

February 6, 2009

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
February 6, 2009 2:00 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, and Assistant County Manager Blaine Williams.

ABSENT: County Manager Kevin Poe.

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

INVOCATION: Commissioner Whitefield led the Invocation.

PLEDGE OF

ALLEGIANCIE: The Pledge of Allegiance was led by Commissioner Lumsden.

**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 Whitefield made a MOTION to adopt the minutes of the Regular Meeting of January 27, 2009 (Reconvened January 29, 2009). SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

PROCLAMATIONS:

ARBOR DAY:

Commissioner Whitefield presented Mary Hardin Thornton with a Proclamation celebrating February 20, 2009 as Arbor Day. Ms. Thornton stated Alliah Morgan, a very talented 2nd grade student at Garden Lakes Elementary, illustrated the cover of their Arbor Day Program. She stated they have had great participation. The City of Rome has been a Tree City USA city for nineteen years, and are receiving a growth reward. She stated they would be planting two willow trees at the big lake in Garden Lakes. This is open to the public and everyone is invited to attend February 20, 2009 at 11:00 a.m. at the big lake. A reception will follow at the Anthony Center. She thanked the Board for the recognition.

(Proclamation/Resolution Book, Page 142)

RESOLUTIONS:

**ADOPT RESOLUTION SUPPORTING COOSA VALLEY
REGIONAL DEVELOPMENT CENTER (CVRDC)
SUBMISSION OF AN APPLICATION FOR ECONOMIC
DEVELOPMENT ADMINISTRATION/ECONOMIC
STIMULUS FUNDING TO RENOVATE AND EXPAND
CVRDC OFFICES:**

Chairman Mayes asked Assistant Manager Blaine Williams for a brief description. Mr. Williams stated the Coosa Valley Regional Development Center (CVRDC) on Jackson Hill is seeking the county's support in submitting an application for an expansion/renovation of their offices to be put on the Economic Stimulus Funding. He stated this is not financial support. It is just support in the form of a Resolution.

Commissioner Fricks made a MOTION to Adopt the Resolution supporting Coosa Valley Regional Development Center (CVRDC) submission of an application for Economic Development Administration/Economic Stimulus Funding to renovate and expand CVRDC offices. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield

Chairman Mayes

Motion Carried

**FIRST READINGS:
(PUBLIC HEARINGS TO BE HELD
FEBRUARY 24, 2009 AT 6:00 P.M.)**

1. FILE #21-2009Z, REQUESTS REZONING FROM

**S-R (SUBURBAN RESIDENTIAL) TO N-O-C
(NEIGHBORHOOD OFFICE COMMERCIAL) FOR
BEAUTY/BARBER SHOP ON PROPERTY LOCATED
AT 70 WADE STREET. ZONING MAP K13X – PARCEL
384. (PLANNING COMMISSION RECOMMENDATION:
DENY [VOTE: 10 – 0]).**

2. FILE #23-2009SUP, REQUESTS A SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 1359 BLACKS BLUFF ROAD. ZONING MAP H15Z – PARCEL 039. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE 10 – 0]).

Chairman Mayes stated Public Hearings will be held Tuesday, February 24, 2009 at 6:00 p.m.

CHAIRMAN'S REPORT:

1. Appointments to 2009 SPLOST Committee.

Commissioner Bagwell made a MOTION to appoint Mike Morton to the 2009 SPLOST Committee. SECOND by Commissioner Whitefield. VOTING:

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

Commissioner Whitefield made a MOTION to appoint Randy Quick to the 2009 SPLOST Committee. SECOND by Commissioner Lumsden. VOTING:

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

2. Appointment to Highway 27 Association.

Chairman Mayes made a MOTION to appoint Lisa Smith to the Highway 27 Association. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

3. Discuss Airport Overlay Zone.

Chairman Mayes opened the floor for discussion of the proposed Airport Overlay Zone by the Commissioners. Commissioner Lumsden stated they have received a number of calls from people who have legitimate concerns relative to what an airport overlay might look like, and what might be involved in it. He stated some of the initial thoughts have met with some very strong concerns. He stated he thinks we need to set aside working on that at the present time.

