

July 14, 2009

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 14, 2009 2:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners Irwin Bagwell, Garry Fricks, and Eddie Lumsden.

OTHERS

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

ABSENT: Commissioner Chad Whitefield and County Manager Kevin Poe.

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

INVOCATION: Commissioner Lumsden led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Fricks.

PUBLIC PARTICIPATION:

Ms. Serpentfoot, 324 Forsyth Street, stated she is proposing an alternate project for the SPLOST Project, and that is to eliminate it all together if we cannot have it when the county has officials running for office, not just city officials. She stated it is supposed to benefit all of the people of this county, and all of the commissioners are supposed to represent all the people of this county. Although by population two of you, Commissioner Fricks and Commissioner Whitefield, are representing the city, or at least see that the city gets their fair share of everything. She stated she noticed another interesting thing and that is that Mr. Fricks is the one in charge of the Water Committee, and is also in charge of the SPLOST Committee. As if we were not teamed up too much with SPLOST Committee on a city election already, but Mr. Mayes, Mr. Lumsden, and Mr. Bagwell, the three of you commissioners are supposed to represent the unincorporated area of the County to see that they get a fair share. She stated the reason the people of this county do not want to merge with the City of Rome, is because the city has too many little tricks to see that the city gets all the benefits. They do not have to have an election to get it merged with the county if they annex this whole county. She stated three of you need to be on the alert and that is the majority. If you represented the people of unincorporated area like you are supposed to do, you could carry the day. She stated we would not have all the benefits going to downtown Rome. We would not have a city election for the SPLOST that discourages county folks from going to vote, and all the people of this county need to vote, so she is opposed to the whole SPLOST when it is that way. She stated we should never have another SPLOST if the whole

people of this county are not encouraged to go vote. She said she knows they have friends on the SPLOST Committee. She has friends on the committee that proposed projects, but she is going to have to go against it. Sometimes we have to subordinate our private gain and the private gain of our friends. She stated even though Commissioner Mayes represents the unincorporated area, he lives in it, but still he has business interest downtown. She said the other commissioners probably have business interest downtown, but they need to subordinate that interest aligned with the downtown. She stated they need to represent the whole people of this county and never again have a SPLOST, not this time or any future time, have a SPLOST on a city election. She said the SPLOST Projects are not that good anyway. She stated she noticed that there is nothing proposed for water. The Cave Spring people wanted a little help with the water. She stated they sell to the City of Rome and to the county, but they did not get any help with the water. The City of Rome does not need any more growth, no more redevelopment, until they can take care of the sewage they already have. She stated if they cannot take care of the mess they already have they do not need anymore. She said also that Barron Stadium. The City of Rome should be honest and recognize that Chief John Ross lived there, it is a historic fact. She stated he was living there two years after the City of Rome was founded. His family was illegally removed while he was away in Washington. She stated then there is this communication system. She said she knows that we have a few little required upgrades on the sound system, but not \$26 million for surveillance and communication. As if we did not have enough communication and surveillance with red light cameras, with Building Inspectors checking up on it and supervising our housekeeping and yard keeping. She stated as if Guantanamo was not bad enough, they are going to send police to Israel to find out how they police the Palestinians. She asked is that the way the people of this county are going to be treated. She stated we need to have a little more liberty and never again have another project if they cannot have it when the county is voting on county officials.

ADOPTION OF MINUTES:

County Attorney Tommy Manning was asked if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Bagwell made a MOTION to adopt the minutes of the Regular Meeting of June 23, 2009 and the Called Meeting of June 29, 2009. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

FIRST READINGS:

**(PUBLIC HEARINGS TO BE
HELD JULY 28, 2009 AT 6:00 PM)**

REZONING/SPECIAL USE PERMIT REQUESTS

- 1. FILE #72-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 479 MINSHEW ROAD. ZONING MAP L10Z-014. (PLANNING COMMISSION RECOMMENDATION: MOTION TO DENY FAILED BY VOTE OF 3-5. RECOMMENDATION MOVED FORWARD AS APPROVAL).**
- 2. FILE #73-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON 20 OVERLOOK ESTATES DRIVE. ZONING MAP H16-040. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 8-0]).**
- 3. FILE #75-2009SUP, REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO COMMUNITY COMMERCIAL (C-C) FOR RESIDENTIAL AND COMMERCIAL USE, AND SPECIAL USE PERMIT FOR LOFT APARTMENTS IN COMMUNITY COMMERCIAL (C-C) ZONING DISTRICT ON PROPERTY LOCATED AT 363 BURLINGTON ROAD, SHANNON. ZONING MAP M10Y-138. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).**

Chairman Mayes stated Public Hearings would be held Tuesday, July 28, 2009 at 6:00 p.m.

