

July 24, 2001

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 24, 2001 6:00 P.M.**

PRESENT: Vice Chairman Tim Mahanay, Commissioners Garry Fricks, and Jerry Jennings.

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Wade Hoyt, County Clerk Michele Fountain, and Assistant County Manager Tom Tully.

CALL TO ORDER: Vice Chairman Mahanay called the meeting to order.

INVOCATION: County Manager Kevin Poe led the Invocation.

PLEDGE OF

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

ADOPTION OF

MINUTES: Commissioner Fricks made a MOTION to adopt the minutes of the Regular Meeting of July 10, 2001 as presented. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

PROCLAMATIONS

NATIONAL KIDS DAY, AUGUST 5, 2001.

Commissioner Jennings introduced the new Executive Director of the Boys and Girls Club of Northwest Georgia, Dan Jernigan and Kristen Posey, Director of Development. Commissioner Jennings presented the Proclamation to Mr. Jernigan and Ms. Posey proclaiming **August 5, 2001** as **National Kids Day** in Floyd County.

EMPLOYEE OF THE QUARTER AWARDS:

These awards are presented to Floyd County Employees in recognition for their high level of professionalism, exemplary job performance and conscientious service exhibited to the public.

Commissioner Mahanay presented the Employee of the Quarter Award for the fourth quarter 2000 to Nancy Lam, Director, Purchasing Department.

Commissioner Mahanay presented the Employee of the Quarter Award for the second quarter 2001 to Macie McCain, Secretary, Tax Assessor's Office.

Commissioner Mahanay presented the Employee of the Quarter Award for the first quarter 2001 to Eileen Wilson, Deputy Clerk, Clerk of Superior Court.

Vice Chairman Mahanay noted that the Chairman is absent due to the death of his sister.

SECOND READING/PUBLIC HEARING

**FILE #15-2001Z, 2619 SHORTER AVENUE,
ALABAMA HIGHWAY, GEORGIA HIGHWAY
20, TAX MAPS #666C, AREA #01, PARCELS 001,
002, REQUEST SPECIAL USE PERMIT FOR
USED CAR SALES IN C-C COMMUNITY
COMMERCIAL ZONING DISTRICT.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE – UNANIMOUS])
(FIRST READING WAS HELD JULY 10, 2001
AT 2:00 P.M.)**

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

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

SUPPORT

Merlyn Ring, the applicant, stated that he appreciated the Commissioners having prayer before the meeting started. He stated that he had leased the lot three months ago and did not know that he would have to get a Special Use Permit because the person he leased it from said that there was a car lot there previously. He had his wife check and found that a Special Use Permit is required. He stated that this will be his only income, he has bought some cars and has his dealer's license and dealer tags. He offered to answer any questions. The location was reviewed on the maps presented. Assistant County Manager Tom Tully stated that this was a gas station at one time and at one time there was a U-Haul dealer at this location. He had asked the applicant at the Planning Commission Meeting whether the old tanks had been removed since it was an old gas station, and he assured him that they had. He noted that the property definitely needed some work and this would probably be an improvement to the property. Mr. Ring stated that it definitely is a eye-sore, and he plans to remodel the building and clean it up. Commissioner Jennings asked the percentage of greenspace required on the property. Assistant County Manager Tully stated that there would be a buffer if there were residential around, he noted the landscaped area in the front on the property. Mr. Ring stated that he did not plan to cut the trees and when questioned about the lighting, he replied that he plans to repair the current lighting. It was noted that if the Special Use Permit is approved Mr. Ring will have to meet all requirements in the code. Mr. Ring stated the building had been damaged when hit by a truck, but it is structurally sound and really only needs paint and a little repair.

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

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

Vice Chairman Mahanay called for a Motion for approval or denial. MOTION was made by Commissioner Fricks to **approve** File #15-2001Z, 2619 Shorter Avenue on the Alabama Highway with a Special Use Permit. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

**REVISED UNIFIED LAND DEVELOPMENT
CODE.
(FIRST READING WAS HELD JULY 20, 2001
AT 2:00 P.M.)**

Vice Chairman Mahanay stated that since there are only three Commissioners today, they will take no action. It was noted that a Public Hearing is needed. MOTION was made by Commissioner Jennings to open the Public Hearing. SECOND by Vice Chairman Mahanay. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

Vice Chairman Mahanay stated that the Public Hearing is now open for the Revised Unified Land Development Code. Assistant County Manager Tom Tully thanked David Harvey and all the members of the Implementation Study Committee for their work as they went through the long, arduous process. He stated that their willingness to stay with the process was impressive.

There being no one present wishing to speak for or against the matter, Vice Chairman Mahanay called for a Motion to close the Public Hearing. MOTION was made by Commissioner Jennings to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

Commissioner Jennings stated that this item will be deferred until all five Commissioners are in attendance to vote, on August 14, 2001.

VOTE ONLY

**FILE #04-2001SUP, CHATEAU DRIVE, TAX
MAP #262, AREA #00, PARCEL(S) #5C AND
#12, REQUEST A SPECIAL USE PERMIT
IN A SUBURBAN RESIDENTIAL ZONING
DISTRICT TO CONSTRUCT DUPLEXES
AT A TOTAL OF 40 UNITIS IN PHASES.
(PLANNING COMMISSION RECOMMENDATION:
DENY [VOTE – 3 FOR, 6 AGAINST])
(SECOND READING PUBLIC/HEARING HELD
JUNE 26, 2001)
(DEFERRED FROM JUNE 26, 2001 MEETING)
(DEFERRED FROM JULY 10, 2001 MEETING)**

No action was taken.

COMMISSIONER'S REPORT

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that tomorrow at the Forum from 10 a.m. to 2 p.m., Dr. Aris Georgakakos will be reporting on the impact of the A.C.T. Agreement on Rome, Floyd County and Northwest Georgia.

CLERK'S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there are five items on the Consent Agenda which she submitted for approval, Items 1, 2, 3(a), 4 and 5. Items 3 (b) and (c) were not voted on due to them requiring a 4/5 vote. MOTION was made by Commissioner Fricks to approve the Consent Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

1. Tax Refunds:
 - a. Emory & Sara Brownlow, 652 Taylorsville Road, Aragon, \$133.32
 - b. Bryan & Heather McDurmon, 1736 Old Rockmart Road, SE, Silver Creek, \$46.08
 - c. Al & Pam Leonard, 11 Fernwood Drive, \$37.03
 - d. Jerry A. White, 517 Reeceburg Road, SE, Silver Creek \$22.18
 - e. Terri Michael Atkins, 25 Beech Street, NE, Lindale, \$17.78
 - f. Roy Donald Johnston, Jr., 15 Verbena Avenue, \$5.61
 - g. Denver W. Phillips, 727 Park Avenue, SE, Lindale, \$26.90
 - h. James Stanley Wright, P.O. Box 82, Cave Spring, \$12.90
 - i. Fortino Contreas, 106 Hillside Avenue, NW, \$153.24
 - j. C. Wayne & Teresa P. Cauthen, 244 Lovell Road, SE, \$19.41
 - k. Pearl Davis Johnson, 19 Holland Drive, \$73.92
 - l. James Monroe Caldwell, 1884 Turkey Mountain Road, NE, \$115.97
 - m. John Sullivan, 34 Higgins Street, \$144.59
 - n. Lamar Smith, 43 E. North Avenue, SE, \$26.92
 - o. Jeff & Dawn B. Garrett, 17 Price Road, \$11.83
 - p. Thomas Benny Puckett, 617 Buttrum Road, NE, \$424.16
 - q. Larry Hansard, 11 John Davenport Drive, \$197.87
 - r. Cindy Green, 5 Hogan Lane, \$106.50
2. Application for Self Service Fuel:
 - a. Raheem Budhani/Ayesha Investments, d/b/a, Dragon Fuel, 839 Park Avenue, Lindale.
3. Malt Beverage License Applications:
 - a. Raheem Budhani/Ayesha Investments, d/b/a Dragon Fuel, 839 Park Avenue, Lindale (convenience store).
4. Enter into Minutes Amendment to BFI Contract.

(contract)
5. Authorize signature of Community Development Block Grant Quarterly Expenditures and Progress Reports for the Parking Deck.

