

September 8, 2009

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
September 08, 2009 2:00 P.M.**

PRESENT: Vice-Chairman Eddie Lumsden, Commissioners 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 and Commissioner Irwin Bagwell.

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

INVOCATION: Commissioner Whitefield led the Invocation.

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

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 Whitefield made a MOTION to adopt the minutes of the Regular Meeting of August 25, 2009. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

PROCLAMATIONS:

CONSTITUTION WEEK:

Commissioner Whitefield presented Eleanor Quigley, Xavier Chapter, NSDAR, with a Proclamation recognizing September 17 – 23, 2009 as Constitution Week. Ms. Quigley provided facts about the local chapter of the Daughters of the

American Revolution and expressed their appreciation of the Board's support in continuing the celebration.

(Proclamation/Resolution Book, Page 151)

FIRST READINGS:

**(PUBLIC HEARINGS TO BE HELD
ON SEPTEMBER 22, 2009 AT 6:00 P.M.)**

- 1. FILE #91-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 34 JOHNS DRIVE. ZONING MAP J11Z-113. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**
- 2. FILE #83-2009Z, REQUESTS REZONING FROM DUPLEX RESIDENTIAL (D-R) TO AGRICULTURE RESIDENTIAL (A-R) FOR SPECIAL OUTDOOR ENTERTAINMENT AND EVENTS OF COMMUNITY INTEREST ON PROPERTY LOCATED AT 196 PAINTER ROAD. ZONING MAP J12Z-016, 015. (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION [VOTE: 9-0]).**
- 3. ORDINANCE TO AMEND FLOYD COUNTY CODE RELATED TO FLOOD DAMAGE PREVENTION.**
- 4. ORDINANCE TO AMEND FLOYD COUNTY CODE RELATED TO BUILDING CODE ORDINANCE.**

Chairman Lumsden stated Public Hearings will be held September 22, 2009 at 6:00 p.m.

**PUBLIC HEARING
HELD AUGUST 25, 2009**

Rezoning/Special Use Permit Requests

- 1. FILE #82-2009SUP, REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON 41 PINECREST DRIVE. ZONING MAP F13Y-047. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-2]): DEFERRED AUGUST 25, 2009. REQUEST WITHDRAWN BY APPLICANT ON SEPTEMBER 2, 2009.**

Chairman Lumsden stated the Public Hearing for File #82-2009SUP was held August 25, 2009. He asked County Attorney Manning to give the details on this request.

County Attorney Manning stated the applicant has requested that he be allowed to withdraw his application for the Special Use Permit. Mr. Manning said that since this request for withdrawal was made after the Public Hearing at the Planning Commission, and after the Public Hearing before the Commission, the ULDC states that the request for withdrawal would have to be voted on by the Commission. He stated that the vote can be to approve the request with prejudice or without prejudice, or the request can be denied if the Commission so desires.

Chairman Lumsden called for a motion. Commissioner Fricks made a MOTION to allow the applicant to withdraw the request without prejudice. SECOND by Commissioner Whitefield. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments:

a. Floyd County Board of Health:

Commissioner Whitefield made a MOTION to appoint Dr. Robert Puckett to the Floyd County Board of Health to fill the unexpired term of Dr. Edwin Johnston, Jr. The current term expires December 31, 2011. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

b. The Forum Civic Center Advisory Committee:

Commissioner Whitefield made a MOTION to appoint Terri Waters to The Forum Civic Center Advisory Committee, for a 3-year term expiring August 31, 2012. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

c. Northwest Georgia Regional Commission:

Commissioner Whitefield made a MOTION to appoint Mark Eubanks to fill the non-public slot on the Northwest Georgia Regional Commission, for a 1-year term expiring September 08, 2010. SECOND by Commissioner Fricks.
VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

2. Appoint Voting Delegate for 2009 ACCG Fall Policy Conference:

Chairman Lumsden made a MOTION to appoint Commissioner Garry Fricks as Voting Delegate for the 2009 ACCG Fall Policy Conference. SECOND by Commissioner Whitefield. VOTING:

Commissioner 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

No Report.

b. Work Release Committee – (Lumsden and Mayes)

No Report.

c. Fire Overview Committee – (Lumsden and Whitefield)

No Report.

d. Joint Services Committee – (Mayes and Whitefield)

No Report.

e. Joint Development Oversight Committee – (Fricks and Whitefield)

No Report.

f. Joint Solid Waste Oversight Committee – (Bagwell and Whitefield)

Commissioner Whitefield made a MOTION that the Floyd County Board of Commissioners accept the recommendations of the Joint Solid Waste Oversight Committee in regards to a new updated Recycling Program. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there is one item on the Clerk's Consent Agenda that has been reviewed and is submitted for approval.

