

May 24, 2011

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
May 24, 2011 6:00 P.M.**

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

OTHERS

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

ABSENT: Commissioner Chad Whitefield.

**CALL TO
ORDER:**

Chairman Lumsden called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

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

**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 May 10, 2011. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

RESOLUTIONS:

**ADOPT RESOLUTION APPROVING THE
ISSUANCE OF REVENUE BONDS BY THE
DEVELOPMENT AUTHORITY OF FLOYD**

**COUNTY FOR THE BENEFIT OF GOODWILL
OF NORTH GEORGIA, INC.:**

County Attorney Manning stated the Resolution does not bind the county to any obligation of taxpayer money to this project. He stated it is a requirement by the Internal Revenue Service (IRS) that the Board of Commissioners approve this action.

Commissioner Fricks made a MOTION to Adopt the Resolution Approving the Issuance of Revenue Bonds by the Development Authority of Floyd County for the Benefit of Goodwill of North Georgia, Inc. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
MAY 10, 2011 AT 2:00 P.M.)**

ULDC Text Amendment

- 1. REVISE OR DELETE ARTICLE 4 AND ARTICLE 5 CONCERNING SIGNAGE AND PERSONAL CARE HOMES IN AGRICULTURE RESIDENTIAL (A-R), SUBURBAN RESIDENTIAL (S-R), HIGH DENSITY TRADITIONAL RESIDENTIAL (H-TR), LOW DENSITY TRADITIONAL RESIDENTIAL (L-TR) AND DUPLEX RESIDENTIAL (D-R) ZONING DISTRICTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]). (2011-003ULDC):**

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed amendment. Ms. Hiller stated the Duplex Residential (D-R) zoning district was put in the same classification as the Multi-family Residential (M-R) zoning district when the sign ordinance was prepared. She stated the Duplex Residential (D-R) district is actually a single-family and duplex zoning district. She stated that the city asked the Planning Commission to consider moving Duplex Residential (D-R) into the same classification as Agriculture Residential (A-R) and Suburban Residential (S-R) zoning districts. Essentially, what that will do is allow anyone in a Duplex Residential (D-R)

district to have a sign that is either 3' feet tall and 16 square feet, or 5' feet tall and 6 square feet as in any other single-family residential zoning.

Chairman Lumsden asked if there is anyone wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Mayes made a MOTION to Adopt the Ordinance to Amend Article 5 of the ULDC, concerning signage and personal care homes in Agriculture Residential (A-R), Suburban Residential (S-R), High Density Traditional Residential (H-TR), Low Density Traditional Residential (L-TR) and Duplex Residential (D-R) zoning districts. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

2. REVISE OR DELETE ARTICLE 6 CONCERNING PARKING AND PERSONAL CARE HOMES IN ALL ZONING DISTRICTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]). (2011-004ULDC):

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed amendment. Ms. Hiller stated the city asked the Planning Commission to take a look at the parking requirements for personal care homes. She stated personal care homes for up to four people are allowed in residential zoning districts, and it only requires one parking space. If it were a single-family dwelling, it would require at least two parking spaces. She stated one space is probably not enough considering that those homes are either single-family dwellings that also have four persons living there, or they are staffed with four persons living there. The recommended change to the Unified Land Development Code (ULDC) would require one space for each four beds, plus two spaces for staff and visitors, so that would be three spaces in a residential district. She stated in all other districts the parking requirement shall be two spaces for each five beds or fraction thereof.

Chairman Lumsden asked if there is anyone wishing to speak in support or opposition regarding this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Bagwell made a MOTION to Adopt the Ordinance to Amend Article 6 of the ULDC, concerning parking and

personal care homes in all zoning districts. SECOND by Commissioner Mayes.
VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

**3. REVISE OR DELETE ARTICLE 8, DEFINITIONS,
CONCERNING "PERSONAL CARE HOME."
(PLANNING COMMISSION RECOMMENDATION:
APPROVE. [VOTE: 9-0]). (2011-005ULDC):**

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed amendment. Ms. Hiller stated the current definition of a Personal Care Home is "A place of residence for ambulatory adults where lodging, meals, and personal care are provided 24 hours per day, seven days a week and where federal and/or state licensing or permitting is required." She stated under state guidelines, the state is trying to also place in personal care homes persons who may be in wheelchairs, or have other mobility issues. She stated that the proposed revision removes the word "ambulatory" from that definition.