Commissioner Fricks stated when he originally supported moving forward with an airport overlay zone, his vision of the product they would have is totally different from what was presented on the last draft that he reviewed. He stated when he looked at it, and first thought about an overlay zone, he thought there were benefits to both the public around it, and the airport itself. He looked at it as a planned growth scenario of letting people know what to expect out of airport growth in the next few years. Consideration of having buffers that actually protect the residence in surrounding areas, and do some positive things. He stated from the draft that he looked at, and that is what was brought to his attention, it was all restrictions on the surrounding property owners to improve the effects of the airport. He hates that they ended up with a product of that mechanism, because he supported the initial process and had hoped that we would come out with a product that would be beneficial to both the public as well as the airport. He stated he thinks they have lost any support by the surrounding property owners because of the product that they are at now.

Commissioner Bagwell stated he was on the Planning Commission when the Airport Overlay initially came up, and he stated his concerns at the time. He stated they needed more participation from the people in the Armuchee community that were actually going to be affected by it, to be part of the process. He said he had requested through the Planning Commission that more people be put on the original committee. He also thought more people from the Airport Commission should have been allowed

to be involved in the process. There were a few representatives, one from the Airport Commission, and one citizen from the Planning Commission, on the committee. He stated to his knowledge that was the only public they had on the original committee. If they had more people involved in the beginning, maybe we would not be at the point that we are today.

Commissioner Whitefield stated his comment deals more with the process, than the actual document. He stated he does not think it is a great document, but the process was born from a procedure that was put in place when we had a comprehensive plan that was put together by a board of citizens. One of the points in that Comprehensive Plan, on Goal 13, dealt with protecting the Airport, but also protecting the citizens that were adjacent to the Airport. He stated based on that Comprehensive Plan put together by citizens, a process was started that put the overlay district out. A consultant came in, put that together through a committee that came through the Planning Commission, then that came to staff. Therefore, there is this process that is eight or nine pieces deep that never made it pass the first step. He stated he thinks it is important to realize, again while he does not support the document, he does support the process, and that process being an open government that brought citizens together to form a Comprehensive Plan. That plan called for dealing with the Airport, because they all live out there and it needs to be dealt with, so there are safeguards in place for them. He stated the next layer started, which was to bring in a consultant. They put together a document that was not a very good document, but as it started going forward, the process worked. He stated there were three public hearings, and you guys spoke loud and clear. We heard you. He said he thinks it is important to realize that the process works. He is just grateful we live in a country where we do have the opportunity to have this process, where we can share their concerns. He stated you have shared your concerns. They have been heard.

Chairman Mayes asked Commissioner Fricks if he has a motion. Commissioner Fricks stated before he makes the motion, he is going to give a brief explanation. He stated two mechanisms would come out of this process. First of all, we will take a motion that will instruct the Planning commission and our staff to cease any operations that are currently taking place on the Overlay Zone. He stated the second portion of the motion will involve putting together an Adhoc Committee to find out if there is a product that we could develop that would do what he thought was initially planned, which would be to provide protection for the citizens around the Airport to make it a more compatible product. They are not saying that it will continue. We are just saying we would like to have an Adhoc Committee to have some open, frank discussion involving all the parties in opposition. He stated he would be glad to serve on that committee. He stated we would like to have an open conversation on how we can go with this, and if it is even possible. He thinks that either would put it to rest, or determine if there is something that could work, that would not be as negative of an affect to the public.

Commissioner Fricks made a MOTION that the staff cease working on the currently proposed Airport Overlay District and that an Adhoc Committee be formed

with members from the community who are qualified to provide input on the needs of the Airport, and the needs for maintaining protection of residences in the surrounding area. SECOND by Commissioner Lumsden. VOTING:

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

Chairman Mayes appointed Commissioner Fricks and Commissioner Lumsden to serve on the Adhoc Committee. He stated this committee would consist of a couple of Commissioners, Assistant Manager Blaine Williams, and citizens who have a concern with this particular issue. They will try to hammer out some basic ideas pertaining to this issue. He opened the floor for those wishing to speak regarding the Airport Overlay Zone.