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**

Commissioner Lumsden stated that during the Public Safety Committee meeting this morning, Animal Control Director Jason Broome made us aware of a program that he would like to bring to the attention of this Board and to the public. He said Floyd County Animal Control has experienced an increase in animal surrenders, as some pet owners state they cannot currently afford to feed their animals. He stated Animal Control has developed a plan to offer free dog and cat food to eligible Floyd County citizens, on a limited basis, by partnering with a Georgia based pet food company who is donating some of the food. In order to be eligible for the free pet food you must be a Floyd County resident and be in a situation where you meet certain criteria. He stated a press release is being prepared and the criteria will be published. Floyd Animal Control will put forth every effort to continue this program for as long as possible, but the length of time that the program runs is dependent upon both the level of participation and the supply of the food.

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 four items on the Clerk's Consent Agenda that have been reviewed and are submitted for approval.

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

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

1. Tax Refunds:

a. The Oaks at Collinwood Association, 103 Vinings Drive, \$1,969.36

2. Authorize Release of Tax Bills from the Tax Commissioner's Roll in the amount of \$28,554.59.

3. Malt Beverage Application, Chris Ingram, Rabbit Run Golf Course, 4333 Adairsville Highway (Consumption on Premises: Beer) – New.

4. Settlement Agreement with P&C Design Build.

MANAGER'S REPORT:

1. AUTHORIZE EXECUTION OF CONTRACT BETWEEN FLOYD COUNTY AND NORTHWEST GEORGIA PAVING, INC., FOR THE CONSTRUCTION OF AN AIRCRAFT PARKING AND RAMP AREA AT RICHARD B. RUSSELL REGIONAL AIRPORT. [NORTH TERMINAL AREA DEVELOPMENT – PHASE 2 – GDOT PROJECT NO. AP090-9000-31(115) FLOYD].

Defer.

2. APPROVE FY2010 CAPACITY AGREEMENT WITH THE GEORGIA DEPARTMENT OF CORRECTIONS TO HOUSE STATE INMATES AT THE FLOYD COUNTY PRISON:

Assistant Manager Williams stated the Manager's recommendation is to approve the FY2010 Capacity Agreement with the Georgia Department of Corrections to house state inmates at the Floyd County Prison.

Commissioner Lumsden made a MOTION to approve the FY2010 Capacity Agreement with the Georgia Department of Correction to house state inmates at the Floyd County Prison. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

3. APPROVE CHANGE ORDER WITH DAVIDSON SOUTHERN, INC., REGARDING WORK ON NORTH FLOYD PARK COMMUNITY CENTER: (2006 SPLOST)

Assistant Manager Williams stated some of the foundations have been put into place, and they are ready to pour the concrete pad. However, the deluge of rain that we had back in May has caused us to encounter a good bit of unsuitable fill, and there is a need to remove and replace that unsuitable fill so we can be assured that the foundation will be stable in the future. He stated the Manager's recommendation is to approve the Change Order, in the amount of \$31,213.61, with Davidson Southern, Inc., to perform this work.

Chairman Mayes made a MOTION to approve the Change Order with Davidson Southern, Inc., regarding work on the North Floyd Park Community Center. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

4. AWARD OF BID FOR UNIFORMS:

Assistant Manager Williams stated bids were received for county uniforms. The Manager's recommendation is that the bid be awarded as recommended by the Purchasing Director in the information before the Commission.

Commissioner Lumsden made a MOTION to award the bid for uniforms as recommended by the Purchasing Director. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

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 Bagwell, SECOND by Commissioner Lumsden, that the meeting be adjourned. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JOHN MAYES, CHAIRMAN