

September 28, 2010

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
September 28, 2010                      6:00 P.M.**

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

**OTHERS**

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

**ABSENT:**                      Commissioner John Mayes.

**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 Fricks made a MOTION to adopt the minutes of the Regular Meeting of September 14, 2010 and the Called Meeting of September 17, 2010. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

"                      Fricks

"                      Whitefield

Chairman Lumsden

Motion Carried

**PROCLAMATIONS:**

**DOMESTIC VIOLENCE AWARENESS  
MONTH:**

Commissioner Bagwell presented Ms. Anne Havron, Hospitality House, with a Proclamation recognizing October as Domestic Violence Awareness Month.

Ms. Havron stated they appreciate the county understanding that domestic violence is a serious issue within our confines. She thanked the Board for helping them as they go about trying to work with the community to provide awareness and a safe haven for those involved in domestic violence.

(Proclamation/Resolution Book, Page 171)

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
SEPTEMBER 14, 2010)**

- 1. FILE #92-2010Z, REQUESTS REZONING FROM  
SUBURBAN RESIDENTIAL (S-R) TO HEAVY  
INDUSTRIAL (H-I) TO MARKET PROPERTY  
LOCATED ON NORTH CALHOUN HIGHWAY.  
ZONING MAP N09-PARCELS 055, 056, 057  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE. [VOTE: 8-0]):**

Chairman Lumsden declared the Public Hearing open, and asked Phil Helton, Rome-Floyd Planning Department, to give a brief overview of this request. Mr. Helton stated the application was filed by the Rome-Floyd County Development Authority and the Development Authority of Floyd County. He stated surrounding property is also owned by the Development Authority and is zoned H-I.

**Support: Nancy Smith, Chairman Development Authority of Floyd County Chair, 418 Mt. Alto Road**, stated the Development Authority has met as and studied these properties. She stated the properties have been purchased by Floyd County and are adjacent to the large industrial tract on Highway 53. She stated the Development Authority wishes to develop these lots as an industrial park. She stated the money to purchase this property was passed in the last SPLOST tax. Their main thought is that these three properties need to look very presentable, so they would not detract or deter someone in any way. She stated they have been purchased, cleaned up the property, and now they wish to have it rezoned the same zoning as the rest of the property.

There was no one to speak in opposition of the request for rezoning.

Chairman Lumsden declared the Public Hearing closed, and called for a motion. Commissioner Fricks made a MOTION to Approve the request for rezoning of the property on North Calhoun Highway from Suburban Residential to Heavy Industrial as requested. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**ULDC TEXT AMENDMENTS:**

**1. REVISE OR DELETE ARTICLE  
2.10.2.b.(3) (PLANNING COMMISSION  
RECOMMENDATION: APPROVE.  
[VOTE: 8-0]): (2010-007ULDC)**

Chairman Lumsden declared the Public Hearing open, and asked if there is anyone wishing to speak in support or opposition of this item. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION Approving the Ordinance revising Article 2.10.2.b.(3). SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**2. REVISE OR DELETE ARTICLE  
2.10.2.c.(4). (PLANNING COMMISSION  
RECOMMENDATION: APPROVE.  
[VOTE: 8-0]): (2010-008ULDC)**

Chairman Lumsden declared the Public Hearing open, and asked if there is anyone wishing to speak in support or opposition of this item. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Whitefield made a MOTION Approving the Ordinance revising Article 2.10.2.c.(4). He stated that these revisions are merely housekeeping matters to correct some typographical errors. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**2. ORDINANCE TO AMEND THE FLOYD COUNTY  
CODE, §2-6-20 through §2-6-29, RELATED TO  
SOIL EROSION AND SEDIMENTATION  
ORDINANCE (2010-002A):**

Chairman Lumsden declared the Public Hearing open. County Manager Poe stated this amendment is to revise our ordinance to comply with State Regulations. He stated most of the changes have to do with definitions, or issues that came up with certification or license. The changes to the local ordinance are required to maintain our issuing authority status with the EPD in order to issue permits locally.

