

May 26, 2009

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
May 26, 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.

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 May 12, 2009. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

RESOLUTIONS:

**ADOPT RESOLUTION FOR SUBMISSION OF
APPLICATION FOR COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) FOR CLEMONSVILLE AREA
WATER IMPROVEMENTS PROJECT:**

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution authorizing submission of an application for Community Development Block Grant (CDBG) for Clemonsville Area Water Improvements Project. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

ADOPT RESOLUTION APPROVING A PLAN OF FINANCING FOR THE ISSUANCE OF REVENUE ANTICIPATION CERTIFICATES BY HOSPITAL AUTHORITY OF FLOYD COUNTY FOR THE BENEFIT OF FLOYD HEALTHCARE MANAGEMENT, INC. D/B/A FLOYD MEDICAL CENTER:

Chairman Mayes called for a motion. Commissioner Bagwell made a MOTION to Adopt the Resolution Approving a Plan of Financing for the Issuance of Revenue Anticipation Certificates by Hospital Authority of Floyd County for the Benefit of Floyd Healthcare Management, Inc. d/b/a Floyd Medical Center. SECOND by Commissioner Fricks.

Discussion: County Attorney Tommy Manning stated the Resolution does not bind the county to any additional financial obligation not already agreed upon. The county's financial obligation arises out of the previous intergovernmental agreement the county entered into with the Hospital Authority of Floyd County. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
MAY 12, 2009)**

ULDC TEXT AMENDMENTS

1. REVISE OR DELETE ARTICLE 5 CONCERNING SIGNS (REPEAL OF EXISTING ARTICLE 5 CONCERNING SIGN REGULATIONS AND ADOPTION OF REPLACEMENT PROVISIONS UNDER ARTICLE 5 CONCERNING SIGN REGULATIONS. (PLANNING COMMISSION RECOMMENDATION: APPROVE TO SEND DRAFT TO CITY AND COUNTY COMMISSIONS [VOTE: 7-3]):

Chairman Mayes stated before opening the Public Hearings that Public Hearings would be held today, but the Board will not make any decisions today. He stated the Board intends to have Public Hearings at a future time, when they may take action on these amendments. Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition.

Opposition: Debra McDaniel, 22 Westover Drive, stated she understands now that they are going to have another Public Hearing, and there are several of them here that have been asked to sit on the Citizen's Sign Committee from the Planning Commission. She said they have worked alongside them for several months now to work on the Sign Ordinance. She has been a small business owner in Rome for about nineteen and a half years. The Sign Ordinance does, and will, impact her business and several other business owners here in Rome. She stated they have a PowerPoint presentation that they had worked on for the Planning Commission. They have a very lengthy handout with snapshots of signs all over Floyd County, which will further illustrate their point and bring it home more than it will for them to speak. She stated they would like to present that at the next Public Hearing.

Roger Wade, 120 Broad Street, stated he has served with Ms. McDaniel and a couple of other people on this adhoc committee. It has been an eye opening experience that he will treasure and remember for a long time. He stated during the past nine years they have had nine furniture stores to close their doors and go out of business in Rome and Floyd County. He has opened one. He stated you would think if they have had nine go out of business that all the rest of them would be overjoyed, robust and happy, but as he speaks to them today, he is about fifty percent the level of business that he was two years ago. The impact of that has been on taxes and on revenue for their community and ourselves. He stated he is collecting and dispensing about half of the sales tax that he did two years ago. His property taxes have gone up significantly in the last couple of years. He stated we live in a non-growth, in sort of a stagnant, economy and market. It has been that way for decades and will probably stay that way for quite a long time. He stated that creates problems. One problem is that our property values are thirty percent less than the median household value in the state of Georgia, which means our tax base is going to be less. He stated our incomes are less, which means our overall flow of money is less. Retail, and any business that depends on whim of the consumer to have revenue come through it, depends on advertising, promotion

and signage. He stated he uses billboards, the small ones because it is all he can afford. If he could afford the big digital flashers, he would use some of those too. One of the best things that he has as a small retailer and a private business here is the use of small, simple, temporary signs. He stated our ordinance restricts that greatly, and our ordinance is written to restrict for profit billboards greatly, which are the two areas that they really need to reach the consumer. We need to reach the consumer so that we can continue to collect sales tax so we can continue to pay property taxes. He stated Floyd County is lucky that we have a pull factor in our sales tax. We collect about twenty percent more than we should, and that is a good thing. He stated that is one of the reasons that he is here. He thinks we need to further develop our retail business. He stated we need to go ask those folks who are really using these signs why they use them. Obviously if the signs keep going up then somebody thinks they are of benefit. He stated he appreciates the Board's time.

