

June 23, 2009

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
June 23, 2009 6:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners 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.

ABSENT: Commissioners Irwin Bagwell and Garry Fricks.

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 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 Lumsden made a MOTION to adopt the minutes of the Regular Meeting of June 09, 2009. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden
" Whitefield

Chairman Mayes

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
JUNE 9, 2009)**

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]):

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 actually two lots of record that are combined into one tax parcel. She stated to the south there is some community commercial zoning that is actually a residential property and the rest of the property around it is Agriculture Residential (A-R). The predominant land use is rural residential types of uses. She stated the property is developed with two structures, both of them residential. One of them has a large metal shop-type building that was actually a dormitory attachment. She stated this property was a subject of a Board of Adjustment case back in 2005 for side-yard setback reduction. She stated the applicant indicates that he did go ahead and divide the properties at that time. The property is within the rural character area where there is no sewer service, so adding dwelling units to the property would require additional septic tank capacity on this 2.27-acre lot. She stated water service is provided to this site, but according to the Floyd County Water Department, additional taps would not be provided. The future land use map indicates suburban residential for this area. She stated the applicant indicated that he really only wanted the Duplex Residential (D-R) zoning for the part of the property that is to the west. She stated he would like to convert the shop building into an apartment thereby making that building a duplex, and was not really interested in having the other one zoned that way.

Chairman Mayes reviewed the Public Hearing procedures and asked if there is anyone who wishes to speak in support or opposition of this item.

Support: Doyal Cagle, 149 Everett Springs Road, Armuchee, stated this is his property and he is just trying to do this to get his son-in-law out of his house. He stated the house is plenty big enough. He has a place that he has already rented out, and there is a place in the very back where he can put an apartment upstairs over his garage. He stated they said he could not put two meters on the same house.

There was no one to speak in opposition. Chairman Mayes declared the Public Hearing closed and called for a motion.

Commissioner Whitefield made a MOTION to approve Tract A but not for Tract B, conditioned upon separation of the tracts into separate tax lots as recommended by the Planning Commission. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield

Chairman Mayes

Motion Carried

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]):

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is within a subdivision called the Hattie P. Jackson Subdivision. Therefore, it requires a special use permit to place a manufactured home. Surrounding properties are zoned Suburban Residential (S-R) and are developed with a mixture of site built and manufactured single-family homes. She stated the future land use map indicates suburban residential use for the property. Services and utilities are available except for sewer so a septic tank would have to be provided. She stated this is a very low-density rural residential area, and although the predominant development pattern in the large area is site built, there are manufactured homes on lots to the south, north, and east. There is one manufactured home on this property now, so this would be the second manufactured home on the property. Approval of a special use permit for a manufactured home would be a little bit of a departure from the prevailing pattern, but it would not introduce an inconsistent development pattern, as there are already manufactured homes in this area.

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

Support: Charlene Jablonski, 1359 Bells Ferry Road, stated they are trying to get this rezoned so their daughter can put a trailer on the property behind their house.

There was no one to speak in opposition. Chairman Mayes declared the Public Hearing closed and called for a motion.

Commissioner Lumsden made a MOTION to approve the request for the special use permit with the condition that the roof on the manufactured home be pitched. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield

Chairman Mayes

Motion Carried

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]):

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is approximately 2.13 acres in size. She stated it is developed with a single-family dwelling and an outbuilding that was used in the past as an antique store. At some point, the property changed hands and a used car dealership was opened on the property. She stated since it is zoned residential the antique store would have been classified as a legal non-conforming use. Legal non-conforming uses cannot be converted from one to another, as happened in this particular case, so building inspection staff has been working with this owner and applicant for a period of time. She stated in order to get a state used car dealership license the zoning has to be right, so he is before them today asking to rezone the property. Access to the property is provided via Alabama Highway, which is classified as an arterial. She said the Georgia Department of Transportation determined that a new driveway would have to be constructed. The future land use map shows this property as suburban residential. She stated there is a commercial property to the east that is used as a taxidermy shop. The other properties in the area are zoned suburban residential. She stated because this would be a change of use in a rezoning and a redevelopment, the property would have to meet the standards of the Unified Land Development Code. She said the site plan indicates that it could, with the exception of the building to the right that encroaches into the setback. The applicant spoke in favor of the application at the Planning Commission meeting, and indicated that this site plan could conform with the development standards and the DOT requirements. She stated this site plan does show the DOT driveway that would be required. There was a neighbor who spoke at the Planning Commission meeting in opposition, and expressed concerns about property values. How the back of the lot could end up in car storage. He was concerned about the safety of the access point, and he indicated that most of the area around it is residential.

