

**March 27, 2001**

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**March 27, 2001** **6:00 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 Michele Fountain, and Assistant County Manager Tom Tully.

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

**INVOCATION:** County Attorney Wade Hoyt 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 March 13, 2001 as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

### Motion Carried

**PROCLAMATIONS:**

**APRIL AS CHILD ABUSE PREVENTION MONTH.**

Chairman Mayes stated that this Proclamation will be presented as a later date. MOTION was made by Commissioner Fricks, SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**SECOND READING/PUBLIC HEARING:**

**FILE #01-2001SUP, OLD DALTON ROAD  
AT HIGHWAY 140, TAX MAP #2000, AREA  
#0, PARCEL(S) #86, REQUEST SPECIAL  
USE PERMIT FOR A COMMUNICATIONS  
TOWERS IN AN A-R (AGRICULTURAL/  
RESIDENTIAL) ZONE.**

**(PLANNING COMMISSION RECOMMENDATION:**

**APPROVE [VOTE - 6 FOR, 3 AGAINST])**

**(FIRST READING HELD MARCH 13, 2001 AT 2:00 P.M.)**

MOTION was made by Commissioner Fricks to open the Public Hearing.  
SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is now open and asked who was present to speak for or against the communications tower.

**SUPPORT**

**Joe Stauffer, Staff Attorney, SBA Communications, 990 Holcombe Bridge Road, Suite 2, Roswell, Georgia**, stated that he had previously spoken before the Board regarding this same location. He stated that he had spoken previously in an effort to work with the County, to work within the regulations and to be a good corporate citizen. SBA is representing Sprint, the carrier, who identified this location, they were denied by the Planning Commission, then they requested to look at County property and signed a lease on that property. After they had the lease, they were asked to look at surrounding property to try to work with the County and help everyone involved. They want and desire a cell tower in that area and they desire to do what is best for the County and their carrier. This has been worked on for a long time and there have been losses in revenue

by Sprint. He stated they are not here to push the issues, but to get the cell tower built in the appropriate place as the Board sees fit.

**Shana Dempsey, 3273 Old Dalton Road**, stated that her husband is actually the owner of the property in question today. In November she came to protest the County site due to the fact that it did not meet the setback to her house which is approximately 100 feet from that site. They had discussed other possible options, such as putting the tower on the tank or the airport beacon in the area, which did not work. There seemed no other viable option and no one else made any offers so they offered the extra lot they have to put the tower on since they knew it would meet the setback to all five surrounding properties. She stated that had been, from the start, their only complaint about the site. They are not concerned about visual or property values. Their concern was the safety of their children growing up in a house next to the tower and the safety of the other residents. When they made the offer to SBA, it was with the stipulation that they had to pick a place on the property that would meet the setback to the other properties, and they were able to do that. They have received calls from their neighbors, the Gambles and the Edwards, who stated to her they had no objections to the site, but their objection was that they would not be compensated for this tower being in the area. She stated that she understands their desire for that, but unfortunately that is not the way this works. If everyone who has a tower going up in their neighborhood asks to be compensated, you would have a lot of people standing before you complaining about the towers going up. She stated they directed them to SBA to discuss that and it would be between them and the company. At the Planning Commission meeting a few weeks ago, Mr. Gamble had stated that he would be more than willing to drop his objections if SBA would be willing to discuss compensation with them. She asked that they look at the merits of the actual site, consider that basically the two sites are the same, except for the fact that theirs meets all the requirements and the County property does not. Theirs is a safer site and she asked that be considered.

County Manager Kevin Poe asked if their house is in the fall zone on the proposed site. Mrs. Dempsey replied that it is not. This was one of the stipulations.

### **OPPOSITION**

**Jeff Gamble, 3363 Old Dalton Road**, stated that they bought their lot in March, 1993 and moved into their house in March, 1996. They liked it there and bought another building lot in April, 1997. They finished paying for it in November, 2000, about the time they learned about the cell tower. The primary objective of buying the second lot was with the intentions of building another house higher up on the hill.

They attended the first meeting on November 14, 2000, to oppose the tower. At that time the Dempsey's did suggest they had a site which was near another tower which they had never seen, so it was all right with them as long as it was away from their property. Later they were invited to attend a compromise meeting with the Dempsey's, the Edwards', Tom Tully and SBA representatives. At that meeting they proposed the site which was the minimum setback from their property and also very close to the Edwards house. Neither of them liked the site, they still have the tower on them, but will not get any compensation. They suggested another site and