Tiffany Edmunds, 711 Broad Street, stated she is here with concerns. She stated particularly Section 5.4.3 of the Sign Ordinance effecting billboards and the swapping face essentially to replace an existing billboard with a new regular billboard, or new digital billboard. She stated Georgia law is clear that city's can restrict size, location and distance between billboards, but the proposal here seems to take it several steps further. We feel that it may go beyond what it is permissible, and that the practical effect is that the revisions restrain trade. She stated the affect of which is that new businesses who do not already own billboards are going to be unable to come into the market. That could have a negative affect not only on the local economy, but it would almost create a monopoly. She stated the DOT records show that there are one hundred and forty two billboards in Rome, and one company owns one hundred and twenty two of those. When you start doing the math of putting up one digital billboard, you have to swap in 2.5 times that face size, which is keeping out companies that want to come into this market who do not already own other 2.5 billboards. She stated our concern is that there are not options built in for people, or companies, that want to enter the Rome advertising market who would like to come in and put up new billboards. She stated we feel that it restrains trade, and it will have a negative affect on the local economy.

Chairman Mayes declared the Public Hearing closed and asked County Attorney Manning if they need a vote. County Attorney Manning stated if the Commission desired to table the action that can be done in one of two ways. He stated the Commission can take no action, have no motion and no vote, in which case the matter would be continued to the next regularly scheduled meeting. Alternatively, the Commission could actually have a motion to table this matter until the next regularly scheduled meeting. Chairman Mayes stated he will ask for a motion to table the item.

Commissioner Lumsden made a MOTION to table. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks
" Lumsden
" Whitefield

Chairman Mayes

Motion Carried

**2. REVISE OR DELETE ARTICLE 2.11.4 a. (6)
REGARDING SPECIAL EXCEPTIONS FOR
UNIFORM SIGN PLANS. (DELETE) (PLANNING
COMMISSION RECOMMENDATION: APPROVE
TO DELETE [VOTE: 10-0]):**

Chairman Mayes declared the Public Hearing open, and asked if there is anyone who wishes to speak in support or opposition. Seeing none, Chairman Mayes declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to table. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks
" Lumsden
" Whitefield

Chairman Mayes

Motion Carried

REZONING/SPECIAL USE PERMIT REQUESTS

**1. FILE #52-2009Z, REQUESTS SPECIAL USE PERMIT
FOR MANUFACTURED HOME ON SUBDIVISION LOT
IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT
ON PROPERTY LOCATED AT 210 ADAMS CIRCLE.
ZONING MAP J16Z – 049A. (PLANNING COMMISSION
RECOMMENDATION: APPROVE [VOTE: 10-0]):**

Chairman Mayes declared the Public Hearing open, and asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is in a subdivision called Adams Properties, or Adams Subdivision, and therefore it requires a special use permit to place a manufactured home on the lot. She stated this is a very low-density, rural-residential area. The subject property has been cleared and prepared for placement of a manufactured home. She stated services and utilities are available in this area with public water being provided by Floyd County. There is no public sewer. Therefore, a permit for a septic tank will

be required. She said the lot is approximately 1.24 acres in size, and generally, an acre is considered the standard for a septic field for a single-family dwelling, depending on the soils. She stated there are a couple of manufactured homes across the street, so this would not be establishing a new development pattern in this area. It is a mix of site-built and single-family dwellings. To the south and east of this property there is actually a junk yard that intrudes a little bit into the subdivision.

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

Support: Howard Colquitt, Centre, Alabama, stated he wants to get a mobile home put on this lot to permanently live where his wife would not have to drive so far back and forth to work. He stated the property has a septic tank on it with two hundred feet of field line, but he will have to get it inspected. He thanked the Board.

George Thrasher, 204 Adams Circle, stated that up until four years ago there was a singlewide mobile home on the property. His son-in-law sold the mobile home to his sister and she moved it to Alabama. He strongly requests that they approve this request.

Chairman Mayes declared the Public Hearing closed and called for a motion.

Commissioner Whitefield made a MOTION to approve the request for special use permit for a manufactured home on the property. SECOND by Commissioner Fricks. VOTING:

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

Motion Carried

CHAIRMAN'S REPORT:

No Report.

