

March 22, 2011

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 22, 2011 6:00 P.M.**

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

OTHERS

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

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 Bagwell.

PUBLIC PARTICIPATION:

City Commissioners Bill Collins and Sue Lee, along with Carol Willis, Executive Director of Rome-Floyd County Commission on Children and Youth, presented a challenge to the Floyd County Commissioners, in the Rome-Floyd County Commission on Children and Youth Great Spaghetti Challenge again this year. The Great Spaghetti Challenge will be at The Forum on April 1, 2011 at 5:00 p.m.

ADOPTION OF

MINUTES:

Chairman Lumsden asked County Attorney Virginia Harman if the minutes were in order. Ms. Harman stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of March 08, 2011. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

PROCLAMATIONS:

**RECOGNIZE JUDGE GLENDA
CALDWELL, 2010 RETIREE:**

Commissioner Mayes presented Judge Glenda Caldwell with a proclamation and plaque in recognition of her twenty-eight plus years of service as an employee of Floyd County, and more than thirty years of service in Magistrate Court. Judge Caldwell thanked the Board of Commissioners, Magistrate Court, and the citizens of Floyd County for their support and recognition.

(Proclamation/Resolution Book, Page 184)

**CONFEDERATE HISTORY
AND HERITAGE MONTH:**

Commissioner Bagwell presented Benny Terry with a Proclamation recognizing April 2011 as Confederate History and Heritage Month. Mr. Terry thanked the Board for their recognition. He stated this is a big event, and the beginning of the Sesquicentennial Celebration for the War Between the States. He invited everyone to attend the Memorial Day Service on April 3, 2011, at 3:00 p.m., at Myrtle Hill Cemetery.

(Proclamation/Resolution Book, Page 187)

NATIONAL LIBRARY WEEK:

Commissioner Fricks presented Susan Cooley, Sara Hightower Regional Library System Director, and staff with a Proclamation recognizing April 10-16, 2011 as National Library Week. Ms. Cooley stated they would like to thank everyone for the support they receive.

(Proclamation/Resolution Book, Page 188)

**NATIONAL CRIME VICTIMS'
RIGHTS WEEK:**

Commissioner Whitefield presented Beth Dabbs, Victim Witness Assistance Program Director, with a Proclamation recognizing April 10-16, 2011 as National Crime Victims' Rights Week. Ms. Dabbs thanked the Board for not only recognizing, honoring and remembering all of the crime victims, but for their support of the Victim Witness Office and District Attorney's Office.

(Proclamation/Resolution Book, Page 189)

**PUBLIC HEARINGS:
(FIRST READINGS HELD
ON MARCH 08, 2011)**

**1. ADOPT AN ORDINANCE TO AMEND
AN ORDINANCE TO DEFINE ANTENNA,
COMMUNICATIONS TOWER, GOVERNING
BODY AND TELECOMMUNICATIONS
FACILITY; TO IDENTIFY THE PERMITTED
USES FOR TRANSMISSION TOWERS; AND
FOR OTHER PURPOSES. (2011-002A):**

Chairman Lumsden declared the Public Hearing open, and asked County Manager Kevin Poe to give a brief overview of the proposed amendment. County Manager Poe stated this is an Ordinance to Define Antenna, Communications Tower, Governing Body and Telecommunications Facility; to Identify the Permitted Uses for Transmission Towers; to Adopt a Personal Wireless Communications Facilities Requirements and Restrictions, Balancing the Interests of Floyd County, Telecommunications Providers and Telecommunications Customers; to Establish the Requirements for Installations and Erection, Including the Preferred Location, the Height and Setback Restrictions, and Establish Application Requirements; to Establish the Basis for Removal of Antenna and Towers and Abandoned Towers, and Penalties for Violations of the Ordinance. He stated the goals of the ordinance are to implement an application process for person(s) seeking a telecommunications permit for telecommunications facilities; to establish a fair process for examining an application for and issuing of a telecommunications permit for telecommunications facilities. Other goals are to encourage the design and construction of communication towers and antenna to minimize adverse visual and residential impacts; to minimize the total number of communication towers within the community necessary to provide adequate personal wireless services to residents of Floyd County; to encourage the location of communication towers in non-residential areas; to encourage the joint use of new and existing communication tower sites among service providers; and to enhance the ability of the providers of wireless communication services to deliver such services to the community effectively and efficiently.

Chairman Lumsden asked if there is anyone wishing to speak regarding this proposed amendment. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Bagwell made a MOTION to Adopt an Ordinance to Amend an Ordinance to Define Antenna, Communications Tower, Governing Body and Telecommunications Facility; to Identify the Permitted Uses for Transmission Towers; and for Other Purposes. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks

" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

ULDC TEXT AMENDMENTS

1. REVISE OR DELETE ARTICLE 3.4 LIST OF PERMITTED USES “PERSONAL CARE HOME 1-4 PERSONS” AS A USE BY RIGHT IN THE DUPLEX RESIDENTIAL (D-R) ZONING DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 6-1]). (2011-002ULDC):

Chairman Lumsden declared the Public Hearing open, and asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this request. Ms. Hiller stated that some time ago, the ULDC was amended to allow personal care homes for up to four people with a state license to operate in the residential zoning district. She stated at that time they did not include the Duplex Residential (D-R) zoning district and that this had apparently been an oversight. She stated that since duplex residential zoning allows single-family dwellings and duplexes, but allows them on individual lots similar to a single-family residential neighborhood, there does not seem to be a clear reason not to allow them there. She stated they have had a number of requests lately to allow personal care homes for up to four people in duplex residential zoning districts, so they brought that amendment to the Planning Commission. The Planning Commission recommends that they adopt the amendment.

Support: Moni Owen, 1685 New Rosedale Road, stated she works at Highland Rivers, and they have homes that they run in the Rome and Floyd County area. She stated they provide services to people with disabilities that have 1-4 persons in those homes. They would appreciate it if the Commissioners would consider adding duplex residential to the principal uses. She thanked the Board.

Chairman Lumsden asked if there is anyone else wishing to speak in support or opposition regarding this ULDC amendment. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Mayes made a MOTION to Adopt the Ordinance concerning Article 3.4 of the Unified Land Development Code (ULDC) for the City of Rome and Floyd County allowing “Personal Care Homes 1-4 Persons” as a use by right in the Duplex Residential (D-R) Zoning District. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks

" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

CHAIRMAN'S REPORT:

4/5 Vote Required to Add Item #1

1. Consider recommendation from Rome-Floyd Parks & Recreation Authority concerning naming of the Senior Recreation Center at Etowah Park.

Chairman Lumsden requested that this item be added to the agenda by 4/5 vote. He stated this comes as a recommendation from the Rome-Floyd Parks & Recreation Authority concerning the naming of the Senior Recreation Center at Etowah Park.

Commissioner Whitefield made a MOTION to add this item to the agenda. SECOND by Commissioner Bagwell. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		
Chairman Lumsden		

Motion Carried

Chairman Lumsden stated this is to consider the recommendation from the Rome-Floyd Parks & Recreation Authority to name the Senior Recreation Center at Etowah Park the Charles Parker Active Adult Center.

Commissioner Fricks made a MOTION to accept the recommendation from the Rome-Floyd Parks & Recreation Authority, and Adopt the Resolution to name the Senior Recreation Center at Etowah Park the Charles Parker Active Adult Center. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		

Chairman Lumsden

Motion Carried

COMMISSIONER’S REPORT:

1. Administrative/Finance Committee

a. Adopt Resolution Authorizing Revised FY2010 Budget.

Commissioner Whitefield asked County Manager Poe if there is any information he would like to present. County Manager Poe stated they have received the final revised version of the FY2010 Budget that was prepared in preparation for the audit. He stated they fully expect that when the audit is completed it will show that they came in under budget, and will not have to spend as much fund balance as was originally contemplated.

Commissioner Whitefield made a MOTION to Adopt the Resolution Authorizing the Revised FY2010 Budget. SECOND by Commissioner Bagwell.
VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

2. Public Safety Committee

No Report.

3. Public Works Committee

No Report.

4. Water Committee

No Report.

5. Judicial Services Committee (CJIS)

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

4/5 Vote Required to Add Item #9 & Item #10

County Clerk Kathy Arp requested that items # 9 and #10 be added to the Clerk’s Consent Agenda by 4/5 Vote. Commissioner Mayes made a MOTION to Add Item #9 and #10 to the Clerk’s Consent Agenda. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

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

YES NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

1. Tax Refunds:

- a. Susan Skinner Thomas Trustee of Susan Skinner, 304 East 4th Avenue, \$1,715.41
 - b. Joseph & Jo Nell Biuso, 9 Angeo Road SW, \$92.65
 - c. Mulligan Investments LLC, 106 South Cloudview Road, \$207.03
 - d. Mulligan Investments LLC, 106 South Cloudview Road, \$273.28
 - e. Lee McAbee, 236 Fred Kelley Road NE, \$76.93
 - f. Hardie S. Jackson, 566 West Wesley Road NW, Atlanta, \$157.47
 - g. Wanda Jean Swift, 3403 Sweetbriar Lane, Powder Springs, \$30.19
 - h. Maxine Ingram Fincher, 283 Old Freeman Ferry Road, \$16.39
 - i. Patricia Bullington, 4062 New Calhoun Avenue, \$539.27
 - j. Effort & Results LLC, 25 Forest Meadow Drive, \$387.53
 - k. George & Edna Kemp, 15936 US Hwy 411 N, Centre, AL, \$58.73
 - l. Elizabeth Anne Hortman, 103 Sherwood Road, \$24.74
 - m. William Cromer, 205 East 11th Street, \$7.56
 - n. Maple Street Holdings LLC, 30 South Ivy Ridge Road, \$5.98
 - o. Martha B. Walstad, P.O. Box 1635, \$92.99
 - p. Brian C. Spears, 30 South Ivy Ridge Road, \$6.00
 - q. Robert H. Williams, 2500 New Calhoun Highway, \$27.97
 - r. Bob Williams Auto Service, 2500 New Calhoun Road, \$7.20
- 2. Approve Alcoholic Beverage Application, Mark E. Shetters, State Line Tavern, LLC, 9441 Alabama Highway. New. Beer.**
- 3. Authorize execution of revised Grant Administration Agreement for Mercy Senior Care CDBG Grant. (Grant #10p-y-057-1-5229).**
- 4. Authorize execution of Option Agreement between Betty Pilgrim and Floyd County for property adjacent to Richard B. Russell Regional Airport.**
- 5. Adopt Resolution Authorizing execution of Grantee-Subgrantee Agreement for GEMA/Homeland Security Grant to Purchase Tools and Equipment for the Floyd County Police Department Bomb Squad.**
- 6. Enter into Minutes Letter of Support for US HUD Neighborhood Stabilization Program (3) Regional Application to be submitted to the Georgia Department of Community Affairs by the Northwest Georgia Regional Commission.**
- 7. Authorize execution of Amendment to Stadium Lease and Use Agreement between Floyd County and Atlanta National League Baseball Club, Inc., concerning parking.**

