

November 28, 2000

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
NOVEMBER 28, 2000 5:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners Chuck Hufstetler, 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: Commissioner Mahanay led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Jennings.

ADOPTION OF

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

Meeting of November 14, 2000 and the Called Meeting of November 20, 2000 as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PROCLAMATIONS:

Chairman Mayes acknowledged a proclamation presented at a prior meeting to the *General Missionary Baptist Convention*.

Commissioner Hufstetler presented a proclamation to Betty Irvin proclaiming *December 1, 2000 as World Aids Day*. Chairman Mayes thanked Ms. Irvin for her diligence and dedication to her job at the Health Department.

CHAIRMAN'S REPORT:

APPOINTMENTS.

Chairman Mayes stated there is an opening on the **Animal Control and Welfare Board**. A Profile Sheet had been received from Al Thomas who is interesting in serving on the Animal Control Board. MOTION was made by Commissioner Hufstetler to appoint **Al Thomas** to the Animal Control Board. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes stated that there is an opening on the **Floyd County Personnel Board**, for a **3-year term**. Chairman Mayes called for a Motion to appoint John Reiner. MOTION was made by Commissioner Jennings to appoint **John Reiner** to the 3-year term of the Floyd County Personnel Board, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PUBLIC SAFETY COMMITTEE:

PROPOSAL FROM NORTHWEST GEORGIA REGION 1 EMS COUNCIL FOR MODIFICATION TO AMBULANCE ZONING IN FLOYD COUNTY.

Commissioner Mahanay, Committee Chairman, presented a report regarding Emergency Medical Services to be provided in Cave Spring. The current service in the area is being withdrawn. Region 1 Emergency Medical Services Council has

recommended two zones, Armuchee and Cave Spring. They are recommending that these two zones be combined and that one hospital service both of the zones.

Commissioner Fricks stated that in the Caucus Session a presentation had been made by Floyd Medical Center and one of their requests had been to still identify this as two zones. He asked if there was a purpose in identifying this as one zone or would there be benefit in identifying it as two zones. David. Lawton, Floyd Medical Center, stated that in the meeting, Floyd Medical Center seemed to have no objection to the southern zone in Cave Spring, but did have objection to the northern zone around Armuchee. The Council is recommending only that zoning and the proposal be examined by the County Commissioners. He noted that the zoning lines were drawn by Redmond in their proposal. Commissioner Jennings stated that as he understood it, it has to do with tracking the calls and response time; so one large zone might dilute what was going on in each of the areas. From a tracking and management perspective, he feels that it does makes sense to have two zones. Mr. Lawton stated that Redmond felt that based on the volume of calls in Cave Spring, they would need an additional area to supplement call volume and they chose Armuchee because they understood that Floyd Medical Center planned to make this a day time only station. The zones were drawn following natural boundaries, such as rivers, as is requested in any zoning. This makes it easier for them and 911 to see if the call is in or out of the zone.

Commissioner Mahanay stated that Redmond is also represented. Bob Berry from Redmond stated that they had identified it all as one zone for the proposal because, from a financial perspective there would be no way, that a provider could take the Cave Spring area alone. Redmond had determined that it would be feasible if they could also, as a part of that zone, attach the Armuchee area. If there were two zones, there could come a time when it could be a contest about one of the zones, which would call into question whether Cave Spring could continue to be serviced. Whether they are dealing with Floyd or Redmond, this needs to be thought of as one zone because of the financial impact. Under the proposal made by Redmond, they will keep an ambulance permanently in Cave Spring, 24 hours a day, seven days a week and also in the Armuchee area, near the Food Lion area, 24 hours a day, seven days a week. They will also have the ambulance at the hospital to service the small area around Redmond Hospital which they currently serve. It was noted that any changes by either service could trigger a zoning by the other service. Commissioner Hufstetler asked about trauma patients. Mr. Berry stated that as the system now operates the fact that Floyd is a designated state trauma center means that certain levels of trauma are taken there, whether a Floyd or Redmond ambulance picks up the patient. He stated that he does not know if Floyd is requesting that they continue to abide by the trauma system which is place or if they are suggesting that there needs to be a different definition to trauma. They would have no objection to continuing to abide by the state trauma designation, which both services now abide by. It was noted that if a patient is competent, they have the last decision as to which hospital they are taken.

