22, 2000.

Chairman Mayes introduced Jim Fisher, the new Planning Director and he was welcomed by the Board.

#### **VOTE ONLY**

**(Tabled from July 25, 2000 meeting)**

**FILE #22-2000Z, HIGHWAY 20, ALABAMA ROAD, REQUEST REZONING FROM A-R (AGRICULTURAL RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH A SPECIAL USE PERMIT TO BUILD CONVENIENCE STORE WITH GAS STATION, TAX MAP #906, AREA #0, PARCEL-PART OF PARCEL #7A.**

**(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE – 7 FOR, 1 AGAINST])**

**(FIRST READING HELD JULY 11, 2000 AT 2:00 P.M.)**

**(SECOND READING/PUBLIC HEARING HELD JULY 25, 2000 AT 6:00 P.M.)(NO ACTION)**

Commissioner Fricks made a Motion for **approval**, SECOND by Commissioner Mahanay. Chairman Mayes opened the floor for discussion.

#### **SUPPORT**

**Bryant Carey**, stated that he represented the owner, Billy Timms. He stated that they urged the Commissioners to support the recommendation from the Planning Commission. He stated that at one point there was some objection. He stated that to his understanding, the property across the road, is already zoned commercial and Mr. Timms plans for a store falls in line with this community and area. He mentioned that Ms. Weaver may have an interest in another nearby store and this may be a competition situation. He urged that the Commissioners accept the recommendation of the Planning Commission to let the store be opened. He stated that the basis for the objection by Ms. Weaver was that she owns the property for the purpose of building a house, but to his knowledge there has been no efforts to start building or to obtain building permits.

Commissioner Jennings asked that as far as the plans for the convenience store, is there going to be buffers placed on the property to cut down on the affects of lighting. As far as lighting is concerned will the affects of lighting be minimized in terms of design of the convenience store. Mr. Carey replied that it will be, and to his understanding, this will not be a 24-hour store. The hours will be until 10 or 11 at night and he does not anticipate heavy lighting at that, there will be a few pumps and the store itself. Regarding specific buffers he does not know about the plans for them at this time. At this point in time there is not a need for buffers since there are no houses adjacent on either side.

Commissioner Fricks stated that some of the requirements in the ULDC are buffer requirements in terms of privacy fencing as well as vegetation buffers and those required in the building permit will have to be met.

**Vickie Weaver, 7748 Alabama Highway**, stated that to her knowledge they have not been able to close on the property and you cannot start obtaining permits until you actually own the property. She stated that she does want to build a house on her property. She stated that she was not sure that the other property owner had closed out on their property either and they were trying to get it rezoned and they do not own it yet. Chairman Mayes asked if she has a business. Ms. Weaver replied that she has a little country store, which has been there for forty years, and is about four miles from this location.

**Lynn Dempsey, 811 Highland Avenue**, a representative of Dempsey Auction Company, stated that their company sold the property to Mr. Timms. He stated they had represented the current zoning, but the property location with highway frontage at the state line has excellent potential. It is his experience, with 25 years as a real estate broker, that some injustice would be done if the highway frontage, especially at a state line location were not to be commercial in nature. He stated that he could understand the property behind the highway property possibly having a different zoning. Mr. Dempsey noted that this property had been in the A.H. Davis family for many years and they had sold the property on the Alabama side two years ago.

Commissioner Fricks stated that he had visited the site and there is a lot of presence of commercial. Adjacent to it is a fireworks stand and across the street is the

State Line Tavern and what seems to be a car lot. Commissioner Jennings asked if a petitioner has to officially own property in order to request a rezoning. County Attorney Wade Hoyt replied that he did not think there is a requirement for that, you do have to own it before obtaining a building permit. It was noted that permission from the property owner is required.

VOTING:

YES

NO

Commissioner Fricks

" Jennings  
" Mahanay

Motion Carried

**FILE #010-2000SUP, 3128 HIGHWAY 411,  
REQUEST A SPECIAL USE PERMIT IN  
A C-C (COMMUNITY COMMERCIAL)  
ZONING DISTRICT TO BUILD A  
COMMUNICATION TOWER, TAX MAP  
#572, AREA #0, PARCEL(S) #017.  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [VOTE - 5 AGAINST, 3 FOR])  
(FIRST READING HELD JULY 11, 2000 AT 2:00 P.M.)  
(SECOND READING/PUBLIC HEARING HELD  
JULY 25, 2000 AT 6:00 P.M.)(NO ACTION)**

County Attorney Wade Hoyt stated that the Signal One representative would like to speak to the Board.

**Sean Caskie, Signal One** representative asked that no action be taken at this time and the request be brought up at the next meeting. They are currently awaiting word on negotiations on a piece of county property with another tower company. If that is the case, they will remove the site. Chairman Mayes stated the recommendation is no action today.