although the Dempsey's had been against the site, even on their land before that, as soon as they suggested their site, they became agreeable to the proposed site from SBA. He noted that at the end of the meeting, things were pretty heated between Mr. Edwards and Mr. Stauffer. After the meeting he called and left a message for Mr. Stauffer with a possible resolution. He thought that the cell tower might be placed closer to all of the property lines and give up the setback and split the proceeds, with the person whose property it was on getting the higher percentage. He had talked with Tom Tully about this suggestion and stated that he thought it was good ideal and that he and Mr. Stauffer felt that it would have to be a revenue split before everyone would agree to it. After talking with Mr. Tully, he had called Mrs. Dempsey and she stated they were not interested in that unless SBA pushed for it themselves and if they wanted compensation, they needed to speak to SBA. He had made a total of three calls to Mr. Stauffer, but talked with Ms. Koskowski, his assistant, and told her their plan and she stated she would speak with him and get back to them. She never called him back and he called her two more times. At the Planning Commission meeting he found out why Mr. Stauffer did not return his calls. Mr. Stauffer stated, at that time, that he had felt threatened at the other meeting. Mr. Gamble stated that he was very cordial toward him and he felt he should have received a call back from SBA, one way or the other. He stated that if this tower goes up, they will have a water tower to one side of them and a cell tower to the other side, and the lot will be useless to them. They feel that they have not been treated fairly all the way around on this deal. They have received very little response from anyone about it. He stated that their opposition is that they were just left out.

Assistant County Manager Tom Tully stated, for clarification, that the Dempsey's and SBA must have an option and the County and SBA have a separate option agreement. He stated that he and Mr. Stauffer had pointed out to all the property owners that neither the County nor SBA will be a party to any agreement among the property owners. That would have to be something they worked out themselves, neither the County nor SBA could be any part of it.

**Jeff Edwards, 3399 Old Dalton Road**, stated that he has been at this location for approximately eight years. He had bought the property when the only house beside him was a trailer. He had moved on top of the mountain so he would be away from the highway and his wife liked the view from the mountain top and everyone who comes up there talks about the pretty view. He feels that is a great deal of the value of the property. He had sent a letter opposing the cell tower on someone else's property because he wanted to be neighborly and support his neighbors. He disagrees with the tower being there and believes it should be put back on County property so the County can do what is best with the money. He does not want the tower near his property, he does not want it to hurt the value of his property because his property will belong to his kids someday and he wants them to get the most value they can from it. He had put his house where it is so that it would be on top of the mountain and no one would bother him there. He wanted a little quiet place to grow old. He has noticed, at other cell towers, that they keep putting things on the towers. He stated that he hoped the Board would make an honest decision for his family and neighbors.

Commissioner Fricks asked to see a site plan on this property. Phil Helton, Planning Commission presented the plan.

**Laura Gamble, 3363 Old Dalton Road**, stated that they had attended the first meeting to oppose the cell tower being by the water tank. They did not want the cell tower near them and they had also signed a letter for people down the road so that it would not be at their property. As they were leaving the meeting that day, Mrs. Dempsey had shown them that site on a map, and they stated that they just wanted the tower away from them, they did not want money. This will affect three families for many, many years and she feels that it should be a fair situation. They had attended the other meeting in hopes that they could come to an agreed upon site, which did not happen. When her husband first saw Mrs. Dempsey she did not like the current site, so her husband mentioned a spot. The lady who does the land surveying, who was with Mr. Stauffer, said that actually their place would be a better site because it did not go downhill. Mr. Dempsey then stated, at that meeting, that no that was not what Mrs. Dempsey meant, that they wanted it there. At that time they knew nothing about money and then Mr. Stauffer stated that they would be willing to offer them the same contract as with the County. She feels that this should be shared since they all will be faced with it. She stated that they did not pursue their site because of what Mrs. Dempsey had said about it being away from them and that was all they wanted.

### **REBUTTAL**

**Joe Stauffer, Staff Attorney for SBA**, stated that there had been a lot of meetings on this site. There were many discussions, but the question was if they could now go to a shared site. This is a 195 foot monopole and if they do fail, they bend over, they do not fall on the ground. He noted that there has never been a failure in the United States on a 195 foot monopole. If there was a failure, it would fall over, it wouldn't touch the ground, and at the most 50 feet out. This is an engineering fact of the 195 foot monopole. Given the time they have put into this site, given what has gone on, SBA request one or the other. Sprint Com requests one or the other. There are hundreds of thousands of dollars that have been lost on this issue according to Sprint.

Commissioner Jennings asked about the lighting on the tower. Mr. Stauffer replied that it is strobe lit which is white during the day, red at night and has a shield at night which forces the light up, if it has to be lit. They do not have an indication at this time that it will be lit, but it seems to be in a flight path so there is the potential that it will have to be lit. Commissioner Jennings also asked about the removal bond. Mr. Stauffer replied that he has already provided a removal bond to the County. Assistant County Manager Tom Tully stated the lighting is determined by FAA, but typically a pole which is under 200 feet does not require lighting.

Commissioner Fricks stated that they appreciate Mr. Stauffer working with the County on this. They understand that months ago he had the right to actually start construction on that tower because he had a lease in hand. Mr. Stauffer had been asked to try to work with the neighbors in the area to try to come to a resolution and he feels that he has gone over and above to try to come to a conclusion. Mr. Stauffer stated that he appreciated the comment. The corporate philosophy is to try to work with the County, litigation does not help anyone. Chairman Mayes also thanked him for his cooperation.

