

May 27, 2008

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
May 27, 2008                      6:00 P.M.**

**PRESENT:** Chairman Jerry Jennings, Commissioners Garry Fricks, Eddie Lumsden, John Mayes and Chad Whitefield.

**OTHERS**

**PRESENT:** County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe, and Assistant County Manager Blaine Williams.

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

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

**PLEDGE OF**

**ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Lumsden.

**ADOPTION OF**

**MINUTES:**

Chairman Jennings asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of May 13, 2008. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

**PUBLIC HEARINGS:**

**(FIRST HEARINGS HELD ON  
MAY 13, 2008 AT 2:00 P.M.)**

Chairman Jennings reviewed the procedures for Public Hearings.

**1. FILE #51-2008Z, REQUEST REZONING FROM A-R**

**(AGRICULTURE RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) WITH SPECIAL USE PERMIT TO CONSTRUCT MINI WAREHOUSES ON PROPERTY LOCATED ON KINGSTON HIGHWAY AT BRANSON ROAD. ZONING MAP M14 – PARCEL 292. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE FOLLOWING CONDITIONS: 1) DEVELOPMENT SHALL NOT ENCROACH ON THE STREAM AND WETLAND ON THE EAST SIDE OF THE PROPERTY; 2) SETBACKS, LANDSCAPING AND BUFFERS SHALL BE PROVIDED TO THE FULL EXTENT REQUIRED BY THE ULDC; 3) ALL LIGHTING ON PROPERTY SHALL BE DOWNWARD DIRECTED AND SHALL NOT SPILL OVER ONTO ADJACENT PROPERTY. [VOTE: 6-2]):**

Chairman Jennings called for a motion to open the Public Hearing. Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is approximately a six acre tract currently zoned A-R (Agriculture Residential). She stated to the south, north and east are properties zoned either A-R (Agriculture Residential) or S-R (Suburban Residential). These are used residentially or agriculturally, and this is a rural residential area. She stated immediately to the west there is a property that is zoned L-I (Light Industrial) and it is being used as a light industrial use. This was rezoned from S-R (Suburban Residential) to L-I (Light Industrial) in 2004 to accommodate an existing building and an existing business that was already on this property at the time the ULDC was adopted. She stated the C-C (Community Commercial) zoning to the north, across Kingston Highway, consists of a convenience store. There is also a speculative rezoning there that was zoned to C-C in 2004, with no particular use in mind. It remains undeveloped. Part of that community commercial is actually used residentially. She stated the property has some trees and has probably been pasture at one time. Beyond that is agricultural land. To the east along Kingston Highway, there is not much there other than some residential uses and some agricultural uses. She stated this property is located in the Rural Commercial Corridor Character

Area. As they will recall from the Comprehensive Plan, these are areas that exhibit a certain character, and are appropriate for certain kinds of development. She stated this is defined as an area of nodal development, interspersed with stretches of rural use and natural areas. In this particular area, there is water service available, but there is no sewer service. She stated Kingston Highway is classified as a collector, and Branson Road is a local road. The FIRM maps indicate that the property is not within a floodplain. However, on the east side of the property there is a mapped wetland.

She stated self-storage units typically are fairly low intensity, however, some of the concerns that neighbors often have is with security. They have concerns about whether they are properly buffered and landscaped, and whether they are open at night so that people are coming and going at odd hours. She stated the site plan that was submitted indicates that the buildings would be placed on the property lines. It does not show landscaping, setbacks, or buffers. It does show some future development on the east side of the property where the wetland currently exists. This is within an area on the 2008 Future Land Use Map, indicating suburban residential use for the property. She stated because of the lack of detail on the site plan and conformance with required standards; the encroachment of commercial use into a rural area less than a mile from an existing commercial node that is not entirely developed; the presence of a wetland on the property; and the lack of Comprehensive Plan support for the project, staff recommendation was to deny the request. However, staff did go on to say that if the choice of the Commission is to approve this request for rezoning there should be some conditions placed on approval. These conditions would be: 1) development shall not encroach on the stream and wetland on the east side of the property; 2) setbacks, landscaping and buffers shall be provided to the full extent of the ULDC; and 3) all lighting on the property would be downward directed.