MANAGER'S REPORT

AUTHORIZE EXECUTION OF DEPARTMENT OF TRANSPORTATION FY 2002 LARP DOCUMENTS, LAR 31-86-1(115) IN THE AMOUNT OF \$257,145.49 FOR PLANT MIX RESURFACING OF VARIOUS COUNTY ROADS (13.830 MILES).

County Manager Kevin Poe stated this document from the Department of Transportation for Local Assistance Resurfacing Project for FY2002, LAR 31-86-1(115) in the amount of \$257,145.49 for plant mix resurfacing 13.83 miles of county roads. The roads to be resurfaced under this program are:

Big Texas Valley Road, from Fouche Gap to Huffaker Road
Boyd Road
Boyd Valley Road
Lovell Road
Manning Lake Road
Mary Mac Road
Mathis Road

Smith Road
Susan Wayne Avenue

County Manager Poe recommended authorizing the Chairman to sign all documents related to this project. MOTION was made by Commissioner Fricks to authorize the Chairman to sign all documents for the LARP agreement, LAR 31-86-1(115) in the amount of \$257,145.49. SECOND by Commissioner Jennings. Commissioner Jennings noted that this LARP amount of 13.83 miles is down from last year's amount of over 20 miles. Commissioner Fricks noted that last year's amount was down from the previous year. Commissioner Jennings asked if a letter should be sent to the Legislators in appreciation of the attending the Caucus Session today, but also noting that the counties are definitely being negatively affected by a reduction in the amount of funds available across the state for this LARP Program, which we depend upon. Commissioner Fricks noted that the state wide funds are now about half what the all time high was. County Manager Kevin Poe stated that the only way 20 miles had been received last year was that a supplemental budget had been approved which gave us additional mileage. This is approximately the same amount which was initially received last year. Commissioner Fricks stated that the ACCG has been lobbying for this and he recommended that everyone also contact their Legislators regarding this. It was noted that there is a formula as to how the money is distributed and the roads have to meet certain criteria. Commissioner Fricks stated that there is a list of roads for resurfacing on the Floyd County Website. There was discussion on the whether or not it is beneficial to own our asphalt plant. It was noted that currently the County is able to stretch their paving since they have the asphalt plant.

VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF DEPARTMENT
OF TRANSPORTATION CONTRACT FOR
ENGINEERING DESIGN SERVICES TASK
ORDER #1 OF THE GOVERNOR'S
REGIONAL ENHANCEMENT PROGRAM
FOR RICHARD B. RUSSELL AIRPORT
IN THE AMOUNT OF \$21,181 – D.O.T.
PORTION \$15,886 (75%), FLOYD COUNTY
PORTION \$5,295 (25%).**

County Manager Kevin Poe stated that a proposal had been received from the Airport Consultants, LPA Group, to provide design services for several projects at the Richard B. Russell Airport which are being included in the Governor's Regional Enhancement Program. The projects are High Intensity Runway

Lighting System for Runway 119, Precision Approach Path Indicator for Runway 119, Taxiway Guidance Signs and replace the Rotating Beacon Light. The engineering services required for those projects is in the amount of \$21,181. The D.O.T. contract agrees to absorb 75% of the cost, \$15,886, with Floyd County's portion being \$5,295. He recommended authorizing the Chairman to execute the agreement between the D.O.T. and the Richard B. Russell Airport for these services. MOTION was made by Commissioner Jennings to authorize the execution of the Department of Transportation contract for Engineering Design Services Task Order #1 of the Governor's Regional Enhancement Program for Richard B. Russell Airport in the amount of \$21,181, Floyd County's portion of which is \$5,295 with the Department of Transportation's portion being \$15,886. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

AWARD BIDS:

OLD ARMUCHEE FIRE STATION.

County Manager Kevin Poe stated that sealed bids had been accepted for sale of the Old Armuchee Fire Station on July 13, 2001. Five bids had been received. The recommendation is that the second highest bid in the amount of \$17,100 be accepted. The highest bid did not submit a bank certification with their bid and it came contingent upon the County rezoning the property to Community Commercial. Based on these two reasons they recommend the second highest bid of \$17,100 submitted by Bill Turner. MOTION was made by Commissioner Jennings to accept the \$17,100 bid from Bill Turner for the purchase of the Old Armuchee Fire Station. SECOND by Vice Chairman Mahanay. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

BIDS

Doug and Sheryl Allen	\$12,368
Armuchee Ruritan Club	\$10,200
Patti Foster	\$ 8,000
D. C. McCoy/L. W. Lynch	\$27,900
Bill Turner	\$17,100

JUDGE'S BENCH AND MODESTY RAIL.