**Shana Dempsey**, stated that the Gambles had indicated that they told them about possibly placing this tower next to another tower on their property. She does not know where they got that mistaken impression. She stated that they probably did tell them that they had asked if it could be put next to the Airport beacon which is further up on the mountain and she does not know who owns that property. They had shown them the actual same pictures they had shown the Board, so it was obvious to them that there was no other tower on that property. Also they referred to offering to put the tower closer to all the property lines and that they refused that. They had already been told by SBA, at that point, they were on their third set of site drawing and surveys and that they would not consider another spot on their property. It would either be on the County property or on the site they are referring to today. So, that was not an option for them to consider. Also regarding the tower falling, she is not concerned about it dropping over, but she has read articles about an airplane hitting a lighted tower and causing an accident, and that is her concern. She had been told by SBA that it had been ruled by FAA that this will be a lighted tower. Her concern is about any type of catastrophic accident which could happen and cause the tower to fall towards her house.

Commissioner Jennings asked if the third option which is at the confluence of the three properties was a possibility. Mr. Stauffer replied that it is not a possibility, because of the time factor. The time already taken as well as it would take six to seven months to get another location approved. There would also be the problem of having to work out three leases as well as other problems. *(Comments by Assistant County Manager Tom Tully were not audible.)*

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

Chairman Mayes stated that the Public Hearing was closed. MOTION was made by Commissioner Mahanay to approve the request for a Special Use Permit for the communications tower to be located on County property adjacent to the water tower. It was noted that by denying the Dempsey site, it will default to the County water tank property, therefore this will need either no action or denial. Commissioner Mahanay changed his MOTION to "take no action".

**FILE #04-2001Z, 217 ALEXANDER AVENUE,**

**TAX MAP #372, AREA #07, PARCEL(S) #017A/046,  
REQUEST REZONING FROM T-R (TRADITIONAL  
RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL).  
PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])  
(FIRST READING HELD MARCH 13, 2001 AT 2:00 P.M.)**

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

Chairman Mayes stated that the Public Hearing was open.

**SUPPORT**

**James Dennis, the applicant**, stated they are requesting the rezoning for 217 Alexander Street. He stated they had previously attended a meeting regarding this request. He stated that there was only one objection previously and this was because of trash. This has now been cleaned up as well as junk cars removed and an old building torn down. He stated that before and after pictures had been taken of the property.

**Donald Dennis, 239 Cave Spring Street**, stated that he purchased the land, but it is in his brother's name and all he wants is a home. He is disabled and he is just looking for a home and he will not bother anyone. He stated they have cleaned the property up and grading had been done, the cars were removed and the barn had been fixed. He stated that he did not know what else to do to get the request approved. He just wants a home.

**OPPOSITION**

**Steve Smith, 26 Spring Circle**, is an adjacent property owner. He had spoken to the Board on January 23 about a variance request to place a manufactured home in this traditional/residential neighborhood. The outcome of that meeting resulted in a unanimous vote by the Board to deny the request. At that meeting he had presented panoramic type photographs of how the property was initially used to bring in salvage vehicles and law enforcement had requested that the applicant remove those vehicles

within thirty days, said date being on or about the first of January. A mobile home was placed on the property around the Christmas holidays, and remains on the property. The vehicles were not moved until approximately one week after the January 23 meeting and prior to the application for a rezoning of this parcel. He stated that there was no notification to adjacent property owners for this hearing. He stated that the property is best described as a Greenspace, it does have a live creek and abundant wildlife. The property is surrounded by homes on Alexander Street and Spring Circle. Most of the neighbors on his street have asked him to speak on their behalf. This neighborhood has an extraordinarily low turnover of homeowners and most have lived there for decades. It is a quiet neighborhood, they want nothing more than to quietly enjoy their home, they certainly do not wish to deny anyone else the right to quietly enjoy their home, but they are greatly concerned about the use of the property and the presence of the manufactured home. They are also concerned about questions they have about a need for full disclosure of the true title owner of the property and what is the true intended use of the property. There have been concerted efforts on the part of the applicant to stonewall law enforcement and to get around the issue. He stated that the neighbors have been patient to allow the applicant due process, but at this time they continue not to be satisfied with the situation. They have been informed by a group of realtors that their assessment of the property and the situation regarding bringing in manufactured homes may have a negative affect on housing values, which is an issue of concern for all major property owners there. They are no less concerned with what the true intended purpose of the property is after any decision is made tonight. He stated that he has a couple of suggestions which might be a more satisfactory resolution. He had been told that the County may have access to federal funding regarding greenspace use and he feels that this property may be a good consideration for use of federal dollars to preserve a greenspace. That solution may offer the applicant the opportunity to limit whatever financial burden he may be under. He also feels that a more satisfactory solution might involve the interest of other property owners to purchase the property or part of the property to secure it for more satisfactory use.

