

January 27, 2009

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
January 27, 2009                      6:00 P.M.**

**PRESENT:** Chairman John Mayes, Commissioners Irwin Bagwell, Garry Fricks, Eddie Lumsden 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 Mayes called the meeting to order.

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

**PLEDGE OF**

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

**PUBLIC PARTICIPATION:**

**Barbara Beninato, 12 Forest Meadow Drive SW; Cailey Chase-Fowler, 1202 DeSoto Avenue; Larry Caywood, 104 Snead Avenue NW; Ann Pullen, 101 Broad Street #6; and Charles Caruth,** appeared before the Board to request that the \$7,500 pledge made in 2008 for the United Arts Collaborative remain in the FY2009 budget.

**Spencer Brewer, 173 Lavendar Road NW,** spoke about the Sign Ordinance. He stated, as he understands it, the Sign Ordinance is coming before the Planning Commission next Thursday for final review. He requested that each of the Commissioners study the ordinance in detail, and if they would like additional input from him, he would be glad to discuss it with them.

**Johnny Locklear, 153 East Second Street, Lindale,** addressed the Board regarding the status of the new fire station. County Manager Poe stated he had a meeting with Mr. Locklear last week and explained, from his point of view, of where we are. He stated the subject is going to continue to evolve in our Fire Overview Committee meetings with the city. As he previously mentioned to Mr. Locklear, the county is looking at relocating the East 12<sup>th</sup> Street station to Callier Springs Road. He stated we are looking at a site on the west side of Callier Springs Road, between Highway 411 and Mathis Road. He stated the best place for this discussion is at the Fire Overview Committee meeting. Commissioner Whitefield stated he serves on the Fire Overview Committee. He stated this will be discussed at the next Fire Overview Committee meeting. He stated it is a public meeting, and he thinks that would be a great meeting for Mr. Locklear to attend.

**ADOPTION OF  
MINUTES:**

Chairman Mayes asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Bagwell made a MOTION to adopt the minutes of the Regular Meeting of January 13, 2009 and Called Meeting of January 20, 2009. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE 2008 RETIREES:**

The Board presented Proclamations and Plaques of Appreciation recognizing the following retirees for their years of service to Floyd County:

Plaques and Proclamations were presented to:

Anne Brinkley, Warden, Floyd County Prison (29 years, 9 months)

(Proclamation/Resolution Book, Page 139)

Joe Johnston, Clerk of Superior Court (45 years, 4 months)

(Proclamation/Resolution Book, Page 140)

Plaques were presented to:

Rudell Shanks, Clerk of Superior Court (14 years, 3 months)

Eileen Wilson, Clerk of Superior Court (12 years, 10 months)

Victoria Abernathy, E911 (11 years, 9 months)

John Mays, Facilities Management (18 years, 4 months)

Judy Swaim, Facilities Management (18 years, 8 months)

Billy Twilley, Facilities Management (16 years, 8 months)

Senita Braziel, Police Department (12 years, 4 months)

Tommy Eaves, Public Works (16 years, 2 months)

Edward Johnson, Public Works (13 years, 7 months)  
Roy Dyer, Public Works (13 years, 5 months)  
Dawn Lambert, Recycling Center (10 years)  
Marta Turner, Recycling Center (16 Years, 8 months)  
Charles Neighbors, Sheriff Department (15 years, 4 months)  
Bobby Dukes, Sheriff Department (18 Years, 8 months)  
Gwendolyn Bartlett, Tax Assessor (24 years, 1 month)

**SEVERE WEATHER AWARENESS WEEK:**

Commissioner Whitefield presented Scotty Hancock, Emergency Management Director and Tim Herrington, Assistant, with a Proclamation recognizing February 1 – 7, 2009 as Severe Weather Awareness Week.

Mr. Hancock thanked the Board for the recognition, and reviewed a list of the scheduled events.