**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])  
(FIRST READING HELD FEBRUARY 22, 2000 AT 6:00 P.M.)  
(SECOND READING/PUBLIC HEARING HELD MARCH 14, 2000**

**AT 2:00 P.M. [WILL TAKE UP AT NEXT MEETING])**  
**(SECOND READING/PUBLIC HEARING HELD MARCH 28, 2000**  
**AT 6:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD APRIL 11, 2000**  
**AT 2:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD APRIL 25, 2000**  
**AT 6:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD MAY 9, 2000**  
**AT 2:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD MAY 23, 2000**  
**AT 6:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD JUNE 13, 2000**  
**AT 2:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD JUNE 27, 2000**  
**AT 6:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD JULY 11, 2000**  
**AT 2:00 P.M. [NO ACTION])**  
**(SECOND READING/PUBLIC HEARING HELD JULY 25, 2000**  
**AT 6:00 P.M. [NO ACTION])**

Chairman Mayes stated that no action was required and it was deferred to the next meeting.

**CHAIRMAN'S REPORT:**

**AMEND THE BUDGET FOR THE  
APPROPRIATIONS OF FUNDS FOR  
GRANTS TO THE HISTORY MUSEUM  
AND CHIEFTAINS MUSEUM IN THE  
AMOUNT OF \$24,038.**

Chairman Mayes called for a Motion to add the item to the Agenda. MOTION was made by Commissioner Fricks, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes called for a Motion to amend the budget. MOTION was made by Commissioner Fricks to increase the amount of the budget to \$24,038, SECOND by Commissioner Mahanay. Commissioner Fricks amended his MOTION to include allocating the funds of \$15,288 to the Rome Area History Museum and \$8,750 to the

Chieftains Museum. The amendment was SECOND by Commissioner Mahanay.  
VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

## **COMMISSIONER'S REPORT:**

### **PUBLIC WORKS COMMITTEE.**

Commissioner Fricks, Committee Chairman, submitted the following road to be added to the future resurfacing list:

Huntington Road, 0.70 miles at an anticipated cost of \$14,681.33

Windsor Road, 0.165 miles at an anticipated cost of \$3,460.00

Chairman Mayes called for a Motion. MOTION was made by Commissioner Fricks that these roads be added to the resurfacing list. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

### **WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman, reported that the City of Rome, City of Cave Spring, Floyd County Water Commission had interviewed candidates to prepare a hydro geological study of the water resources in the community. They will be meeting Friday at 8 a.m. to make the decision of which company will be preparing the study. They anticipate approximately nine months of study period and will come back with a long term view of our water resources and directions needed to develop the water resources for our community.

## **CLERK'S REPORT:**

### **CONSENT AGENDA.**

County Clerk Sue Broome advised there were five items on the Clerk's Report which had been reviewed and were presented for consideration. Chairman Mayes called for a Motion to accept the Consent Agenda. MOTION was made by Commissioner Jennings, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

Enter into Minutes Proclamation for National Night Out 2000.

Authorize Chairman to execute application for Local Assistance Grant for the following:

Chieftains Museum (CN-0191)  
100 Black Men Mentoring Program (CN-0192)  
Rome Area History Museum (CN-0193)  
Rome/Floyd County Recreation Authority (CN-0194)  
Horace Anthony Recreation Center (CN-0195)

Authorize Chairman to execute application for Purchase of Services Grant from the council of Juvenile Court Judges.

4. Request from Charles Williams, Jr., developer of Horseleg Plantation Country Club to accept Bell Meade Drive and Saint Andrews Way on county maintenance.
5. Salary adjustments for Manager and Assistant Manager.

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

#### **REQUEST FROM COURT ADMINISTRATOR TO TRANSFER FUNDS FOR COURT REPORTERS.**

County Manager Kevin Poe presented a request to transfer funds from Judge Matthews' Court Reporters Budget. The request was to transfer \$310 from Seminars and Conferences line item to the Equipment line item to purchase a microphone as described in their memo of July 27, 2000. He recommended approval of the amendment to their Equipment Budget as requested. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES

NO



Commissioner Fricks  
" Jennings  
" Mahanay

Motion Carried

**DISCUSS OPEN DOOR HOME FOR BOYS  
BUDGET.**

County Manager Kevin Poe stated that previously a request had been received from the Open Door Home related to funding for the new Boys Home. He stated that it is his understanding, based on discussion in the Caucus Session, that there is a Motion on the table to increase the amount allocated for FY2000 by \$11,000. MOTION for approval was made by Commissioner Jennings, SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Mahanay

Motion Carried

**REQUEST FROM OFFICE OF RECEIVER  
AND JURY MANAGEMENT TO REALLOCATE  
FUNDS FOR EQUIPMENT.**

County Manager Kevin Poe presented a request from Bob Orr, Office of Receiver and Jury Management, to reallocate funds in his Equipment Budget to allow him to purchase a desk in lieu of a printer which had been previously approved. There will be no increase in budget allocation, just a change in the equipment to be purchased. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Jennings  
" Mahanay

Motion Carried

**REQUEST FROM POLICE CHIEF TO  
PURCHASE NEW RADIO/TELEPHONE  
SYSTEM.**

County Manager Kevin Poe stated that, as discussed in the Caucus Session, the Police Department has a need to purchase a new radio/telephone system to continue to enable our supervisors to communicate directly with the supervisors on the City Police Department. He recommended that funds be reallocated which are already in their equipment budget to purchase 13 new radio/telephone system units and that they go through regular purchasing procedures to obtain the radio/telephone units. MOTION was made by Commissioner Mahanay, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