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

Support: Jack Busbin, 611 Turner McCall Blvd., stated he is with Toles, Temple and Wright and they made application for changing the zoning from S-R (Suburban Residential) to C-C (Community Commercial). He stated he called had met with Sue Hiller, Phil Helton and the Building Inspector Howard Gibson and they went through everything. They also recommended contacting the Department of Transportation to improve the highway entrance and they did, which is shown on their plans. He stated everything was done according to what was suggested to them, and then at the meeting with the Planning Commission, they said he did not have a license. That is true, but under the state law, a used car lot person cannot have a license unless he has a permanent address for his lot. He stated that was not really tossed around in the rezoning

meeting and that was one reason they were there. When Mr. Ray bought the property he bought it from Auctions United and the advertisement said '3600 sq. ft. commercial building.' He stated in the meeting that they had previously, they said grass was in the front. He said this is true, but it was coming up through the gravel that was already there. Mr. Ray did nothing but clear out the grass and put new gravel on top of that. He stated Ms. Hiller said that they had to make arrangements to surface in front of the house for parking and also handicap the bathroom, which is not handicapped at this point. The drive going into the property has not been improved like the DOT requires, which could be part of approval of giving them the Community Commercial (C-C) zoning. He stated he bought the property May 15, 2007. He stated they have been continuously in that place trying to do business but cannot because of the fact that he does not have a license and cannot get a license until he gets the proper zoning. It has always been his intention to put a used car lot there.

Debra McDaniel, 611 Turner McCall Blvd., stated she is also employed by Toles, Temple and Wright. She stated she interviewed Bill's Taxidermy, which is the commercial building to the left of that property. She stated he has been operating there for approximately 26 years, and he knew the owner that previously ran the antique business at that location. She asked if he had any problems with traffic or noise and he said that there had never been more than two cars or customers at the car lot at any one time. She asked him if had known that there were cars going in and out at odd hours, or anything to that nature, and he said no that had not been a problem. She stated there are a couple of houses to the left of Bill's Taxidermy and they are all older men. None of them has had any problems at all, and they did not voice opposition to the car lot being there. She stated a Jehovah's Witness church is at an angle across the street. She stated she went by there and made an attempt to try to meet with one of the church members that resides behind the house. She has not personally talked to him, but he has talked to Mr. Ray, and the church has not had any problems that they know of. She stated it has not interrupted their services or businesses there with the neighborhood. She has known Mr. Ray for approximately 5 years. She visited his car lot in Alabama and she has visited his home. She stated anything that he has ever bought has been improved. He has always kept a neat clean business. She stated she knows his son and their family. If you have known this property over the years as the antique store, then you know anything Mr. Ray has done has been an improvement.

James Ray, 4049 Alabama Highway, stated he is here to address some of the complaints he understands his neighbor Mr. Sullins has. He stated with regard to bringing these cars in and out at all hours of the night, that just simply is not true. He stated in regards to them not keeping up the property, they keep it as neat as they know how. He stated they keep their stuff on their side of the property. He stated he is not here to complain about Mr. Sullins, but he does have a tree that came from his property onto mine. It is still there and he has not made the first complaint, and before this last meeting, he was not aware that Mr. Sullins had a complaint with him. He is here to listen to anything that he has to say, and he welcomes it. He stated we are neighbors with a lot of people, and we want to be a good neighbor to Mr. Sullins also. At the auction itself, they offered this property as a whole. He stated his wife told him the best thing to do would be to buy it all. He told her no, that this man came from that house, which was a neighbor to that property. He wanted these two pieces of property, and for us to get that we would be starting off on the wrong foot. He stated he did not want that kind of relationship, and do not want it now, but he had no idea that he wanted their property too. He did not tell him at that time or any other time

that he wanted. He stated he told Mr. Sullins that if he ever had any complaint with us that our door was open, but he has never until this last meeting addressed anything to us. He will be glad to hear anything that he is not doing correctly. He stated he is trying to do it the right way, and he hopes it turns out as such.