(Proclamation/Resolution Book, Page 141)

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
JANUARY 13, 2009)**

- 1. FILE #02-2009SUP, REQUEST A SPECIAL USE  
PERMIT FOR MANUFACTURED HOME ON  
SUBDIVISION LOT IN SUBURBAN RESIDENTIAL  
(S-R) ZONING DISTRICT ON PROPERTY LOCATED  
AT 73 BROWNLOW DRIVE, ZONING MAP E13Z –  
PARCEL 027. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE [VOTE: 9-0]):**

Chairman Mayes declared the Public Hearing open. He reviewed the procedures for Public Hearings. Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this item. Ms. Hiller stated the subject property is located within a subdivision called J.A. Downs Subdivision. She stated surrounding properties are zoned S-R (Suburban Residential), and are developed with single-family homes (both manufactured and site built) commercial businesses, light industrial uses, and institutional uses. Generally, approval of a special use permit in S-R (Suburban Residential) zoning is based on the compatibility with adjacent properties. She stated placement of a manufactured home would not be an incompatible type of development, although, single-family use may not be the most compatible or appropriate use considering the industrial and commercial uses nearby. She stated all services and utilities are available.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition.

**Support: Charles Barker, 73 Brownlow Drive**, stated this is his property, and he has lived there for twenty-three years. He stated he removed the manufactured home he was living in, and he is trying to get a doublewide placed on the property. He needs to get this permit to get it in and set up. He thanked the Board.

Chairman Mayes asked if there was anyone who wishes to speak in opposition. Seeing none, he declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to approve the recommendation to Adopt the Ordinance for a special use permit at 73 Brownlow Drive. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

- 2. FILE #124-2008Z, REQUEST REZONING FROM SUBURBAN RESIDENTIAL (S-R) AND MULTI-FAMILY RESIDENTIAL (M-R) TO COMMUNITY COMMERCIAL (C-C) TO MARKET FOR COMMERCIAL USE ON PROPERTY LOCATED AT 233 WAX ROAD. ZONING MAP K17 – PART OF PARCEL 456, 456A, 456B, 456C, 456C1 AND 456D. (PLANNING COMMISSION RECOMMENDATION: APPROVE REZONING AND CORRECTING THE PROPERTY LINES AND ZONING DISTRICT BOUNDARIES AS PER THE MAP PREPARED BY PLANNING DEPARTMENT STAFF AND DATED JANUARY 8, 2009. [VOTE: 7-2]):**

Chairman Mayes declared the Public Hearing open. He reviewed the procedures for Public Hearings. Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this item. Ms. Hiller stated the applicant indicates that the rezoning would enable marketing of the property; therefore, no site plan was submitted. She stated the adjacent property to the south and west was rezoned from S-R (Suburban Residential) to C-C (Community Commercial) in 2003. Part of the property is developed with a restaurant, and part of the property is undeveloped. She stated the adjacent property to the east was rezoned from S-R (Suburban Residential) to M-R (Multi-family Residential) in 2002, and there are four multi-family dwellings and two single-family dwellings there. Neither time rezoning action was taken were the plat of the property and the zoning district boundaries rectified. She stated the request includes both rezoning of a 5-acre tract of land, and rezoning of various pieces of land to correct the difference between property lines and zoning district boundaries. The property is at an intersection. There are existing

commercial uses including a pharmacy, restaurant, and convenience store on other parcels. She stated sewer is not available to this site. Without knowledge of the type and size of the development, it is difficult to determine whether the lack of sewer service would be problematic. She stated due to the lack of sewer service, and the fact that the FLUM does not support rezoning of the property, staff recommends denial of the request. However, the request to rezone in order to correct the property lines and zoning district boundaries should be approved.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition.

**Support: Lamar Ashley, 216 Wax Road, Silver Creek,** stated he is the owner of the property, and he is here to answer any questions they may have.

Chairman Mayes asked if there was anyone who wishes to speak in opposition. Seeing none, he declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to Approve the Ordinance rezoning and correcting the property lines and zoning district boundaries as per the map prepared by the Planning Department staff and dated January 8, 2009 on property located at 233 Wax Road. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

#### **CHAIRMAN'S REPORT:**

- 1. Board Meeting of February 10, 2009 has been rescheduled for Friday, February 6, 2009 at 2:00 p.m. due to conflict with ACCG Legislative Conference.**

Chairman Mayes stated the Board Meeting of February 10, 2009 has been rescheduled for Friday, February 6, 2009 at 2:00 p.m. due to conflict with ACCG Legislative Conference.

