

unclear on the objective of the evaluation of this particular site by a consultant. They asked for an approval of the request today.

Joe Connor, of Baker, Donaldson, Dearman and Caldwell, Chattanooga, Tennessee, attorney for Tritel. He stated that he wanted to stress things mentioned by Mr. Caskie and Ms. Harmon and to convey Tritel's position as well. They have had to delay their launch date regarding this location and it has impacted other locations in the market. Therefore they have incurred setbacks and damages as a result of not being able to go forward and move forward. With respect to the consultants study, they have not seen it, but it is his understanding that the study and consultant were commissioned to determine if there is an alternative site. It is his understanding that there is no other government property within this area which will be suitable. The water tank is not suitable and has already been ruled out. There are no other locations or co-location opportunities. If the consultant says that it can be a quarter or eighth of a mile, it will still be in someone's back yard wherever they go. They cannot get around this. They feel that this location complies with the requirements and there are no other applicants that have been put to this type of review with respect to a cell tower application. He also stated that he knows of no other which have been delayed for an appraisal and then for another consultant to come in. That will also factor in to any other type action which may be taken later. He hopes and is confident that when they have the Called Meeting they will be able to go forward and they appreciate the willingness to have the Called Meeting. It is very important for them from an economic and closure standpoint. Chairman Mayes replied that they have not singled them out, almost everything they do relating to cell towers is almost breaking new ground.

Paul Cadle, Jr., a local attorney, spoke on behalf of the landowners, specifically Glenn White who owns a significant portion of the land in the area adjoining the cell tower. One thing which needs to be pointed out is that personally and legally, and he has researched this himself, he has seen no item as to a constitutional right to continue to be argued for the panel. He thinks what is being argued is that they think they (*the applicants*) should be allowed to put the tower in a residential area. The only way that there would be a right or violation of a right would be if previously a pattern had been established of allowing these towers in residential areas. The two that were granted by the Commission prior to this application were in places that were zoned business areas, they were not zoned residential. There is no argument therefore that a similarly discriminated policy is being applied against them. The problem which will be incurred is if it is allowed in a residential area, they will be opening Pandora's Box which can never be closed, because the next cell tower requesting to put it in a residential areas will say that a pattern has been established that it is ok, therefore, you can't discriminate against their rights. You need to be very cautious in not opening that Pandora's Box. The Telecommunications Act of 1996 reserves local zoning authority. Therefore it is not unconstitutional for you, on consideration of the facts, to deny a request for rezoning. It could be unconstitutional if it is a business zoned district and it was denied. You have to have substantial evidence to grant or deny a request, but the procedure is you have to make, and operate under, a presumption that under the statues the procedures to determine to grant or deny this request may establish a presumption that requests that the

use of the property rights-of-way and easements by duly authorized providers should be granted unless it conflicts directly with the current or planned use of the property in question. Under the statute, the current or planned use of the property in question is zoned residential. This area a few years back was not zoned at all. This area was zoned residential for a specific planned purpose of keeping it residential, this is a commercial use. It is a direct conflict under 47USC §332. Additionally this structure will be 200 feet or higher and apparently lights will be required. There is no denial of constitutional rights. We are wasting time and money trying to put something somewhere where it is not currently allowed under the law. If you decide to put something where it is not allowed, there is a procedure you have to go through and if it cost you money, maybe you should look at other sites. There is an easier way, not put it in the middle of people's houses, they do not want it. There will be a direct affect on value in their houses and property as a result of this. There are nearby locations just as sufficient, he thinks that the tower company thinks that this location is convenient because there is no grading involved this make it easy and economical. The landowner has no claim just leasing it to the company because the landowner is asking for business purposes. The key point is that the Commissioners have not established a practice of allowing these in a residential area and he thinks that doing so would be opening Pandora's Box which you would not be able to close. Then you may be voting on whether to put one across from your house. There is a reason to put these away from residences, it is a nuisance, it is an eyesore. If you build your house next to the cell tower, that is different than building a cell tower next to the house. If you build your house next to a water tower, that is different than building a water tower next to your house.

ADOPTION OF

MINUTES: Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of October 24, 2000 as presented. SECOND by Commissioner Mahanay.

VOTING:

YES	NO
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Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

RESOLUTION:

ADOPTING THE COMMUNITY GREENSPACE PROGRAM.