William Burk, 6610 Martha Berry Highway, stated he has always lived in Armuchee, and he is very proud of the community. He presented a petition opposing the Airport Overlay Zone. (*Petition on file in the Office of the County Clerk.*) He stated he represents the Airport Opposition Committee. His brother, Cecil Burke, is the Chairman of the committee and he happens to be out of town. He stated the way that this has been promoted and presented to the people was the worst public relations he has ever seen in his life in Floyd County. He said he is speaking for the group in stating that we do not need an Airport Overlay District. He stated if we have this it will just open up the door for things similar to what is being presented here today to be brought in on the people. The people are against this. He stated we are not wanting to rewrite, or compromise, but we are wanting to abolish it. He stated he is also speaking for the silent majority. He considers himself in the silent majority. He stated he has never come before the Floyd County Commission in opposition of anything, but this was one time that he had to stand up and speak for the people in the Armuchee community. He said he comes to them as a builder and developer of over thirty years in Floyd County. He stated he thinks the people that know him, and know what he has done in Armuchee, will say that he was a pioneer in the community. He was out there building when nothing else was going on in Armuchee. He stated he took the biggest chance he has taken in his life when he purchased the property from Berry College to develop Northwood Subdivision. Some of the people who bought homes from him are here today, because they are worried that the property they bought is going to be devalued. He stated you have put a cloud on the title of the property, by telling someone that you live in an Airport Overlay District.

He stated he also comes to them as a farmer. He stated we are now raising crops, and we find out in these ordinances that any crop that is going to attract wildlife cannot be raised in that area, especially birds. We have an investment in land and farm equipment. He stated it is not right. The things that we have seen today, imposed on the people in the Armuchee community, are not acceptable. He is speaking on behalf of the Airport Opposition Committee, himself and the silent majority, as a former builder/developer, and a farmer to tell the Board that they oppose anything that is going to be taking place. He stated we need no Airport Overlay. The Airport has operated 65 years without it, and it is not necessary to come up with something now to try to reinvent the wheel.

Scott Crowley, 32 Amberwood Trail, stated he is curious of a study as to the impact of the economy, and what this really has to offer to the community. He has not really seen or heard anything. He stated in giving them the benefit of the doubt, there must be something here that somebody looked at and said this might be a good idea. He does not particularly like what he is hearing, and he believes Mr. Burke made a very good, strong case for our community, but he would like to hear what the benefits are. He asked where is the measurable benefit to our county, particularly to Armuchee. He asked are we talking about a lot of jobs. Are we talking about federal grants and subsidies that is the revenue producing impact? He said based on what he is hearing, this is not a very positive impact for the Armuchee community. He stated he has lived here eight years. He has four sons, and they have been in Armuchee schools. He hears little planes flying over now and then, that is all well and good, but the rest of the meeting he is seeing they are talking about an airport expansion of some kind and what is about to take place here. He stated he does not know if this is a vote on approval, or what else is going to be discussed regarding the additional items that they are going to vote on for the airport improvement projects. That interests him. He asked is this something that has been in planning for some time. Is this just to upgrade the existing items in use at the airport, or is this something that is expanding and we are spending money that is going to be planned for this expansion. He stated if he could ask someone to address the economic impact. Has there been a study done? What does that represent for them as a community, as well as the future items that are listed on today's agenda? Are those items specifically for airport improvements that have been planned, or what those might entail?

Larry "Bo" Barnett, 55 Russell Field Road, stated he has lived in the Glenwood – Armuchee area almost all of his life. He stated his 401k is in real estate in the very area that they are talking about. The combination of his GE retirement and his social security is scarcely enough for him to pay his property tax and insurance. He stated he has to have additional income. Now we have reached a point to where the establishment, when you go with an idea, immediately starts finding how many reasons they can give you of why you cannot do that. He stated he is sick and tired of this attitude. This is not freedom. This is dominance and control by bureaucrats. He stated right now he is being penalized because of some stinking ordinance that hampers his income and keeps him from living the kind of life he would like to live. He would like

to see a different attitude, and that attitude would be how can I help you do what you want to do.

Charles Green, 165 Mountain Side Drive, stated he is here to back up what Mr. Burke has said. He stated he would also like to say that he is not against the airport. He is a pilot and has a plane based at the airport. He served on the Airport Commission for nine years and was Chairman last year. He stated at this time he does not see any need for this. It puts a lot of load on the Commissioners shoulders to have to approve this when they know they have a lot of opposition here. He stated the airport is one of the greatest assets that Floyd County has. We see corporate jets coming in here doing business with local manufacturing plants. He stated if we could just maintain what we have, we would do a great job. There is a lot out there to maintain, and just in recent years has it operated in the black. He stated that is good because many years it did not operate in the black. It operated in the red, and some of the time, it took \$100,000.00 of subsidy to bring the airport just nose above the water. He stated he thinks the airport is great. He would not harm it in any way, but he thinks this was ill conceived, and there was not enough representation from the local area involved in the decision-making. It was a real shock for the people in the Armuchee community. He thinks it would be best to just put it to rest. He stated he does not know what the airport is going to do in the future. If our economy comes back, it may do well. He stated there may be more flights. It will be corporate sized jets, and not 747's. He stated we can handle more without the stuff disturbing the residents and our environment out there. He would like to see it remain as it is, and maintain and keep what we have. He stated he thinks it would be a good decision to do that. He thanked the Board.