**Support: Scott Henderson, 4 Mountain Creek Drive**, stated he is actually the developer looking to buy the property. He stated the property is under contract pending the rezoning. He stated he feels it will be a good project for the area. They do not have any warehouse storage whatsoever in the community, without going over to Old 53 from Highway 293. He stated they have two new subdivisions that are quickly filling at this time. He thinks it would be a good project and good for the new homeowners that are coming into the area. He stated the property is pretty much not worth anything else. He plans to build the area up where it needs to be built up for any water drainage.

**Chuck Hardin, Southern Engineering**, stated everything as far as the site development would be designed in accordance with ULDC standards, as well as with all the other state and federal rules, such as stormwater management, erosion and sediment control. He stated all those things would be addressed, and would be submitted for approval by Floyd County, as well as the Building Inspection Department. He stated they would abide by whatever stream buffer may be required on that stream. There is a 25-foot stream buffer requirement on any state water. He stated they would not impact any wetlands that are jurisdictional. The problem with that area is no real wetlands have been delineated on the sides, so it is kind of hard to say that

they cannot impact the wetlands that have not been delineated yet. He stated they would abide by all county regulations, as well as state and federal regulations.

Chairman Jennings asked if the space around the mini-warehouses is going to be paved, or is it going to be a pervious surface. Mr. Hardin stated it is probably going to be pervious. He stated the drives and everything would be gravel, which is not inconsistent with most mini-warehouses. He stated there would be stormwater detention required on the site, so there will be a detention pond designed. He stated chances are there is a 25-foot stream buffer on that particular ditch, and if that is the case, they would need 25-foot on each side of that stream undisturbed.

Mr. Henderson stated the site plan that was submitted was just something that he had drawn up so they could see what was going on. He stated that in no way means that he is going to do the buildings exactly like that. He stated the highest building would be 8-foot tall and the indirect lighting will be straight down. The whole property will security fenced and they will have video cameras. He stated the gates will only be open from daylight to dark.

Chairman Jennings asked if there was anyone wishing to speak in opposition. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

Commissioner Mayes made a MOTION to approve the rezoning request with the following conditions: 1) the development shall not encroach on the stream and wetlands on the east side of the property; 2) setbacks, landscaping and buffers shall be provided to the full extent required by the ULDC; and 3) all lighting on the property shall be downward directed and shall not spill over onto adjacent property. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

Commissioner

Whitefield

Chairman Jennings

Motion Carried

**2. ORDINANCE TO AMEND FLOYD COUNTY CODE SECTION  
2-11-88 RELATED TO EMERGENCY CLOSING OF UNFIT  
DWELLINGS, BUILDINGS AND OTHER STRUCTURES.  
(2008-003A):**

Chairman Jennings called for a motion to open the Public Hearing. Commissioner Lumsden made a MOTION to open the Public Hearing. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

Chairman Jennings asked for a brief overview of this amendment to the code. County Manager Kevin Poe stated this amendment establishes the procedures for the emergency closing of dwellings, buildings or other structures when they become unfit for human habitation and are a danger to the health, welfare and safety of those living therein.

Chairman Jennings asked if there is anyone who wishes to speak in favor or opposition of this amendment to the Floyd County Code. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to adopt the Ordinance to Amend the Floyd County Code related to the Emergency Closing of Unfit Dwellings, Buildings and Other Structures. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**3. ORDINANCE TO AMEND FLOYD COUNTY CODE  
RELATED TO A PAWN SHOP REPORTING SYSTEM:  
(2008-004A)**

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

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

Chairman Jennings asked for a brief overview of this amendment to the code. County Manager Kevin Poe stated the amendment includes the requirements for the preparing and maintaining of records by pawn shops; to provide for the electronic reporting of pawn transactions; to provide for the collection of transaction fees; to amend the reporting requirements for pawnshops; and to repeal conflicting ordinances for other purposes.