**RECLASSIFICATION OF POSITIONS  
IN SHERIFF'S DEPARTMENT AND  
PUBLIC WORKS DEPARTMENT.**

County Manager Kevin Poe stated that two positions had been submitted for reclassification. The first is the Records Supervisor position in the Sheriff's Department and the recommendation is that the position be reclassified to Paygrade 10 based on the consultant's review and grading of the position. The second is that the Shop Assistant II position at Public Works be established at Paygrade 6 per the consultant's recommendation. MOTION for approval was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

**AUTHORIZATION TO SETTLE  
WORKERS COMPENSATION CLAIM.  
(CASE #4-990-438, CLAIM #254311818  
DHRS #477.200117)**

County Manager Kevin Poe stated they were presented with a recommendation to settle a Workers Compensation Claim. The case is against Floyd County Government and Hewitt-Coleman and Associates, the Workers Compensation Third Party Administrator recommended the claim be settled for \$25,000 and six months of open

medical. He recommended agreeing to settle the case per the recommendation of the Attorney, Mr. J. Rawls in his letter dated July 28, 2000. MOTION for approval was made by Commissioner Mahanay, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

**RECOMMENDATION FROM AIRPORT  
COMMISSION TO CLOSE RUNWAY 14/32  
PERMANENTLY.**

County Manager Kevin Poe presented a memo dated August 2, 2000 from Mike Mathews with a recommendation from the Airport Commission. At their regular meeting on August 1, 2000 the Airport Commission unanimously voted to recommend that Runway 14/32 be permanently closed. The recommendation was presented for the Board's consideration.

Chairman Mayes called for a Motion. MOTION for approval was made by Commissioner Jennings, SECOND by Commissioner Mahanay.

**Canney McStotts, Adairsville**, stated that he does not live in the county, but does fly out of Richard B. Russell Airport. He stated that Bartow County is one of the fastest growing counties in Georgia. Out of Cartersville on 411 towards Rome there are already subdivisions being built and he is sure others will be built. This means that eventually the area around here is going to grow up. That means this will put the airport here in the same position as McCollum, DeKalb and Charlie Brown airports. The city has grown around them and there is no room for expansion. A runway is a very precious item in aviation. Once it is gone, it is gone, and whenever the traffic is necessary for the runway, it will not be there. I was always taught to look for tomorrow, not for today, and by closing the runway you are looking at the cost today as opposed to what it could cost you tomorrow or down the road. One day the runway will be necessary and it won't be there.

Commissioner Mayes asked if he is a pilot. Mr. McStotts replied that he is a private pilot and is working on his commercial rating. Chairman Mayes stated that it is his understanding a safety issue is involved because you basically have to cross other runways. It was noted that several other small airports have intersecting runways. Mr. McStotts stated that he does not feel that is much of a safety issue, since there have only been a couple of incidents of accidents on the runways.

Commissioner Jennings asked Mr. McStotts how many times he has landed at Richard B. Russell Airport. Mr. McStotts replied that he has 162 hours and every takeoff

and return home landing is there, so hundreds. Mr. McStotts stated that he used this runway approximately one-third of the time. Chairman Jennings stated that data they have received shows the runway is used less than 1% of the time. Mr. McStotts disagreed.

It was noted that the Airport Manager had recommended the closing of the runway, and that no federal or state funds would be available to pave the runway. Mr. McStotts suggested it be paved now and then funds for future paving would be left up to the Airport community. After discussion, Commissioner Fricks asked if the area is needed for a specific use at this time. It was noted that it is for the construction of the new hanger for a business located at the airport. Not closing the runway, would possibly limit future land use of the area. Commissioner Fricks stated that there is tremendous preparation for this one company and he hoped that they have thoroughly studied to make sure this is a viable candidate since there have been questions in that area. County Manager Poe mentioned possibly approving this contingent upon the business coming to the Airport.

Commissioner Mahanay stated that he had ridden his car on the runway and there are potholes and he felt this was a safety factor. He stated that it is his understanding that a pilot does not have to use this runway for takeoff or landing since the other two runways are adequate. He also stated that the Airport was built by the military and money was no problem so they built a third runway. If built today, there would be only two runways. He stated that from a safety standpoint, cost for paving, funding and necessary approvals, and the fact that it is not needed, are all reasons to approve the request. The airport will function as well with the two runways. He stated that he appreciated Mr. McStotts's opinion and the fact that he utilizes the airport.

It was noted that the longest runway is 6,000 feet long and a C5 had actually landed on it. Mr. McStotts stated that a vote to close the runway would be a definite disadvantage to the airport.

VOTING:

YES

NO

Commissioner Fricks

"

Jennings

"

Mahanay

Motion Carried

Chairman Mayes stated that the vote was to approve the recommendation of the Airport Commission to close the runway.

**ADJOURNMENT:**

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**JOHN MAYES, CHAIRMAN**