County Attorney Wade Hoyt stated the information had been presented to Clerk Sue Broome and it mirrors the information received at the last meeting. They will attach to it the plan as soon as it is prepared. The resolution was read by the Clerk. Chairman

Mayes called for a Motion. MOTION was made by Commissioner Fricks to approve the Resolution adopting the Community Greenspace Program, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

FIRST READING:

FILE #035-2000Z, PROPERTY LOCATED ON THE CORNER OF KINGSTON HIGHWAY AND KEOWN ROAD, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO M-R (MULTI-FAMILY RESIDENTIAL) TO BUILD TOWNHOUSES, TAX MAP #304, AREA #09, PARCEL(S) #26. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE – 7 FOR, 2 AGAINST]) (SECOND READING/PUBLIC HEARING TO BE HELD NOVEMBER 28, 2000 AT 6:00 P.M.)

FILE #018-2000SUP, PROPERTY LOCATED ON THE HILLTOP OF HEATH MOUNTAIN OFF OF OLD RIVER ROAD, REQUEST A SPECIAL USE PERMIT IN AN A-R (AGRICULTURAL RESIDENTIAL) TO BUILD A COMMUNICATION TOWER, TAX MAP #850 AREA #0, PARCEL(S) #15. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE – UNANIMOUS]) (SECOND READING/PUBLIC HEARING TO BE HELD NOVEMBER 28, 2000 AT 6:00 P.M.)

FILE #019-2000SUP, PROPERTY LOCATED AT 10 MT. ALTO ROAD AND 10½ MT. ALTO ROAD, REQUEST A SPECIAL USE PERMIT IN A S-R(SUBURBAN RESIDENTIAL) ZONING DISTRICT TO BUILD DUPLEXES, TAX MAP #430, AREA #00, PARCEL(S) #27, 28, 34. (PLANNING COMMISSION RECOMMENDATION:

**APPROVE WITH CONDITION TO LIMIT TO
FOUR (4) DUPLEXES ONLY) [VOTE – UNANIMOUS)
(SECOND READING/PUBLIC HEARING TO BE
HELD NOVEMBER 28, 2000 AT 6:00 P.M.)**

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

YES NO

Commissioner Hufstetler
" Fricks
" Mahanay

Motion Carried

SECOND READING/PUBLIC HEARING

VARIANCES.

**FILE #013-00V, FLOYD COUNTY,
GEORGIA/SBA, 3285 OLD DALTON
ROAD (COUNTY WATER TANK),
VIOLATION OF COMMUNICATION
TOWER ORDINANCE AND MINIMUM
SETBACK.**

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

YES NO

Commissioner Hufstetler
" Fricks
" Mahanay

Motion Carried

SUPPORT

Joe Stauffer, 990 Holcombe Ridge Road, Suite 2, Roswell, Georgia, In-House Counsel for SBA Communications stated they had a site in the area which was denied by the Planning Commission and at that point they worked with the County to try to develop

an area where a cell tower would fit into the areas within the county. They have tried to work with the County and have a lease with the County on this site. He noted that County property is exempt from zoning in Floyd County. When they were denied on the first site, they worked with the County to try to develop other sites that would develop a proper structure for cell towers in Floyd County. They obtained the lease for this site and have tried to work with the homeowners. They have proposed a 180-foot monopole tower which would not be lit. This project is for Georgia PCS which is a wholly owned subsidiary of Sprint, there is a carrier that needs this area. He stated that SBA intends to be a good corporate citizen of Floyd County and they will continue to work with Floyd County in any way they can to develop their strategies and plans the best way to fit in the community. When they found the site, they entered into a lease. He stated that he has a structural letter which states that the tower, in case of failure, would fall within the compound area, and would not impact the adjoining area. He reiterated that the site is at water storage tanks and it will not be lit.