Oppose: Gary Sullins, 4099 Alabama Highway, stated he does not personally have anything against Mr. Ray, he never has. He stated he has always been real cordial and real nice to him. The problem he had was when he first bought the property, he told Mr. Ray that there was rumor that he was going to put a restaurant in there and Mr. Ray told him no, there was not going to be anything in there. He stated he assumed they were going to lease the house when they bought the property. He did not know a car lot was going in there, and he did not make him aware that there was a car lot going in there. He stated he called an appraiser to get an opinion on what a car lot would mean to his property. The appraiser told him that putting that car lot next to his property would be very detrimental to the residential quality of the property and on the surrounding properties. He was also told that he stood to probably lose about \$1,500.00 to \$2,000.00 an acre, and he has eighteen acres there. He stated we do not need anymore commercial zoning on the Alabama Highway. If we start commercializing it, next thing you know it will be just a total commercial corridor. He stated there are so many nice places that we do not need anymore commercialization of Highway 20. He said he does not need to lose value of his property butted up to a used car lot. He stated he will give Mr. Ray credit for having nice automobiles. He stated it is not a junky place. It is well maintained. He said as far as the gravel on the front out there, he used to help Mr. Thomas cut that grass, so he knows there was grass there. He stated there may be gravel under it but he knows there was grass there. The grass was taken out all the way past the front of the house up to the property joining Bill's Taxidermy. He stated as far as Mr. Leech knowing how many cars go in and out of there, unless he has x-ray vision he would not know that, because he cannot see through that building and he does not stand out there all day seeing how much traffic is going in and out of there. He said he never made the statement that traffic is coming in and out of there all night. He knows better because Mr. Ray has a gate up that he locks every night. He stated he is getting wrong information from somewhere. But as far as their quality of life out there, they do not want to see it go downhill because of a used car lot. There is plenty of room in town for that. He stated Mr. Ray did tell him one time that if it does not work out, he would probably move to town so whatever the commission decides we will just lick our wounds and go on, but they do not want that car lot there. There are a lot of other things they could do with it, and if the car lot happens to fail what will go in there next. He asked do they let a store go in there or what because then it would already be zoned. He stated we do not need for something to fail there, Mr. Ray move back to Alabama, and something else go in there as a store or whatever you can put in those places. They would just rather leave their community the way it is. He stated it is a nice community. He does have a question about buffers. He asked if that thing is zoned, the buffer down the side of his property, is he allowed to use the building as part of the buffer. He stated the building comes over within 2.4 feet of his property. He asked is there a requirement for a buffer behind it since there is a gap between their property lines back to the tree line. He stated the tree line is his behind that building. Chairman Mayes stated when Mr. Ray comes back for rebuttal they will discuss that.

Rebuttal: Mr. Ray stated in regard to the property values, he has three other properties that are very near to this. He stated he has no intention of making the values go down. He does not want

his value to go down. He would be cutting his own throat. He stated Mr. Leech does know a lot about the ins and outs of that. He walks over to our property and we walk over to his.

Mr. Busbin stated there are buffers with trees shown on the plan. He stated they met with Ms. Hiller, and she showed them what they had to do. He stated they had an architect engineer to draw it up. Ms. McDaniel stated they feel like that this business would be the best use for the property, and would fit in similar to the antique store that was previously there. She stated it would be a low traffic count that goes in and out, and does not operate at night. She stated she thinks the best use for the property is what Mr. Ray is trying to do and he will abide by whatever setbacks are required.