- 2. Appointment of Commissioners to various Committees.**

Chairman Mayes stated appointments have been made to various committees per the list as outlined below:

211 Committee Lumsden	Commissioner
Administrative & Finance Committee Whitefield	Commissioner
Airport Commission/Avionics Program Lumsden	Commissioner
Alcohol Control Commission Lumsden	Commissioner
CVRDC Board of Directors & Work Force Task Force Fricks	Commissioner
CVRDC Council of Chief Elected Officials Mayes	Commissioner
Department of Family & Children Services Board Whitefield	Commissioner
Fire Overview Committee Commissioners Lumsden & Whitefield	
Floyd County Board of Health Whitefield	Commissioner
Floyd County Library/Sara Hightower Regional Library Bagwell	Commissioner
Board of Trustees Floyd-Rome Urban Area Transportation Study Policy Commissioners Bagwell & Lumsden Committee (FRUTS)	
Forum Civic Center Advisory Board Bagwell	Commissioner
Greater Rome Convention & Visitors Bureau Fricks	Commissioner
Highland Rivers Community Service Board Bagwell	Commissioner
Hospital Authority of Floyd County Mayes	Commissioner
Joint Development Oversight Committee (Building Inspection) Commissioners Fricks & Whitefield	
Joint Services Committee Commissioners Mayes & Whitefield	
Keep Rome-Floyd County Beautiful Bagwell	Commissioner
Public Safety Committee Lumsden	Commissioner
Public Works Committee Bagwell	Commissioner
Rolling Hills RC&D Council Bagwell	Commissioner
Rome-Floyd Commission on Children & Youth Mayes	Commissioner

Rome-Floyd County Development Authority Mayes	Commissioner
Rome-Floyd Parks & Recreation Authority Fricks	Commissioner
Rome-Floyd Planning Commission Whitefield	Commissioner
Rome-Floyd Solid Waste Commission Commissioners Bagwell & Whitefield	
SPLOST Committee Fricks	Commissioner
Water Committee Fricks	Commissioner
Work Release Committee Commissioners Lumsden & Mayes	

### **3. Appointments to SPLOST Committee.**

No Report.

## **COMMISSIONER'S REPORT:**

### **1. Administrative/Finance Committee**

No Report.

### **2. Public Safety Committee**

No Report.

### **3. Public Works Committee**

No Report.

### **4. Water Committee**

No Report.

### **5. Judicial Services Committee**

No Report.

### **6. Special Committee Reports**

#### **a. SPLOST Committee**

#### **b. Work Release Committee**

- c. **Fire Overview Committee**
- d. **Joint Services Committee**
- e. **Joint Development Oversight Committee**
- f. **Special Transportation Committee**
- g. **Special Public Safety Committee**

There were no Special Committee Reports.

## **CLERK’S REPORT:**

### **Consent Agenda**

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

YES NO

Commissioner Bagwell  
 " Fricks  
 " Lumsden  
 " Whitefield  
 Chairman Mayes

Motion Carried

### **1. Tax Refunds:**

- a. Rome LP Gas, 101 Primrose Road SE, \$1,321.46
- b. Richard & Melanie Hardy, 2455 Horseleg Creek Road, \$257.25
- c. Luis & Kelli Gonzalez, 8 Intervale Drive, \$8.64
- d. Rome LP Gas, 101 Primrose Road SE, \$126.07
- e. Robert Hunton, 609 Bob Hunton Road, Douglasville, \$0.87
- f. Family Dollar Store #283, P.O. Box 56018, Indianapolis, Indiana, \$25.80
- g. Robert Hunton, 509 Bob Hunton Road, Douglasville, \$37.67
- h. Kenneth & Delaine Jennings, 3082 Callier Springs Road SE, \$14.36
- i. Kenneth & Delaine Jennings, 3082 Callier Springs Road SE, \$14.36
- j. Kenneth & Delaine Jennings, 3082 Callier Springs Road SE, \$13.35
- k. OBGYN Specialists of Atlanta, 15 River Pine, \$759.69
- l. Joseph Motes, 3874 Martha Berry Highway NE, \$78.14
- m. Howard Alexander, 900 North 2<sup>nd</sup> Avenue, \$122.90



