

December 7, 2010

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
December 07, 2010 2:00 P.M.**

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

OTHERS

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

CALL TO

ORDER: Chairman Lumsden called the meeting to order.

INVOCATION: Chairman Lumsden led the Invocation.

PLEDGE OF

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

PUBLIC PARTICIPATION:

Anne Turner, 150 Turner Bend Road SW, stated she is here representing the Rome-Floyd County Humane Society. She stated they would like to extend their continued support to Jason Broome, Floyd County Animal Control Director, and his staff for the good work that they are doing at Animal Control. She stated they just wanted the Board to know that Jason and his staff have always worked well with them, and they will enjoy continuing to work with them. She thanked the Board for their time.

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 Mayes made a MOTION to adopt the minutes of the Regular Meeting of November 09, 2010. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

RESOLUTIONS:

**RESOLUTION AUTHORIZING CONTINUED
COLLECTION AND PAYMENT OF AD VALOREM
TAXES ON NOVEMBER FIFTEENTH (15TH) OF EACH
YEAR AS CURRENTLY AUTHORIZED BY §2-9-40 OF
THE CODE OF ORDINANCES OF FLOYD COUNTY,
GEORGIA:**

Chairman Lumsden called for a motion. Commissioner Whitefield made a MOTION to Adopt the Resolution Authorizing Continued Collection and Payment of Ad Valorem Taxes on November Fifteenth (15th) of each year as Currently Authorized by §2-9-40 of the Code of Ordinances of Floyd County, Georgia. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**RESOLUTION APPROVING WORKER'S COMPENSATION
COVERAGE FOR VOLUNTEER LAW ENFORCEMENT
AND EMERGENCY MANAGEMENT PERSONNEL:**

Chairman Lumsden called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving Worker's Compensation Coverage for Volunteer Law Enforcement and Emergency Management Personnel. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**RESOLUTION TO APPROVE, AUTHORIZE AND
PROVIDE FOR THE SALE OF CERTAIN REAL
PROPERTY LOCATED IN LAND LOT 28 OF THE
SNYDER SUBDIVISION, AS SHOWN IN PLAT
BOOK 4, PAGE 66:**

Defer.

**RESOLUTION TO APPROVE, AUTHORIZE AND
PROVIDE FOR THE SALE OF CERTAIN REAL
PROPERTY LOCATED IN LAND LOT 216, 4TH
DISTRICT, 4TH SECTION, FLOYD COUNTY,
GEORGIA, BEING LOT 12, BLANKENSHIP
RECREATION AREA, AS SHOWN IN PLAT
BOOK 6, PAGE 157:**

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Adopt the Resolution to Approve, Authorize and Provide for the Sale of Certain Real Property located in Land Lot 216, 4th District, 4th Section, Floyd County, Georgia, being Lot 12, Blankenship Recreation Area, as shown in Plat Book 6, Page 157. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**FIRST READINGS:
(PUBLIC HEARINGS WILL BE HELD
ON JANUARY 11, 2011 AT 2:00 P.M.)**

- 1. FILE #111-2010Z. REQUESTS REZONING FROM
SUBURBAN RESIDENTIAL (S-R) TO AGRICULTURE
RESIDENTIAL (A-R) FOR AGRICULTURAL USE,
WITH SPECIAL USE PERMIT FOR LIVESTOCK AND
HOG PRODUCTION ON PROPERTY LOCATED ON
PADLOCK MOUNTAIN ROAD. ZONING MAP E19Z,
PARCEL 050A AND ZONING MAP F19, PARCEL 039.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE REZONING WITH CONDITION THAT**

THERE BE NO ANIMAL FEEDING OPERATIONS (AFO) OR CONCENTRATED OR CONFINED ANIMAL FEEDING OPERATIONS (CAFO) AS DEFINED BY THE U.S. EPA ON EITHER LOT; DENY SPECIAL USE PERMIT. [VOTE: 7-2]].