Chairman Lumsden asked if there is anyone wishing to speak in support or opposition of this item. Seeing none, he declared the Public Hearing closed, and called for a motion.

Commissioner Bagwell made a MOTION Approving the Ordinance to amend the Floyd County Code related to Soil Erosion and Sedimentation Ordinance. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**CHAIRMAN'S REPORT:**

No report.

**COMMISSIONER'S REPORT:**

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

No Report.

## **2. Public Safety Committee – Commissioner Mayes, Chairman**

### **a. Consider Recommendation from Alcohol Control Commission**

1) J&P Beverage, Inc/Mr. C's, 6280 Martha Berry Highway, Armuchee.

Chairman Lumsden stated that the recommendation from the Alcohol Control Commission is to issue a Letter of Warning to J&P Beverage, Inc., Mr. C's, as a first time offender.

Commissioner Fricks made a MOTION to issue a Letter of Warning to J&P Beverage, Inc/Mr. C's, for sale of alcohol to a minor, per the recommendation of the Alcohol Control Commission. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

## **3. Public Works Committee – Commissioner Bagwell, Chairman**

No Report.

## **4. Water Committee – Commissioner Fricks, Chairman**

No Report.

## **5. Judicial Services Committee (CJIS) – Chairman Lumsden, Chairman**

No Report.

## **6. Special Committee Reports**

**a. Fire Overview Committee**

**b. Joint Services Committee**

**c. Joint Development Oversight Committee**

**d. Joint Solid Waste Oversight Committee**

There were no Special Committee reports.

**CLERK'S REPORT:**

**Consent Agenda**

No report.

**MANAGER'S REPORT:**

**4/5 VOTE REQUIRED**

**1. APPROVE PURCHASE OF VEHICLES  
AND BUDGET AMENDMENT FOR  
MAGISTRATE COURT:**

County Manager Poe requested that this item be placed on the agenda.

Commissioner Whitefield made a MOTION to place the potential acquisition of vehicles and amendment to Magistrate Court's Equipment Budget on the agenda by 4/5 vote. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

County Manager Poe stated the issue would be to approve the expenditure of not more than \$9,300.00 to acquire three (3) vehicles from the City of Rome that had been used by the Building Inspection Office, for use by the Constables in the Magistrate Court Office. Commissioner Bagwell asked do they have that in the budget, or would it require a budget amendment. County Manager Poe stated what they would do is amend that particular line item. He stated the good thing is, they should have savings in other areas of the budget to offset that expense, so the total budget for Magistrate Court will be unchanged.

Chairman Lumsden asked for clarification as to what their position is. Commissioner Bagwell stated that he understands that the County Manager is going to negotiate with the City of Rome for the purchase of three used vehicles in an amount up to \$9,300.00.

Commissioner Bagwell made a MOTION to Authorize the County Manager to negotiate the costs of three (3) used vehicles, and approve the purchase of three (3) used vehicles from the City of Rome in an amount not to exceed \$9,300.00, and approve amending the Magistrate Court Equipment Budget line item to cover the cost not to exceed \$9,300.00. Funds for the purchase are to be transferred from savings in other line items within the department budget, and no additional funding required for the purchase. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

#### **ATTORNEY'S REPORT:**

#### **1. EXECUTIVE SESSION TO DISCUSS FUTURE ACQUISITION OF REAL ESTATE AND PENDING LITIGATION:**

County Attorney Manning suggested entering into Executive Session to discuss future acquisition of real estate and pending litigation.

Commissioner Whitefield made a MOTION to enter into Executive Session for the purpose of discussing future acquisition of real estate and pending litigation. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

The Board entered into Executive Session at 6:29 p.m. The regular meeting reconvened at 7:35 p.m.

#### **OTHER BUSINESS:**

Chairman Lumsden recognized Berry College Journalism Class participants.

**ADJOURNMENT:**

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

YES

NO

Commissioner Bagwell

" Fricks

" Whitefield

Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**EDDIE LUMSDEN, CHAIRMAN**