

September 24, 2013

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
September 24, 2013                      6:00 P.M.**

**PRESENT:**                      Chairman Irwin Bagwell, Commissioners Garry Fricks, John Mayes, and Rhonda Wallace.

**OTHERS**

**PRESENT:**                      County Manager Jamie McCord, County Attorney Tommy Manning, County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

**ABSENT:**                      Vice-Chairman Larry Maxey.

**CALL TO**

**ORDER:**                      Chairman Bagwell called the meeting to order.

**INVOCATION:**              Commissioner Wallace led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:**              Commissioner Fricks led the Pledge of Allegiance.

**ADOPTION OF**

**MINUTES:**

Chairman Bagwell asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Caucus and Regular Meeting of September 10, 2013. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Fricks  
"              Wallace  
"              Mayes  
Chairman Bagwell

Motion Carried

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
SEPTEMBER 10, 2013)**

Chairman Bagwell reviewed the procedures for Public Hearings.

**Special Use Permits**

**1. FILE #92-2013SUP. REQUESTS SPECIAL USE PERMIT TO ALLOW PERSONAL CARE HOME FOR SIX (6) PERSONS ON PROPERTY LOCATED ON WARD MOUNTAIN ROAD. TAX MAP M13, PARCEL 198. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT THE NUMBER OF PERSONS CARED FOR IN THE HOME NOT EXCEED SIX (6) [VOTE: 7-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director, to provide an overview of the special use permit request. Ms. Hiller stated the subject property is surrounded almost entirely by suburban residential properties, and developed with scattered rural residences and some agricultural use. She stated the property to the north that is zoned community commercial is actually a residential property. This is a very low-density residential area. She stated the subject property is approximately eight acres in size. It is developed with a single-family dwelling, paved parking, and several out buildings. She stated the dwelling has been used as a personal care home for four persons for a number of years, and they would like to add two persons. She stated to go from four persons to six persons, does require a special use permit. She stated the home is located on the property pretty far back off the road. Services and utilities are available to the site except for septic tank, but as noted, there is enough property to accommodate any additional septic tank capacities. She stated she observed three paved parking spaces on the property. The requirement would be four paved parking spaces, and there is room to add that one additional parking space. She stated going from four persons in the home to six persons is a fairly small jump. The change would not likely cause any adverse impacts given the size of the property and the distance between dwelling units in this area. She stated the unanimous recommendation from the Planning Commission to approve the special use permit was conditioned on allowing up to six persons in the home other than the caretakers who live there.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed and called for a motion. Commissioner Wallace made a MOTION to Adopt the Ordinance to Approve the Special Use Permit to allow Personal Care Home for six (6) persons on property located on Ward Mountain Road, Tax Map M13, Parcel 198, with the condition that the number of persons cared for in the home not exceed six (6). SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Wallace

" Mayes  
Chairman Bagwell

Motion Carried

**2. FILE #93-2013SUP. REQUESTS SPECIAL USE PERMIT FOR CONSTRUCTION OF MONOPOLE COMMUNICATION TOWER ON PROPERTY LOCATED ON NEW ROSEDALE ROAD AT GRANT ROAD, ARMUCHEE. TAX MAP K07, PARCEL 043. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director, to provide an overview of the special use permit request. Ms. Hiller stated the subject property is a little over ten acres in size. She stated the property is zoned agriculture residential, and developed with what appears to be pastureland with a small barn or stable. She stated the property is surrounded by agriculture residential zoning in all directions except to east where there is some community commercial zoning. The predominant land use is agriculture and low density scattered residential. She stated this is a very rural area. The aerial photograph shows the barn and another shed or two on the property. She stated the site plan that was submitted shows that the tower location would be a little over one hundred and ninety six feet to the nearest property line. The tower itself would be one hundred and ninety six feet tall. She stated services and utilities are available. She stated the property is accessed from New Rosedale Road, which is a rural major collector, and fronts on Grant Road, which is classified as a local road. She stated once they are constructed, towers generally do not generate much traffic, noise, dust, or light pollution. They are highly visible. She stated although the site plan indicates that there would be trees left on the property a significant distance from the right-of-way, once the tower is in place it would be visible from some of the surrounding properties. She stated provision of cellular service in this area of Floyd County is important.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition.