Commissioner Whitefield asked Ms. Hiller does a car lot have to be zoned Community Commercial (C-C) or is Light Industrial (L-I) an option. Ms. Hiller stated Community Commercial (C-C) is the least intense zoning category that will allow a used car lot. Other than that, it would be heavy commercial or moving up from there. Commissioner Whitefield asked Ms. Hiller if she could briefly list some other C-C uses. She stated convenience store, gas station, any kind of store, offices, dry cleaner, medical facility, grocery store, drug store, furniture store, or any of those uses. She said Community Commercial (C-C) is a general category for the types of commercial uses that you find along the highways around Rome and Floyd County. Commissioner Whitefield stated he does not have a copy of it, but there was a site plan submitted. He asked Ms. Hiller does the site plan meet all of the ULDC requirements for buffers and setbacks. Ms. Hiller stated it appears that it can meet all of the requirements with the exception of the building that encroaches into the building setback on the west side of the property. However, just as the ULDC makes some provisions for legal non-conforming uses, there are some provisions for legal non-conforming buildings. She stated therefore, when someone does a change of use, a redevelopment of the property, they have to comply with buffers and landscaping, parking requirements and so on, but they generally do not have to comply with setback requirements unless they are building something new.

Chairman Mayes asked Ms. Hiller why did the Planning Commission vote to deny, and what the reasoning behind that thought process was. Ms. Hiller stated she does not want to try to second-guess them, but there are a couple of things. She stated although there is a small commercial property in one direction, from this property commercial is the exception rather than the rule. This becomes a rural residential corridor as you move toward the Alabama line. She stated the Comprehensive Plan's Future Land Use Map identifies this property for suburban residential uses rather than commercial uses, and of course, they listened to all of the testimony from the applicant and opposition as well. Chairman Mayes stated so the land use document is trying to return most of that property back to residential type use. She stated or to maintain that residential corridor, that is correct.

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

Discussion: Commissioner Whitefield stated that this is obviously a commercial building and will have commercial applications going forward. He stated he understands the concerns about community commercial and believes there are some really intensive uses that can encroach on that residential area. He has concerns about that as well. He asked County Attorney Manning do

we have it in the authority of this Commission to limit the use inside of a commercial rezoning. County Attorney Manning stated yes. They could condition a motion to approve the zoning request on certain specified uses if they so choose.

Commissioner Whitefield made a MOTION to approve the rezoning of the property from Suburban Residential (S-R) to Community Commercial (C-C) with the condition that it be limited to used car sales, no service and no storage, and that all ULDC requirements be met with the exception of the non-conforming elements on the west side of the building. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Lumsden

"

Whitefield

Chairman Mayes

Motion Carried

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]):

Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is within a subdivision called Dempsey Acres. Therefore, it requires a special use permit to place a manufactured home. She stated the surrounding properties are also zoned Suburban Residential (S-R) and developed with site built and manufactured single-family homes. She said a special use permit was granted for the property immediately to the west of this manufactured home in April 2007. She stated this is an area where services and utilities are available with the exception of sewer. Water would be provided via a connection to an existing line. She stated the applicant spoke on his own behalf at the Planning Commission meeting, and mentioned that the other manufactured home belongs to his brother. He said that his manufactured home does have a pitched roof and would be finished with siding and a deck similar to that of his brothers. She stated generally the standard of approval for a manufactured home is compatibility and consistency with the existing development pattern. She said in this area where manufactured homes prevail this would not introduce a new development pattern.

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 and called for a motion.

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

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**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 Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is within a subdivision called D. G. Snider Subdivision. She stated there is an uninhabitable manufactured home on the lot at this time. She stated the surrounding properties are zoned Suburban Residential (S-R) and developed with site built homes and manufactured single-family homes. The site built homes are probably predominating, but there are number of manufactured single-family dwellings. She stated the property to the west of this property is actually developed with a junk yard. She said the future land use map indicates suburban residential for the property. She stated services and utilities are available for this. The applicant spoke at the Planning Commission meeting and said that she was going to buy the property if she gets approval to take the old manufactured home away and put the new manufactured home on the property. She stated generally the standard for approval of a manufactured home is its consistency and compatibility with the surrounding development pattern and although single-family dwellings do predominate, they have some mixed use provided by the junk yard to the west.

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 and called for a motion.