OPPOSITION

Shana Dempsey, stated that she and her husband Michael are currently building a house at 3273 Old Dalton Road. Their property borders the water tower property on the back side, which is the proposed location of the tower. The tower site, according to the site plan she has seen, the tower is approximately 25 feet from their property line and approximately 100 feet from their house. She stated they have concerns with being in the fall zone, even though they say that the tower will fall within itself. She stated that this is a 55 year lease and there is no guarantee that an accident will happen with the tower and it is a 190 foot tower 100 feet from her house. She stated that she feels the setback rule has nothing to do with zoning, but applies to any property under this situation. She stated that she has done research about setback and many counties require 500 foot setback from a house, so she does not feel it is unreasonable for them to ask to have a setback of 190 feet from her house, which is not possible on this property. She stated that the Commissioners approved the ordinance and they feel it is a fair ordinance and should be enforced. She presented pictures of their house and location to site.

Jeffrey Gamble, 3263 Old Dalton Road, stated that he has the other side of the property adjoining the proposed site. Until a few days ago he had heard nothing about it even though it will be less than 20 feet from his property, which he feels is wrong. He stated that they have two lots and hope to move to the top of the hill, and if they do, they will have a cell tower right in their yard. It is now almost on their property and they do not like it and do not want to look at it in their yard. He submitted a letter signed by other neighbors in the area.

REBUTTAL

Joe Stauffer, stated wherever they go in the area there will be opposition. He understands that they are trying to develop engineering firms to reject the towers and set up their defense. They had one site and have expended tens of thousands of dollars on both of these sites. They have tried to work the best they can with the County to find

appropriate locations. Hopefully the Commissioners can understand the difficulty of our company. There are FCC requirements mandating service coverage in this area and these issues will not go away.

Commissioner Hufstetler stated that they have looked at a number of cell towers over the last year and he did not know of any cell tower which violated the setback fall zone which they had approved. He asked Mr. Stauffer, in his opinion, what would make this one different from the others. Mr. Stauffer replied that this is county property, they have worked diligently to try to find a coverage site in this area. There are residences all around it, their engineers state that they need coverage in that area, they have FCC requirements to meet. They have tried to develop the right site in their area, and they will have to have a site in that area somewhere and if they go to another location, there will be the same issues. They are trying to work with everyone to find a site in the area, and they will work with everyone. When they develop the county sites, they understand there is no problem, this is why they picked the site.

Commissioner Fricks asked to see a copy of the site plan. He asked if there was a site available on the other side of the property. It was noted that there are residences there also.

Commissioner Hufstetler stated that there appears to be an alternative site which would not require a variance and asked the Mr. Stauffer about the other site. Mr. Stauffer stated that the other site would be all right with him, he just had to make his case on this site. Assistant County Manager Tom Tully stated that the other site will require a Special Use Permit because it is not a county site. This would require going to the Planning Commission first and it will probably be February before the request would be brought to the Commissioners. Mr. Stauffer stated that the other site would not be a problem for them, but there will be opposition to it also. Assistant County Manager Tully stated that the site selection stems from us that they look at county property and county property is exempt from zoning. Chairman Mayes mentioned that since they caused the delay was there anything they could do. Commissioner Hufstetler stated that the intention to put the towers on county property was not to put it within a few feet of a residence. Assistant County Manager Tully stated that they had not realized there was a house under construction until after it was decided to look at county sites. He stated that it could be put on First Reading at the Planning Commission so that they would have the Second Reading the first meeting in January. Commissioner Hufstetler asked if they could not take action on this, and get the other one in process until that site was approved or denied. Mr. Stauffer stated that he would appreciate that and that he does want to work with them.

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
" Mahanay

Motion Carried

Chairman Mayes stated that the Public Hearing is closed and they will not take action on this item.

VOTE ONLY

**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])
(SECOND READING/PUBLIC HEARING HELD AUGUST 8,
2000 AT 2:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD AUGUST 22,
2000 AT 6:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD
SEPTEMBER 12, 2000 AT 2:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD
SEPTEMBER 26, 2000 AT 6:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD
OCTOBER 3, 2000 AT 2:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD
OCTOBER 24, 2000 AT 6:00 P.M. [NO ACTION])**

No action was taken.

**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 RECOMMENDATION:
DENY [VOTE – UNANIMOUS])
(FIRST READING HELD AUGUST 8, 2000 AT 2:00 P.M.)
(SECOND READING/PUBLIC HEARING HELD
SEPTEMBER 26, 2000 AT 6:00 P.M.)**

**(SECOND READING/PUBLIC HEARING HELD
OCTOBER 3, 2000 AT 2:00 P.M.)
(SECOND READING/PUBLIC HEARING HELD
OCTOBER 24, 2000 AT 6:00 P.M. [NO ACTION])**

No action was taken.