- 2. FILE #121-2010Z. REQUESTS REZONING FROM OFFICE INSTITUTIONAL (O-I) TO SUBURBAN RESIDENTIAL (S-R) FOR SINGLE-FAMILY MANUFACTURED HOME ON PROPERTY LOCATED ON WOODS ROAD. ZONING MAP G12Y, PARCEL 010. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]).**
- 3. FILE #122-2010Z. REQUESTS REZONING FROM AGRICULTURE RESIDENTIAL (A-R) TO COMMUNITY COMMERCIAL (C-C) TO MARKET PROPERTY LOCATED ON BLACKS BLUFF ROAD AT SE BYPASS. ZONING MAP G16, PARCEL 042 (PART), 044A, 044B. (PLANNING COMMISSION RECOMMENDATION: DENY. [VOTE: 7-2]).**
- 4. FILE #123-2010Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO SUBURBAN RESIDENTIAL (S-R) FOR EXISTING SINGLE-FAMILY DWELLING ON PROPERTY LOCATED ON MARTHA BERRY HIGHWAY. ZONING MAP J10X, PARCEL 064. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]).**
- 5. FILE #124-2010SUP. REQUESTS SPECIAL USE PERMIT FOR A PET CREMATORIUM IN HEAVY COMMERCIAL (H-C) ZONING DISTRICT ON PROPERTY LOCATED ON CALHOUN HIGHWAY AT HIGHWAY 140. ZONING MAP N10, PARCEL 002, 003. (PLANNING COMMISSION RECOMMENDATION: APPROVE CONDITIONED ON OBTAINING AND OPERATING WITHIN THE PARAMETERS OF APPLICABLE STATE AND/OR FEDERAL PERMITS. [VOTE: 9-0]).**
- 6. ORDINANCE TO AMEND THE FLOYD COUNTY CODE OF ORDINANCES TO REVISE THE STANDARDS FOR OUTDOOR WATERING OF LANDSCAPE. (2011-001A)**

Chairman Lumsden stated the Public Hearings will be held January 11, 2011 at 2:00 p.m.

**PUBLIC HEARINGS:
(FIRST READINGS HELD**

NOVEMBER 09, 2010)

**1. FILE #113-2010SUP. REQUESTS SPECIAL
USE PERMIT FOR MANUFACTURED HOME ON
SUBDIVISION LOT IN SUBURBAN RESIDENTIAL
ZONING DISTRICT ON PROPERTY LOCATED ON
BARKER ROAD. ZONING MAP G14X, PARCEL 031.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE. [VOTE: 8-1]):**

Chairman Lumsden declared the Public Hearing open, and asked if there is anyone who wishes to speak in favor or opposition of this request.

Opposition: Paul Ware, 1090 Barker Road SW, read from a prepared letter. He stated he thinks this is opening a Pandora's Box. He does not see any indication that preparation, or planning has been done. He stated the site is not conducive to any type of house. The creek that runs through there has to be crossed, and he cannot imagine any desirable features coming out of this. He stated he feels that before the community is given a blank check to sign, there needs to be more considerable preparation done in this area. He thanked the Board. (Copy of letter inserted into Minutes)

Chairman Lumsden asked Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is near the intersection of Barker Road and Burnett Ferry Road. She stated there is currently a camper set up on the property, which has a semi-permanent electrical attachment, and is connected to a septic tank on the property. The ariel photo shows the surrounding properties are mainly developed with site-built homes. She stated there are some manufactured homes back along Burnett Ferry Road. Barker Road is classified as a local road, and provides the only access. There is a stream that runs through the property. She stated that the applicant indicated to the Planning Commission that they were aware of some issues with that, and that they would have to bridge it. She stated there are no designated flood plains on the maps for the area. She said that this does not mean that there is not flooding from time to time, it just means that it is not designated as a flood plain. She stated the proposed use of single-family dwelling would be compatible with the uses in this area. The type of development, a manufactured home, would be less compatible with the properties that are immediately adjacent.

Support: Linda Motes, 27 Westridge Road, Davenport, FL, stated she is speaking on behalf of her family. She stated her husband was born here in Rome, and is in remission from Stage 4 Throat Cancer. She stated that when they purchased the property they had planned to put a log cabin by the creek when he retired. She stated her husband is now in remission, but only has a 45% chance to live another four years, and he wants to come home. They cannot afford to put a stick built home there anymore. She stated they want to purchase a mobile home. It will be off the road, and will actually

be better looking than it is now. She stated the travel trailer will be gone. The travel trailer was placed there in order for them to have a place to stay while they were here to do some clean up and cut down trees on the property, during their trips from Florida, because they wanted to put the home further back on the property. She stated he just wants to come home, and they respectfully request approval.