**Support: Ron Morris, 470 Saddle Bow Drive, Lawrenceville,** stated he represents the applicant, AT&T Mobility, for this new tower site. He stated AT&T is proposing a one hundred and ninety five foot monopole style tower. This would be a light pole looking tower, which is the smallest and least obtrusive type of tower. He stated the tower does not require lighting, so there would be no lighting or flashing lights. He stated that they have sited this tower in a location that is consistent with the ordinance. He stated they meet all of the ordinance requirements, so they are not requesting any variances, or any waivers of any kind. They are simply asking for Board approval of the special use permit for the construction of this tower. He stated he would

be glad to answer questions at the appropriate time unless they have questions for him now.

Commissioner Fricks asked Mr. Morris if he said that the tower is not required to be lit. Mr. Morris stated that is correct. He stated the Federal Aviation Administration (FAA) does not require anything under two hundred feet of height to be lit. Commissioner Fricks stated he knows that they have an existing airport ordinance, and asked if they have looked at this in terms of that ordinance with glide scope and everything. He stated he would just like to know because of the towers adjacency to the airport. Mr. Morris stated they file an FAA request for every tower, and they have to have FAA approval prior to any construction. He stated both of those have been done with FAA approval. Ms. Hiller stated Mr. Morris shared this with Airport Director Mike Mathews. She stated Mr. Mathews reported that this does not affect airport operations.

**Opposition: Joseph Willingham, 975 Rosedale Road, Armuchee,** stated a lot of people have concerns about health factors. He stated there have been a lot of studies that say there are no health risks, but there are also a lot of perceived issues with health. He stated the problem then becomes about future property values for homes and properties within a mile of the cell tower. He stated he has spoken with several real estate agents in the last few days, and has done a fair amount of research. He stated that people generally say that the decrease in value is anywhere from two to twenty percent. He stated the more realistic decrease in value being five to ten percent. He stated he is sure that people do not want a decrease in home value, especially in this market. He stated that during his research, he read that no health risks were found at ground level below towers. He questioned if the elevation gain around their neighborhood was ever taken into consideration because the tower would be sitting lower than most of the homes in the area. He stated a tower was recently erected on Highway 140 and Highway 53. The tower is enormous, and can be seen from close to two miles away. He stated people do not generally spend a lot of money when buying toward railroads, high voltage power lines, and cell phone towers. He stated that most everyone in the neighborhood enjoys living in the country, away from the hustle and bustle of downtown. He stated they would like to continue enjoying it without a hundred and ninety six foot tall tower visible from their homes.

**Brian Larsen, 217 Grant Road,** stated that he and his wife have property on Grant Road that is about three hundred yards from where the tower would be. He stated they have their house up for sale, and are planning to build a house on the property. He stated the main thing that they are concerned about is the possible decrease in property value. He stated there is so much land out there, but they are trying to squeeze a cell phone tower in with a bunch of houses. He stated that he has no problem with someone doing what they want on their own property, but he feels that someone should speak up if it is something that is going to affect others. He stated that he is against the tower going up, but he has nothing against whoever is putting it up. He and his wife are just afraid that if they do build a house on their property and then decide to sell it one day, what the outcome of that would be. He thanked the Board.

**Steve Willingham, 975 Rosedale Road,** stated they do live in a rural area with a lot of acreage, but there would be at least thirty-five houses less than a mile from the cell tower. He stated he could not understand why they did not choose an area with about a hundred acres and no one around it rather than an area this populated. They are concerned about the possible health risks, especially since they have a ten-week-old grandbaby that they keep. He stated they just do not feel that this is a good thing for the community. He thanked the Board.