Chairman Lumsden asked if there is anyone wishing to speak regarding this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Mayes made a MOTION to Adopt the Ordinance to Amend the ULDC, Article 8, the Definition of "Personal Care Home." SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

**4. REVISE OR DELETE ARTICLE 5 CONCERNING SIGNS.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE. [VOTE: 8-1]):**

Chairman Lumsden declared the Public Hearing open, and asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed amendment. Ms. Hiller stated approximately two years ago the Planning Commission made a recommendation to adopt a revised version of the Sign Ordinance, and neither the city nor the county adopted it at that time. She stated earlier this year, the Planning Commission voted to take that up again. The Planning Commission is recommending by unanimous vote that they adopt the version of the Sign Ordinance presented. She stated it is the same version that they proposed two years ago.

Chairman Lumsden asked if there is anyone wishing to speak in support or opposition regarding this proposed change. Seeing none, he declared the Public Hearing closed. Commissioner Bagwell made a MOTION to Table the Ordinance regarding Article 5 concerning Sign Regulations for further review. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

Requests for Rezoning/Special Use Permit

- 1. FILE #51-2011Z. REQUEST REZONING FROM HEAVY COMMERCIAL (H-C) AND SUBURBAN RESIDENTIAL (S-R) TO HEAVY INDUSTRIAL (H-I) FOR MARKETING OF PROPERTY LOCATED ON NEW CALHOUN HIGHWAY AND ON NEW CALHOUN HIGHWAY AT AUTRY ROAD. ZONING MAP N09, PARCELS 050, 054. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 9-0]):**

Chairman Lumsden declared the Public Hearing open, and asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this rezoning request. Ms. Hiller stated the subject property consists of two lots of record. She stated one, on the SE corner of the intersection of New Calhoun Highway and Autry Road, is zoned Suburban Residential (S-R) and undeveloped. The other is zoned Heavy Commercial (H-C) and developed with vacant structures. She stated if the request is granted for rezoning, the lots can be joined with the property to the east, south and north that is also owned by the Development Authority and zoned Heavy Industrial (H-I). She stated that would increase the size of the parcel available for industrial development, and would remove the need to provide 200' buffers around the three properties. She stated

to the west, across Calhoun Highway, is property zoned Suburban Residential (S-R) with residential and agricultural uses. To the north is property zoned Suburban Residential (S-R), and there is a mix of zoning districts and uses to the south. She stated the property is accessible via an arterial highway. Utilities and services are available to serve the property, with the exception of public sewer. She stated the property is not within a floodplain, according to FIRM (2009) maps, and there are no mapped wetlands. The property is within the rural and conservation character areas. She stated it is shown on the future land use map as agricultural and suburban residential. However, the presence of the large tract of Heavy Industrial (H-I) zoned land around it makes commercial, residential, and agricultural uses less likely, and in some ways less desirable. She stated industrial development on these three parcels is not likely to create noise, traffic, dust and activity on a significant scale, given that the adjacent, much larger tract is being marketed for industrial development. While there are no minimum lot sizes in the county, the setbacks and buffers required by the Heavy Industrial (H-I) district make large contiguous tracts more appropriate for industrial development.

Chairman Lumsden asked if there is anyone wishing to speak in support or opposition of the proposed change. Seeing none, he declared the Public Hearing closed. Chairman Lumsden stated Assistant Manager Williams has further information regarding this request. Assistant Manager Williams stated the property furthest to the south is zoned Heavy Commercial (H-C), and the property to the north came to the county through a Sheriff's deed. He stated it has a split zone of Suburban Residential (S-R) and Heavy Industrial (H-I). The county was trying to be efficient and clean up these two parcels. However, as it turns out they have two different owners. The owner to the south is the Development Authority, and Floyd County is the owner entitled to the property to the north. He stated in order handle the rezoning properly, they have been advised to withdraw the parcel to the north at the corner of Autry Road. He asked that the Commission allow that the request for the property at Autry Road be withdrawn without prejudice. He stated that at some point in the future, if the Commission desires, they can surplus that property to convey to the Development Authority, which could be brought back for rezoning consideration. County Attorney Manning stated he believes the appropriate action of the Board of Commissioners would be to vote to allow parcel 050 to be withdrawn without prejudice, leaving parcel 054 for their consideration.

Commissioner Bagwell made a MOTION to Allow Withdrawal of the Request to Rezone Parcel 050 in File #51-2011Z without prejudice. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
Chairman Lumsden		

Motion Carried

County Attorney Manning stated that would leave the request for a change in zoning on parcel 054 under File #51-2011Z. Commissioner Bagwell made a MOTION to Adopt the Ordinance to Approve the rezoning request for File #51-2011Z, Parcel 054, from Heavy Commercial to Heavy Industrial for marketing of the property. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

- 2. FILE #52-2011Z. REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO COMMUNITY COMMERCIAL (C-C) WITH SPECIAL USE PERMIT FOR AMUSEMENT/RECREATION, INDOOR (HANDGUN SHOOTING RANGE) WITH RETAIL SALES ON PROPERTY LOCATED ON KINGSTON ROAD. ZONING MAP M14, PARCEL 291. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT ALL STATE AND FEDERAL PERMITS BE OBTAINED. [VOTE: 9-0]):**

Chairman Lumsden declared the Public Hearing open, and asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this rezoning request. Ms. Hiller stated the subject property is a small detached property that is approximately 1.27 acres in size. She stated to the north and east are properties zoned Community Commercial (C-C), and to the west and south are properties zoned Agriculture Residential (A-R). She stated that in most cases, a shooting range is classified as indoor amusement, and would apply to Community Commercial (C-C) zoning with a special use permit. She stated they are also proposing some retail sales on the site. This is shown on the future land use map as commercial, although it is within a rural character area. She stated the rezoning would allow an accurate use of the facility.

Support: Mark Childers, 1077 Moran Lake Road, stated that he and his partner John Griffin would like to start a shooting range here. He stated they own an additional 4 acres that joins this property. He stated they would like to keep the rest of the property zoned as Light Industrial (L-I). He stated they are using Mega Target Systems, as far as the bullet trap and the range. They are going through the National Rifle Association (NRA) for sound abatement and bullet trap designs. He stated they

just ask that the Board approve this so they can get a good business started here in Rome and flourish with the rest of the county.

Chairman Lumsden asked if there was anyone else to speak in support or opposition of the proposed rezoning. Seeing none, he declared the Public Hearing closed and called for a motion. Commissioner Bagwell made a MOTION to Adopt the Ordinance to Approve the rezoning request from Light Industrial (L-I) to Community Commercial (C-C) with Special Use Permit, with the condition that all state and federal permits be obtained. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

Chairman Lumsden

Motion Carried

Commissioner Mayes abstained.

CHAIRMAN'S REPORT:

1. Appointments:

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

a. Airport Commission –

Appoint Chip Hood to succeed Thom Holt, Post 5, 4-year term to expire June 30, 2015

b. Development Authority of Floyd County –

Reappoint Charles Stevens, 4-year term to expire June 30, 2015

Reappoint Garry Fricks, 4-year term to expire June 30, 2015

c. Floyd County Board of Family & Children Services –

Reappoint Marion Johnson, 5-year term to expire June 30, 2016

d. Highland Rivers Community Service Board –

Reappoint Jim Mehaffey, 2-year term to expire June 30, 2013

e. Rome-Floyd Parks & Recreation Authority –

Reappoint David Mathis, 5-year term to expire June 30, 2016

SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee

No Report.

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

County Clerk Kathy Arp stated there are six items on the Clerk’s Consent Agenda. Ms. Arp requested approval of items one through five, and to defer item six. Commissioner Bagwell made a MOTION to approve the Clerk’s Consent Agenda as presented with the deferral of item six. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
Chairman Lumsden		

Motion Carried

1. Tax Refunds:

- a. Mossy Ridge Real Estate & ABH Construction, 175 North Edenfield Ridge Drive, \$89.80
- b. Gary L. Smith, 1013 North 5th Avenue, \$1,856.98
- c. Constance Elaine Roberts, 5 Ford Road SE, \$133.14
- d. David Spence, P.O. Box 5115, \$3.21
- e. David Spence & Bradley Robinson, P.O. Box 6115, \$6.71
- f. Dorothy Wilson, 2814 Maple Road, \$40.04
- g. Jay Shell, 9 Highlander Trail SW, \$128.22
- h. Carol Marie Hall, P.O. Box 153, Silver Creek, \$484.30
- i. Cedar Creek Real Estate, LLC, 2400 Garden Lakes Boulevard NW, \$126.10
- j. Forestar (USA) Real Estate Group, 6300 Bee Cave Road, Austin, TX, \$2,576.27
- k. Marcus, Charles & Christopher Keown Trustees, P.O. Box 8, \$22.01
- l. Charles D. Keown, P.O. Box 8, \$205.60
- m. Kubikowski Enterprises, LLC, 2400 Garden Lakes Boulevard, \$10.09
- n. Kubikowski Enterprises, LLC, 2400 Garden Lakes Boulevard, \$131.66
- o. Kubikowski Enterprises, LLC, 2400 Garden Lakes Boulevard, \$88.44

2. Adopt Resolution Approving and Authorizing Execution of Amendment No. 1 to System Purchase Contract between Floyd County and Harris Corporation concerning P25 Digital Public Safety Radio Network. (2009 SPLOST)

3. **Adopt Resolution Approving and Authorizing Execution of Local Maintenance Improvement Grant (LMIG) Contract between Floyd County and GDOT for 12.210 miles of plant mix resurfacing on various county roads. (GDOT Contract #: C38721-11-000-0. Project #: S013581-PR)**
4. **Adopt Resolution Authorizing Execution of Grantee-Subgrantee Agreement for GEMA/Homeland Security Grant (Chemical-Biological-Radiological-Nuclear-Explosives/CBRNE) in the amount of \$65,000.00 for the Floyd County Police Department. (GAN#2010-SS-T0-0034)**
5. **Adopt Resolution Authorizing Execution of Grantee-Subgrantee Agreement for GEMA/Homeland Security Grant (Chemical-Biological-Radiological-Nuclear-Explosives/CBRNE) in the amount of \$10,000.00 for the Floyd County Police Department. (GAN#2010-SS-T0-0034)**
6. **Adopt Resolution Approving and Authorizing Execution of documents related to easement for Thomas V. McBurnett property located at 356 Old Dalton Road. (Item #6 Deferred)**

MANAGER'S REPORT:

1. **ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CONTRACT FOR ENGINEERING SERVICES FOR THE DESIGN OF ENTRANCE ROAD AND SIGNALIZED INTERSECTION INTO THE NORTH FLOYD INDUSTRIAL PARK, LOCATED AT HIGHWAY 140 & HIGHWAY 53: (2009 SPLOST)**

County Manager Poe stated they recently received proposals from four firms to provide engineering services for the design of entrance road and signalized intersection into the North Floyd Industrial Park located at Highway 140 and Highway 53. He stated the recommendation is that the Board award the contract on a lump sum basis to William, Sweitzer & Barnum in the amount of \$44,900.00, and for \$5,000.00 to follow through on putting together the bid documents and construction administration.

Chairman Lumsden called for a motion. Commissioner Mayes made a MOTION to Adopt a Resolution approving and authorizing execution of contract for Engineering Services for the design of Entrance Road and Signalized Intersection into the North Floyd Industrial Park with William, Sweitzer & Barnum as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

ATTORNEY'S REPORT:

**1. EXECUTIVE SESSION TO DISCUSS
POSSIBLE FUTURE ACQUISITION
OF REAL ESTATE:**

County Attorney Manning suggested entering into Executive Session to discuss the possible acquisition of real estate.

Commissioner Bagwell made a MOTION to enter into Executive Session for the purpose of discussing possible acquisition of real estate. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

The Board entered into Executive Session at 6:42 p.m. The regular meeting reconvened at 7:50 p.m.

ADJOURNMENT:

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

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

EDDIE LUMSDEN, CHAIRMAN