8. **Authorize execution of Intergovernmental Agreement between Floyd County and Floyd County Board of Education concerning parking and Annual High School Baseball Tournament at State Mutual Stadium.**
9. **Authorize execution of contract documents between Floyd County and Carver & Carver Plumbing, Inc., for the Armuchee Connector Waterline Project.**
10. **Authorize support of Action Ministries, Inc., application for DCA funding to provide supportive transitional housing and supportive services for homeless families in Floyd County.**

MANAGER’S REPORT:

1. AWARD OF BID FOR GLOCK PISTOLS FOR FLOYD COUNTY POLICE DEPARTMENT:

County Manager Poe stated they recently received sealed bids to upgrade all of the Glock pistols for the Floyd County Police Department. The recommendation of the Police Department staff, as well as the Purchasing Director, is to award the bid as submitted by GT Distributors. He recommended approving the recommendation of the Purchasing Director and the Floyd County Police Department.

Commissioner Mayes made a MOTION to Award the bid for Glock Pistols for the Floyd County Police Department to GT Distributors. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		
Chairman Lumsden		

Motion Carried

2. AWARD OF BID FOR EMERGENCY POWER GENERATOR FOR FLOYD COUNTY ADMINISTRATION BUILDING (2009 SPLOST):

County Manager Poe stated they recently received sealed bids for the installation of an emergency power generator for the Floyd County Administration Building. He stated the low bidder was Central Electric, at a bid of \$34,390.00. The engineer for the project, Jeff Drinkard, has reviewed their bid submittal, and is

recommending approval of the low bid from Central Electric. He stated they will be paying for this project through two sources of money. They have a \$25,000.00 grant, with the remaining amount coming out of the 2009 SPLOST, relating to the Radio Communications project.

Commissioner Bagwell made a MOTION to Award the Bid for Emergency Power Generator for Floyd County Administration Building to Central Electric, in the amount of \$34,390.00. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**3. DISCUSS PURCHASE OF NEW IN-CAR
CAMERAS FOR FLOYD COUNTY
POLICE DEPARTMENT:**

County Manager Poe stated Captain John Blalock, Floyd County Police Department, gave a presentation during Caucus explaining the need to begin purchasing a new system for in-car cameras, and the importance of the system to police operations. He stated the current provider has filed for bankruptcy. The FCPD presented a proposal to purchase fourteen cameras, the necessary server, workstation, and DVD robot from L-3 Mobile-Vision, Inc., at an estimated cost of \$111,162.00. He stated along with the request to proceed with the purchase of the cameras and related equipment, the Police Department requested approval of the necessary budget adjustments as outlined in the proposal.

Commissioner Bagwell made a MOTION to Approve the Purchase of New In-car Cameras for the Floyd County Police Department from L-3 Mobile-Vision, in the amount of \$111,162.00, and necessary budget adjustments as outlined in the proposal submitted by the FCPD. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

4. RECOMMENDATION CONCERNING PUBLIC SAFETY RADIO COMMUNICATION CONTRACT (2009 SPLOST):

County Manager Poe stated this item does not require formal action, but stated they did receive a recommendation from Tusa Consulting Services during Caucus regarding the new Public Safety Radio System. He stated Tusa Consulting Services recommended that the Board of Commissioners enter into negotiations to contract with Harris Corporation for the design and construction of the new SPLOST funded Public Safety Radio Communication System. He stated that staff would proceed with those negotiations if there is no objection from the Board.

ATTORNEY'S REPORT:

No Report.

OTHER BUSINESS:

Chairman Lumsden recognized Leadership Rome participants in attendance.

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
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

EDDIE LUMSDEN, CHAIRMAN