Chairman Jennings asked if there is anyone who wishes to speak in favor or opposition of this amendment to the Floyd County Code. Seeing none, Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes

" Whitefield  
Chairman Jennings

Motion Carried

Commissioner Mayes made a MOTION to adopt the Ordinance to Amend the Floyd County Code related to Pawn Shop Reporting. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

## **CHAIRMAN'S REPORT:**

### **1. Appointments:**

#### **a. Airport Commission**

Commissioner Fricks made a MOTION to reappoint David Ashbaugh (Post 3) and appoint Johnny Davis (Post 4) to serve on the Airport Commission for 4-year terms expiring June 30, 2012. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

#### **b. Floyd County Board of Family & Children Services**

Commissioner Fricks made a MOTION to reappoint Debbie Burnett for a 5-year term, expiring on June 30, 2013, and appoint Allison Watters to fill the unexpired term of Jane Palmer, term expiring June 30, 2009, to serve on the Floyd County Board of Family & Children Services. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**c. Northwest Georgia Mental Health/Developmental Disabilities/Addictive Diseases Board**

Commissioner Fricks made a MOTION to reappoint Warren Jones to serve on the Northwest Georgia Mental Health/Developmental Disabilities/Addictive Diseases Board for a 3-year term expiring on July 31, 2011. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**d. Rome-Floyd Parks and Recreation Authority**

Commissioner Fricks made a MOTION to reappoint Jerry Collins (Post 2) and Larry Hestely (Post 6) to serve on the Rome-Floyd Parks and Recreation Authority for 5-year terms expiring June 30, 2013. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**COMMISSIONER'S REPORT:**



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

No Report.

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

No Report.

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

No Report.

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

No Report.

**5. Judicial Services Committee – Commissioner Jennings, Chairman**

No Report.

**6. Special Committee Reports**

- a. SPLOST Committee (Lumsden)
- b. Work Release Committee (Lumsden, Mayes)
- c. Fire Overview Committee (Lumsden, Whitefield)
- d. Joint Services Committee (Jennings, Whitefield)
- e. Joint Development Oversight Committee (Mayes, Whitefield)
- f. Transportation Committee (Whitefield)

There were no Special Committee Reports.

**CLERK’S REPORT:**

**Consent Agenda**

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

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**1. Tax Refunds:**

- a. **Carlton Zack Walker, 60 East Drive, \$72.42**
- b. **Dismuke Rentals LLC, 6 Richland Court, \$7.11**

**2. Authorize Release of Taxes from Tax Commissioners Roll \$1,525.77.**

**3. Malt Beverage Application, Bhavini B. Patel/Kwik Way Market, Inc., 1190 Booze Mountain Road, Lindale. Manager Change (Beer).**

**4. Malt Beverage Application, Khalid Javaid/NJL Corporation, dba US Food Mart, 7748 Alabama Highway, Rome. (Add Wine sales).**

**5. Authorize Execution of Health Services Agreement between Floyd County, Tim Burkhalter as Sheriff of Floyd County and CorrectHealth Floyd, LLC.**

**MANAGER'S REPORT:**

**1. APPROVE FY2009 CAPACITY AGREEMENT WITH THE GEORGIA DEPARTMENT OF CORRECTIONS TO HOUSE STATE INMATES AT THE FLOYD COUNTY PRISON:**

County Manager Poe stated they have an agreement between the Georgia Department of Corrections and Floyd County for the care and custody of 348 state inmates at the Floyd County Prison for State FY2009. He recommended approving the agreement as submitted.

Commissioner Mayes made a MOTION to approve the Capacity Agreement as recommended. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes

" Whitefield  
Chairman Jennings

Motion Carried

**2. APPROVE REQUEST FOR BUDGET AMENDMENT TO EQUIPMENT LINE ITEM (330456-60740) IN THE PUBLIC WORKS DEPARTMENT TO REMOVE ONE (1) ½ TON 4X4 PICKUP TRUCK AND AUTHORIZE PURCHASE OF ONE (1) ADDITIONAL ¾ TON 4X2 PICKUP TRUCK:**

County Manager Poe stated they received a request from Michael Skeen, Public Works Director, for a budget amendment to his equipment line item to allow him to purchase an additional ¾ ton 4x2 pickup truck, in lieu of a ½ ton 4x4 pickup truck. He stated they awarded the bid for another ¾-ton pickup truck at the meeting of April 22, 2008, so they would piggyback on that bid. He stated this will result in a savings of about \$6,000 to the county.

Commissioner Whitefield made a MOTION to approve the budget amendment and purchase of a ¾-ton pickup truck in lieu of the ½-ton truck as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**3. AWARD OF BID FOR ONE (1) 25 LIGHT ARROW BOARD FOR PUBLIC WORKS DEPARTMENT:**

County Manager Poe stated sealed bids were received for a light arrow board for the Public Works Department. The recommendation is to accept the low bid of \$4,795.00 from Safety Zone Specialists, Inc.

