

February 24, 2009

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
February 24, 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 Fricks.

**PUBLIC PARTICIPATION:**

**Ms. Serpentfoot, 324 Forsyth Street,** stated she brought two items from the paper with her tonight. She stated one of them is about honesty in government and having to do with business. She stated not just when officials sell a public office like in Illinois, but anytime that they are not serving the public interests, you can figure it is private business. Personal gain is at stake there. She stated federal prosecutions of fraud in government have risen forty percent. She stated the federal prosecutors say that when public officials have to act in the best interest of those that elect them, and when their decisions are based on private interests, not public interests, then it is defrauding the public. She asked now what does that have to do with you folks (*Commissioners*)? She stated you cannot see a sign in downtown Rome that does not say 'Shop Downtown Rome' on it. She stated three of the five Commissioners are supposed to represent the unincorporated area of this county. Three out of five is a majority, and that means the unincorporated area of this county gets fair treatment if they are doing their duty and not defrauding those that elected them. She stated the football stadium was on a city SPLOST, and at city election time the Rome News Tribune announced it. The county people go fishing. She stated it still barely got approved. It would not have been approved if all of the people in this county that have other more important things to do had been able to vote. She stated you should never have a SPLOST election on city election time because when the Rome News Tribune says it is coming up, and the county people go fishing. Their interest is not served if they allow Rome to defraud the citizens of this county. She stated three of the five of you are supposed to represent the unincorporated area of the county. She does not care if you run traffic lights, if you do not buckle your seat belt, or whatever, but she does care when they

defraud the public. She stated she wants to see the people of this county get good representation.

She stated Rome has selected some areas it would like to turn into a park. She stated it has already discriminated against the Indian that signed the treaty. Discriminated against these folks, and run them all out west. She stated Chief John Ross thought that he could live here with the white, Christian folk. Rome has demolished his home, knocked down the tombstones of the graves, and they do not acknowledge it. She stated that is our most historic lot, where there was another nation here. Desoto also came through on that same lot, there at the forks of the river. She stated that SPLOST election needs to benefit all of the people of this county, and she wants to see no more SPLOST elections on city election time. She wants to see all the people of this county get out and express their will. Three of the five of them can carry that if they are representing the people of this county, and then they will have no more elections at city election time. She stated do not give the City of Rome any support on any of this if they cannot be honest about our most historic lot. She said she is still involved in that lawsuit to keep them from tearing down those graves, just as they have tried five times in the last five years to tear down her home. She stated she has better things to do than to fight the City of Rome all the time to keep her home from being destroyed.

She stated they need to rework their zoning laws. If they can have big signs in downtown Rome, then they can have big signs all over this county. She stated if they can have business in downtown Rome, they can have their little beauty shop, or tattoo shop in their home in the county somewhere. She thanked the Board.

#### **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 Fricks made a MOTION to adopt the minutes of the Regular Meeting of February 6, 2009. SECOND by Commissioner Bagwell. VOTING:

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

Motion Carried

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
FEBRUARY 6, 2009 AT 2:00 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]):**

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this item. Ms. Hiller stated the subject property is zoned S-R (Suburban Residential). She stated it is surrounded by properties also zoned suburban residential and developed with single-family dwellings. There is a dwelling on the front part of the subject property. On the back part of the property, there is a small structure that was converted to a beauty and barbershop in 2008. She stated this came to them as the result of an enforcement action. Building Inspection had received complaint calls, and when they investigated, they discovered this business operating there. She stated at that point the owner and operator of the business was told to cease and desist, but was given the opportunity to apply for the N-O-C zoning, which would allow the beauty shop to be there. The site plan they received does not give a lot of detail, but it does show that depiction of the driveway. She stated N-O-C zoning is appropriate for property that lies between residential areas and a transportation corridor, or more intense uses, where residential use may not be the most appropriate thing anymore, and where the N-O-C zoning with a small-scale business may serve as a buffer between the more intense use and the residential zoning. In this case, the N-O-C zoning is being asked for in the middle of a residential subdivision. She stated it would be a spot zone, and more importantly than that, it is a spot zone with a lot of potential for more noise, traffic, and activity that would impact this neighborhood. In fact, it already has impacted the neighborhood. She stated the applicant was at the Planning Commission meeting. She confirmed that she did the conversion and started the business in 2008 within the time that the ULDC was in effect. She stated there was also a neighbor who came to the meeting with a petition and spoke in opposition to the request.