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

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

1. Authorize Chairman to execute the FY2009 Performance Partnership Agreement between the Office of Homeland Security – Georgia Emergency Management Agency and Floyd County (Award Number P09-9-059).

MANAGER'S REPORT:

1. DISCUSS AWARD OF CONTRACT FOR CONSTRUCTION INSPECTION SERVICES FOR THE ARMUCHEE CONNECTOR PROJECT (2006 SPLOST):

County Manager Poe stated he received two proposals for inspection and engineering services for the Armuchee Connector Project. One proposal was from the engineer of record for the road design, which is Wilbur Smith. He stated their proposal for these services was in excess of \$750,000.00. The other proposal was received from Williams, Sweitzer & Barnum in the amount of \$425,000.00. He recommended awarding the Contract for Construction Inspection and Engineering Services for the Armuchee Connector Project to Williams, Sweitzer & Barnum.

Commissioner Whitefield made a MOTION to award the Contract for Construction Inspection and Engineering Services for the Armuchee Connector Project

(2006 SPLOST) to Williams, Sweitzer & Barnum in the amount of \$425,000.00.
SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

2. APPROVE USE OF DRUG ABUSE TREATMENT AND EDUCATION (DATE) FUNDS FOR HOPE MINISTRIES PER RECOMMENDATION FROM THE SUPERIOR COURT JUDGES:

County Manager Poe stated a letter has been received from the Superior Court Judges requesting that the Board endorse their recommendation to use five thousand dollars (\$5,000.00) of the Drug Abuse Treatment and Education (DATE) funds that are collected from a surcharge on fines and forfeitures to help with the Hope Ministries program. He recommended approval of the request.

Commissioner Fricks made a MOTION to approve request to use five thousand dollars (\$5,000.00) from the Drug Abuse Treatment and Education (DATE) funds for the Hope Ministries program as requested by the Superior Court Judges. SECOND by Commissioner Whitefield. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

3. AWARD BID FOR PURCHASE OF A BACKHOE/LOADER FOR WATER DEPARTMENT:

No Action

4. DECLARE PROPERTY OFF LOVELESS STREET SURPLUS (I15W-112) AND AUTHORIZE TRANSFER OF PROPERTY TO LAND BANK AUTHORITY:

County Manager Poe stated this is a request to declare a piece of property off Loveless Street surplus and authorize the transfer of the property to the Land Bank

Authority. He stated this is a piece of property that reverted back to the county due to nonpayment of taxes on the property. He stated this is in line with prior discussions regarding transferring some of the property that is acquired through reversion to the name of the Land Bank Authority. This will give the authority a mechanism to start selling property and generating revenue to help fund their operation. He stated the other purpose of the Land Bank Authority is to acquire properties that they can intentionally control who develops on. Commissioner Fricks asked if this is one of the first pieces that we have done this procedure. County Manager Poe stated this is the first one. He said it is a piece of property in the Clemmonsburg area that is not part of any kind of redevelopment per se, but again it is a piece of property that we can put in their inventory that will help them out in getting established in their program.

Commissioner Whitefield made a MOTION to approve request to declare property off Loveless Street, Tax Map I15W-112, as surplus and Authorize transfer of the property to the Land Bank Authority. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

**5. ADOPT RESOLUTION AUTHORIZING EXECUTION
OF HERITAGE RIVERWAYS TRAIL ACCESSIBILITY
ENHANCEMENT PHASE II GRANT:**

County Manager Poe stated this is a grant to install signage and some other items related to the trail system from the Library out to State Mutual Stadium. He said some of the signage and other amenities also deal with access for the disabled. He stated the local match that is required will come from the Heritage Riverways Foundation through the Rome-Floyd Festivals Council.

Commissioner Fricks made a MOTION to Adopt the Resolution Authorizing the Execution of the Heritage Riverways Trail Accessibility Enhancement Phase II Grant. SECOND by Commissioner Whitefield. VOTING:

Commissioner 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 Whitefield, SECOND by Commissioner Fricks, that the meeting be adjourned. VOTING:

Commissioner Fricks
" Whitefield
Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JOHN MAYES, CHAIRMAN