Commissioner Bagwell asked Ms. Hiller could a medical hardship be granted due to the throat cancer. Ms. Hiller stated the medical hardship provision that is in the ULDC allows a manufactured home to be moved onto the property of an existing dwelling, either to allow the person with the illness to be close to family, or to allow family to move close to the person with the illness. She stated that would not apply in a case like this, where they are not already living on the property. Commissioner Whitefield stated the Commissioner's job is to make a ruling on the zoning or special use permit request. He stated there are additional hoops the applicants will have to jump through with the Health Department concerning whether or not the land will perk for septic systems and that sort of thing. He will make his motion based on that.

Chairman Lumsden declared the Public Hearing closed, and called for a motion. Commissioner Whitefield made a MOTION to Approve the Request Special Use Permit, based on the fact that it is not introducing a new development pattern. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

Further Discussion: Commissioner Whitefield stated over the years they have had several people come through to get approval, only to go buy a mobile home and find out that there are problems that prevent them from placing it on the property. He would recommend that the applicant does all due diligence to make sure they are able to do that before they purchase their home.

- 2. FILE #114-2010Z. REQUESTS REZONING FROM HEAVY COMMERCIAL (H-C) TO COMMUNITY COMMERCIAL (C-C) FOR OFFICE USE ON PROPERTY LOCATED ON WALENDA DRIVE. ZONING MAP J10Y-PARCEL 213, 214. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]):**

Chairman Lumsden declared the Public Hearing open, and asked if there is anyone who wishes to speak in favor or opposition of this request.

Support: Wayne Lester, 1065 Old Dalton Road, stated he is representing the buyer of the property. He stated he is also speaking to them as a resident of Armuchee, and a former resident of Walenda Drive. He feels that community commercial would be better use of the property, and more in line with the Highway 27 corridor now. He stated they have Lavender Mountain Hardware, Fred's, Pasquale's, and other retail areas down that road, and thinks it would be more beneficial to the area for it not to be heavy commercial. He stated community commercial would be better suited so it can be used as offices, restaurants, and retail.

Chairman Lumsden asked Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated the subject property is actually two platted lots of record, currently zoned Heavy Commercial (H-C). She stated to the north is property zoned Multi-Family Residential (M-R), developed with single-family dwellings. The property to the west is zoned Multi-Family Residential (M-R), and developed with a commercial building. She stated the property to the south, which is zoned Heavy Commercial (H-C) is vacant. To the east, across Martha Berry Highway, is property zoned Community Commercial (C-C) and developed with a mix of commercial uses. She stated this is in a highway corridor. There is currently a mix of commercial uses. She stated commercial uses generally allowed in the Heavy Commercial (H-C) district are heavier and closer to industrial, such as repair shop, auto repair, and so on. Community Commercial (C-C) tends to be uses such as restaurants, stores, and things of that nature.

There being no one to speak in opposition of the request, Chairman Lumsden declared the Public Hearing closed, and called for a motion. Commissioner Bagwell made a MOTION to Approve the rezoning request from Heavy Commercial (H-C) to Community Commercial (C-C). SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments:

Commissioner Mayes made a MOTION to Approve the recommendations for Appointments as follows:

a. Animal Control Welfare Board –

Reappoint Terry Williamson, Post 1, 3-year term to expire September 30, 2013

Reappoint Dr. Neal Brackett, Post 4, 3-year term to expire September 30, 2013

Appoint Susie Burns to succeed Ann Turner, Post 6, 3-year term to expire September 30, 2013

b. Board of Elections and Registration –

Reappoint Pete McDonald, 4-year term to expire December 31, 2014

Reappoint Mardi Haynes-Jackson, 4-year term to expire December 21, 2014

c. Floyd County Board of Health –

Appoint Dr. Richard Dixon, DVM to succeed Jim Mehaffey, 6-year term to expire December 31, 2016

d. Northwest Georgia Region 1 EMS –

Reappoint Robert Early, 2-year term to expire January 15, 2013

Appoint Chad Taylor to fill the unexpired term of Cherry Jones, 2-year term expires January 15, 2012

e. Tallatoona Community Action Partnership Board –

Reappoint William Underwood, 4-year term to expire December 31, 2014

f. Floyd County Board of Tax Assessors –

Reappoint George Peach, 3-year term to expire December 31, 2013

SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

No Report.