Commissioner Whitefield made a MOTION to approve the request for special use permit with the condition that the roof on the manufactured home be pitched as recommended by the Planning Commission. SECOND by Chairman Mayes. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**6. PUBLIC HEARING TO RECEIVE COMMENTS
RELATED TO A JOINT GRANT APPLICATION
FOR THE FY2009 BYRNE JUSTICE ASSISTANCE
GRANT (JAG) PROGRAM:**

Chairman Mayes declared the Public Hearing open, and asked County Manager Poe to give a description of this item.

County Manager Poe stated through a proposed Intergovernmental Agreement with the City of Rome, Floyd County is eligible for \$25,805.00 through the Byrne Justice Assistance Grant (JAG) Program. The proposed use of that money is to continue to purchase digital inboard cameras for the Floyd County patrol vehicles.

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

ATTORNEY'S REPORT:

Chairman Mayes stated he is going to change the order of the agenda and to skip to the item listed under Attorney's Report.

**1. RESOLUTION AUTHORIZING EXECUTION OF
DOCUMENTS RELATED TO SALE OF
FLOYD MEDICAL CENTER (FMC) BONDS:**

County Attorney Manning stated the Commission has before them a Supplemental Resolution of the Board of Commissioners to approve the execution, delivery and performance of a First Supplement to an Intergovernmental Contract with the Hospital Authority of Floyd County to approve the use and distribution of an official statement with respect to certain Revenue Anticipation Certificates; and for other purposes. He stated this resolution deals with the county's agreement, through an intergovernmental contract, to back Hospital Authority bonds that are being issued.

Floyd Newton of King and Spalding stated he is the Bond Counsel for the Hospital Authority, and they have worked with County Attorney Manning on the bond issues. He stated they would be happy to answer questions anyone may have.

County Attorney Manning recommended a motion to adopt the Supplemental Resolution before them.

Commissioner Whitefield made a MOTION to adopt the Supplemental Resolution as presented, and recommended by the County Attorney. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT:

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

Commissioner Whitefield congratulated Blaine Williams, Assistant County Manager and his team of Floyd County associates for the national recognition they received for the FIRST Program. He stated the Board received a letter from the NACO congratulating them on their ingenuity.

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 that have been reviewed and are submitted for approval. She requested that items #5 and #6 be tabled, because the final paperwork has not been received for the applications.

Commissioner Lumsden made a MOTION to approve the Consent Agenda as presented, with items #5 and #6 being tabled. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

1. Tax Refunds:

- a. James Fountain, P.O. Box 517, Plainville, \$3.11

2. **Authorize release of tax bills from Tax Commissioner's Roll in the amount of \$3,545.60.**
3. **Authorize execution of Reimbursement Agreement between Georgia Subsequent Injury Trust Fund and Floyd County for Emma Braziel Worker's Compensation Claim.**
4. **Authorize payments for right-of-way acquisition on Highway 411 Project (2006 SPLOST) to the following land owners:**
 - a. **Brian Dulaney, Zoning Map M15-009, \$79,200.00**
 - b. **James Leonard Dulany, Zoning Map N15-002, \$29,250.00**
5. **Malt Beverage Application, Karen C. Lee, Rome Cinemas, 2535 Shorter Avenue, Rome (Consumption on Premises: Beer) – New**
6. **Malt Beverage Application, Chris Ingram, Rabbit Run Golf Course, 4333 Adairsville Highway (Consumption on Premises: Beer) – New**
7. **Authorize payments for right-of-way acquisition on Huffaker Road Project (2006 SPLOST) to Bristol Timber Company, Zoning Map E13Y-032, \$24,505.00.**
8. **Authorize execution of Statute of Limitations Waiver, Contract Amendment and Tolling Agreement related to Health Department.**

MANAGER'S REPORT:

1. **AUTHORIZE EXECUTION OF INTERGOVERNMENTAL AGREEMENT BETWEEN FLOYD COUNTY AND THE CITY OF ROME FOR 2009 BYRNE JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$25,805.00:**

County Manager Poe stated the amount of money that would be funded to Floyd County through this agreement would be \$25,805.00. He recommended authorization to execute this agreement.

