

February 28, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
February 28, 2012                      6:00 P.M.**

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

**OTHERS**

**PRESENT:**                      County Manager Blaine Williams, County Attorney Virginia Harman, 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 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 February 14, 2012. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
"              Lumsden  
"              Mayes  
"              Whitefield  
Chairman Bagwell

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE 2011 FLOYD COUNTY RETIREES:**

The Board recognized the following employees for their years of service to Floyd County. Proclamations and plaques were presented to the retirees.

Sergeant Jerry Boyd, Floyd County Police Department, 40 years, 7 months

(Proclamation/Resolution Book, Page 206)

Captain Wayne Smallwood, Floyd County Police Department, 40 years, 3 months

(Proclamation/Resolution Book, Page 207)

Pfc. Howard Irvin, Floyd County Police Department, 37 years, 4 months

(Proclamation/Resolution Book, Page 208)

Staff Sgt. James Treglown, Floyd County Police Department, 36 years, 11 months

(Proclamation/Resolution Book, Page 209)

Captain Jerry Ely, Floyd County Sheriff's Department, 36 years, 8 months

(Proclamation/Resolution Book, Page 210)

Arthur (A. C.) Camp, Public Works Department, 30 years, 5 months

(Proclamation/Resolution Book, Page 211)

James Southerland, Floyd County Prison, 26 years

(Proclamation/Resolution Book, Page 212)

Ernest W. Rogers, Public Works Department, 19 years, 6 months

Harold Ingram, Facilities Management, 19 years, 4 months

Wilburn Jenkins, Floyd County Prison, 17 years, 3 months

Pamela Shiflett, Finance Department, 16 years, 7 months

Martha Dowdy, Tax Commissioner, 15 years, 3 months

Johnnie Mackey, Floyd County Sheriff's Department, 13 years, 2 months

Thurman Givens, Public Works Department, 12 years, 3 months

Fredrick Dobbs, Floyd County Sheriff's Department, 10 years, 7 months

Archie A. Digsby, Public Works Department, 10 years, 1 month

Bryan Honea, E-911, 9 years, 10 months

Robert G. Cochener, Floyd County Prison, 9 years, 10 months

The Commissioners expressed their appreciation to all these employees for more than 425 years of combined service to the citizens of Floyd County.

## **RESOLUTIONS:**

**1. ADOPT ORDINANCE TO AMEND SECTIONS  
2-8-22, 2-8-42, 2-8-61(3), 2-8-62 AND 2-8-82 OF  
THE CODE OF ORDINANCES OF FLOYD  
COUNTY, GEORGIA:**

Chairman Bagwell asked County Attorney Virginia Harman to give a brief review of the proposed amendment. County Attorney Harman stated the non-substantive amendments are made necessary by the translation of the county code into Municode. The amendments correct typographical errors in order to make the code read as it should. She stated all of the amendments could be adopted through one resolution.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Adopt the Ordinance to Amend Sections 2-8-22, 2-8-42, 2-8-61(3), 2-8-62 and 2-8-82 of the Code of Ordinances of Floyd County, Georgia. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

**PUBLIC HEARINGS  
(FIRST READINGS HELD  
ON FEBRUARY 14, 2012)**

Chairman Bagwell reviewed the procedures for Public Hearings.

**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.)**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated the subject property is in a subdivision, which

requires a special use permit for a manufactured home. She stated there are manufactured homes in this area. The aerial photograph shows the residential area with many of single-family dwellings being manufactured homes. She stated this was referred back to the Planning Commission because there was a question about whether water and sewer could be provided for residential use. The Planning Commission felt that adequate proof was given, and they are recommending unanimously that they approve the special use permit.

Chairman Bagwell declared the Public Hearing open.

**Support:** **Michael Barnes, 6 Allen Street**, stated they are the owners of the property. He stated they want to set up the additional mobile home so that they have adequate living space for the six people they have in their home. Their two bedroom home is too small for that many people. He stated they are just looking to make their living conditions more comfortable.

There being no one else to speak in support or opposition of the request, Chairman Bagwell declared the public hearing closed and called for a motion. Commissioner Whitefield made a MOTION to Approve the request for Special Use Permit for manufactured home on property located on Allen Street in Suburban Residential (S-R) zoning district. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

- 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]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated the subject property is actually two platted lots. She stated the property on the east is zoned light industrial, and was developed with a single-family dwelling. The property on the west is zoned suburban residential, and developed with a warehouse building. She stated both of these are currently vacant. She stated that it can be seen from the zoning and uses around it, that this is in the transition area between the commercial strip along Dean Street and the more residential area to the south and west. She stated the request would allow the properties to be used for heavy commercial. She stated that both heavy commercial and light industrial uses have some potential for adverse impacts on dwellings. She stated that she believes that is why it is coming to the Board with a recommendation to require landscaping and buffers if the request is approved. She stated the property is accessible from Callier Springs Road. There are two other street right-of-ways bordering the property, but they are not open in this location. She stated it was recommended for approval by the Planning Commission with the conditions that the east side buffer be thirty feet, the access points be gated and controlled, and that all other buffers be provided as specified in the Unified Land Development Code (ULDC) concerning heavy commercial.