2. Public Safety Committee – Commissioner Mayes, Chairman

No Report.

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

County Clerk Kathy Arp stated there are seven items on the Clerk's Consent Agenda that have been reviewed, and are submitted for approval. Commissioner Whitefield made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

- 1. Approve 2011 Alcoholic Beverage License Renewals.**
- 2. Approve 2011 Self-Service Fuel License Renewals.**
- 3. Approve 2011 Precious Metals License Renewals.**
- 4. Approve Execution of Agreement for Installation of Official National Historic Trail Signs for the Trail of Tears National Historic Trail.**
- 5. Approve Execution of Intergovernmental Agreement between the City of Rome and Floyd County for Administration of Mercy Senior Care Project (CDBG Grant No. 10-p-y-057-1-5229).**
- 6. Approve Execution of Grant Administration Agreement between Mercy Senior Care and Floyd County for Administration of Mercy Senior Care Project (CDBG Grant No. 10-p-y-057-1-5229).**
- 7. Approve Execution of Contract Amendment No. 1 between Floyd County and Georgia Department of Transportation for Airport Business Planning Study. (Project No. AP090-9911-30(115)).**

MANAGER'S REPORT:

- 1. AWARD OF BID FOR ARCHITECTURAL SERVICES FOR THE MERCY SENIOR CARE PROJECT (CDBG GRANT NO. 10-p-y-057-1-5229):**

County Manager Poe stated they recently received bids for architectural services for the Mercy Senior Care Project as part of the CDBG (Community Development Block Grant) grant to renovate the former middle school in Riverside

Village. He stated they had fourteen architectural firms submit proposals on that project. They had a review committee screen and interview the potential candidates for this project. He stated the recommendation from the review committee is to award the contract to Cochran Design Collaborative, in the amount of \$16,000.00, to provide architectural services on this project.

Commissioner Whitefield made a MOTION to Award the Bid for Architectural Services for the Mercy Senior Care Project (CDBG Grant No. 10-p-y-057-1-5229) to Cochran Design Collaborative in the amount of \$16,000.00. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

2. RECOMMENDATIONS FROM FLOYD COUNTY AIRPORT COMMISSION:

- a. Approve Increase in Hangar Rental Rates for FY2011 in the amount of 1.8% per month.**
- b. Approve Execution of Service Agreement between Floyd County and Tiger Flight Foundation, Inc.**
- c. Approve Execution of Operating and Space Use Agreement between Floyd County and the Civil Air Patrol.**
- d. Approve Execution of Land Lease Agreement and Service Agreement between Floyd County and Rome Experimental Aircraft Association, Inc.**

County Manager Poe stated these items were reviewed during Caucus and come to the Board as recommendations from the Floyd County Airport Commission for approval. County Attorney Manning stated the increase on the Hangar Rental Rates is 1.8% per month.

Chairman Lumsden called for a motion. Commissioner Fricks made a MOTION to Approve the Recommendations from the Floyd County Airport Commission as presented. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

3. DISCUSS RENEWAL OF PARKING MANAGEMENT AGREEMENTS BETWEEN DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF ROME AND FLOYD COUNTY FOR THE FOURTH AVENUE AND SIXTH AVENUE PARKING DECKS:

Defer.

4. DISCUSS CHANGE TO COMMUNICATION TOWER ORDINANCE:

County Manager Poe stated they discussed forwarding a request to the Planning Commission to consider changes to the Communication Tower Ordinance during Caucus.

Commissioner Bagwell made a MOTION that the Board of Commissioners initiate a proposed change to the text of the ULDC to include Sections 3.4 and 4.1.5 with language to be submitted to the Planning Commission by the Chairman concerning Communications, Radio and TV towers; that the Planning Commission act upon the proposal at its January meeting (January 6, 2011); and that should the Planning Commission fail to Act, then the proposed Amendment will move forward to the Board of Commissioners pursuant to Section 2.10.2 (b)(4)(d) with no recommendation from the Planning Commission. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

5. UPDATE ON ANIMAL CONTROL ISSUES:

No action required.

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

EDDIE LUMSDEN, CHAIRMAN