Chairman Mayes declared the Public Hearing open. He reviewed the procedures for Public Hearings. He asked if there is anyone who wishes to speak in support or opposition.

**Support:** Ms. Serpentfoot, 324 Forsyth Street, stated a beauty shop attracts a few women trying to look pretty. She stated they are not going to war. They are not going to have any loud noise or music there, and they are not going to be toting guns or anything. It is not going to hurt anybody. She stated she does not think they are going to have enough traffic to block traffic. Everybody should have an opportunity to make a little money in this county. She stated not just the people in downtown Rome, or in a certain zone, but everybody should have the same opportunity. Jesus said ‘do unto others as you would have them do unto you’, and if you are not hurting somebody

else, then do not mess with them. She stated they should approve it. She thanked the Board.

**Oppose: Byron McCarly, 58 Wade Street**, stated he has a petition signed by the residents of Wade Street. He is representing, and speaking for, all of the residents of Wade Street. He stated one of the problems is that right behind where the wood fence is, is his chain link fence. If their wood fence was not there you could see how the traffic that has been in and out of there has beaten his fence in. He has an estimate with him tonight for having the fence fixed. He stated he presented it to the people, and they stated in front of the police officers that twice came out and validated that his fence was damaged, that they would pay the bill, but they have not. The first time his fence was hit was in March 2008, and the second time was in July 2008. He stated there is so much traffic in and out of there that there are times he can be sitting in his living room and there will be three to four cars stopped in front of his yard to let the people out of that small driveway so they can turn in. If he were up twenty-four hours a day, he would see traffic in and out of there constantly. He stated he has been up at 3:00 and 4:00 in the morning and seen two to three cars in that driveway. The car headlights are on and people are talking, and what he does not understand is who is open to cut hair, and who is going out in a residential area to get their hair cut, at that time of the morning. He stated anyone on Wade Street that has signed this petition could tell them the same things that he has mentioned about the traffic. It is ridiculous how bad it is. He stated there is not enough room on Wade Street to even meet somebody and get past them in some places without stopping. The driveway there is not big enough to support as much traffic as what goes in and out of there, and you cannot see but just past where their driveway starts to take a turn in the back. He stated half of their yard has been fenced off. He stated they have two huge Sharpei dogs, which ran him in his house one afternoon when he went to get his mail. He called Animal Control, and Officer Freeman from Animal Control cited them. He stated they went to court, and Judge Matthews fined them \$225 for not containing their dogs. They have that fence in the center of the width of their yard, and they have no yard. He stated that once you turn in behind that house you are not going any further, so they have no room to be turning around up there. That is the reason his fence is beat up so badly. He thanked the Board.

Chairman Mayes asked if there was anyone else who wished to speak on the matter. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Lumsden made a MOTION to accept the Planning Commission recommendation to deny the request for rezoning. SECOND by Commissioner Whitefield. VOTING:

YES	NO
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Commissioner Bagwell	
" Fricks	
" Lumsden	
" Whitefield	

Chairman Mayes

Motion Carried

**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 asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this item. Ms. Hiller stated the subject property is zoned S-R (Suburban Residential) as is everything around it. It is part of a subdivision called Chaucer Place Subdivision. Therefore, it requires a special use permit for a manufactured home. She stated the land around it is also zoned S-R (Suburban Residential). Some of it is developed with site-built single-family dwellings, and some of it is not developed or is in agriculture or conservation uses. The applicant stated at the Planning Commission meeting that she really just wanted to do the manufactured home as temporary living quarters. As the Planning Commission pointed out at their meeting, they cannot grant a temporary special use permit. Once it is there, it is there. If the property were to change hands it could easily become a permanent manufactured home. Chaucer Lane is a gravel road. As you go further up, there are subdivision lots that are developed with dwellings. She stated this is a very rural area. Typically, when they look at manufactured homes in an area the criteria is whether they will be compatible with the existing development pattern, or whether they would start a different development pattern in the area. She stated that would certainly be the case here, because there are no manufactured homes in the immediate vicinity. There were also a number of neighbors at the Planning Commission meeting and they spoke about their desire for this to remain a neighborhood of site-built, single-family, dwellings rather than mixing manufactured homes into that.