Commissioner Jennings asked if they granted a variance, but not a zoning change, allowing the mobile home to remain on the property for a certain time period and after that time the applicant would have to come back to seek another variance and prove to them that the conditions still exist with the individual still living in that home. They would have some control over who lives there and as soon as circumstances change, the variance would no longer be valid and the mobile home would have to be removed. Mr. Smith stated that he does not feel that would be a satisfactory solution for him, the mobile home was placed there without proper variance or zoning. The vehicles were placed there without any type of permitting and remained there well beyond the 30 days. A signed petition had been presented at the January meeting that they felt a salvage business going on. The applicant at the time of that meeting stated to the Board that the vehicles belonged to his brother and that his brother likes to work on cars. One of the reasons he requested that the Commission determine the proper title owner and what the reasons are that the title is not held in his name, is there has been a lot of uncertainty. They have heard two or three totally different stories regarding that issue and they have heard two or three different issues regarding the vehicles, why they were there and what the intent was.



It was stated that he is disabled and he believes that, but he owns a rollback truck and was moving cars on and off the property. The mobile home was placed on the property after he had been told to remove the vehicles.

Assistant County Manager Tom Tully noted the notification sent to the adjacent property owners by the Planning Commission serves as notification for this meeting also.

**Harold Treglawn, 13 Spring Circle**, stated that he is there as a concerned citizen on the street, that any type of living quarters and how it affects the value of the property in the surrounding area. He noted that property across the street from his property has been denied three requests to put mobile homes there. He reiterated that his main concern is the affect on property values.

### **REBUTTAL**

**James Dennis**, stated that Mr. Treglawn cannot see the property from where he lives and the concerns about the street, they do not use Spring Circle, they use Alexander Street.

**Mona Dennis**, James Dennis' wife, stated that the property belongs to her brother-in-law, Donald Dennis, who is disabled. She stated that he had a regular job and something fell and crushed his foot. He purchased this property and trailer with funds received in a settlement, which is all the money he has. He has no money and is not able to work and his intentions were to have a junkyard and work on cars since that is something he is able to do. When they came to the first meeting and neighbors were opposed, he decided it was not worth it. He would rather have his piece of property and just live there, have a home and not do anything to upset the neighbors. She stated that he does not read or write and that is one of the reasons the property is in her husband's name. When the property was bought, he was not told how it was zoned. He bought all the permits needed and was finally told by Georgia Power that the property was zoned. If he had known he may have looked for other property. Mr. Dennis stated that there is another trailer within 20 feet of this one, and this is a new trailer. They had removed five loads of trash. They are just trying to make the neighbors happy and for him to have a place to live. Mrs. Dennis stated that if this request is denied, Donald Dennis will consider selling, but it will take a substantial amount because of the expenses he has already incurred.

**Donald Dennis**, stated that he would like to have the opportunity to show what he will do. He had planned to have a junkyard, but is not going through with those plans, he just wants a home and to live there. He stated if they give him a certain amount of time, then he will come back for approval again. He stated that all he was asking for is a chance.

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

Chairman Mayes called for a Motion for denial or approval. MOTION was made by Commissioner Jennings to **deny** this zoning change at 217 Alexander Avenue. SECOND by Commissioner Mahanay.

Commissioner Fricks stated that one of the concerns is trying to give the property owner time to come into compliance and work out his situation. As he understands it, they have the right to waive the variance so they can set a temporary status on the variance. Previously a term of two years had been mentioned and he feels that they need to project a shorter period of time where they will have to come back to the Commission for review on the variance. He suggested a twelve month time period to give them time to recoup some of their investment, work with the neighbors or come into compliance. The property owner will be talking with Assistant County Manager Tom Tully regarding steps necessary to obtain a variance.

VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

#### **VARIANCES:**

**FILE #004-01V, DAVID C. MCGILL,  
820 WARD MOUNTAIN ROAD,  
VIOLATION OF MINIMUM SETBACK  
REQUIREMENTS.  
(DEFERRED FROM LAST MEETING)**

The applicant was not present and Assistant County Manager Tom Tully reported that the applicant had been contacted and requested to contact the neighbor who had a

question regarding this request. He will again contact the applicant to find out if this was worked out. No action will be taken on this item.

**FILE #005-01V, MATT JOHNSON,  
262 WARREN ROAD, VIOLATION  
OF MINIMUM SETBACK REQUIREMENT.**

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**Matt Johnson, 262 Warren Road**, stated that his rear property line is approximately 60 feet from his home and approximately 60 to 80 feet is a row of pine trees on the County line. He stated that he would like to build a garage closer than is allowed to his property line. Some of the trees are 90 to 100 feet tall and are approximately 60 feet away from his home. He would like to cut the trees down and clean the area up. It was noted that the trees are on County property. Assistant County Manager Tom Tully stated that the trees were put there as a buffer between the Airport and the residential area. He stated that Mike Mathews had looked at the situation and they will not be clearing out the buffer, but would remove any trees which have fallen or that are sick. Chairman Mayes asked the liability of the County if one of the trees fell on Mr. Johnson's new garage. County Attorney Wade Hoyt replied that there would be liability if the County cut the tree and it fell on his garage, but if it fell due to wind, there would be no responsibility. Mr. Johnson stated that he did not want to build a garage unless the trees were cut down.

