

June 9, 2009

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
June 09, 2009                      2:00 P.M.**

**PRESENT:**                      Vice-Chairman Eddie Lumsden, Commissioners Irwin Bagwell, Garry Fricks, and Chad Whitefield.

**OTHERS**

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

**ABSENT:**                      Chairman John Mayes.

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

Chairman Lumsden called for a moment of silence in honor of Floyd County Prison Correctional Officer Jeffrey Jordan. Officer Jordan was a member of the Georgia Army National Guard who lost his life while serving our country in Afghanistan this past week. Officer Jordan was a resident of Cave Spring.

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

**PLEDGE OF**

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

**ADOPTION OF  
MINUTES:**

Chairman Lumsden 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 May 26, 2009. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

"                      Fricks

"                      Whitefield

Chairman Lumsden

Motion Carried

**RECOGNIZE EMPLOYEE OF THE QUARTER:**

The Board recognized Jeff Jones, Floyd County Police Department, as Employee of the Quarter, in recognition of his high level of professionalism, exemplary performance and conscientious service exhibited to the public.

#### **EMPLOYEE SERVICE AWARDS:**

The Board presented employee service certificates and pins to the following employees in recognition of their years of service to Floyd County:

##### **40 Years of Service**

Dennis Rush, Public Works Department

##### **35 Years of Service**

Billy F. Whitener, Police Department

Virginia F. Thurman, E911

Perry L. Maynard, Police Department

Joyce E. Smith, Court Reporter

##### **30 Years of Service**

Vicki T. Parton, Clerk of Superior Court Office

John A. Harkins, District Attorney Office

Ray R. Logan, Police Department

David Reeps, Police Department

Deborah R. Staney, Tax Assessor Office

Nancy M. Lam, Purchasing Department

Robert M. Brock, Police Department

Annie S. Gill, Tax Commissioner Office

##### **25 Years of Service**

Catherine Fricks, Juvenile Court

Mark Blanton, Sheriff's Department

Cheryl D. Bray, Police Department

Mickey D. Walker, Public Works Department

Virginia A. Stubbs, Tax Commissioner Office

Priscilla Caldwell, Magistrate Court

William A. Peace, E911

Kenneth M. Moore, Water Department

Danny H. Logan, Police Department

Phillip R. Hart, Court Administrator

##### **20 Years of Service**

Beverly K. Daniel, Court Reporter  
Amelia D. Minter, Clerk of Superior Court Office  
Scott A. Weaver, District Attorney Office  
Peggy L. Evans, Sheriff's Department  
James Allred, Sheriff's Department  
Bill W. McCord, Sheriff's Department  
Carl Lively, Police Department  
Gregory M. Dobbins, Police Department  
Darrel Silvers, Facilities Management  
Tommy M. Gentry, Public Works Department  
Michael W. Rhinehart, Engineering Department  
Jeff L. Hubbard, Public Works Department  
Carol L. Corbin, Superior Court  
Sally J. Barnett, Superior Court  
James M. Brown, Tax Assessor Department  
John T. Satterfield, Animal Control Department  
Jeffrey Earwood, Water Department  
Michael E. Studdard, Police Department  
Stephen W. Acker, District Attorney Office  
William E. McWhorter, Tax Assessor  
John W. Morris, Water Department

**FIRST READINGS:  
(PUBLIC HEARINGS TO BE HELD  
JUNE 23, 2009 AT 6:00 PM)**

**REZONING/SPECIAL USE PERMIT REQUESTS**

1. FILE #51-2009Z, REQUESTS REZONING FROM AGRICULTURE RESIDENTIAL (A-R) TO DUPLEX RESIDENTIAL (D-R) TO CONSTRUCT DUPLEX DWELLING ON PROPERTY LOCATED AT 149 EVERETT SPRINGS ROAD. ZONING MAP L07-087. (PLANNING COMMISSION RECOMMENDATION: APPROVE TRACT A BUT NOT FOR TRACT B, CONDITIONED UPON SEPARATION OF THE TRACTS INTO SEPARATE TAX LOTS. [VOTE: 8-0]).
2. FILE #61-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 1359 BELLS FERRY ROAD. ZONING MAP L10X-004. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT ROOF ON THE MANUFACTURED HOME BE

PITCHED. [VOTE: 8-0]).