Chairman Mayes declared the Public Hearing open. He asked if there is anyone who wishes to speak in support or opposition.

**Support:** Ms. Serpentfoot, 324 Forsyth Street, stated she thinks people should have what kind of home they want, and that looks like it is very rural. She stated that granted a trailer home is an ugly looking thing. They are not very pretty. But, if that is what they want, and all that they can afford, they should have it. It is in the county and nobody can see it, or not much anyway. She stated it would be there until they get something else, and it should be approved.

Chairman Mayes asked if there was anyone else who wished to speak on the matter. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION to accept the Planning Commissions recommendation to deny the request for a Special Use Permit. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**CHAIRMAN'S REPORT:**

**1. Appointments to 2009 SPLOST Committee.**

**a. Appoint David Wright to replace Adam Clemmons.**

Commissioner Bagwell made a MOTION to appoint David Wright to the 2009 SPLOST Committee to replace Adam Clemmons. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**COMMISSIONER'S REPORT:**

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

**4/5 Vote Required**

**a. Request from Tax Commissioner to reclassify Administrative Clerk position (paygrade 6) to Tax/Tag Clerk (paygrade 8).**

Commissioner Whitefield made a MOTION to add this item to the agenda. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

Commissioner Whitefield stated the Administrative Clerk position is a position that serves the same function as Tax/Tag Clerk. Commissioner Whitefield made a MOTION to accept the request for reclassification of the Administrative Clerk position (paygrade 6) to Tax/Tag Clerk (paygrade 8) in the Tax Commissioner's Office. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

Commissioner Whitefield stated as a point of interest, that he would like to stress to "Shop Rome" as we continue to battle through these tough economic times, and asked that people keep their dollars local.

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

No Report.

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

**a. Discuss developing an Ordinance pertaining to the pick up of limbs and brush.**

Commissioner Bagwell stated Michael Skeen, Public Works Director, brought to our attention that they are spending considerable amounts of time picking up limbs and brush larger than three to four inches. He stated it is apparent that people are actually cutting down trees in their yard and piling them on the street for the county to pick up. He does not think that was the direction that the county had in mind when we started picking up limbs and brush throughout the county as a result of storm drainage. It has gotten away from our core of service. He stated he believes we can correct that by getting the county attorney to draft an ordinance,

that would state specifically what the county will and will not pick up, and possibly incorporating a set fee to pick up anything larger than three inches.

Chairman Mayes stated the Commissioners agree that our staff and the county attorney are going to draft an ordinance to present to the Board for consideration.

**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 four items on the Clerk’s Consent Agenda, which have been reviewed and are submitted for approval.

Commissioner Whitefield made a MOTION to approve the Consent Agenda as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks



" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**1. Tax Refunds:**

- a. William R. Fowler, 8 Heights Drive, \$2,618.73
  - b. Patsy Lake, 5 Creekside Way, \$194.48
  - c. Emily Lumpkin Colston, 655 Bailey Road, \$732.65
  - d. Joseph & Brenda Anguiano, 3276 Horseleg Creek Road SW, \$331.29
  - e. Kmart Corporation, 3333 Beverly Road, Hoffman Estate, Illinois, \$265.45
  - f. Kenyon T. Smith, Jr., 2555 Shorter Avenue, \$20.74
  - g. Norman T. Gaines, P.O. Box 2266, \$156.42
  - h. Michael Hunt, 3265 Old Dalton Road SE, \$332.67
  - i. Robert & Cheryl Ayers, 31 Maplewood Square, \$16.65
  - j. Clean Lake Coalition, 94 Twin Lakes Road SW, \$413.96
- 2. Authorize release of Tax Bills from Tax Commissioner's Roll in the amount of \$3,509.70 as per list submitted by Tax Commissioner dated February 17, 2009.**
- 3. Malt Beverage Application, Leila Abidi, Crescent Star DBA Rome Food Mart #05, 4970 Rockmart Road. (Ownership Change) (Beer and Wine)**
- 4. Self-Service Fuel Application, Leila Abidi, Crescent Star DBA Rome Food Mart #05, 4970 Rockmart Road. (Ownership Change)**