- n. Kenneth Fincher, 17 Gables Drive SE, \$116.48
  - o. Heritage First Bank, P.O. Box 5184, \$570.00
  - p. Heritage First Bank, P.O. Box 5184, \$47.29
  - q. Heritage First Bank, P.O. Box 5184, \$56.88
  - r. Heritage First Bank, P.O. Box 5184, \$61.86
  - s. Judy Newberry, 3155 Old Dalton Road, \$370.11
  - t. Sarah & Charles Hardaker, 136 Central Grove Road, \$332.68
  - u. Gene Davidson, 92 Twin Lake Road, \$115.37
  - v. James Givens & Joel Holcombe, 16 Commerce Court, \$279.14
  - w. Robert Minge, 242 Price Road NE, \$205.39
  - x. Lendmark Financial, P.O. Box 167, Winston-Salem, NC, \$2.36
  - y. Randy Tullos, 237 Shoals Ferry Road, \$865.66
- 2. Authorize execution of Consent to Assignment and Assumption Agreement from Stan Arasmith Individually and as Sole Shareholder in Arasmith Manufacturing to Arasmith Industries International LLC, and Authorize execution of Consent to Assignment from Arasmith Industries LLC to Heritage First Bank.**
- 3. Authorize execution of Agreement for Transportation of the Elderly between Coosa Valley Regional Development Center and Floyd County.**

**MANAGER'S REPORT:**

- 1. DISCUSS THE POSSIBILITY OF REZONING AN ENTIRE SINGLE-FAMILY NEIGHBORHOOD THAT IS CURRENTLY ZONED DUPLEX RESIDENTIAL (D-R) TO SUBURBAN RESIDENTIAL (S-R):**
- No Action.
- 2. APPROVE CONTRACT OF EMPLOYMENT BETWEEN FLOYD COUNTY AND CHRISTOPHER JENKINS TO FILL THE POSITION OF FACILITIES MANAGER:**
- Defer.
- 3. APPROVE CONTRACT OF EMPLOYMENT BETWEEN FLOYD COUNTY AND JEFF CHANDLER TO FILL THE POSITION OF PRISON WARDEN:**

County Manager Poe recommended approval of the Contract of Employment between Floyd County and Jeff Chandler to fill the position of Prison Warden.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to approve the Contract of Employment between Floyd County and Jeff Chandler to fill the position of Prison Warden, as submitted. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**4. DISCUSS CONTRACT WITH WILBUR SMITH ASSOCIATES REGARDING ADDING AN ADDITIONAL DESIGN ALTERNATIVE TO THE ARMUCHEE CONNECTOR PROJECT (2006 SPLOST):**

County Manager Poe stated they have a request to consider a proposal from Wilbur Smith Associates in regards to providing an additional design alternative to the Armuchee Connector project. He stated specifically this would be to add an additional bridge on the project to bring the design to a 50-year storm design. The total amount to do that additional design would be \$101,415.00. He stated that is broken down between providing road design work, natural drifts design, and some geotechnical engineering.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to accept the Manager's recommendation concerning the proposal from Wilbur Smith Associates to include an additional design alternative to the Armuchee Connector project at a cost of \$101,415.00. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**5. APPROVE CHANGE ORDER TO CONTRACT WITH R. J. GRIFFIN COMPANY FOR WORK ON COURTHOUSE PARKING LOT PROJECT. (2006 SPLOST):**

County Manager Poe stated they have a proposed change order to the Contract with R. J. Griffin Company, which would incorporate a Guaranteed Maximum

Price (GMP) for their portion of the work on the courthouse parking lot improvements. He stated they have discussed breaking up the work. R. J. Griffin is going to do a portion of it, Floyd County forces will do part of it, and we will also work with the City of Rome regarding the new location of the entrance to the parking lot as well as the traffic signal. The guaranteed maximum price that we would set with R. J. Griffin is \$384,101.00. He recommended approving the change order with R. J. Griffin Company as submitted.

Chairman Mayes called for a motion. Commissioner Whitefield made a MOTION to approve the Change Order with R. J. Griffin Company for work on the Courthouse Parking Lot Project (2006 SPLOST) to set the Guaranteed Maximum Price (GMP) at \$384,101.00. SECOND by Commissioner Lumsden. VOTING:

	YES	NO
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Commissioner Bagwell		
" Fricks		
" Lumsden		
" Whitefield		
Chairman Mayes		

Motion Carried

**6. ADOPT FY2009 BUDGET AND AUTHORIZE  
EXECUTION OF BUDGET RESOLUTION:**

County Manager Poe stated there will be no action on this item. He requested recessing this meeting and come back Thursday, January 29, 2009 at 9:00 a.m. to officially adopt the FY2009 Budget.

**ATTORNEY'S REPORT:**

No Report.

**RECESS:**

There being no further business to come before the Board, Chairman Mayes called for a motion to recess the meeting until January 29, 2009 at 9:00 a.m. Commissioner Whitefield made a MOTION to recess the meeting until January 29, 2009 at 9:00 a.m. SECOND by Commissioner Lumsden. VOTING:

	YES	NO
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Commissioner Bagwell		
" Fricks		
" Lumsden		

" Whitefield  
Chairman Mayes

Motion Carried

**RECONVENE MEETING OF JANUARY 27, 2009**  
**January 29, 2009 9:00 A.M.**

**PRESENT:** Chairman John Mayes, Commissioners Irwin Bagwell, Garry Fricks, and  
Eddie Lumsden.

**OTHERS**

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

**ABSENT:** Commissioner Chad Whitefield and Assistant County Manager Blaine  
Williams.

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

**ADOPT FY 2009 BUDGET AND AUTHORIZE  
EXECUTION OF BUDGET RESOLUTION:**

County Manager Poe stated they have a final draft of the FY2009 Budget  
that includes all of the various county funds. He stated everything ties back to the General

Fund, as far as any kind of subsidy or anything we have in all of the other funds such as Emergency Management, 211, and funds like that. The main change between the document that was presented Tuesday, January 27, 2009 and today is that the amount of contingency that was plugged into the General Fund budget has been lowered. He stated when they were putting together the budget for the Police Department, the portion of their longevity pay of their salary budget was left out through some miscommunication. That amount was a little over \$100,000.00. When they were verifying all of the salary budgets, Gary Burkhalter found that mistake yesterday. He stated they went back and plugged that number in, which made a little over \$100,000.00 reduction in the amount of contingency that we stated to them on Tuesday.

He stated the other areas were in the District Attorney's Office, they are making some adjustments to their salary. He said to their credit, we believe everybody in that office, including the state paid people, are voluntarily doing the 4.5% reduction in pay, but we are also looking for a hiring freeze or a reduction of force in that department. He stated that has not come to fruition, so we need to continue to work on that. Currently the total contingency is about \$190,000.00 in the General Fund. He stated that includes \$155,000.00 that was set aside for gas and oil contingency, and the remainder of it is general contingency. In the Fire Fund Budget, the city is making some significant changes, and the overall Fire Budget has dropped. He stated we have reduced the contribution to the city by about \$100,000.00, so right now we are showing \$100,000.00 surplus being generated in FY2009 in the Fire Fund. A suggestion has been made that we consider taking that \$100,000.00 and rolling it into the General Fund contingency, which is an option that we have. He stated in our initial draft of the budget, we already have some dollars being moved from both the Solid Waste Fund and the Fire Fund to help balance the General Fund Budget. We do have an additional \$100,000.00 there in another fund that could be used to transfer over to the General Fund. He stated the two changes that we had were in those two Salary Budgets for Police and District Attorney.

Chairman Mayes asked if the budget presented represents the transfer of those funds. County Manager Poe stated no. We have the opportunity through the course of the year to continue to make adjustments to the budget, and we will be continuing to look at ways to find savings. He stated the Commissioners have given some good ideas of some areas to look into, and we are still looking into certain areas. Hopefully, there will be some things come to fruition in looking at that to help our overall budget situation.

Commissioner Fricks asked are there any disadvantages of doing that transfer. County Manager Poe stated if we ever wanted to one day add another station out in the county, and we are looking for some capital money to do something like that, it would impact that, but we have money built up in that fund already. He stated the bigger issue is how we pay to operate that on a year-to-year basis. From an operational standpoint, the city carries a fund balance for the Fire Fund, and we contract with the city. He stated the city has their own Fire Fund that we make contributions to. We have our own millage rate special tax district in the unincorporated area that raises the money that we use to fund our contribution to the Fire Fund, and we make a contribution to the Water Department to

maintain all of the fire hydrants countywide. He stated we can adopt the budget as submitted, or with any amendments they choose to attach to it.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to Adopt the FY2009 Budget and Authorize execution of the Budget Resolution. SECOND by Commissioner Fricks.

**Discussion:** Commissioner Bagwell asked does that motion include moving the money from the Fire Fund to general contingency. Chairman Mayes stated the motion is to accept the budget as presented. He stated we can look at that later, make a decision to pull those monies out, and move them around. County Manager Poe stated we can come back at any time and look at that. Commissioner Fricks stated it is basically a contingency either way. He stated it is set up as contingency under Fire Fund, or set up as a contingency under General Fund, so it is really the same principal. County Manager Poe stated it is available and it could go to any other fund we need it to go to.

VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**ADJOURNMENT:**

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

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**JOHN MAYES, CHAIRMAN**