**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])
(SECOND READING/PUBLIC HEARING HELD AUGUST 8, 2000
AT 2:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD AUGUST 22, 2000
AT 6:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD SEPTEMBER 12,
2000 AT 2:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD SEPTEMBER 26,
2000 AT 6:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD OCTOBER 3,
2000 AT 2:00 P.M. [NO ACTION])
(SECOND READING/PUBLIC HEARING HELD OCTOBER 24,**

2000 AT 6:00 P.M. [NO ACTION])

No action was taken.

Frank Baker, 330 Acorn Road, stated that this is the sixth or seventh meeting he has attended regarding this (*3420 Kingston Highway Special Use Permit*). He stated that he is not a public speaker or politician. He stated that he has problems. The tower company stated, when they met with the Planning Commission, that they are mandated to place a tower in the location. It would be a 250 foot tower and would be ready for every company. They resented that representatives of the tower company had walked around on his property as well as his son's property and his neighbor's property. He believes that it is as much against their constitutional rights as it is against the company's. He stated that when the company had withdrawn the motion at the Planning Commission, it was with the stipulation that they would meet with Mr. Poe on the water tank property. Within two days there were back surveying in the same area. He stated that he does not feel that this was done in good faith and they are here to make money. He stated that they resent that fact. He also stated they are trying to dominate the Commission. He stated that he and others there had fought in other countries for their rights. Now they have to defend their own property. He stated that the property owner knew that this was a residential area when he purchased the property. They had not complained when he built a shop there, but now he wants to put something there that they will have to look at the rest of their lives. He realizes that they may be mandated to provide the service, but it does not state where the tower has to be built. He stated that he also represents the 70 members of the East Floyd Lodge, who voted against this. He stated that he realized that the company needs it, but they do not want it there.

CHAIRMAN'S REPORT

APPOINTMENTS.

Chairman Mayes stated that there is one appointment to be made on the Library Board. He stated that the term of Warren Jones expires on December 31, 2000 and he has agreed to serve another one-year term. Chairman Mayes called for a Motion. MOTION was made by Commissioner Hufstetler that they reappoint **Warren Jones** for a **one year term** to the **Library Board**, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

COMMISSIONER'S REPORT

ADMINISTRATIVE/FINANCE COMMITTEE.

Commissioner Hufstetler congratulated Commissioner Fricks on his reelection to the Floyd County Commission. He noted that it is rare for a Commissioner to be reelected. He stated that looking at past history he is in one of select few to be re-elected.

Commissioner Hufstetler, Committee Chairman stated that the next Administrative/Finance Meeting will be at 2:00 p.m. on November 20, 2000.

PUBLIC SAFETY COMMITTEE.

Commissioner Mahanay, Committee Chairman stated that the Public Safety Committee will meet December 13, 2000 at 2:00 p.m.

PUBLIC WORKS COMMITTEE.

Commissioner Fricks, Committee Chairman stated that the next Public Works Meeting will be December 6, 2000 at 9:00 a.m.

Commissioner Fricks stated that regarding recreation, it had been mentioned at the last Commission Meeting that they are pursuing a tract of land in terms of the possibility of a site for Armuchee Park. The plan has been submitted by the Commission to be pursued, and it was also supported by the Recreation Authority to pursue the plan.

WATER COMMITTEE.

Chairman Mayes stated that Commissioner Jennings is out of town, but the next Water Committee Meeting will be November 22, 2000 at 2:00 p.m.

CLERK’S REPORT

Clerk Sue Broome stated there are three items on the Clerk’s Report, with the fourth item to be added was to change the date of Board meetings of December. There will be only one meeting during the month, on December 19, 2000. Chairman Mayes called for a Motion to add the fourth item to the Agenda. MOTION was made by Commissioner Hufstetler to place this item on the Agenda, SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Hufstetler
" Fricks
" Mahanay
" Mayes

Motion Carried

Chairman Mayes called for a Motion. MOTION was made by Commissioner Hufstetler that the Consent Agenda be approved, SECOND by Commissioner Fricks. VOTING

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

" Mayes

Motion Carried

1. Malt Beverage License application:
 - a. Evelyn Ely, One Second Trip, 2991 Cedartown Highway, Rome (Convenience Store).