**MANAGER'S REPORT:**

**1. DISCUSS PROPOSED PARKING DECK AGREEMENT:**

No Action Required.

**2. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 20 FROM LPA GROUP COVERING PROFESSIONAL SERVICES FOR NORTH TERMINAL AREA LANDSIDE IMPROVEMENTS – ENTRANCE ROAD & PARKING AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated items #2, #3, #4, and #5 all have to deal with the North Terminal Area Improvements at the airport. He stated they involve the entrance road and parking, storm sewer, water, and sanitary sewer. These are the contracts to have our engineer of record, LPA Group, perform the engineering services for the project.

County Manager Poe recommended execution of Work Authorization No. 20 between LPA Group and Floyd County for engineering work for the entrance road and parking at the Richard B. Russell Regional Airport.

Commissioner Whitefield made a MOTION to approve the Manager's recommendation to authorize execution of Work Authorization No. 20 as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**3. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 21 FROM LPA GROUP COVERING PROFESSIONAL SERVICES FOR NORTH TERMINAL AREA LANDSIDE IMPROVEMENTS – STORM SEWER AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe recommended approval of Work Authorization No. 21 between LPA Group and Floyd County for engineering work to design the storm sewer improvements at the Richard B. Russell Regional Airport.

Commissioner Fricks made a MOTION to approve the Manager's recommendation to authorize execution of Work Authorization No. 21 as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**4. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 22 FROM LPA GROUP COVERING PROFESSIONAL SERVICES FOR NORTH TERMINAL AREA LANDSIDE IMPROVEMENTS – WATER AT RICHARD B. RUSSELL**

**REGIONAL AIRPORT:**

County Manager Poe recommended execution of Work Authorization No. 22 between LPA Group and Floyd County covering engineering work for water improvements at the Richard B. Russell Regional Airport.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation to authorize execution of Work Authorization No. 22 as presented. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**5. AUTHORIZE EXECUTION OF WORK AUTHORIZATION NO. 23 FROM LPA GROUP COVERING PROFESSIONAL SERVICES FOR NORTH TERMINAL AREA LANDSIDE IMPROVEMENTS – SANITARY SEWER AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe recommended execution of Work Authorization No. 23 between LPA Group and Floyd County covering engineering work for installation of sanitary sewer at Richard B. Russell Regional Airport.

Commissioner Fricks made a MOTION to accept the Manager's recommendation to authorize execution of Work Authorization No. 23 as presented. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**4/5 VOTE REQUIRED**

**6. AWARD OF BID FOR REPLACEMENT  
OF THE PRISON GYM ROOF:**

County Manager Poe requested a 4/5 Vote to add this item to the agenda.

Commissioner Bagwell made a MOTION to add the Award of Bid for replacement of the Prison Gym Roof to the agenda. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

County Manager Poe stated on February 19, 2009 sealed bids were received and opened for replacing the roof on the gym at the Prison. He stated seventeen bids were received. After reviewing the bids, the recommendation is to accept the low bid that met the specifications from S. Garrett and Company in the amount of \$44,923.00. He stated \$60,000.00 was budgeted for the project, so it looks like it will come in well under budget. He recommended awarding the bid to S. Garrett and Company in the amount of \$44,923.00.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation to award the bid to S. Garrett and Company in the amount of \$44,923.00. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**OTHER BUSINESS:**

Chairman Mayes recognized the Leadership Rome participants in attendance.

**ADJOURNMENT:**

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

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

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**JOHN MAYES, CHAIRMAN**