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

Chairman Mayes called for a Motion to deny or approve the variance. MOTION was made by Commissioner Fricks that the variance be **approved for 15 feet**. SECOND by Commissioner Mahanay. Commissioner Fricks amended his Motion to specify the variance is for the purpose of constructing a garage. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

## **CHAIRMAN'S REPORT**

### **APPOINTMENTS:**

#### **BOARD OF TAX ASSESSORS (UNEXPIRED TERM OF GENE MILNER - 12/31/03).**

No action was taken.

#### **DEVELOPMENT AUTHORITY OF FLOYD COUNTY.**

No action was taken.

### **BOARDS, COMMITTEES & COMMISSIONERS.**

Chairman Mayes made the following appointments:

- a. Coosa Valley Regional Development Center – Jerry Jennings –12/31/01
- b. Council of Chief Elected Officials Executive Committee for WIA Area 17  
Coosa Valley Regional Development Center – Jerry Jennings – 12/31/02
- c. Greater Rome Convention and Visitors Bureau – Jerry Jennings, Post 6 –  
12/31/01
- d. Industrial Park Overview Committee – Jerry Jennings – 12/31/02
- e. Rolling Hills RC & D Council – John Mayes – 12/31/01
- f. Rome/Floyd Commission on Children & Youth – Tim Mahanay –  
12/31/01
- g. Rome/Floyd County Fire Overview Committee – Kevin Poe & Al Leonard  
– 12/31/01
- h. Rome/Floyd Parks and Recreation Authority – Garry Fricks – CWO –  
12/31/02

- i. Rome/Floyd County Records Center Board – Michele Fountain, County Representative & Sue Broome, Public Representative – 12/31/02
- j. Rome/Floyd Urban Area Transportation Study Policy Committee – Garry Fricks & Jerry Jennings, CWO, 12/31/02 & Kevin Poe, CWO, 12/31/01

**REQUEST FROM ACTION MINISTRIES  
FOR A LETTER OF SUPPORT FOR  
DCA GRANT.**

Chairman Mayes stated a request had been received from Action Ministries for a letter of support for a DCA Grant. Chairman Mayes called for a Motion. MOTION was made by Commissioner Jennings for the Chairman to be authorized to write a letter of support for the Action Ministries DCA grant. SECOND by Commissioner Mahanay. Commissioner Jennings suggested acknowledging the fact that we have had the grant previously and have been well satisfied with the work of Action Ministries, that it has served in the purposes of the community well and we wish to continue the grant.

VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**COMMISSIONER'S REPORT:**

**PUBLIC SAFETY COMMITTEE.**

Commissioner Mahanay, Committee Chairman, reported that the groundbreaking for the new Prison will be on Thursday, April 5 at 11:30 a.m. This will be a great occasion and they hope everyone will attend.

**PUBLIC WORKS COMMITTEE.**

Commissioner Fricks, Committee Chairman, reported that there had been a meeting regarding the status of the roads in the Shannon Oaks area in Floyd County. There are two proposals which are being prepared. They feel there are safety hazards in reference to ambulance and fire services. This has been an ongoing problem for a number of years. At a later date there will be announcement of a public hearing and he requested the full support of the Commission. Chairman Mayes noted that there is a lot of interest in alleviating the problem in the area. County Attorney Wade Hoyt stated that this has been ongoing for almost ten years and every Commission has faced this same

problem. He would be sending a memo to the Commissioner soon regarding this situation.

Commissioner Fricks also mentioned the discussions regarding Pittsfield and also setting up dates for an upcoming trip and inviting some of the City Commissioners as well. They can discuss with the representative in Pittsfield their situation in terms of dealing with PCBs and contaminations in their rivers, which are very similar to Rome.

## **WATER COMMITTEE.**

Commissioner Jennings, Committee Chairman, stated that the Commissioners had been furnished with a copy of a letter which will be sent to a wide variety of governmental persons throughout the Coosa River Basin on the "Water Wars" issue. A draft of the letter which deals with water flow issues, inter-basin transfers of water, the pool levels at Carters and Allatoona Lakes, the ACT Compact, time frame, bioecological studies, the verification of the Compact and public governmental representation on any monitoring committees. Discussion relative to population growth had been added, since there is some belief in the Atlanta area that Rome and Floyd County are not growing when actually we have grown by 11.5% as reported in the new census figures. We are projected to grow, at least by one source, over 170,000 people by the year 2030. Water use from public sources is projected to increase from 20 million gallons a day to 35 million gallons a day in usage. The other addition is a summary statement that makes the observation that the ACT Compact is mainly dealing with water quantity issues and he feels that you cannot separate the water quantity from water quality. A number of the elements in the statement are related to the study of fish habitat, the study of biological species that exist in the Coosa River Basin and that the Compact time frame be shortened to ten years so these studies can take place. Commissioner Jennings made a MOTION that the Chairman be authorized to complete and sign these letters and mail them to various governmental entities throughout the Coosa River Basin. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

