

REGARDING JUNKED MOTOR VEHICLES AND RELATED NUISANCES. (2006-003A)

Chairman Mayes stated the Public Hearing will be held Tuesday, July 11, 2006 at 2:00 P.M. for this item on First Reading.

**SECOND READINGS/PUBLIC HEARINGS:
(FIRST READINGS HELD JUNE 13, 2006)**

- 1. FILE #64-2006SUP, REQUEST A SPECIAL USE PERMIT TO CONSTRUCT A COMMUNICATION TOWER IN O-I (OFFICE INSTITUTIONAL) ZONING DISTRICT ON PROPERTY LOCATED AT BERRY COLLEGE CAMPUS, MARTHA BERRY HIGHWAY, ZONING MAP I12 – PARCEL 009. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 0]):**

Chairman Mayes called for a motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler

" Jennings

" Bennett

Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is open and asked Sue Hiller, Planning Department Director, to give a brief presentation. Ms. Hiller stated the O-I zoning district does require that there be a Special Use Permit for placement of a communication tower. The ULDC also requires that cell towers be placed a distance equal to their height from every property line and every unrelated building. She stated in this particular instance placing it away from the property line is simple enough. The applicant would be leasing a 120' x 120' square pad from Berry College that would be located close to one of the cattle operations where there is an existing cell tower and the existing tower would come down. That location was chosen because it would provide coverage for people on the Berry Campus. The setback from the property line and from buildings is meant to protect adjacent property owners who will not benefit from the communication tower but may be impacted by it for safety reasons, aesthetic reasons or property value reasons. She stated in this particular case there are buildings within 195 feet. In fact, there are buildings within 80.8 feet of where this tower would be based. She stated those are not inhabited buildings. They are garages, barns, storage type buildings. One of them is an open roofed structure so there is not an issue of human

safety involved with that. She stated the other issue is that sometimes adjacent property owners do not benefit from the tower but they have to look at it and so on. The owner of the buildings is Berry College and they are the folks that would be leasing this property to this cell tower company for placement there. She stated because it is going to be within less than 195 feet a variance was required. The Zoning Board of Appeals did grant that variance at their meeting in June, and they are before the Board today with a unanimous recommendation from the Planning Commission that they approve this Special Use Permit. She stated the closest building, which is a barn, is 80.8', the others are over 100 feet. She pointed out that the manufacturer of the tower has written a letter stating these are hinged structures, that do not fall like that, but if they come down it is usually a failure that is hinged and the fall zone is considered to be a 50 foot radius, not a 195 radius.

Chairman Mayes asked if there is anyone here to speak in support or opposition of this item. He stated they may speak up to ten minutes.

Support: Thad Gilliam, 5775 B Glenridge Drive, Atlanta, stated he is representing Southeast Towers, who will be the owner of the tower, and they will be leasing the parcel from Berry College. He stated the need for the tower is just based on pure coverage. They are wanting some place there on Berry Campus, because most of the students do not have good cell coverage in their dorms. He stated Cingular had commissioned Southeast Towers to build this tower. He stated the height is established based on the need, and that is kind of the minimum height to provide the coverage they are needing to provide. He stated according to FAA guidelines they do not have to light that tower, so there will not be any lighting pollution. He presented pictures showing an ariel view of the old tower. He stated they call it a lattice tower, it looks like a truss. It is going to be decommissioned and those antennas will be placed on the new monopole tower. He stated the second photo is what the monopole tower looks like and the ground equipment is as shown at the bottom. It will be behind a fenced area and they will run extra runs of barbed wire around the top and also take out the climbing pegs up to approximately 20 feet for safety reasons. He stated they respectfully request approval of this Special Use Permit.

(Photos on file in Clerk's Office)

No one spoke in opposition of the request. Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Commissioner Bennett made a MOTION to approve the Special Use Permit for File #64-2006SUP. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Bennett
Chairman Mayes

Commissioner Jennings Abstained due to his 33 years association with Berry College

Motion Carried

- 2. FILE #66-2006Z, REQUEST REZONING FROM H-TR (HIGH DENSITY-TRADITIONAL RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) TO CONSTRUCT MANUFACTURED HOMES ON INDIVIDUAL LOTS ON PROPERTY LOCATED AT MAPLE STREET AT ELM STREET. ZONING MAP J15Y – PARCELS 292, 298, 299, 300, 301, 302. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITION THAT THE CONDEMNATION BE LIFTED FIRST. [VOTE: 7 – 0]):**

Chairman Mayes called for a motion to open the Public Hearing. Commissioner Hufstetler made a MOTION to open the Public Hearing. SECOND by Commissioner Bennett.