2. Tax Refunds:
 - a. Jeffrey Youngblood, 265 Spout Springs Road, \$264.82.
 - b. Telcom Network, Inc./Mary Scarvey, 4116 1st Avenue North, Birmingham, Alabama, \$147.10.
 - c. Patrick V. Padgett, 6 Gaddy Drive, \$3.35.
 - d. T. S. & Lisa Duncan, 472 Canard Road, SE, \$3.68.
 - e. Len Seamon/Invictus Technologies, Inc., 6690 Old Summerville Road, \$61.65.
 - f. Jennifer K. Gardner/NSI Center, 1420 Peachtree Street, NE, Atlanta, \$20.33.

3. Submit FY 2001 Budget.

4. Change of December Board Meetings to only one meeting on December 19, 2000 at 2:00 p.m.

MANAGER'S REPORT

REQUEST FROM WARDEN ANNE BRINKLEY TO TRANSFER FUNDS FROM THE PRISON EQUIPMENT BUDGET FOR PURCHASE OF NEEDED ITEMS.

County Manager Kevin Poe presented a memo from Warden Anne Brinkley, Floyd County Prison, requesting adjustment to her Equipment Line Item Budget. There are funds left in her Equipment Budget and she had presented a list of items she requested purchasing from the FY 2000 budget rather than having to purchase them from the FY 2001 Budget. He recommended approval of the request.

Chairman Mayes called for a Motion. MOTION was made by Commissioner Mahanay for approval of the request of Warden Brinkley for the transfer of funds from the Prison Equipment Budget for the purchase of needed items, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF LOCAL
GOVERNMENT PROJECT AGREEMENT
WITH DEPARTMENT OF TRANSPORTATION
FOR TURN LANES ON OLD CALHOUN ROAD
AND BY-PASS.**

County Manager Kevin Poe stated that no action will be taken on this item.

**DISCUSS LETTER TO DEPARTMENT
OF TRANSPORTATION RECOMMENDING
TRAFFIC STUDIES.**

County Manager Kevin Poe recommended authorization for the Chairman to submit a letter to the Department of Transportation recommending traffic studies be completed at the intersection of Highway 53 and the By-Pass regarding a right turn lane, at Preacher Smith Road and Highway 101 regarding installation of a warning signal and at the intersection of Scenic Road and Highway 27 regarding a possible traffic signal.

MOTION was made by Commissioner Hufstetler that the Chairman be authorized to send a letter to the Department of Transportation recommending the traffic study. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Mahanay

Motion Carried

**RECOMMEND PROPOSAL TO HIRE
GEOTECHNICAL ENGINEERS FOR
TESTING ON PRISON PROJECT.**

County Manager Kevin Poe recommended hiring the firm of NOVA Engineering and Environmental, Inc. to perform construction testing for the Floyd County Prison addition project per their proposal dated October 18, 2000. MOTION was made by Commissioner Mahanay to recommend the proposal to hire NOVA Engineering and Environmental, Inc. to perform construction testing for the Floyd County Prison project. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler

" Fricks
" Mahanay

Motion Carried

**RECOMMENDATION TO UPGRADE
SOUND SYSTEM IN COMMISSIONERS
MEETING ROOM IN HISTORIC
COURTHOUSE.**

County Manager Kevin Poe presented a proposal to upgrade the sound system in the Commissioners Meeting Room. The proposal had been submitted by Bentley Audio Visual Services on October 16, 2000. He recommended acceptance of the proposal and authorize the upgrade of the sound system in the Commissioners Meeting Room. MOTION was made by Commissioner Fricks to recommend the upgrade of the sound system in the Commissioners Meeting Room. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler

" Fricks
" Mahanay

Motion Carried

Commissioner Fricks asked about the benefits of combining this with the visual project. County Manager Poe stated that they will review this option.

AWARD BID FOR JANITORIAL SERVICES.