County Manager Kevin Poe asked if they chose not to go through the RFP, and then the letter which had been received can go straight to the council. Mr. Lawton stated that this is a new process and he assumed that if both sides agree to it, it doesn't hurt essentially two proposals, even though a letter requesting two proposals was not sent out. He stated that there is a

provision in their zoning plan which says that they look at economy, efficiency and public welfare when they make decisions. Commissioner Hufstetler stated that he thinks it is the intention of the Board that the Cave Spring/Armuchee zone they would recommend would be that they be made into a different zone and awarded to the one that will give 24-hour, seven day coverage. They do want to make sure the zone is spelled out. Mr. Lawton stated that they would need a letter, stating what zones they approve and that the Board approves their proposal. Commissioner Mahanay asked if there should be reference to a specific response time. Mr. Lawton stated that Georgia law also enables County Commissions to put additional requirements on ambulance services, but it would have to be realistic. It was noted that the Council can provide an annual report and the Board will be placed on the mailing list for the report.

MOTION was made by Commissioner Mahanay for acceptance of the recommendation of the Region 1 Emergency Medical Service Council and also includes stipulations regarding response time and an annual report showing response times. This would be one zone, from Fouché Gap down to Cave Spring to expand the territory and consolidate it into one zone. Included also is authorization for the Chairman to send a letter. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

PUBLIC WORKS COMMITTEE

ACKNOWLEDGE PETITION FOR ROAD IMPROVEMENTS IN NORTHWOOD SUBDIVISION.

Commissioner Fricks, Committee Chairman, presented a petition for road improvements in Northwood Subdivision. MOTION was made by Commissioner Fricks to acknowledge the petition for road improvements for Northwood Subdivision, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**ACKNOWLEDGE PETITION FOR
VANNS VALLEY ROAD IMPROVEMENTS.**

MOTION was made by Commissioner Fricks to acknowledge the petition for the Vanns Valley Road Improvements, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AUTHORIZE COUNTY ATTORNEY
TO DRAFT QUARRY ORDINANCE.**

Commissioner Fricks stated that this is basically to amend the Quarry Ordinance and that a vote is not required. County Attorney Wade Hoyt stated he would have something back to them within the next couple of weeks.

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, reported that the EPD had completed their annual review of the county water system and had received good marks. We are doing good things with our water tanks and systems in general and had met the previous concerns of the EPD. To improve customer service there is now a direct link in the maintenance phone number to maintenance personnel who can provide information on the status of work. He stated that several presentations had been made during the Caucus Session and proposals will be presented on renewals within the system, tank repairs and electronic monitoring equipment that they want to upgrade and install on the system. Good things are happening at the Floyd County Water Department and they are improving their service and meeting the customers needs.

CLERK'S REPORT.

County Clerk Sue Broome stated there are four items on the Clerk's Report, they are in order and were reviewed during the Planning Meeting and are submitted for consideration. MOTION was made by Commissioner Jennings to accept the Consent Agenda items, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings
" Mahanay

Motion Carried

1. Application for Self-Service Fuel:

- a. One Second Trip, 2991 Cedartown Highway, Rome

Tax Refunds:

- a. Andrea Covington/Kwik Kuts Beauty Salon, 905 North 5th Avenue, \$49.95
b. John J. Darnell, 25 Leisure Drive, \$68.55
c. RSB Construction, Inc., 137 Acadia Drive, \$168.90
d. Robert J. Smith & William Steven Brooks, 137 Acadia Drive, \$159.64

3. Authorize execution of contract with Al McCrory under the contract attorney program in Superior Court.

4. Malt Beverage Application:

- a. Doyal Cagle, Jr., Cagle's Stop and Shop, 3200 New Rosedale Road, Calhoun (Convenience Store)

MANAGER'S REPORT:

**DECLARE PROPERTY ACROSS
FROM LOCK AND DAM PARK
AS SURPLUS.**

County Manager Kevin Poe recommended that the Board declare property on the Coosa River, across from the Lock and Dam Park as surplus. This is Parcel 5-A, Tax Map 614, 13.7 acres, and Tax Map 680, Parcel 18, a 4-acre tract of property. MOTION was made by Commissioner Hufstetler to declare the property as surplus, SECOND by Commissioner Fricks. Commissioner Jennings stated that before any action is taken on the property it will be presented to the Board.
VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

**AUTHORIZE LETTER TO GEORGIA
DEPARTMENT OF NATURAL
RESOURCES ON THE FORMER
ROME MANUFACTURED GAS
PLANT, ATLANTA GAS LIGHT
COMPANY.**

County Manager Kevin Poe requested authorization for the Chairman to sign a letter to the Georgia Department of Natural Resources regarding the property the county purchased from the Atlanta Gas Light adjacent to the Forum. As Atlanta Gas Light tries to complete the paper work required by EPD for the clean up of the property, they requested a letter stating that the county is willing to execute and record a deed restriction on the property which basically states that we will not use the property for permanent human habitation. Our intentions are to either use it for parking deck or hotel or office space, something other than permanent human habitation. He recommended authorization of the signature for the letter. Chairman Mayes called for a Motion. MOTION was made by Commissioner Hufstetler to authorize a letter to the Department of Natural Resources on the Atlanta Gas Light property. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**AWARD CONTRACT ON FLOYD
COUNTY PRISON.**

County Manager Kevin Poe stated that on Wednesday, November 15, bids had been taken for the construction of the new Floyd County Prison. Five bids were received and they were very competitive, with the low bid being from Pinson's General Contractors at a cost of \$5,494,000. He recommended awarding the contract to Pinson's General Contractors. MOTION was made by Commissioner Mahanay to accept the recommendation of the County Manager to approve the Pinson's Construction bid which is the lowest bid, \$5,494,000, for construction of the Prison, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Bids

Nix-Fowler Constructors, Inc.	\$5,676,000
Ra-lin Associates, Inc.	\$5,570,269
Garner Brothers Company	No Bid
Massee Builders, Inc.	\$5,547,000
Pinson's General Contractors	\$5,494,000
Hedges Construction	\$6,054,000

**REQUEST FROM BOB SAYLORS
FOR A TRANSFER OF COUNTY
TRUCK #258.**

County Manager Kevin Poe presented a request from the Rome/Floyd Parks and Recreation Authority asking that the county transfer a tandem dump truck, county truck #258, which has been declared surplus by the Public Works Department. He recommended approval of the request to transfer county truck #258 to the Rome/Floyd Parks and Recreation Authority. MOTION was made by Commissioner Fricks to accept the transfer of county truck #258 to the Rome/Floyd Parks and Recreation Authority. SECOND by Commissioner Jennings. Chairman Mayes asked if the truck had been declared surplus because of the condition. County Manager Poe stated that for county purposes it is not acceptable, but it will be used by the Recreation Department for special projects, they will not be using it 8 to 10 hours a day as we would. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**REQUEST FROM PROBATE
COURT TO TRANSFER \$4,500
FROM THE DATA PROCESSING
LINE ITEM TO EQUIPMENT TO
PURCHASE TWO LASER PRINTERS.
(4/5 VOTE REQUIRED TO PLACE ON AGENDA)**

County Manager Kevin Poe presented a request from Judge Steve Burkhalter of Probate Court to transfer \$4,500 from their Data Processing line item to Equipment line item to purchase two laser printers. Judge Burkhalter had noted in his request, that they originally had \$18,000 in their Data Processing budget for the purchase of new software, but were able to work a system with the MIS Department where they did not need the software. There was also a recommendation from Ladell Jacobs for the purchase of the laser printers in association with the upgrades. He recommended approval of the request. MOTION was made by Commissioner Jennings to place the request from Probate Court on the Agenda, SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

Chairman Mayes stated the item is now on the Agenda. MOTION was made by Commissioner Jennings that \$4,500 be transferred from the Data Processing line item to Equipment line item to purchase two laser printers for Probate Court. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

AWARD BID FOR SPOTLIGHT AT THE FORUM.

(4/5 VOTE REQUIRED TO PLACE ON AGENDA)

County Manager Kevin Poe stated that this item also requires a 4/5 vote to be added to the Agenda. He presented a memo from Nancy Lam regarding sealed bids taken on the purchase of a new spotlight for the Forum. One bid had been received from Barbizon Atlanta in the amount of \$5,597.75 which is under the budgeted amount of \$6,000. He recommended awarding the bid to Barbizon Atlanta. MOTION was made by Commissioner Fricks that this item be added to the Agenda. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes stated the item is now on the Agenda. MOTION was made by Commissioner Fricks to approve the bid for the spotlight for the Forum. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

County Manager Kevin Poe stated that he had sent to the Commissioners a draft of a **letter which would be from both the Floyd County Commission and City Commission regarding a permit modification which the General Electric Company has submitted to the EPD.** The letter is addressed to Mr. David Yardumian in response to a public hearing held recently. If there are no recommended changes, he requested authorization of the signatures of this letter. Chairman Mayes asked the County Attorney an opinion of the letter. County Attorney Hoyt stated that there is nothing wrong legally with the language of the letter, as long as the policy in the letter is correct as far as the Commissioners are concerned. MOTION was made by Commissioner Hufstetler that this item be placed on Agenda, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes stated the item is now on the Agenda and called for a Motion. MOTION was made by Commissioner Fricks to authorize the Board to execute the letter. It was noted that the letter will also be signed by the City Commission and the Chamber of Commerce. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

SECOND READING/PUBLIC HEARING

**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])

(FIRST READING HELD NOVEMBER 14, 2000

AT 2:00 P.M.)

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Phil Helton, Planning Commission, reviewed the location of the property and the surrounding property uses and zones. He stated that it is owned by Tom Hackett and James Salmon. The present use of the property is undeveloped and is wooded. It was noted that the property is 4.32 acres. Commissioner Jennings asked if a transportation study had been prepared on the site. Mr. Helton replied that he is not aware of one. It was also noted that access will be on Keown Road.

SUPPORT

Tom Hackett, 22 Laurchris Drive, Rome, stated they feel the property should not be zoned single family residential. It is located on Kingston Highway, it would be hard to market the property as residential. With the cost they have in the land and to split it three ways, which they could do, to build single family housing, they would be houses at least \$200,000+. He does not feel there is a market to sell those type houses on the Kingston Highway. After doing research, they feel there is a demand for top-end apartments in the North Rome area. With the widening of Kingston Highway to four lanes, with the Etowah Park across the street, with the convenience store and restaurant, they felt this would be an ideal location for an apartment complex. They plan eight buildings with four units in each building, town house style. They plan to spend \$2 million on 32 units which will consist of two and three bedroom units. They will be well landscaped and have street lights and all underground utilities. The apartments would rent between \$650 and \$1,000 a month. In this price range there is not a big turnover. They will do as best they can to keep this a family oriented apartment complex. One issue which has come into play is the water runoff. The Floyd County regulations require a retention pond, and he realizes there are problems in this area. He stated that he feels the bulk of the problem is not coming from their side of the road, but from what was done when they widened the Kingston Highway. They are looking at a retention pond to control the water runoff. They are looking at leaving a buffer by leaving all of the trees they can on the front of the property and provide a buffer all the way around the property. They are trying to work hard

with the residents and that this is a good compromise, not a business which will be open. The residents wanted it to remain residential and this will be multi-family, but still residential.

Jim Salmon, 31 Surrey Trail, Rome, stated he appreciated the opportunity to address the Board. He stated they plan to build high quality townhouses, and Mr. Hackett speaks from experience since he currently operates high quality townhouses off Old Summerville Road. Regarding the entrance to the property, they originally had it on Kingston Road and someone from the county requested they move it to Keown Road because of the traffic problems and the median on Kingston Road. As had been stated, there will not be a water problem because state regulations require you to handle the runoff, and they plan to do a good job of this. There is a good buffer all around the property.

OPPOSITION

Dr. Craig Allee, 109 Keown Road, Rome, stated he has lived there for approximately 30 years. He purchased the house because it was a quiet residential neighborhood. He has raised three children there and hopes that his grandchildren can also grow up there. He stated he has put a lifetime investment in the property and that the apartments would not enhance their property values. He had looked at the apartments on the Old Summerville Road which had been mentioned previously and they are nice, but are in an area with other apartments. Traffic is a nightmare now, just trying to get across Kingston Road. He asked that they be able to keep their property the way it is and not

change the property values. We don't have a choice, but if they did, they would leave it as it is and what it is.

Tom Moss, 107 Keown Road, Rome, stated that 12 years ago he made an investment also in a piece of property on Keown Road. The return he is looking for is not the same. They are looking for monetary gain only, the apartments they are wanting to build are not free. Their only reason to build them is to make money. He stated that he has no problem with people who want to make money, but the investment he has on that property was made because of the zone of the property. The intent he had for use of the property was under the current zoning, single family dwelling, quiet environment and quality living. If the apartments are built, that will change and his investment will have less value for what he anticipates getting out of it. It is not money, that is where he plans to live. He asked that the Commissioners consider this. He asked that Mr. Hackett and Mr. Salmon consider or address why they bought the property knowing what it is zoned, if their intent was not to use it for what it was zoned. Why should the residents on Keown Road want to have it rezoned so that it would adversely affect their quality of life.

Jean Graham, 101 Keown Road, Rome, stated she has lived there for 30 years. She intends to hopefully live there for 30 more years. The property in question borders her property at one point by approximately 40-50 feet. This puts multiple dwellings very close to her back door. Her property is in three levels and goes up higher each level. If this dwelling is built behind her property it will cause expensive water runoff. She stated that she already has water runoff on her property. With the dwellings built behind her property, it would destroy her swimming pool and her property. To build multiple dwellings would certainly bring in transients. It would bring in excessive noise, excessive lighting, excessive garbage and a great possibility of crime. It had been stated that the price range of the units would be from \$900 to \$1,000, therefore preventing transients. We all know that is not true, one apartment can house many people. Mr. Hackett's burst of anger at the last Planning Commission meeting and a strong statement of moving in mobile homes as similar dwellings was totally unprofessional. They are only trying to defend their rights as property owners. She stated that right is right and wrong is wrong and there is nothing about this request that is right. This is not a multiple dwelling area and it never will be. This is a quiet, serene neighborhood, with families that have lived here for 30 or more years. They have raised their children and now we are raising our grandchildren in this area. They have a feeling of security for themselves there and have the right to keep it this way. It would be wrong to approve this request for all of the reasons presented to this Board. She stated that she pleads for herself and her neighbors that this request be denied.

William Ayers, 100 Keown Road, Rome, stated he has lived there for over 42 years and is directly across from this property. Mr. Hackett and Mr. Salmon knew what this property was zoned for when they purchased it less than two years ago. It was zoned suburban residential and he feels that it is not right for them to be allowed to develop the property in such a manner that will destroy the integrity of their neighborhood. It will devalue their property and will cause increased traffic. There are only about 30 houses on Keown Road and they propose to put in 32 units, which will more than double the

traffic coming out of Keown Road, which already has a very serious traffic problem. You have all been out there this year, you know the problems with traffic, you know the problem with runoff. The State put a 36-inch pipe under Keown Road. Any runoff from Ms. Graham's property and this four acres has to come across his yard in a very small ditch. Over the 42 years that he has lived there, the water problem has progressively gotten worse. The Etowah park has also increased the water runoff, and bit by bit a bigger water problem is being created. He stated that he would appreciate it if the rezoning is denied.

Jim Long, 116 Keown Road, Rome, stated that he has been in construction for approximately 30 years. They have seen water problems develop on all of these construction sites. The drainage, which runs behind all of the west side of the road, is severe and there is no way for the water flow to come through. There are several places on the road which narrows down to one lane and that can cause traffic backup all the way to Kingston Road. He also noted the traffic problems in case there is an emergency and the Fire Department needs to get out on Kingston Road. There needs to be a traffic light there now. He stated that he feels the current owners would take good care of the apartments as long as they own them, but does not know what will happen when they are sold.

Allan Brown, 133 Keown Road, Rome, stated the property is bordered on three sides by single-family residences separated from a grand fathered commercial island, across the highway, by a four-lane median divided highway. To build multi-family rental units on this property would create a commercial island in the middle of a single-family residential area and would cause a decline in their property values and also decrease values of Maplewood, Fieldwood, Sequoia Acres and Wilshire. It would destroy the integrity and tranquility of their neighborhood. It would introduce 32 rental units surrounded by family residences on three sides along with 50 to 60+ additional vehicles entering and exiting Keown Road adjacent to Jean Graham's property and across the street from Bill Ayers front yard. Recently residents from Turner Chapel persuaded this Commission to vote unanimously to reject multi-family rental units in their neighborhood. This Commission also voted unanimously to reject multiple housing units on Park Avenue in Lindale and East Kenora Drive in West Rome. In the Rome News Tribune, Commissioner Hufstetler was quoted as saying "In all three cases the neighborhoods were clearly single family residential with no duplexes whatsoever. Part of zoning is to protect the integrity of those neighborhoods and that we ruled the same and were unanimous in all of them." He stated that Commissioner Jennings had stated "the Commission was trying to preserve the integrity of the neighborhoods and said our community has some great neighborhoods and we want to preserve them." Mr. Brown stated they feel they have a great neighborhood and asked that the zoning request be denied to help them preserve their neighborhood and integrity and their way of life. He asked that all of the residents who were there in opposition to the rezoning to stand so the Commission could see who they are. He noted that there are people from Maplewood, as well as all over.

REBUTTAL

Tom Hackett, stated that the residents were in a high risk area when they bought there, because in 1980 there was not zoning. Anyone could have come and done whatever they wanted, moved mobile homes in, and could have put whatever they wanted to without zoning. There was no zoning in place at that time. It is time for zoning it is needed. Regarding the other places that have been turned down on Turner Chapel, and other areas, there is a big difference. These places were not on a state highway, they were not across the street from a convenience store or park and commercial property around it. Regarding water runoff, they cannot do something which will put water off on other people as had been stated. The apartments will be two and three bedrooms and the rent will vary between \$650 and \$1,000, or it may be more by the time it is built. They are considering also a possible gated complex and if that is done, the rent will be increased. Regarding the increased traffic, they are planning on the first 150 to 175 feet from Kingston Highway for the entrance and it will not put any additional traffic on Keown Road or the neighborhood. They agree with a streetlight and red light and will do whatever they can to get them installed.

Commissioner Mahanay stated to help alleviate the greatest concerns, which seem to be traffic and water, if they divided the property into three-quarter acre lots and put an 1,800 square foot house on them, would it give them a return they needed. Mr. Hackett replied that it would not because of the cost of the land and installation of utilities, and the way zoning is now, they could only put three units on it. This option as well as the water runoff was discussed.