**Rebuttal:** Mr. Morris stated he appreciates the concerns that some of these residents have brought forward, and he could address them to some degree. He stated that unfortunately he does not think anyone present could fully address these concerns, and that is not going to leave the residents very satisfied. He stated that he is a real estate broker, although he does not do very much residential real estate. He stated that when he does, one of the first questions to come up, or one of the very first things people do when they walk into a property is pull out their cell phones to look at what the coverage is. He stated he understands that this is not the case in this particular community today, but it may be sometime in the near future. Many of them have eliminated their home phones. He stated they rely solely on their cell phones for communication at home as well as emergency services should something tragic happen. The government requires that any cell phone, regardless of the provider, have the ability for a 911 call to be completed to the nearest cell tower. He stated that obviously one of the benefits of having a tower nearby is that emergency service. He stated that he cannot speak to property values. He stated as they can appreciate, property values are a very subjective thing, which is market driven. The market here would determine the property values. He stated he has heard many people say that they would not buy a home if it did not have good cell service because they rely so much on wireless services. Some of these folks do not have that concern. He stated they prefer the rural life, and he can certainly appreciate that. He stated that AT&T proposes tower sites where their customers have complained about lack of service. He stated that since traffic alone would not generate a request for a new tower site, it is likely that some of the residents have complained to AT&T customer service regarding lack of coverage, which generated the request.

Mr. Morris stated the exposure concerns that were mentioned are concerns that he hears on a regular basis and he shares the reasoning behind those concerns. He stated that none of them really knows for sure what exposure effects will be revealed ten, fifteen, or twenty years down the road. He stated they rely on a couple of different reports for that type of information. One report is by the Federal Communications Commission as a consumer guide to radio frequency exposure specific to cell tower sites, and the American Cancer Society provides another report. He stated if anyone is going to look for cancer causing issues it would be the American Cancer Society. He stated that he has copies of both reports that he would be happy to leave for anyone that would like to have them. He stated these reports say that there is no definitive evidence of any exposure related concerns for cell towers in this kind of an area. He stated typically, unless they stand within about five feet of a transmitting antenna, the RF

effects are almost nonexistent based on exposure readings by electronic devices. He stated tower climbers often wear the electronic devices. He has worn them on rooftops where there are transmitting antennas. He stated he has never had one go off to warn him of any concerns. He stated that realistically the jury is probably out and will not be back in for fifteen or twenty years on the long term effects if any. He stated as he said, this is a concern that he hears regularly, but the best they can do is address it with the information that they have at hand. Currently the reports say that there is no documented effect of cell towers as cancer causing agents, or for radiation concerns at a distance. He stated one man mentioned the ripple effect. Think about throwing a rock in the water. He stated that as the rock ripples out further it gets smaller, and smaller, and smaller. It is the same for a radio wave. He stated the farther away they are from the tower the less powerful the signal and RF frequency is. He stated his final comment would be that the tower that AT&T has proposed is on a ten-acre tract that is not truly in anyone's backyard while it is near some residences. Those residences can certainly benefit if they are AT&T customers, or potentially other cell phone companies, Verizon and T-Mobile for example, should they decide that they would like to share the tower space to serve their customers as well. He stated they have sited this tower in a location that meets all of the land use requirements for telecommunications towers. They are not requesting any variances or waivers of any kind from the Commission. He stated in closing, he would simply say that once again, based on meeting these requirements, they request the approval of the special use permit to construct the tower to provide wireless services in this area. He thanked the Board.

Chairman Bagwell declared the Public Hearing closed.

**Discussion:** Commissioner Wallace asked Ms. Hiller if she could tell them again how close the nearest home is to this tower. Ms. Hiller stated that they did not have statistics on the nearest home to the tower, but looking at the aerial photograph the tower location would be over a hundred and ninety five feet from the Grant Road property line, and a little more than that from any other property lines. She stated it would be at least a hundred and ninety five feet from any dwellings on any adjacent properties, plus the width of the road. Commissioner Fricks asked Ms. Hiller what the community zoning use is across the road from the property. Ms. Hiller stated that is listed as being single-family residential and agriculture in that area even though it is zoned community commercial.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Ordinance to Approve the Special Use Permit for construction of monopole communication tower on property located on New Rosedale Road at Grant Road, Armuchee, Tax Map K07, Parcel 043. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

Commissioner  
Wallace

" Mayes  
Chairman Bagwell

Motion Carried

**CHAIRMAN'S REPORT:**

No Report.

**COMMISSIONER'S REPORT:**

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

No Report.

**2. Public Safety Committee – Commissioner Mayes, Chairman**

**a. Adopt Resolution Approving and Authorizing Floyd County Employees Working in the Floyd County Animal Control Department to Execute a Rescue Transfer Sheet Agreement on Behalf of the County.**

Commissioner Mayes asked County Manager McCord to review the Public Safety Committee items. County Manager McCord stated this is to bring the county into compliance with the Department of Agriculture rules, as well as the Official Code of Georgia, regarding spaying and neutering of animals released to a licensed agency for adoption. He stated the current local ordinance gives them the ability to do that, but when they are transferred to a rescue agency, they need to ensure that they are following the rules and regulations of both the Official Code of Georgia and the Department of Agriculture.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Floyd County Employees Working in the Floyd County Animal Control Department to Execute a Rescue Transfer Sheet Agreement on behalf of the County. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**b. Adopt Resolution Approving and Authorizing Transfer of Dive Equipment from Emergency Management Department to Sheriff's Department.**

County Manager McCord stated the Sheriff's Department has employees and volunteer staff with diving certifications capable of using the dive equipment that Emergency Management currently has. He stated this equipment has not been used in several years, and it is in need of some repairs. The Sheriff's Department does have the necessary funds budgeted for the equipment improvements and repairs. He stated this would also allow the dive team to be made available not only in Floyd County, but throughout the GEMA Area 6 region. He stated that the GEMA Area 6 region covers twenty-two counties in northwest Georgia. He stated the county has a qualified person on staff that is willing to complete the improvements and repairs.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Approving and Authorizing the Transfer of Dive Equipment from the Emergency Management Department to the Sheriff's Department. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**3. Public Works Committee – Chairman Bagwell, Chairman**

No Report.

**4. Water Committee – Commissioner Maxey, Chairman**

No Report.

**5. Judicial Services Committee (CJIS) – Commissioner Wallace**

No Report.

**6. Special Committee Reports**

**a. Fire Overview Committee – Commissioners Fricks and Mayes**

**b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks**

- c. **Joint Development Oversight Committee – Chairman Bagwell and Commissioner Fricks**
- d. **Joint Solid Waste Oversight Committee – Chairman Bagwell and Commissioner Fricks**
- e. **SPLOST Committee – Commissioner Wallace**

There were no Special Committee Reports.

**CLERK’S REPORT:**

**Consent Agenda**

**4/5 Vote Required to Add Item to Agenda:**

County Clerk Kathy Arp requested a 4/5 vote to add item #5, Temporary Alcoholic Beverage License, Virginia Kibler, Harvest Moon Café, to the Clerk’s Consent Agenda.

Chairman Bagwell called for a motion to add Temporary Alcoholic Beverage License, Virginia Kibler, Harvest Moon Café, 234 Broad Street, Rome. Event location: Richard B. Russell Regional Airport, October 11 and 12, 2013, Beer & Wine, to the Clerk’s Consent Agenda. Commissioner Mayes made a MOTION to add the item to the agenda. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Fricks  
 " Wallace  
 " Mayes  
 Chairman Bagwell

Motion Carried

County Clerk Kathy Arp stated there are five items on the Clerk’s Consent Agenda, which have been reviewed, and are submitted for approval.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Fricks

" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

- 1. Alcoholic Beverage License, Charu Patel, Maple Minit Shop, 3110 Maple Road SE, Lindale. (Ownership Change – Beer & Wine)**
- 2. Self-Service Fuel Dispensing License, Charu Patel, Maple Minit Shop, 3110 Maple Road SE, Lindale. (Ownership Change)**
- 3. Temporary Alcoholic Beverage License, Michael Nolan, Nolan/Shannon LLC, d/b/a Opi's Roadhouse, 7080 New Calhoun Highway, Rome. Event location: 5561 New Calhoun Highway, Rome. October 25 and 26, 2013. Beer & Wine.**
- 4. Agreement between Floyd County and Peek Pavement Marking, LLC, for the placement of thermoplastic striping, thermoplastic markings, signage, posts, traffic control, refl. Sheeting and raised pavement markers.**
- 5. Temporary Alcoholic Beverage License, Virginia Kibler, Harvest Moon Café, 234 Broad Street, Rome. Event location: Richard B. Russell Regional Airport, October 11 and 12, 2013. Beer & Wine.**