County Manager Kevin Poe stated that sealed bids for janitorial services had recently been taken for the New Courthouse/Administration Building and the Law Enforcement Center. The sealed bids were taken on October 4, 2000. He presented a memo from John Mays, Facilities Director, to Nancy Lam, Purchasing Director, regarding a recommendation on awarding of the janitorial services. It was noted that this issue had been discussed in the Caucus Session. He recommended the contract be awarded to Clear Cleaning Service for a combined total of \$68,400, pending a complete review of references for this company.

Chairman Mayes called for a MOTION to award the bid. MOTION was made by Commissioner Mahanay that the bid be awarded to Clear Cleaning Service effective January, 2001 in the amount of \$68,400. SECOND by Commissioner Hufstetler.
VOTING:

	YES	NO
Commissioner Hufstetler		
" Fricks		
" Mahanay		
Motion Carried		

BIDS

Clear Cleaning Service	\$68,400.00
Sullins Cleaning Service	\$76,327.00
Custom Cleaning	\$59,978.64

RECOMMEND PURCHASE OF TRACTOR FOR RECYCLE CENTER AT A COST OF \$4,500.

County Manager Kevin Poe stated that there is a need to replace the tractor at the Recycling Center to move the trailers used on site there. A price of \$4,500 had been received for purchasing a used 1988 Volvo truck from G&MSS Trucking, Inc. and he recommended authorization to purchase the truck.

Chairman Mayes called for a Motion. MOTION was made by Commissioner Fricks to purchase the tractor at a cost of \$4,500, SECOND by Commissioner Hufstetler.
VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

DISCUSS TURNER BEND ROAD PROJECT.

County Manager Kevin Poe stated that no action is required on this item.

AWARD BIDS FOR EXPANSION OF ANIMAL CONTROL FACILITY.

County Manager Kevin Poe stated that on September 19, 2000, sealed bids were accepted for the building expansion at the Floyd County Animal Shelter. Two bids had been submitted, with the low bidder was Davis Commercial Contracting in the amount of \$42, 351. He recommended awarding the bid to the low bidder. This will require a 4/5 vote to be added to the Agenda.

MOTION was made by Commissioner Hufstetler that this item be added to the Agenda, SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Mayes

Motion Carried

Chairman Mayes stated that the item is now on the Agenda and called for a Motion to award the bid. MOTION was made by Commissioner Hufstetler to award the bid for the Animal Control Expansion, SECOND by Commissioner Mahanay. VOTING

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

ATTORNEY'S REPORT

County Attorney Wade Hoyt stated he had two items, both of which will require 4/4 vote. The first item is a **request from Cash Construction Company to authorize the Building Inspection Department to issue a conditional building permit.** Chairman Mayes called for a Motion to place this item on the Agenda. MOTION was made by Commissioner Fricks to add this item to the Agenda, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

" Mayes

Motion Carried

Chairman Mayes stated the item is now on the Agenda. County Attorney Wade Hoyt stated that he thought this had been fully discussed during the Agenda Session. He had discussed it with the attorney from Cash Construction Company, Mr. Seigler, who indicated that for financing purposes, they would agree to a conditional building permit, conditioned on an issuance by E.P.A. of a permit to allow them to build this plant. He stated that he had prepared a Motion, outlining the conditions, which will be presented by Commissioner Fricks. MOTION was made by Commissioner Fricks to authorize the Floyd County Building Department to issue a conditional Building Permit to Cash Construction Company for the purpose of placing an asphalt plant on an out parcel site on the Florida Rock property in Vanns Valley, the permit will be conditional on Cash Construction meeting all Floyd County and State of Georgia standards, including the E.P.A. standards, prior to the start of any physical construction. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

County Attorney Wade Hoyt stated that the second item also requires a 4/4 vote to be added to the Agenda. He stated that he needs **authorization for the County Attorney's Office to file the necessary condemnation papers on the Rogers property adjacent to the Prison,** for the purposes of acquiring approximately 12 to 13 acres for the prison expansion. Chairman Mayes called for a Motion. MOTION to place this item on the agenda was made by Commissioner Hufstetler, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

" Mayes

Motion Carried

County Attorney Wade Hoyt stated that before the condemnation can be filed, certain surveys have to be prepared, which the County Manager had indicated are about ready. It might be a few days before the issue can be joined in court, but he needs authorization if the Board wants him to file the condemnation. MOTION was made by Commissioner Mahanay that the Board provide the County Attorney with authorization, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN