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

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

YES

NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

1. Tax Refunds:

- a. Lee Ann Orange, 203 Maplewood Drive, SE, \$15.00
- b. Thomas & William Crumley, 12 Hidden Ridge Drive, SW, \$8.03
- c. Shirley M. & William O. McNaney, 49 Fox Croft Road, \$41.09

2. Malt Beverage License, Mital Patel (Veas Jill, Inc.) /Silver Creek Mini Mart, 5729 Rockmart Highway, Silver Creek, (Ownership Change) (Beer & Wine).

3. Precious Metals Dealer License, Justin Hight, West Side Pawn, 1614 Shorter Avenue.

MANAGER'S REPORT:

1. ADOPT AMENDED PAUPER BURIAL POLICY:

County Manager Poe stated they have before them a recommended amendment to the Pauper Burial Policy. He stated the main change would be to *add siblings, and live in boyfriend/girlfriend*. He said the living partners of the deceased will be screened for income and resources to determine if any are available to help with the cost of the burial. He stated the percent of the federal poverty level to determine indigence has been left at one hundred percent. If approved, we will contact the Department of Family and Children Services, who is the agency that enforces and administers this policy for us, and provide a copy of the amended policy to begin using immediately. He recommended adopting the amended policy as presented.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to adopt the Amended Pauper Burial Policy as recommended by the County Manager. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes abstained

Motion Carried

2. AWARD OF BID:

a. ONE (1) 1-TON CREW CAB TRUCK FOR PUBLIC WORKS:

County Manager Poe stated this item was approved in the budget and sealed bids were opened on May 14, 2009. The recommendation is to accept the lowest bid meeting specifications. He stated they have a memo from the Public Works Department stipulating why they were not going with the lowest bid, and that it did not meet specifications. He recommended approving the recommendation from the Purchasing Department and the Public Works Department for the bid award to go to Jackey Jones Automotive Alliance, in the amount of \$31,118.14.

Chairman Mayes called for a motion. Commissioner Whitefield made a MOTION to award the bid for One (1) 1-ton Crew Cab Truck to Jackey Jones Automotive for \$31,118.14. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

b. ONE (1) 6-YARD DUMP TRUCK FOR PUBLIC WORKS:

County Manager Poe stated sealed bids were opened for the purchase of one (1) 6-yard Dump Truck on May 14, 2009. He stated the recommendation is to accept the lowest bid meeting specifications. The lowest bid did not meet specifications, and they have a memo explaining why it did not meet the specifications. He recommended awarding the bid as recommended by the Purchasing Department and the Public Works Department to Cherokee Truck Equipment in the amount of \$63,021.00.

Chairman Mayes called for a motion. Commissioner Bagwell made a MOTION to award the bid for One (1) 6-yard Dump Truck to Cherokee Truck Equipment for \$63,021.00. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden

" Whitefield
Chairman Mayes

Motion Carried

c. ONE (1) TRACTOR WITH BOOM MOWER FOR PUBLIC WORKS:

County Manager Poe stated sealed bids were opened for the purchase of one (1) Tractor with Boom Mower on May 14, 2009. He stated the recommendation is to accept the lowest bid meeting specifications. The lowest bid did not meet specifications, and they have a supporting memo from the Public Works Department stipulating that. He recommended awarding the bid to Yancey Brothers in the amount of \$68,502.90.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to award the bid for One (1) Tractor with Boom Mower to Yancey Brothers for \$68,502.90. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

4/5 VOTE REQUIRED

3. AUTHORIZE CONTRACT BETWEEN FLOYD COUNTY AND WILLIAMS, SWEITZER & BARNUM TO PROVIDE ENGINEERING SERVICES FOR THE RENOVATION AND UPGRADE OF THE COUNTY WATER SYSTEM IN THE CLEMONSVILLE AREA:

Chairman Mayes called for a motion to add the item by 4/5 vote. Commissioner Bagwell made a MOTION to add the item to the agenda. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Lumsden
" Whitefield
Chairman Mayes

Motion Carried

County Manager Poe stated the proposed contract from Williams, Sweitzer & Barnum, is to provide engineering services for the renovation and upgrade of the county water system in the Clemons ville Area. He stated this is a project they have approved submitting an application for a Community Development Block Grant (CDBG), and we would like to go ahead and proceed with the engineering on this project. He recommended approving the contract as submitted.

Chairman Mayes called for a motion. Commissioner Lumsden made a MOTION to approve authorization of the contract documents between Floyd County and Williams, Sweitzer & Barnum, per the Manager's recommendation. SECOND by Commissioner Bagwell. 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 Whitefield, 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