Commissioner Lumsden made a MOTION to authorize execution of the Intergovernmental Agreement between Floyd County and the City of Rome for the 2009 Byrne Justice Assistance Grant (JAG). SECOND by Commissioner Whitefield.
VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**2. AUTHORIZE EXECUTION OF RESOLUTION
APPROVING CONSORTIUM AGREEMENT
WITH THE CITY OF ROME FOR THE HOME
PROGRAM:**

County Manager Poe stated the City of Rome has previously approved the Consortium Agreement with the county to move forward to participate in the HOME Program. He recommended authorization for execution of the Resolution approving the county's participation in the HOME Program.

Commissioner Whitefield made a MOTION to authorize execution of the Resolution approving the Consortium Agreement with the City of Rome for the HOME Program. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**3. DECLARE LIST OF COUNTY EQUIPMENT SURPLUS
AND AUTHORIZE DISPOSAL ACCORDING TO STATE
REQUIREMENTS:**

County Manager Poe recommended that the Commission declare the list of county equipment surplus and authorize the disposal of all this property according to state requirements, as submitted.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation to declare the list of county equipment surplus and authorize disposal of same according to state requirements. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**4. AWARD OF BID FOR WEATHER ALERT
RADIO/MONITORS:**

County Manager Poe stated this item is following up on a grant that we received to purchase and distribute all-hazard weather radios to the community. He stated bids were taken for the purchase of 1,000 radio/ monitors, and the low bid was from TELTEX, Inc. for \$26 each for a total of \$26,000.00. The total amount of the grant award is \$46,223.00. He recommended approving the purchase of these radio/monitors from TELTEX, Inc.

Commissioner Whitefield made a MOTION to award the bid for purchase of weather alert radio/monitors to TELTEX, Inc. in the amount of \$26,000.00. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**5. AUTHORIZE EXECUTION OF CHANGE ORDER
NO. 2 SUBMITTED BY DAVIDSON-SOUTHERN,
INC., FOR NORTH FLOYD PARK PROJECT (2006 SPLOST):**

County Manager Poe stated we are continuing to deal with some soil issues that we have on the project. He stated the change order is to deal with those issues, and move forward with trying to complete that project. He recommended authorization to execute Change Order No. 2 as presented.

Commissioner Lumsden made a MOTION to authorize execution of Change Order No. 2 as submitted by Davidson-Southern, Inc., for the North Floyd Park Project, in the amount of \$3,887.42. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

6. AUTHORIZE EXECUTION OF DEPARTMENT OF

**TRANSPORTATION CONTRACT FOR NORTH
TERMINAL AREA DEVELOPMENT – PHASE II
AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated this is a contract between the Georgia State Department of Transportation and Floyd County related to work to be done in the North Terminal Area at the Richard B. Russell Airport. He stated this is a DOT Contract, that requires a 25% local match, and the state will pay 75%. This is to allow us to continue to develop a portion of the airport, north of the terminal building, for future business development. He recommended approval of the contract as submitted and authorize execution of all the documents pertaining to that project.

Commissioner Whitefield made a MOTION to authorize execution of the DOT Contract for North Terminal Area Development – Phase II at Richard B. Russell Regional Airport as submitted. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**7. AUTHORIZE EXECUTION OF CONTRACT OF
EMPLOYMENT BETWEEN FLOYD COUNTY
AND KATHY SINCLAIR-TATE TO FILL THE
POSITION OF FLOYD AGAINST DRUGS
(FAD) PROGRAM DIRECTOR:**

County Manager Poe stated they have before them a Contract of Employment between Floyd County and Kathy Sinclair-Tate to fill the position of the Floyd Against Drugs (FAD) Program Director. He stated this position was vacated at the beginning of the year when Kevin Grueber accepted a position in the Clerk of Court's Office. A group representing the FAD Board of Directors, as well as the Floyd County Police Chief, were involved in the recommendation for the selection to fill this position. He recommended approval of the contract as submitted. He stated her first day of work will be July 1, 2009 if the contract is approved.

Commissioner Lumsden made a MOTION to authorize execution of Contract of Employment between Floyd County and Kathy Sinclair-Tate to fill the position of the Floyd Against Drugs (FAD) Program Director. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Lumsden
" Whitefield
Chairman Mayes

Motion Carried

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 Lumsden
" Whitefield
Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JOHN MAYES, CHAIRMAN