

February 14, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
February 14, 2012                      2:00 P.M.**

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

**OTHERS**

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

**CALL TO**

**ORDER:** Chairman Bagwell called the meeting to order.

**INVOCATION:** Commissioner Lumsden led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Mayes.

**ADOPTION OF**

**MINUTES:**

Chairman Bagwell 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 January 24, 2012. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

**PROCLAMATIONS:**

**ARBOR DAY:**

Commissioner Lumsden presented Bill Curtis, Floyd County Arborist, and several community volunteers, with a Proclamation recognizing February 17, 2012 as

Arbor Day. Mr. Curtis invited everyone to join them in their celebration on Friday, February 17, 2012. Rome Federated Garden Clubs members Kathleen Jacobs, Diane Harbin, President Jackie Fulmer, Corresponding Secretary Dr. John Barnett, and Ricky Patterson were in attendance. They thanked the Board for their support and recognition.

(Proclamation/Resolution Book, Page 205)

## **RESOLUTIONS:**

### **1. ADOPT RESOLUTION AFFIRMING FLOYD COUNTY/CITY OF ROME/CITY OF CAVE SPRING EMERGENCY MANAGEMENT AGENCY – EMERGENCY OPERATIONS PLAN:**

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Adopt the Resolution Affirming Floyd County/City of Rome/City of Cave Spring Emergency Management Agency – Emergency Operations Plan. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

### **2. ADOPT RESOLUTION NAMING THE STATE HIGHWAY BYPASS, FROM HIGHWAY 27 SOUTH TO BLACKS BLUFF ROAD, THE CHIEF VANN BYPASS:**

Chairman Bagwell asked Commissioner Lumsden to read the Resolution into the minutes. Following the reading of the Resolution, Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Naming the recently opened state highway bypass, from Highway 27 South to Blacks Bluff Road, the Chief Vann Bypass. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes

" Whitefield  
Chairman Bagwell

Motion Carried

**FIRST READINGS  
(PUBLIC HEARINGS TO BE HELD  
ON FEBRUARY 28, 2012 AT 6:00 P.M.)**

**REZONING AND SPECIAL USE PERMITS**

- 1. FILE #03-2012Z. REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON PROPERTY LOCATED ON ALLEN STREET IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT. ZONING MAP F13Z PARCELS 003, 004. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]). (PUBLIC HEARING HELD ON JANUARY 24, 2012, REFERRED BACK TO PLANNING COMMISSION.)**
- 2. FILE #21-2012Z. REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) AND SUBURBAN RESIDENTIAL (S-R) TO HEAVY COMMERCIAL (H-C) TO MARKET PROPERTY LOCATED ON CALLIER SPRINGS ROAD. ZONING MAP J140 PARCELS 227, 228. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS THAT THE SIDE BUFFER ON THE EASTERN SIDE BE 30 FEET; THE ACCESS TO HIGHLAND BLVD AND CALLIER SPRINGS ROAD BE GATED; AND MAINTAIN ALL BUFFERS AS SPECIFIED IN THE ULDC CONCERNING HEAVY COMMERCIAL. [VOTE: 9-0]).**
- 3. FILE #22-2012Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO HEAVY COMMERCIAL (H-C) FOR FLEA MARKET ON PROPERTY LOCATED ON MARTHA BERRY HIGHWAY AT WALENDA DRIVE. ZONING MAP J10Y PARCEL 213. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITION THAT THE BUFFERS AND LANDSCAPING BE IN ACCORDANCE WITH THE ULDC EXCEPT FOR THE SIDE BUFFER ON**

**THE NORTHERN SIDE BE 30 FEET. [VOTE: 9-0]).**

**4. ADOPT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FLOYD COUNTY, GEORGIA, RELATED TO FIRE LANE ORDINANCE. (2012-002A)**

Chairman Bagwell stated that Public Hearings would be held on February 28, 2012 at 6:00 P.M.

**CHAIRMAN'S REPORT:**

No Report.

**COMMISSIONER'S REPORT:**

**1. Administrative/Finance Committee – Commissioner Fricks, 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**

- a. Authorize Execution of Change Order No. 3 between Floyd County and Carver & Carver Plumbing, Inc., to replace 2800 feet of 8" PVC with Ductile Iron Pipe to be located within pavement of Wildflower Road in Highpoint Subdivision.**

Commissioner Fricks made a MOTION to Authorize Execution of Change Order No. 3 between Floyd County and Carver & Carver Plumbing, Inc., to replace 2800 feet of 8" PVC with Ductile Iron Pipe to be located within pavement of Wildflower Road in Highpoint Subdivision. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield

Chairman Bagwell

Motion Carried

- b. Adopt Resolution Approving and Authoring Execution of Agreement between Floyd County and Williams, Sweitzer and Barnum for Engineering and Surveying Services related to Waterline Relocation along SR140 from Highway 53 to Bartow County Line.**

Commissioner Fricks made a MOTION to Adopt Resolution Approving and Authoring Execution of Agreement between Floyd County and Williams, Sweitzer and Barnum for Engineering and Surveying Services related to Waterline Relocation along SR140 from Highway 53 to Bartow County Line. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

**4/5 Vote Required**

- c. Name Delta Municipal Supply Company as Sole Source Provider of Neptune Auto-Read Water Meters, and Authorize Purchase of Auto-Read Water Meters.**

Commissioner Fricks stated he would like to give authorization to the Water Department to name a sole source provider to purchase their auto-read water meters. He stated they have been dealing with this company over a number of years, and had somewhat of a 5-year contract with them.

Commissioner Fricks made a MOTION to add this item to the agenda by 4/5 vote. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

Commissioner Fricks stated they are in the process of replacing outdated water meters with auto-read water meters. He stated they have been doing this by replacing so many each year, and the change outs are done in house. They have purchased these meters from the same company the past two to two and half years. They are down to very few meters and need to place an order. He stated this action will enable the Water Department to maintain consistency in using the same meters to complete the project.

Commissioner Fricks made a MOTION to Authorize the Purchase of Neptune Auto-Read Water Meters (through Delta Municipal Supply Company, Inc.) as needed for the remainder of 2012, regardless of the set \$20,000.00 purchasing limit. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**5. Judicial Services Committee (CJIS) – Commissioner Lumsden**

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 five items on the Clerk's Consent Agenda, which have been reviewed, and are submitted for approval. Commissioner Lumsden made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

### **1. Tax Refunds:**

- a. Larry & Patricia Maxey, 51 Old Piney Road NE, Armuchee, \$448.20
- b. Bellsouth Telecom/AT&T GA, P.O. Box 7207, Bedminster, NJ, \$21,723.12
- c. DW Builders (Gerald & Linda Scott), 5414 Jackson Point, Marietta, \$451.36
- d. Next Level Investment Inc., 611 Turner McCall Blvd, \$155.08
- e. Muriel Neal Maxey, 51 Old Piney Road NE, Armuchee, \$52.31
- f. Abel Estrella, 162 Kenley Court, Marietta, \$677.04
- g. Rodolfo Cardenas Jr. & Astrid Cardenas, 11222 Paso Robles Ave., Granada Hills, CA, \$220.13
- h. Five K Inc. c/o Charles Keown, P.O. Box 8, \$279.15
- i. Ben Loeffler, 920 Laporte Ave., Fort Collins, CO, \$84.13
- j. Jeremy C. Jacobs, 1105 East 2<sup>nd</sup> Ave., 225.68
- k. Michael & Casey Owens, 113 East Clinton Ave., North Augusta, SC, \$163.42
- l. Bellsouth/AT&T GA, P.O. Box 7207, Bedminster, NJ, \$34,881.21
- m. Bellsouth Telecom/AT&T GA, P.O. Box 7207, Bedminster, NJ, \$2,216.01
- n. DW Builders, 4 Blackhawk, \$59.89
- o. Eddie Martin & Kathy M. Stephens, 789 Lovell Road SE, \$141.34
- p. Spector Tullis Properties LLC, 2400 Garden Lakes Blvd, \$65.87
- q. Earl W. Abrams, 6 Berkshire Lane NE, \$44.33
- r. Eddie & Olivia Castillo, 10 Frances Drive NW, \$10.42
- s. Jimmy Lee Selmon Sr., P.O. Box 365, Shannon, \$155.68
- t. Robert L. Moss, 12 Horseshoe Bend Road, \$738.86
- u. Kristi Noelle Cox, P.O. Box 1176, \$35.49
- v. Enchanted Properties LLC, 1825 Turner McCall Blvd, \$225.86
- w. Lee & Thomas Taylor, 302 Longmeadow Drive NW, \$35.75
- x. Lois Goss & John S. Goss (Life Est), 1305 Hidden Brook Lane, Acworth, \$1,441.92
- y. Roger & Patsy Powell, 2769 Big Texas Valley Road, \$60.05
- z. William F. Burk Jr., 6610 Martha Berry Highway, Armuchee, \$299.38
- aa. Gerald Edwards & Debra Edwards, P.O. Box 484, Cave Spring, \$154.00
- bb. Catherine E. Seigler, P.O. Box 5007, \$162.99

- cc. Alvin & Glenda Couey, 4819 Blacks Bluff Road, \$4.21
  - dd. Andrew J. Morris & Janice Morris, 395 Floyd Springs Road, Armuchee, \$111.23
  - ee. Howard Richie, 515 Shiflett Road, Silver Creek, \$30.00
  - ff. Durand P. Riggins, 5 Redfern Trail NE, \$225.68
  - gg. Rozell Williamson, P.O. Box 355, Belleview, FL, \$28.85
  - hh. Wes & Crystal Curry, 2 Blackhawk Circle, \$46.50
- 2. Authorize Execution of Amendment #3 to the Heritage Riverways Trail Accessibility Enhancement Phase II Grant to extend completion date to March 31, 2012. Grant No. NRT-08(7).**
  - 3. Adopt Resolution Approving and Authorizing Execution of Agreement between Arasmith International Industries, LLC, Northside Bank, and Floyd County for Hangar Ground Lease at Richard B. Russell Regional Airport.**
  - 4. Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and North Georgia Equipment Company related to HVAC upgrades at State Mutual Stadium.**
  - 5. Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and Georgia Highlands College related to Requesting a Public, Educational and Governmental (PEG) Access Channel through AT&T U-verse to be managed by Georgia Highlands College.**

#### **MANAGER'S REPORT:**

##### **1. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF GEORGIA EMERGENCY MANAGEMENT AGENCY-HOMELAND SECURITY STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT:**

County Manager Blaine Williams stated the Federal Emergency Management Agency (FEMA) now requires that each jurisdiction claiming expenses for mutual aid assistance that occur during a declaration have a mutual aid agreement that was signed pre-event. He stated although we do have standing mutual aid agreements with counties that are contiguous to Floyd County, we could have a really big event that would require us to have to use forces from across the state. He recommended adopting the resolution to execute the agreement, in order for the county to be in compliance.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Georgia Emergency Management Agency-Homeland Security Statewide Mutual Aid and Assistance Agreement. SECOND by Commissioner Fricks. VOTING:



YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**2. ADOPT RESOLUTION APPROVING  
AND AUTHORIZING EXECUTION OF  
CONTRACT FOR SERVICES BETWEEN  
FLOYD COUNTY AND DONNA VAN NATTEN,  
Ed.D. dba ARTEMIS CONSULTING RELATED  
TO THE GOVERNOR'S OFFICE OF CHILDREN  
AND FAMILIES GRANT:**

County Manager Williams stated the Governor's Office on Children and Families (GOCF) has created a grant to hire a consultant to evaluate the system of care strategies utilized in Floyd County, draft a local evaluation plan, and create an annual evaluation report. He stated GOCF is providing funds, and the county would be a conduit for that to be accomplished. He recommended authorizing execution of that contract for services.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of a Contract for Services between Floyd County and Donna Van Natten, Ed.D. dba Artemis Consulting related to the Governor's Office of Children and Families Grant. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION APPROVING AND  
AUTHORIZING EXECUTION OF LEASE  
AGREEMENT BETWEEN AMERICAN  
TOWER, L.P., AND FLOYD COUNTY**

**FOR USE OF EXISTING TOWER ON  
OLD RIVER ROAD FOR EMERGENCY  
COMMUNICATIONS SYSTEM:**

County Manager Williams stated this is one of the ten sites for the 2009 SPLOST Emergency Communications System. He stated they have been evaluating for some time the cost effectiveness of building our own tower versus leasing from an existing tower. He stated that after further negotiations, and rearranging some of our antennas, they have been able to negotiate a rate that is comparable to investing on our own. He stated the lease agreement itself would be for an amount of \$2,200.00 per month, on a year-to-year basis, automatically renewing for up to thirty years. He recommended authorizing execution of that lease agreement.

Chairman Bagwell called for a motion. Commissioner Whitefield made a MOTION to Adopt the Resolution Approving and Authorizing Execution of a Lease Agreement between American Tower, L.P., and Floyd County for use of existing tower on Old River Road for Emergency Communications System. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**4. ADOPT RESOLUTION APPROVING AND  
AUTHORIZING EXECUTION OF UTILITY  
RELOCATION AGREEMENT BETWEEN  
FLOYD COUNTY AND GEORGIA POWER  
COMPANY RELATED TO UTILITY POLES  
AT NORTH FLOYD INDUSTRIAL PARK:  
(2009 SPLOST)**

Defer.

**5. ADOPT RESOLUTION NAMING ENTRANCE  
ROAD AT NORTH FLOYD INDUSTRIAL PARK  
"PROSPERITY WAY" (2009 SPLOST):**

County Manager Williams stated there is a need to name the new entrance road at the North Floyd Industrial Park. He stated this is a 2009 SPLOST project, and is where Lowe's has located. The Public Works crews are busy putting in a new road

there, and the utilities are going to run down that road. He stated that the various utility companies need a physical address in order to begin that process. He stated that the Board considered several different names, but the consensus was to settle on Prosperity Way, which is symbolic of two things. He stated it symbolizes the economic gain that the Lowe's development has brought to Rome and Floyd County, as well as honoring the Greater Rome Chamber of Commerce's Partners in Prosperity Program. This further exemplifies the partnership between the governments, and existing business and industry to find a higher level of industrial recruitment and retention that continues to help Rome and Floyd County prosper. He recommended adopting the resolution to name the North Floyd Industrial Park entrance road.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Adopt the Resolution naming the entrance road at North Floyd Industrial Park "Prosperity Way". SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

**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 Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**