MOTION to close the Public Hearing was made by Commissioner Hufstetler,
SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes called for a Motion to approve or deny the request. It was noted that the decision of whether a traffic light is installed is a decision of the state. It was also noted that the water runoff itself is not a zoning issue, there are state laws covering this issue. Commissioner Jennings stated that in light of the residential character of this neighborhood and in preserving that character he made a MOTION that the request be **denied**. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks
" Jennings
" Mahanay

Motion Carried

**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])
(FIRST READING WAS HELD NOVEMBER 14,
2000 AT 2:00 P.M.)**

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
" Mahanay

Motion Carried

SUPPORT

Ann Brooks, 3200 Cobb Galleria Parkway, Atlanta, representing American Tower, Horizon Wireless Services and the landowners. She stated the application is to build a 250 foot self-supporting tower on a parcel located on Heath Mountain on Old River Road. The maps which they had submitted show that the site will cover gaps currently in Horizon's network coverage, specifically on Highways 20 and 100. The proposed facility is necessary to provide service in this area. After thoroughly researching the area, it was determined that there were no other facilities nearby for co-location. She stated that she understands there is a concern regarding a tower, which is 1.8 miles to the east of the site, which is also an American Tower site. They had asked Horizon to look into co-locating on that tower and unfortunately, because of its lower elevation; it was not suitable to meet coverage objectives of Route 100 and Route 20. In addition to providing a facility for Horizon to complete network coverage gaps, the tower will be built to accommodate at least four other co-locators. This site is important to Horizon's network and they believe it will be important to other carrier's networks to build out in this area. American Tower does actively and aggressively seeks carriers to

locate on facilities that they construct. They are aware of citizens concerns regarding such facilities and are committed to minimize the visual impact of transmission structures in local communities by promoting co-locations. She stated they have met and exceeded the requirements of the Rome/Floyd County Ordinance including tower height setbacks and 3,000-foot tower separation requirements. She stated the proposed facility meets goals of the Rome/Floyd County Ordinance. At this time American Tower and the county planning office know of no opposition. She reiterated that this proposed facility would provide Horizon Wireless and other service providers with an excellent facility in Floyd County. Floyd County is one of the most progressive counties in the state in terms level of education, income and business development. This facility will provide the telecommunications infrastructure necessary to bring these services to residents.

Commissioner Hufstetler stated that there seems to be a section of Highway 20 which still would not be covered. Ms. Brooks reviewed the map, which had been presented, and then there was a discussion of area coverage. It was noted that the tower lighting will be red lights during the evening and they will also provide a bond for removal of the tower.

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

MOTION was made by Commissioner Jennings to accept the proposal to place a communication tower on Heath Mountain, with the stipulation that it has dual lighting and a \$20,000 bond is required for tower removal. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

**FILE #019-2000SUP, PROPERTY LOCATED
AT 10 MT. ALTO ROAD AND 10½ MOUNT**

**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 DUPLEXES ONLY [VOTE – UNANIMOUS])
(FIRST READING HELD NOVEMBER 14, 2000 AT
2:00 P.M.)**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

The property owner was present but waived their right to speak. Chairman Mayes called for a Motion to close the Public Hearing. MOTION to close the Public Hearing was made by Commissioner Hufstetler. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

Chairman Mayes called for a Motion for approval or denial. MOTION was made by Commissioner Hufstetler for **approval with same conditions as Planning Commission, limit it to four duplexes only**, SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings
" Mahanay

Motion Carried

VARIANCE (VOTE ONLY)

**FILE #013-00V, FLOYD COUNTY,
GEORGIA/SBA, 3285 OLD DALTON
ROAD (COUNTY WATER TANK),
VIOLATION OF COMMUNICATION
TOWER ORDINANCE AND MINIMUM
SETBACK.
(SECOND READING/PUBLIC HEARING HELD
NOVEMBER 14, 2000 AT 2:00 P.M. [NO ACTION])**

No action taken.

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])
(SECOND READING/PUBLIC HEARING HELD
NOVEMBER 14, 2000 AT 2:00 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])**

**(SECOND READING/PUBLIC HEARING HELD NOVEMBER 14,
2000 AT 2:00 P.M. [NO ACTION])**

No action was taken.

ADJOURNMENT:

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN W. MAYES, CHAIRMAN