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is open and asked Sue Hiller, Planning Department Director, to give a brief presentation. Ms. Hiller stated the subject property is currently zoned H-TR (High Density – Traditional Residential). The reason for rezoning is that manufactured homes can only be placed in S-R zoning districts on individual lots, not in the H-TR zoning district. So while rezoning this to S-R would appear to be a spot zone it would not be a spot use. She stated it would be a use

compatible with the residential properties around it. This is an area where services are available. She stated although there are streets on three sides of this property, not all of the streets are open so not all of the lots that are listed in this application have frontage on a road. It is likely that at least some of them will not be able to have a manufactured home placed on them unless they are combined with another lot. She stated this property has been the subject of condemnation. Under the ownership of the current applicant there were structures on the property that did not have proper services installed, that were deteriorated, that were no longer really suitable for occupation by families and people. She stated there was a lot of debris on the property, some of which had been buried, so Floyd County Code Enforcement has been working with this owner to get the condemnation lifted. At the Planning Commission meeting Assistant Manager Sammy Rich checked with Mr. Burkhalter and ascertained that the condemnation had not been lifted at that point. The applicant was asked if she could get a letter saying that the condemnation had been lifted before she came before them at this meeting. Ms. Hiller stated the Planning Commissioners discussed possibly tabling it for a month to let her get a letter saying the condemnation was lifted but then they went ahead and made a recommendation that it be approved. Now, based on her memory and Assistant Manager Rich's memory of that meeting, this is not a recommendation to approve it with a condition. She stated the Planning Commissioners were making the recommendation conditioned upon the applicant being at this meeting and having some kind of confirmation from Mr. Burkhalter that she had met all of the requirements of the condemnation that was placed on the property. Staff recommendation had been to either table or to deny without prejudice to allow her to continue to clear up the issue she had with condemnation, then come back and ask for the rezoning. She stated as far as placing residential structures, whether they are manufactured homes or site built homes on these lots, that would certainly be compatible with the surrounding residential area. However, there are still these outstanding issues that go along with it. The applicant does not appear to be here today but this does come to the Board with a motion and a recommendation voted on 7-0 that if she can show that she has complied with all of the condemnation proceedings and orders, that they approve her request.

Commissioner Jennings stated so this property is still under condemnation to their knowledge. Ms. Hiller stated the applicant has done a lot of work. She has removed some of the dilapidated trailers and much of the debris. She has been working on cleaning this up. Most of the property is clear but there were things that were buried. She stated material was used as land filling material so there is buried debris on the property that still has to be dealt with according to Mr. Burkhalter. Commissioner Jennings stated so Ms. Hiller could not certify that the property has been totally cleaned up. Ms. Hiller stated at this time they cannot verify that. She stated in the last conversation with Mr. Burkhalter, which was about an hour ago, he said that it had not been resolved yet. Assistant Manager Rich stated there has been no request for a letter to give it the free and clear. He stated he was out there at least last week and there are still a few things to be done, even though there has been a lot of progress made. He stated there were several mobile homes and a lot of dilapidated structures, there was extension cords powering mobile homes out windows. It was really worst case scenario

as far as condemnation is concerned so it is a lot better than it was but at last check there was still debris. He stated the applicant is not here to defend the application and request, but to his knowledge they have not been asked to come out and give the all clear, which tells him that it is not all clear. Commissioner Jennings stated so the question is can they hold this up until this gets settled. Assistant Manager Rich stated it seems it would be appropriate to perhaps table it. Commissioner Bennett stated a table lets them come back next meeting without waiting 6 months. Commissioner Jennings stated it says construct manufactured homes. They are not going to build them on the site there, they are going to locate them there. Ms. Hiller stated they are going to place manufactured homes on the property.

Chairman Mayes asked if there is anyone here that would like to speak in support or opposition of this item. Seeing none, Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Tabled – No action taken.

CHAIRMAN'S REPORT:

1. Appointments

a. Northwest Georgia Region I Mental Health/Mental Retardation and Substance Abuse Board, 3-year term expires July 31, 2006.

Commissioner Hufstetler made a MOTION to appoint Jim Burton for this 3-year term (3-year term expires July 31, 2009). SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

- 2. Discuss Letter from Branson Tractors requesting the Board of Commissioners to forgive their inventory tax bill for 2005. (Deferred June 13, 2006).**

No action taken.

COMMISSIONER'S REPORT:

- 1. Administrative/Finance Committee – Commissioner Fricks, Chairman**

No report.

- 2. Public Safety Committee – Commissioner Bennett, Chairman**

No report.

- 3. Public Works Committee – Commissioner Mayes, Chairman**

No report.

- 4. Water Committee – Commissioner Jennings, Chairman**

Commissioner Jennings stated statewide water restrictions are in place and have been well communicated in the community. He urged citizens in the community to follow those restrictions. We are not in any sort of dire straits, but with the lack of rain up until this last week, we would appreciate citizens being careful about their use of water as they move into the summer. He stated thank goodness they are not on the receiving end of Lake Lanier with the Corp of Engineer's faulty gage that drained about 4 feet of water out of Lake Lanier and has certainly threatened Metro Atlanta area. He stated we are holding our own and monitoring the flow from Old Mill Spring in Cave Spring, and if we need to move further as far as mandatory restrictions they will make that known, but we are not to that point as of yet.

- 5. Special Committee Reports**

- a. Consolidation Task Force (Fricks/Hufstetler)**
- a. Parking Committee (Fricks/Bennett)**
- a. SPLOST Committee (Jennings)**
- a. Alternative Sentencing Committee (Jennings, Fricks, Mayes)**
- a. Fire Overview Committee (Bennett, Mayes)**

There were no Special Committee reports.

CLERK'S REPORT

CONSENT AGENDA

County Clerk Kathy Arp stated there are two items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Hufstetler made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

- 1. Malt Beverage Application, Heather Womack, Dalton Food Mart/DBA Citgo Fuel Center, 5646 Alabama Highway, Rome. (Beer & Wine – Ownership Change).**
- 2. Self-Service Fuel Application, Heather Womack, Dalton Food Mart/DBA Citgo Fuel Center, 5646 Alabama Highway, Rome. (Ownership Change).**

MANAGER'S REPORT:

- 1. CONSIDER AMENDING BUDGET ALLOCATION TO THE ROME-FLOYD LIBRARY TO COVER THE INCREASE IN THE EMPLOYER PORTION OF THE HEALTH INSURANCE AS REQUIRED BY THE STATE HEALTH BENEFIT PLAN (\$11,347). (DEFERRED JUNE 13, 2006):**

Defer.

- 2. AWARD BID FOR PURCHASE OF PICK-UP TRUCKS FOR WATER DEPARTMENT IN THE AMOUNT OF \$65,584. (DEFERRED JUNE 13, 2006):**

County Manager Kevin Poe stated this was discussed during Caucus. Commissioner Hufstetler made a MOTION to award the bid as recommended by Purchasing and the Water Department. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

- 3. AWARD BID FOR EXCAVATOR (TRACK-HOE) FOR WATER DEPARTMENT:**
- 4. AWARD BID FOR TRUCK FOR ANIMAL CONTROL:**
- 5. AWARD BID FOR TRUCK FOR EMERGENCY MANAGEMENT:**
- 6. AWARD BID FOR CARGO VAN FOR FACILITIES MANAGEMENT:**
- 7. AWARD BID FOR TRUCKS FOR PUBLIC WORKS:**

County Manager Kevin Poe stated items 3, 4, 5, 6 and 7 will be presented together. He stated sealed bids were accepted on all of the items and the recommendation is to accept the low bid meeting specifications on all but one of these pieces of equipment. He stated overall they are going to be under budget by about \$30,000 for all of these purchases. He recommended that they accept the bids per the memo from Nancy Lam, Purchasing Director, dated June 26, 2006 related to awarding the bids on items 3-7. Commissioner Hufstetler made a MOTION to accept the Manager's recommendation on items 3-7. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

- 8. AWARD BID FOR TRAFFIC PAINT AND SIGN MATERIALS FOR PUBLIC WORKS:**

County Manager Poe stated they recently accepted bids for traffic paint and sign materials for Public Works. He recommended that they accept the bids per the memo from Nancy Lam, Purchasing Director, dated June 20, 2006. Commissioner

Bennett made a MOTION to approve the Manager's recommendation for the bid for traffic paint and sign materials. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

9. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 9B FROM LPA GROUP, INC. REGARDING TAXIWAY "C" PAVEMENT REHABILITATION PROJECT (CONSTRUCTION PHASE) AT RICHARD B. RUSSELL AIRPORT:

County Manager Kevin Poe stated the total amount of these services is \$55,490. He recommended they authorize and accept Work Authorization No. 9B from the LPA Group. Commissioner Hufstetler made a MOTION to authorize the Execution of Work Authorization No. 9B from the LPA Group, Inc. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

10. AWARD BID FOR RENOVATION OF THE OLD COURTROOM IN THE ADMINISTRATION BUILDING (2003 SPLOST):

County Manager Kevin Poe stated they recently received bids for the renovation of the old courtroom in the Administration Building. He stated they received two bids. The low bid was from Berry Construction Company with the add alternate number one. He stated the total bid was \$165,076. Those bids have been reviewed by Robert Noble, Architect, and recommend that they award the bid to Berry Construction, including alternate number one. Commissioner Bennett made a MOTION to approve the Manager's recommendation for the renovation of the old courtroom. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

11. ACCEPT CHANGE ORDER #1 FROM NORTHWEST GEORGIA PAVING ON THE HUFFAKER ROAD PROJECT IN THE AMOUNT OF \$22,645.50:

County Manager Kevin Poe stated this is to cover installation of underdrain pipe and a spring box underneath the roadbed and to change the driveway pipes from corrugated metal to reinforced concrete pipe. He stated the total amount of the Change Order is \$22,645.50. Commissioner Bennett made a MOTION to approve the Manager’s recommendation on the Change Order for the Huffaker Road Project. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

12. DISCUSS REQUEST FROM JUDGE MATTHEWS REGARDING JUDICIAL SECRETARY POSITION:

County Manager Kevin Poe stated this is a request that they received from Judge Matthews regarding his Judicial Secretary Position. He stated they have before them a Resolution that the County Attorney has put together, and he has some minor revisions he is going to recommend before asking them to approve this Resolution. County Attorney Tommy Manning stated he would recommend the Resolution to the Commission with the changes discussed during Caucus under Section 1. He stated at the bottom of the page it would now state “so long as the county is reimbursed by the State of Georgia, by and through the Council of Superior Court Judges, for at least the compensation expended by the county for the salary of said Carol Corbin, provided Carol Corbin enters into a written agreement with the county defining the terms of her compensation.” He stated everything else would remain the same. Commissioner Hufstetler made a MOTION to approve the Resolution with the changes recommended by the County Attorney. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

13. CONSIDER REQUEST FROM THE SEXUAL ASSAULT CENTER OF NORTHWEST GEORGIA FOR FUNDING FROM LOCAL VICTIM ASSISTANCE 5% ADD-ON FINE REVENUE:

County Manager Kevin Poe stated they have a request from the Sexual Assault Center of Northwest Georgia for funding assistance through the Local Victim Assistance Fund, which is the add-on fines. He recommended that they grant them \$10,000 out of the 5% add-on fines. Commissioner Hufstetler made a MOTION they award \$10,000 to the Sexual Assault Center of Northwest Georgia out of their Local Victim Assistance 5% Add-on Fine Revenue. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

14. DISCUSS PROJECT TO INSTALL NEW SEWERAGE SYSTEM AT THE ANIMAL CONTROL FACILITY:

County Manager Kevin Poe stated they have received proposals to put in a new sewerage system at the Animal Control Facility. He stated after reviewing it they feel the best option is to install a force main along Mathis Road to the City's sewer system. The price they got from Clay Service Company for this installation is \$26,568. He recommends that they award the work to Clay Service Company and allow them to negotiate with them the possibility of adding a grinder pump to be able to pump both solids and liquids. Commissioner Jennings made a MOTION to accept the Manager's recommendation to extend the sewer line and negotiate for a grinder. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Hufstetler

" Jennings
" Bennett
Chairman Mayes

Motion Carried

15. ACCEPT RECOMMENDATION TO ACCEPT CRABAPPLE LANE AND THE DETENTION POND IN SIGNATURE ESTATES ON COUNTY MAINTENANCE:

16. ACCEPT RECOMMENDATION TO ADD PORTIONS OF THE FOLLOWING ROADS IN THE HIGHLANDS SUBDIVISION ON COUNTY MAINTENANCE: HIGHLANDER TRAIL SW (180'); HADRIAN RIDGE SW (1075'); SUSANNE COURT SW (ENTIRE LENGTH); ELLEN CIRCLE SW (ENTIRE LENGTH):

County Manager Kevin Poe stated on items 15 and 16 they had recommendations from the Engineering Department and the Public Works Department to accept Crabapple Lane, 180' of Highlander Trail SW, 1075' of Hadrian Ridge SW, the entire length of Susanne Court SW and Ellen Circle SW on county maintenance and to accept the detention pond in the Signature Estates on county maintenance. Commissioner Bennett made a MOTION to approve the Manager's recommendation for acceptance of these roads and detention pond. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

17. DISCUSS SALARY SUPPLEMENT FOR ASSISTANT MIS DIRECTOR:

County Manager Kevin Poe stated he would like to recommend they award an additional salary supplement of \$1,500 to LaSonja Holcombe for her continued role as interim MIS Director. Commissioner Hufstetler made a MOTION to approve the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Hufstetler

" Jennings
" Bennett
Chairman Mayes

Motion Carried

**18. DISCUSS PERSONNEL REQUESTS DEFERRED FROM
FY'06 BUDGET HEARINGS:**

No action taken.

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES NO

Commissioner Hufstetler
" Jennings
" Bennett
Chairman Mayes

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

JOHN MAYES, CHAIRMAN