County Manager Kevin Poe stated that sealed bids had been accepted on July 20, 2001 for the construction of a new Judge's Bench and Modesty Rail in the new courtroom which is being constructed in the Courthouse Building. One bid had been received from M & N Millwork in the amount of \$11,587. He recommended accepting the bid from M & N Millwork. MOTION was made by Commissioner Fricks to

accept the bid from M & N Millwork for the Judge's Bench and Modesty Rail. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF
DEPARTMENT OF COMMUNITY
AFFAIRS CONTRACT IN THE
AMOUNT OF \$25,000 FOR
RENOVATION OF HISTORIC
COURTHOUSE.
(4/5 VOTE REQUIRED)**

No action taken, since there were not enough Commissioners present to add item to Agenda.

**AUTHORIZE EXECUTION OF
DEPARTMENT OF TRANSPORTATION
TEA CONTRACT FOR LOCK & DAM
PROJECT.**

County Manager Kevin Poe stated that this item is a contract between the Georgia Department of Transportation and Floyd County related to funding for the Lock and Dam Project in the amount of \$450,000. It had been noted that this is a 30 page contract which includes several resolutions, Opinion of Counsel, Certifications of Sponsors, and financial information. He recommended that the appropriate County officials be authorized to execute the required documents. MOTION was made by Commissioner

Fricks to authorize the execution of the Department of Transportation contract for the Lock and Dam Project. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF WORK
AUTHORIZATION FOR LPA GROUP
IN THE AMOUNT OF \$5,910 TO
COMPLETE A PHASE I UPDATE OF
THE AIRPORT LAYOUT PLAN.**

County Manager Kevin Poe requested authorization to enter into a Work Authorization for Professional Services with LPA Group in the amount of \$5,910 to complete a Phase I Update of the Airport Layout Plan. This is required by the FAA in submitting capital projects for future FAA funding. This will be part of

the FAA grant application process. He recommended authorizing the work by the LPA Group. MOTION was made by Vice Chairman Mahanay to authorize execution of Work Authorization for LPA Group in the amount of \$5,910 to complete a Phase I Update of the Airport Layout Plan. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF
EASEMENT AGREEMENT WITH
SBA TOWERS FOR A 20 FOOT
UTILITY AND ACCESS EASEMENT
ON OLD DALTON ROAD.**

County Manager Kevin Poe stated that this item is an Easement Agreement between SBA Towers and Floyd County for a 20 foot Utility and Access Easement off the Old Dalton Road at the County water tank site to access a cell tower they will be installing. He recommended approval of the Easement Agreement with the change noted on page 2, second paragraph, beginning the third sentence should read "Grantor shall enjoy full use of the roadway provided that Grantee shall be liable for extra ordinary maintenance cost associated with such use. Grantor will be responsible for maintenance of the road due to normal ordinary use of the roadway." MOTION was made by Commissioner Jennings to approve the Easement Agreement with SBA Towers with noted changes on page 2, paragraph 2, third sentence. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Jennings
Vice Chairman Mahanay

Motion Carried

**AUTHORIZE EXECUTION OF EASEMENT
AGREEMENT WITH ATLANTA GAS LIGHT
ON HIGHWAY 53.**

County Manager Kevin Poe presented an Easement Agreement with Atlanta Gas Light for easement on County property off Highway 53 to be used for the construction of a gas main. He recommended approval of the execution of this Easement Agreement, with the consideration that the Atlanta Gas Light submit a payment in the amount of \$1,000 for use of such easement. MOTION was made by Commissioner Jennings to authorize the execution of the Easement Agreement with Atlanta Gas Light on Highway 53 upon payment of a \$1,000 consideration. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Jennings

Vice Chairman Mahanay

Motion Carried

ADJOURNMENT:

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

VOTING:

YES

NO

Commissioner Fricks

"

Jennings

Vice Chairman Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN