

August 9, 2011

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
August 09, 2011                      2:00 P.M.**

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

**OTHERS**

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

**ABSENT:**                      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.

**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 July 26, 2011. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell  
"              Fricks  
"              Mayes  
"              Whitefield  
Chairman Lumsden

Motion Carried

**PROCLAMATIONS:**

**PROCLAMATION PRESENTING OFFICER  
SCOTT HOWERTON WITH THE FLOYD COUNTY**

**POLICE DEPARTMENT’S MEDAL OF VALOR:**

The Commissioners presented Officer Scott Howerton with a Proclamation, and the Floyd County Police Department’s Medal of Valor. Floyd County Police Chief Bill Shiflett stated he would like Officer Howerton to know how much he appreciates his effort and courage to make a stand to protect his fellow officers.

Chief Shiflett stated he would also like to thank the Board. He stated a couple of years ago the Board of Commissioners allowed the Police Department to purchase some assault weapons that put the Department on an equal playing field with some of the bad guys they face. The outcome of this situation could have been very different if not for that. He stated they appreciate the Board for supporting them, and giving them the tools to do what they have to do.

(Proclamation/Resolution Book, Page 195)

**RESOLUTIONS:**

**ADOPT JOINT RESOLUTION REGARDING  
IMPROVEMENTS EXPECTED TO BE PAID  
BY GOVERNMENTAL GRANT AND ALLOCATION  
OF PROCEEDS FROM 2010 BONDS:**

Defer.

**FIRST READINGS:  
(PUBLIC HEARINGS TO BE HELD  
ON AUGUST 23, 2011 AT 6:00 PM)**

**ULDC Text Amendment**

- 1. REVISE OR DELETE ARTICLE 7  
CONCERNING BOARD OF  
ADJUSTMENTS MEMBERSHIP TO  
AMEND THE MEMBERSHIP NUMBER  
AND MAKE UP. (PLANNING  
COMMISSION RECOMMENDATION:  
DENY [VOTE: 9-0]**

**Rezoning and Special Use Permits**

- 1. FILE #81-2011Z. REQUESTS REZONING  
FROM COMMUNITY COMMERCIAL (C-C)  
TO AGRICULTURE RESIDENTIAL (A-R) TO  
CONSTRUCT A SINGLE-FAMILY DWELLING  
ON PROPERTY LOCATED ON LIVINGSTON**

**ROAD. ZONING MAP F16, PARCEL 026.  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 9-0])**

Chairman Lumsden stated Public Hearings would be held on Tuesday, August 23, 2011 at 6:00 P.M.

**CHAIRMAN'S REPORT:**

**1. Appointment to Circuit Public Defender Supervisory Panel.**

Chairman Lumsden appointed William F. (Billy) Sparks to the Circuit Public Defender Supervisory Panel. This is a 5-year term expiring June 30, 2016.

**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 currently two items on the Clerk's Consent Agenda that have been reviewed. She requested that Item #1 be approved, and Item #2 be deferred. Commissioner Whitefield made a MOTION to Approve Item #1 on the Clerk's Consent Agenda, and Defer Item #2, as requested by the Clerk. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

- 1. Authorize Execution of Third Amendment to the Intergovernmental Agreement between the Secretary of State and Floyd County related to Bar Code Scanner for the current Voting System.**
- 2. Approve form of Written Agreement to be executed by Chaquita Swann defining the terms of her compensation as Judicial Secretary for Judge Tambra Colston.**

**MANAGER'S REPORT:**

- 1. CONSIDER REQUEST FROM PUBLIC DEFENDER OFFICE FOR BUDGET AMENDMENT IN THE AMOUNT OF \$8,223.85. (DEFERRED JULY 26, 2011)**

County Manager Poe stated they have before them a request from Chief Public Defender Lee Henley to amend the Public Defender's Office budget in the amount of \$8,223.85. He stated Mr. Henley spoke to them during caucus outlining the reasons for the request for the budget amendment. Mr. Poe recommended approval of the request as submitted.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Approve the request from the Public Defender Office for a Budget Amendment in the amount of \$8,223.85. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

**2. AUTHORIZE EXECUTION OF  
ADDENDUM TO AGREEMENT  
BETWEEN COTT SYSTEMS, INC.,  
AND FLOYD COUNTY FOR OFFICE  
OF FLOYD COUNTY CLERK OF  
SUPERIOR COURT:**

Defer.

**3. ADOPT RESOLUTION TO DECLARE  
CERTAIN REAL PROPERTY ON  
TIGER FLOWER DRIVE AS SURPLUS:**

County Manager Poe stated there are four properties on Tiger Flower Drive that the county received several years ago through a Sheriff's sale. He recommended declaring the property surplus. He stated the properties would be put out for sealed bid later.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Adopt a Resolution to declare the following real property shown as Zoning Map J15W, Parcels 024, 028, 034 and 035, on Tiger Flower Drive as surplus.. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

**4/5 VOTE REQUIRED**

**4. UPGRADE EXISTING CONSTABLE POSITION (POSITION NO. 493-019) IN MAGISTRATE COURT FROM PAYGRADE 108 TO PAYGRADE 111:**

County Manager Poe requested adding item #4 to the agenda by 4/5 vote. Commissioner Mayes made a MOTION to add the item to the agenda. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

County Manager Poe stated due to some increase in responsibilities to the Constable Position, and in accordance with state laws brought forward to them by Magistrate Judge Gene Richardson, they have received a request from Magistrate Court to reassign the Constable Position to a higher paygrade. He stated Magistrate Court has a vacant position that they are going to move forward with filling. He recommended approving the upgrade of the Constable Position from Paygrade 108 to Paygrade 111.

Chairman Lumsden called for a motion. Commissioner Whitefield made a MOTION to Approve the request to upgrade the existing Constable Position (Position No. 493-019) in Magistrate Court from Paygrade 108 to Paygrade 111. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**OTHER BUSINESS:**

County Manager Poe stated they will have a Special Called Meeting August 16, 2011 at 8:00 a.m. He stated the meeting will be held at The Forum.

Chairman Lumsden stated that a request for a proclamation was presented to the Board during Caucus (*by Ed Painter, representing the Georgia 9<sup>th</sup> District Committee for Common Sense Reapportionment*). He stated he will entertain that particular item under Other Business if the Commissioners have any desire to make a motion regarding that proclamation. Commissioner Whitefield stated that personally this is the first he has heard of it. He stated he thinks there are some good points, and probably some wisdom, but he would like an opportunity for some review. He is hesitant with what little time he has had to digest the information they were given. Chairman Lumsden stated if there is any desire from any of the other Commissioners for a motion this is the time for that to occur. There was no motion.

**ADJOURNMENT:**

There being no further business to come before the Board, MOTION was made by Commissioner Bagwell, SECOND by Commissioner Mayes, 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**