Commissioner Mahanay reported that on April 21, 2001 from 8 a.m. to 1 p.m. at the Coosa Valley Fairgrounds there will be the Floyd County Household Hazardous Waste Collection Event. This is an opportunity for citizens to remove chemical hazards from their home and help protect the environment. This is household chemicals, paint, tires, anything of chemical nature which would be considered hazardous.

Commissioner Fricks made a MOTION to put on 4/5 vote to take action on the recommendation for a letter to the DOT to review the intersection of Moran Lake Road and Kingston Highway. SECOND by Chairman Mayes. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

MOTION was made by Commissioner Fricks to **authorize the Chairman to write a letter to the D.O.T. regarding a safety investigation of the intersection of Moran Lake Road and Kingston Highway.** SECOND by Chairman Mayes. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

## **CLERK'S REPORT**

## **CONSENT AGENDA**

County Clerk Michele Fountain stated that under the Clerk's Report there are two items on the Consent Agenda and if there are no additions or deletions, they are presented for consideration. MOTION was made by Commissioner Fricks to accept the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

1. Authorize execution of agreement for independent contract services for Victim Witness Assistance Program – Floyd County Juvenile Court and Maria Beard (replaces Andrea Finley).

Tax Refunds:

- a. Maurine Manuel, % Maurine E. Garrett, 4261 Harrogate Drive, NW, Atlanta, \$36.72
- b. Ella Mae E. Souder, 10 Sylvan Street, \$2.95
- c. E. C. & Ruthell M. Steed, 116 Donley Drive, \$4.64
- d. Charles C., David E. & James. R. Price, 591 Ward Mountain Road, NE, Kingston, \$7.80
- e. Stacey & Thomas M. Harris, II, 2875 Old Dalton Road, NE, \$14.13
- f. R. Donald & Patricia D. Harvey, 16 Pine Valley Road, \$78.12
- g. Richard S. & Yvonne a. Williams, 195 Center road, SE, Silver Creek, \$60.42
- h. Mildred L. Adams, 313 N. Elm Street, \$3.89
- i. C. Tommy & Sue D. White, 45 Fox Croft Road, NW, \$82.18
- j. Robert & Joyce Allen/Elisabeth Norton/Gladys Beard, 100 Wood Valley Drive, \$.92
- k. Ulas D. & Edith King, 127 Pine Bower Road, \$1.49
- l. Carlton H. & Emogene M. Floyd, 6 Wood Valley Drive, \$25.27
- m. Edward L. Welch, 102 Payne Road, SW, \$96.49
- n. Charles N. Bailey, 47 Whipporwill Lane, SW, \$14.49
- o. Donald Stansell, 634 Elliott Drive, \$4.50
- p. Eva Joy Rogers, 115 Morgan Drive, NW, \$40.27
- q. Chad & Terri Burkett, P.O. Box 883, Armuchee, \$67.04
- r. W.C. & Betty V. Robinson, 107 Beech Creek Drive, \$13.36
- s. Denise L. Missildine, 209 S. Elm Street, \$54.36
- t. Warren A. & Elizabeth C. Mathis, 1 Cypress Street, \$2.36
- u. Bobby Abrams, %Frank Abrams, 2003 Flannery Street, \$4.62
- v. Charles E. & Tracy E. Maddox, 10 Roundtree Terrace, \$30.36
- w. Dwight M. & Charlene H. Leonard, 35 Surrey Trail, NE, \$41.52
- x. David M. & Rebecca L. Nance, 165 Peeples Road, SW, \$40.72
- y. Edward & Donna Hicks, %Joe Stewart, 440 Potts Road, NE, Kingston, \$10.44
- z. Vivian H. Riddle, % J. A. Johnson, 504 Riverside parkway, Suite 403, \$12.52
- aa. Bivian & Michael Carter, 327 East 11<sup>th</sup> Street, \$124.70
- bb. Tommie C. Frazier, 28 Westwood Circle, \$7.09
- cc. Larry & Peggy Carman, 25 Dover Drive, SE, \$78.35
- dd. Jean & Kelly Blakely, 28 Townview road, \$4.82
- ee. Gertrude & Marshall Waid, 425 Fred Kelly Road, NE, \$194.01
- ff. Brenda & David Kuenz, Jr., 8 College View Drive, SW, \$114.43
- gg. Herbert L. & Betty F. Davis, 23 Meadow Lane, \$10.10



- hh. AmSouth Bank/Armuhcee #3060, 3000 Galleria Tower, Suite 1600, Birmingham, Alabama, \$358.44
- ii. Rory & Mary Warner, 318 Bells Ferry road, NE, \$99.31
- jj. Robert L. & Karen Garrett, 1641 Black Bluff Road, \$13.78
- kk. Irene H. Riebe, 105 South Elm Street, \$15.54
- ll. Anthony J. & Monica G. Nichols, 3092 Floyd Springs Road, \$88.55
- mm. Kenneth R. & Connie J. Mull, 95 Woodruff Street, SE, \$11.73
- nn. Tom Peters, 101 Mountain Brook Trail, \$129.47
- oo. James L. & Martha B. Barnes, 3 Rosewood Road, \$55.82
- pp. Julius George 752 George Road, SW, \$302.47
- qq. Joann Goodwin, 12 Kingbee Circle, SE, \$89.52
- rr. James Donald Espy, 145 Herring Road, NE, Armuchee, \$19.63
- ss. James Donald Espy/DBA Espy Construction, 145 Herring Road, NE, Armuchee, \$10.16

## **MANAGER'S REPORT**

### **AUTHORIZE EXECUTION OF AN AGREEMENT BETWEEN FLOYD COUNTY AND ROBERT A. STULTZ AS PHYSICIAN'S ASSISTANT AT FLOYD COUNTY JAIL AND PRISON.**

County Manager Kevin Poe presented an agreement between Floyd County and Robert A. Stultz for Physician's Assistant services at the Floyd County Jail and Prison. He recommended authorization for the Chairman to execute this agreement. Chairman Mayes called for a Motion. MOTION was made by Commissioner Fricks to authorize the contract. SECOND by Commissioner Mahanay.

Commissioner Mahanay asked if this is a parttime or fulltime position. County Manager Poe replied that this is 20 hours a week, but he could work as much as 40 if such cases as Dr. Wall being out of town. It was noted that he is also available for on call services. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

## **AWARD BIDS:**

**SIGN AND PAINT MATERIAL FOR  
PUBLIC WORKS.**

County Manager Kevin Poe stated that bids were opened and read on March 22, 2001 for traffic paint and sign materials for Public Works. The Board packets included a copy of the evaluations of the bids and a memo from Nancy Lam, Purchasing Director, dated March 26, 2001 noting that all of the bids were reviewed and met specifications and the recommendation is the lowest bid per section. He recommended accepting the low bid as detailed in the March 26 memo. MOTION was made by Commissioner Mahanay to award the bid for the sign and paint material for Public Works per the Purchasing Director's recommendation. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**INMATE CLOTHING/SUPPLIES FOR  
JAIL AND PRISON.**

County Manager Kevin Poe stated that sealed bids were opened and read on March 22, 2001 for inmate clothing and supplies. The bid tabulation of all responses and a memo from Judy Bales, Purchasing Agent, where they recommended the contract be awarded to the lowest bidder who met specifications for each line item as detailed in her memo. He recommended they accept her recommendation. MOTION was made by Commissioner Jennings to accept the recommendation of the Purchasing Agent for inmate clothing and supplies for the Jail and Prison. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**4-WD UTILITY VEHICLE FOR  
SHERIFF'S DEPARTMENT.**

County Manager Kevin Poe stated that on March 22, 2001 bids were accepted for the purchase of a 4-WD Utility Vehicle for the Sheriff's Department. The bid tabulation was included in the March 26, 2001 memo from Nancy Lam, Purchasing Director. The low bidder was Prater Ford in the amount of \$29,288. He recommended acceptance of the low bid from Prater Ford and also accept the recommendation from the Sheriff related to the approval of additional funds in the amount of \$3,758 needed to make the purchase. Chairman Mayes called for a Motion. MOTION was made by Commissioner Fricks to accept the low bid and amend the budget in the amount of \$3,758. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

#### **(4) PICKUP TRUCKS FOR WATER DEPARTMENT.**

County Manager Kevin Poe stated that on March 22, 2001 sealed bids were received for the purchase of four (4) pickup trucks for the Water Department. The low bidder was Prater Ford in the amount of \$11,899 each. He recommended accept the Purchasing Director's recommendation in her March 26, 2001 memo to purchase these trucks from Prater Ford. MOTION was made by Commissioner Mahanay for approval of the recommendation from the Purchasing Director for the lowest bid for pickups from Prater Ford. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

#### **HOUSEHOLD HAZARDOUS WASTE COLLECTION – ONE-DAY EVENT – RECYCLING CENTER.**

County Manager Kevin Poe stated that sealed bids were recently accepted for the Household Hazardous Waste Collection Event to be held on April 21. During the Caucus Session the Commissioners had been provided with a bid tabulation and breakdown of the various elements involved. After review of all of the bids he recommended that the bid be awarded to Safety

Kleen per their quoted price submitted in their sealed bid. MOTION was made by Commissioner Jennings to accept the Safety Kleen bid on the Household Hazardous Waste Collection Event as submitted. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

### **Bids**

Onyx	\$23,165.00
Clean Harbor	\$19,160.00
EQ Ind. Serv.	\$24,085.00
Care Environ	\$25,870.00
Safety Kleen	\$22,728.00
Heritage	\$35,762.00

### **AUTHORIZE COUNTY MANAGER TO SIGN DOCUMENTS/CONTRACTS WITH WIRELESS PHONE CARRIERS RELATED TO INITIATION OF WIRELESS FEE.**

County Manager Kevin Poe stated that this regards setting up the initiation of the new wireless fee for 911 services. He recommended authorization for the County Manager to negotiate and sign documents or contracts with the various wireless phone carriers in regards to setting up this service. MOTION was made by Commissioner Mahanay to authorize the County Manager to sign documents and contracts with wireless phone carriers relating to the wireless fee. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

### **DISCUSS TAX COMMISSIONER'S REQUEST FOR NEW FULLTIME POSITION.**

County Manager Kevin Poe presented a request from the Tax Commissioner asking that a part-time position for mobile homes be upgraded to a fulltime position as Motor Vehicle Revenue Technician. He recommended approval of the creation of an additional Motor Vehicle Revenue Technician position and abolish the part-time position for mobile homes. MOTION was made by Commissioner Fricks to approve the Technician position and abolish the part-time position. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

#### **DECLARE AWOS EQUIPMENT AT AIRPORT SURPLUS.**

County Manager Kevin Poe stated that the Airport Commission has requested that the Board of Commissioners consider declaring the AWOS unit at the Airport as County surplus allowing them to dispose of it properly. He recommended accepting the recommendation from the Airport Commission and declare the AWOS unit surplus. MOTION was made by Commissioner Mahanay to accept the Airport Commission's recommendation to declare the AWOS equipment at the Airport as surplus to be disposed of. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

#### **APPROVE CLASSIFICATION OF PURCHASING AGENT POSITION IN PAY GRADE 13.**

County Manager Kevin Poe recommended approval of the classification of the Purchasing Agent position in Pay Grade 13 and it would be retroactive back to when the current employee accepted the position. MOTION was made by Chairman Mayes to approve the classification of the Purchasing Agent position in Pay Grade 13. SECOND by Commissioner Jennings.

Commissioner Fricks asked if it was customary for this to be retroactive. County Manager Poe yes, that it was in limbo from day one and it had been agreed to not make any changes until it went through the review process. It was noted that the employee in this position had accepted a minimum increase with the knowledge that there would be a period of time that this would be reviewed. VOTING:

YES

NO

Commissioner Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**AUTHORIZE CHAIRMAN TO SIGN  
LETTER OF APPLICATION TO  
GEORGIA DEPARTMENT OF  
CORRECTIONS FOR APPROVAL  
AS A COMMUNITY SERVICE AGENCY.**

County Manager Kevin Poe requested the Chairman be authorized to sign a Letter of Application to the Georgia Department of Corrections for approval as a Community Service Agency. This is required in order for them to continue using Community Service Workers on weekends. MOTION was made by Commissioner Fricks to authorize the Chairman to sign the Letter of Application to the Georgia Department of Corrections for approval as a Community Service Agency. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**AWARD BID AND ACCEPT TENTATIVE  
ALLOCATION FOR AIP PROJECT AT  
RICHARD B. RUSSELL AIRPORT.**

County Manager Kevin Poe stated that on March 22, 2001 bids had been opened for construction of partial parallel taxiways, to extend medium intensity taxiway lights, partial parallel taxiway rehabilitation and terminal apron improvements and extension at the Richard B. Russell Airport. He recommended awarding the contract to the low bid, Spriggs Paving in the amount of \$1,156,599. MOTION was made by Commissioner

Jennings to award the contract improvements at the Airport, as presented by the County Manager, to the low bidder, Spriggs Paving. SECOND by Commissioner Mahanay. Commissioner Fricks commended the Airport for submitting the items in time that they did not have to be placed on 4/5 vote. VOTING:

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

### **ATTORNEY'S REPORT**

County Attorney Wade Hoyt asked if his understanding is correct that there are not four votes to place the Rogers matter on the Agenda. He asked if that meant that there are not three votes to pay the additional money so he can get the matter into litigation or does he need to wait until the next Board Meeting to make the decision. Chairman Mayes replied that at this point he did not think they had three votes. Commissioner Jennings stated that basically they are saying to take it to court. Commissioner Mahanay stated that the order of business would be for someone to make a Motion if they are so inclined. County Attorney Hoyt stated that if it is agreeable with the Board, he will not contact the court about doing anything until the next Board Meeting, then if it is on the Agenda it can be voted up or down.

### **ADJOURNMENT:**

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

YES

NO

Commissioner Fricks

" Jennings

" Mahanay

Motion Carried

**COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**JOHN MAYES, CHAIRMAN**