3. FILE #62-2009Z, REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO COMMUNITY COMMERCIAL (C-C) FOR USED CAR LOT, SALES ONLY, NO SERVICE, ON PROPERTY LOCATED AT 4049 ALABAMA HIGHWAY. ZONING MAP F13Z-211. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 8-0]).

4. FILE #63-2009SUP, REQUEST SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON NEW ORLEANS BOULEVARD. ZONING MAP L16-195. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).

5. FILE #64-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 160 WEST DRIVE. ZONING MAP G13W-536. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT ROOF ON THE MANUFACTURED HOME BE PITCHED. [VOTE: 8-0]).

Chairman Lumsden stated Public Hearings will be held on June 23, 2009 at 6:00 p.m.

#### PUBLIC HEARINGS:

Chairman Lumsden asked County Attorney Manning to give an explanation before the Board takes any action on the two items listed on the agenda under Public Hearings. County Attorney Manning stated the Board has before them two separate ULDC Text Amendments for which a Public Hearing was held at the last County Commission meeting (*May 26, 2009*). He stated his understanding is that the Commission is not comfortable with the language that is currently in the proposed Sign Ordinance. The County Commission, in conjunction with working with the city of Rome and with input from the Rome-Floyd County Planning Commission and constituents, is still in the process of revising the Sign Ordinance and intends to bring it back for action in the very near term. He stated the current language for which a Public Hearing was held is not the language that they intend to use. He stated that he would recommend that the Board vote to deny these two proposed text amendments as written, and that the final amendment go back through the Planning Commission for a recommendation. To allow the corrected language to initiate in the Planning Commission, once that is finalized, and thus constituents would have an opportunity for input at a public hearing before the Planning Commission and at a public hearing before the County Commission.

## 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])  
(TABLED MAY 26, 2009):

Commissioner Bagwell made a MOTION to deny the ULDC Text Amendment regarding Article 5 concerning sign regulations, and accept the County Attorney recommendations to initiate the process with the final proposed amendment again through the Planning Commission in the near future. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

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]) (TABLED MAY 26, 2009):

County Attorney Manning stated similar to the first item, his understanding is that the commission may well desire to revise the language of this ULDC Amendment as well. Therefore he would recommend that they deny this Proposed ULDC Amendment, understanding that it is the intent of the commission to bring this back through the Planning Commission with revised language so that the constituents could have input having seen what is intended to be the final document.

Commissioner Bagwell made a MOTION to deny the ULDC Text Amendment regarding Article 2.11.4 a. (6) as recommended and stated by the County Attorney. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**CHAIRMAN'S REPORT:**

**1. Appointments:**

**a. Airport Commission:**

Commissioner Whitefield made a MOTION to appoint Mike Britton to succeed Wayne Vick in Post 1 on the Airport Commission for a 4-year term expiring June 30, 2013. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**b. Department of Family and Children Services:**

Commissioner Whitefield made a MOTION to appoint Allison Waters, who is currently filling an unexpired term, to the Department of Family and Children Services for a 5-year term expiring June 30, 2014. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**c. Highland Rivers Community Services Board:**

Commissioner Whitefield made a MOTION to appoint Jim Mahaffey to the Highland Rivers Community Services Board to succeed Milton Tippin, Jr. for a 2-year term expiring June 30, 2011. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

#### 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 five items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval.

County Manager Poe stated item #4 is a new contract between the Sara Hightower Regional Library and Floyd County related to providing them an inmate work crew for janitorial services. He stated they have met with library staff, the warden and deputy warden at the Prison, and the Library Board of Trustees. He recommended entering into the agreement stating it will be beneficial to both the county and the Sara Hightower Regional Library.

Commissioner Whitefield made a MOTION to approve the Consent Agenda as presented.

SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

#### 1. Tax Refunds:

a. Matt Owens Logging, Inc., 299 Vernon Road, NE, \$1,009.21

2. Authorize execution of GEMA Grant from the Department of Homeland Security Fiscal Year 2008 Homeland Security Grant Program Citizen Corps Program in the amount of \$13,750.00.

3. Authorize execution of Agreement between Floyd County and Northwest Georgia Regional Hospital to provide inmate work crew.

4. Authorize execution of Agreement between Floyd County and Sara Hightower Regional Library to provide inmate work crew.

5. Authorize execution of Memorandum of Agreement by and between Coosa Valley and North Georgia Regional Development Center.

## MANAGER'S REPORT:

1. AWARD OF BID FOR ONE (1) ½ TON EXTENDED CAB  
F-150 PICKUP TRUCK FOR ANIMAL CONTROL:



County Manager Poe stated they have a recommendation to approve the purchase of a pickup truck for Animal Control. He stated bids were originally requested for a ½ ton extended cab pickup truck. However, the bids came in over budget, so they are recommending the purchase of a standard pickup truck off the state contract. He stated the state contract price for an F-150 from Alan Vigil Ford is \$14,188.25. He recommended approval of the recommendation from the Purchasing Department.

Commissioner Fricks made a MOTION to award the bid for an F-150 pickup truck for Animal Control to Alan Vigil Ford for \$14,188.25. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

2. AWARD OF BID FOR THREE (3) 4X4 MID SIZE EXTENDED CAB PICKUP TRUCKS FOR WATER DEPARTMENT:

County Manager Poe stated sealed bids were recently accepted for the purchase of three (3) mid-size extended cab pickup trucks for the Water Department. He stated the low bid meeting specifications was for a 2010 Chevrolet Colorado from Carl Black Buick, Pontiac, GMC for \$22,312.00 each. He recommended accepting the recommendation from the Purchasing Department and the Water Department for the purchase of three pickup trucks for the Water Department at a total cost of \$66,936.00.

Commissioner Fricks made a MOTION to award the bid for three (3) 2010 Chevrolet Colorado pickup trucks for the Water Department to Carl Black Buick, Pontiac, GMC for \$22,312.00 each. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

3. AUTHORIZE PAYMENTS FOR RIGHT-OF-WAY ACQUISITION ON HUFFAKER ROAD PROJECT (2006 SPLOST) TO THE FOLLOWING LAND OWNERS:

- a. Nolene D. Gainley, Zoning Map E12-035A - \$24,200.00

- b. Forestar (USA) Real Estate Group, Inc., Zoning Map D13-006 - \$32,150.00

County Manager Poe stated he is requesting authorization for payment of right-of-way acquisitions on Huffaker Road for two parcels of property. He stated they are in concurrence with our plan of negotiating the cost of right-of-way on this project. He recommended authorization for payments as submitted.

Commissioner Whitefield made a MOTION to authorize payments for right-of-way acquisition on Huffaker Road Project (2006 SPLOST) as presented and recommended by the County Manager. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

4. AUTHORIZE PAYMENTS FOR RIGHT-OF-WAY  
ACQUISITION ON HIGHWAY 411 PROJECT  
(2006 SPLOST) TO THE FOLLOWING LAND OWNERS:

- a. Johnson Farm, Zoning Map L15-013, Tract 1, 2, 3, 4, 5 - \$525,000.00  
b. Johnson Farm, Zoning Map I15Z-022 - \$216,150.00  
c. Gordon W. Martin, Zoning Map L15-016 - \$25,000.00

County Manager Poe stated he is requesting authorization for payment of right-of-way acquisitions on the Highway 411. He stated the Highway 411 project, along with the Huffaker Road project, are both 2006 SPLOST projects. He recommended authorization of the payments as submitted.

Commissioner Whitefield made a MOTION to authorize payments for right-of-way acquisition on Highway 411 Project (2006 SPLOST) as presented and recommended by the County Manager. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

ATTORNEY'S REPORT:

No Report.  
ADJOURNMENT:

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

YES                      NO

Commissioner Bagwell

"        Fricks

"        Whitefield

Chairman Lumsden

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

JOHN MAYES, CHAIRMAN