John Dempsey, 5 Bells Ferry Road, stated the Airport Overlay is something that we do not need in our county. He stated there are many reasons that we do not need it. We the people who live there, and property owners, are the people who developed that area. We the people who live there are going to have to live with a depreciated value of our homes. He stated one contractor says that it will take \$10,000.00 to build a house up to these new specifications. If every house out there is devalued by at least \$10,000.00, they can figure in their heads what the disadvantages would be. He stated several years ago this community was without any water that was drinkable. They had limewater, and they could not even hardly wash clothes in it. He stated it was two miles from the nearest faucet to this community. A committee was formed. He stated William Burke's father, Roy Selman, and the man that worked with the nursery at Berry College, was on that committee. They went to Berry College and got them to sell this property off at auction so they could get water out there. He stated later on, the sewer came in. That was a government grant, and everybody gave their easements to that grant. He stated it went through his property two different ways. They gave them that grant to put in a pumping station. He stated all of this was done by the people of the community. This property is going to be devalued by each of those houses that are built there by at least \$10,000.00. He stated it will make property in that area where it will not be wanted by anybody. The present landowners, homeowners, out there are going to have to eat this loss. He stated his sister cannot sell her property because of the sound of the planes. Her property is not sellable because nobody wants

to live there. The same thing will happen in our community. He stated it is just not acceptable, so let us please vote on it and get that thing squashed right now. He thanked the Board.

Chairman Mayes stated he hopes they all understand that the action that the Board has taken today is to put the document to rest. He stated we ceased working on it. Commissioner Fricks and Commissioner Lumsden, along with Assistant Manager Blaine Williams, are going to put together an Adhoc Committee. He stated they are not going to revive the document. He stated they are going to ask some of you (*citizens*) to work with them to look at some issues of safety. He stated he would just like for them to understand it is not to revive the document.

Commissioner Fricks stated that is the key. He stated not reviving the document, but looking at options before we completely walk out the door with it. He thinks Mr. Green had a very legitimate question in asking to explore what the benefits are. He stated he does not know that the Commissioners have had a good presentation about what the true benefits are. Individuals have addressed him. He stated he would like to thank them for doing that, because it helps them to know what is going on sometimes, and how people feel. They appreciate the input. He stated it lets them know how it affects them. How much the affect is, and it helps them react to that affect. He stated what he would like to do is for us all to sit at the table, look at the benefits, look at the problems it was imposing, and see if there is any type of idea that would hopefully go back to their original plan for this to be a good thing for both the neighborhood and the airport. He said he is not saying that can be done, he would just like to sit down and have a very good discussion to find out if it can be. He stated if we can come up with a product that can do that, he would be glad to stand in front of all of you, even those in opposition, and say that he supports it, but right now, he could not do that. He cannot support that document. That is why he is very pleased to see it being put to rest right now, until they can look and see if there are any opportunities to benefit both parties. He stated if Mr. Burke would like to get with him and Commissioner Lumsden, and see if we can appoint a couple of people from his committee, we will try to get some answers to some of these questions. He said if they would not mind giving a little bit of their time, and bear with us, we promise the intention is not to cram anything down anybody's throat. He stated we want to provide the community with protection, give them the best product, and keep their neighborhood as good a neighborhood as it is today.

Chairman Mayes stated what we are saying is we want the community's confidence back because we are looking out for you all. He stated we are not trying to do something that is going to hurt you.

Commissioner Bagwell stated he chaired the Comprehensive Plan Update Committee, and he does not think that there is a member on that committee that envisioned the document we received today. He stated if we had to vote on it today, he would not vote for it, and he will not vote on anything that even resembles this. He stated if there are safety concerns that we can address, he would be supportive of

looking into it, but not doing anything that would devalue property in Floyd County, especially around the airport.

COMMISSIONER'S REPORT:

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

No Report.

2. Public Safety Committee – Commissioner Eddie Lumsden, Chairman

No Report.

3. Public Works Committee – Commissioner Irwin Bagwell, Chairman

No Report.

4. Water Committee – Commissioner Garry Fricks, Chairman

No Report.

5. Judicial Services Committee – Commissioner Eddie Lumsden, Chairman

No Report.

6. Special Committee Reports

a. SPLOST Committee – (Fricks)

b. Work Release Committee – (Lumsden and Mayes)

c. Fire Overview Committee – (Lumsden and Whitefield)

d. Joint Services Committee – (Mayes and Whitefield)

e. Joint Development Oversight Committee – (Fricks and Whitefield)

f. Special Transportation Committee – (Whitefield)

g. Special Public Safety Committee – (Lumsden)

There were no Special Committee Reports.

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there are eight 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:

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield

Chairman Mayes

Motion Carried

1. Tax Refunds:

- a. Bobbie Sue Gresham Trust, 3 Christopher Place, SW, \$164.34
- b. Charles & Rhonda Ford, P.O. Box 3296, \$441.22
- c. Redmond Investments, Inc., 2400 Garden Lakes Blvd., \$489.52
- d. Spector Tullis Properties, 2400 Garden Lakes Blvd., \$104.20
- e. Utility Maintenance Co., Inc., 2400 Garden Lakes Blvd., \$15.91
- f. Garden Lakes Wetlands, 2400 Garden Lakes Blvd., \$25.26
- g. Garden West Investments, 2400 Garden Lakes Blvd., \$100.04
- h. Scott & Wendina Herndon, 5 Orchard Springs Drive, \$70.75
- i. James Givens & Jennifer Holcombe, 7 Spring Ridge Trail, \$157.94
- j. James & Pamela Givens, 7 Spring Ridge Trail, \$507.12
- k. Elaine K. Henry, 355 Mount Alto Road, \$1,489.96
- l. William E. Carroll, III, 209 Sherwood Road, \$116.47
- m. Thomas Peters, III, 99 Mountain Brook Trail NE, Armuchee, \$86.27

2. Resolution Authorizing Execution of Worker's Compensation Stipulation and Agreement related to Dale Harrison Worker's Compensation claim.

3. Authorize Execution of Work Authorization No. 13B from LPA Group covering professional services for Taxiway "A" Lighting Rehabilitation (Construction) at Richard B. Russell Regional Airport.

4. Authorize Execution of Work Authorization No. 14B from LPA Group covering professional services for Runway 1 Hold Apron (Construction) at Richard B. Russell Regional Airport.

5. Authorize Execution of Work Authorization No. 16 from LPA Group covering professional services for North Terminal Expansion Area – Phase 2 at Richard B. Russell Regional Airport.

6. Authorize Execution of Work Authorization No. 17 from LPA Group covering professional services for Strategic Airport Business Planning Study at Richard B. Russell Regional Airport.
7. Authorize Execution of Work Authorization No. 18 from LPA Group covering professional services for Midfield Taxiway Improvements at Richard B. Russell Regional Airport.
8. Authorize Execution of Building Lease Agreement between Floyd County and Redmond Park Hospital LLC d/b/a Redmond Regional Medical Center, Emergency Services Department.

MANAGER'S REPORT:

**1. APPROVE CONTRACT OF EMPLOYMENT BETWEEN
FLOYD COUNTY AND CHRISTOPHER JENKINS TO
FILL THE POSITION OF FACILITIES MANAGER:
(DEFERRED JANUARY 27, 2009)**

Assistant Manager Blaine Williams recommended approval of a Contract of Employment between Floyd County and Christopher Jenkins to fill the position of Facilities Manager. He stated County Manager Poe interviewed quite a few individuals, and selected Mr. Jenkins to fill the position.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to approve the Contract of Employment between Floyd County and Christopher Jenkins to fill the position of Facilities Manager. SECOND by Commissioner Bagwell. VOTING:

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**2. APPROVE 2009 INDIGENT DEFENSE
CONTRACT FOR THE ROME JUDICIAL
CIRCUIT:**

Assistant Manager Blaine Williams stated we have an annual agreement with the State of Georgia for Indigent Defense Services. He recommended approval of the 2009 Indigent Defense Contract.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to approve the 2009 Indigent Defense Contract for the Rome Judicial Circuit. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield

Chairman Mayes

Motion Carried

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Lumsden, SECOND by Commissioner Whitefield, 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