#### **MANAGER'S REPORT:**

- 1. ADOPT RESOLUTION APPROVING AND AUTHORIZING THE AWARD OF BID AND EXECUTION OF CONCESSIONAIRE AGREEMENT BETWEEN FLOYD COUNTY AND ENTERPRISE LEASING COMPANY OF GEORGIA FOR CAR RENTAL SERVICES AT RICHARD B. RUSSELL REGIONAL AIRPORT. (DEFERRED AUGUST 27, 2013)**

County Manager McCord stated proposals were received several weeks ago, and the two companies that submitted proposals are both local companies. He stated that Enterprise Leasing Company of Georgia ended up being the better of the two proposals. He stated the county would receive a twelve-dollar processing fee with no expense in transfers from the Enterprise main office to the airport as well as a twelve-dollar fee for any units that may originate from the airport. This improvement in the rental agreement would also allow three vehicles at the airport at all times. He stated the contract is a one-year contract with the option for an additional contract if both parties agree.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing the Award of Bid and Execution of Concessionaire Agreement between Floyd County and Enterprise Leasing Company of Georgia for Car Rental Service at Richard B. Russell Regional Airport. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**ATTORNEY'S REPORT:**

**1. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SECOND AMENDMENT TO WINGS OVER NORTH GEORGIA AIRSHOW AGREEMENT BETWEEN FLOYD COUNTY AND JLC AIRSHOW MANAGEMENT, LLC, DATED MAY 08, 2012.**

County Attorney Manning stated the proposed resolution would be a second amendment to an agreement between the county and JLC Airshow Management, LLC. He stated if the resolution is passed, it would have the effect of terminating the contract with the county and JLC Airshow Management, LLC, effective December 31, 2012. He stated that the Board is being asked to consider this because Wings Over North Georgia, LLC, purchased the insurance and ran the airshow last year, so additional agreements were needed. He stated this would clean that up for a new agreement with the proper entity for this year's airshow.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Second Amendment to Wings Over North Georgia Airshow Agreement between Floyd County and JLC Airshow Management, LLC, dated May 08, 2012. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**2. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN FLOYD COUNTY AND WINGS OVER NORTH GEORGIA, LLC.**

County Attorney Manning stated this resolution for Board consideration is a resolution that would authorize the execution of a new airshow agreement with Wings Over North Georgia, LLC. He stated the individuals involved are the same people that were involved in the other agreement, but it is a different corporate entity. The new corporate entity is purchasing the insurance, and has contracts concerning the putting on of the airshow. He stated the term of the agreement would be for three additional years including this year.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Agreement between Floyd County and Wings Over North Georgia, LLC. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN FLOYD COUNTY, THE CITY OF ROME AND WALTER P. MOORE AND ASSOCIATES, INC., FOR REPAIRS TO SIXTH AVENUE PARKING DECK.**

County Attorney Manning stated the proposed resolution would authorize execution of an agreement between Floyd County, the City of Rome and Walter P. Moore and Associates, Inc., which is a civil engineering firm. He stated if the contract is executed, Walter P. Moore and Associates, Inc. would provide engineering services and project management for some repairs that are to be made to the Sixth Avenue (Law Enforcement Center) parking deck. He stated that this agreement, if approved by the Board, would also have to be approved by the Rome City Commission.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Agreement between Floyd County, the City of Rome and Walter P. Moore and Associates, Inc., for repairs to Sixth Avenue Parking Deck. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**ADJOURNMENT:**

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

YES

NO

Commissioner Fricks  
" Wallace  
" Mayes  
Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**

**FLOYD COUNTY BOARD OF COMMISSIONERS  
CAUCUS**

**September 24, 2013 4:30 PM**

Present: Chairman Irwin Bagwell, Commissioners Garry Fricks, John Mayes and Rhonda Wallace, County Manager Jamie McCord, Assistant County Manager Noah Simon, County Clerk Kathy Arp, County Attorney Tommy Manning, and Comptroller/Finance Director Gary Burkhalter.

Absent: Vice-Chairman Larry Maxey.

Others Present: Sheriff Tim Burkhalter, Chief Deputy Tom Caldwell, Human Resources Director Larry Johnson.

Sheriff Tim Burkhalter and Chief Deputy Tom Caldwell spoke with the Commissioners regarding FY2014 Sheriff's budget including employee pay, condition of fleet vehicles, and SPLOST.

Commissioners and staff reviewed items on the agenda for the meeting of September 24, 2013.

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**