Commissioner Lumsden made a MOTION to accept the recommendation as stated by the County Manager. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**4. AWARD OF BID FOR ONE (1) 1-TON FLAT BED TRUCK FOR PUBLIC WORKS DEPARTMENT:**

County Manager Poe stated sealed bids were received for the purchase of a 1-ton flat bed truck for the Public Works Department. He stated the recommendation is to accept the low bid of \$23,941.00 from Courtesy Ford.

Commissioner Mayes made a MOTION to approve the recommendation as presented. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**5. AWARD OF BID FOR ONE (1) 10-FOOT RUBBER TIRE ASPHALT PAVER FOR PUBLIC WORKS DEPARTMENT:**

County Manager Poe stated sealed bids were received for the purchase of an asphalt paver for the Public Works Department. He stated the recommendation is to accept the low bid of \$219,600.80 from Tractor & Equipment Company with an additional \$12,010.59 in options, for a total purchase price of \$231,611.39. He stated this piece of equipment will be lease purchase.

Commissioner Mayes made a MOTION to approve the recommendation as stated by the County Manager. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**6. AWARD OF BID FOR ONE (1) ¾ TON CREW CAB 4X2  
PICKUP TRUCK FOR PUBLIC WORKS DEPARTMENT:**

County Manager Poe stated sealed bids were received for a ¾-ton crew cab 4x2 crew cab pickup truck for the Public Works Department. He stated the recommendation is to accept the low bid of \$18,418.64 from Courtesy Ford.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

**7. AWARD OF BID FOR TWO (2) 6-YARD DUMP  
TRUCKS FOR WATER DEPARTMENT:**

County Manager Poe stated sealed bids were received for the purchase of two 6-yard dump trucks for the Water Department. He stated the recommendation is to accept the low bid of \$66,183.00 per vehicle, for a total amount of \$132,366.00, from Wade Ford. He stated that is \$2,366.00 over the budgeted amount, however, they have saved more than that amount in previous purchases made this year.

Commissioner Whitefield made a MOTION to approve the recommendation as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

**8. AUTHORIZE EXECUTION OF GROUP ADOPTION  
AGREEMENT FOR THE ASSOCIATION COUNTY  
COMMISSIONERS OF GEORGIA (ACCG) INMATE  
MEDICAL ADMINISTRATIVE SERVICES ONLY**

**PROGRAM:**

County Manager Poe stated they have a Group Adoption Agreement for the Association County Commissioners of Georgia (ACCG) Inmate Medical Administrative Services Program. He stated that by entering into this program through ACCG, we will have access to the Blue Cross Blue Shield network for inmate medical services. Blue Cross Blue Shield will also administer the claims. He stated by doing this, we will be getting a greater discount on our medical billing from the different medical providers. He recommended executing the document as provided.

Commissioner Lumsden made a MOTION to approve the Execution of the Group Adoption Agreement for the Association County Commissioners of Georgia (ACCG) Inmate Medical Administrative Services Only Program. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

**9. AUTHORIZE EXECUTION OF DOCUMENTS BETWEEN  
GEORGIA DNR AND FLOYD COUNTY RELATED TO GO  
FISH PROGRAM:**

County Manager Poe stated they have an Intergovernmental Agreement between Floyd County and the Georgia Department of Natural Resources for the Lock & Dam Park boating and fishing facility on the Coosa River. He stated this is related to the Go Fish Program that we are working with the state on. He stated the County Attorney reviewed that document with them during Caucus, and recommends the execution of the document. He asked if there were any changes. County Attorney Manning stated there were just a couple of changes. He stated there were changes to paragraph 1 where they inserted the word substantially, and then there were changes to the language that they have in paragraph 9 that he read and those are contained in the final version being presented that the County Clerk has. He stated she also has a Resolution that authorizes the Chairman to execute the Intergovernmental Agreement on behalf of the county.

Pursuant to the Agreement, County Manager Poe stated if they move forward with the layout and design of the improvements, once they get an accurate cost estimate, they can make a final decision whether to move forward or not. Chairman

Jennings stated they will also know the extent of the contribution from the DNR to the project.

Commissioner Whitefield made a MOTION to adopt the Resolution authorizing the Execution of these Documents between Georgia DNR and Floyd County related to Go Fish Program. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**ADJOURNMENT:**

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

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**JERRY JENNINGS, CHAIRMAN**