Chairman Bagwell declared the Public Hearing open.

**Support: Todd Horton, 2 Turnbull Drive,** stated he is the owner of the properties. He stated that he recently acquired the property that had the single-family dwelling. He stated at that time it was brought to his attention that the warehouse he owns was zoned residential and the property with the home was zoned light industrial. He stated he is just looking at this for marketing purposes. He stated that the house burned down and has been removed. He stated he would just like to consolidate the two properties as heavy industrial commercial zoning. It seemed to fit more options to market the property. He stated he does not have any specific plans for the property, which is vacant right now.

**Opposition: Joan Ellington, 703 East 17<sup>th</sup> Street,** stated this property has been a nuisance to the whole community for the last year and a half. She stated a contingent of neighbors in the area attended the first Planning Commission meeting on February 2, 2012. She stated Mr. Horton did say that the music would be stopped. She stated that this is strictly a residential area right now with no other businesses there. She stated it was at one time fenced in and gated, but the gate has been removed thus permitting through traffic. She stated their question is if this property is zoned heavy commercial how would it affect them as property owners, and what would it open that area up to. She stated Mr. Horton had promised that it would be fenced in. She would say about a fourth of the fencing has been removed. The parking area at the building is very limited. She stated it would be hard for heavy trucks to come in and out if it was used as anything that would require that. They would like to know the possibilities of what could go in there. She stated the nightclub kept them up every weekend for a year and a half. Numerous complaints were made to different law enforcement agencies,

and 911 was called several times. She stated they would just like more information on what they would be facing if it were to be rezoned.

**Rebuttal:** Mr. Horton stated a member of the Floyd County Police Department brought to his attention that his tenant had some questionable activity going on. He stated he evicted the tenant because they were having parties late at night. He stated that he had gone by there a couple of times around eleven o'clock only to find the building completely empty. He stated come to find out later, they were having parties that started around midnight. He did not hear many good things from the police officer that informed him, so he evicted the tenant. He stated the plan was to acquire the property next door in order to fence the entire area in. He stated that he took some of the fencing down because there were some issues with the grading. He stated he needed to remove the fencing to get the grading leveled out to make it easier for him to maintain the property. He stated that he spoke with most of the neighbors in the area at the first (*Planning Commission*) meeting to inform them that he would be more diligent about who he allowed in there, out of respect for them.

Chairman Bagwell declared the Public Hearing closed.

**Discussion:** Chairman Bagwell asked if there was any discussion or questions from the Board. Commissioner Whitefield stated to Mr. Horton that the Planning Commission passed along their recommendation based on some additional caveats regarding fencing and buffering, and asked if he had any concerns with those conditions. Mr. Horton stated they did not really elaborate on what those conditions were. He stated that his normal work schedule has not allowed him to check into it, but there did not seem to be anything that would concern him.

Chairman Bagwell asked Mr. Horton if he has any plans to allow nightclubs to move back in. Mr. Horton stated that would definitely not happen again. He stated he went by several times to check on the building because the tenants told him that they would be using it for private parties. Each time he went by, there was no one there. He stated he later found out that they were starting these parties at midnight, which he is in bed by then, so he had no idea. He apologized to everyone at that first meeting for the noise caused over there.

Commissioner Whitefield asked Ms. Hiller if they have the ability to limit hours of operation. He stated his concern is just a second or third shift business, or a manufacturing company in operation that close to residences. County Attorney Harman stated there is an ability to place conditions on the grant of the request. She stated it is her understanding, that the property owner could have the opportunity to withdraw that request based on the nature and type of conditions.

Ms. Hiller stated the property owner would be able to withdraw the request if they did not want to meet those conditions. She stated if they find down the road that those conditions were difficult for them to meet, the property owner could back to the

Board. The conditions are like anything else in the code. She stated they do enforce them.

Commissioner Whitefield stated his concern would be if there was a manufacturing operation that produced significant decibels late into the evening that close to residents. He asked Mr. Horton if he has an issue with conditions that would limit hours of operation through the sleeping hours. Mr. Horton stated he would not have an issue with that.

Chairman Bagwell asked Ms. Ellington if that would relieve some of her concerns, hearing that there will be no nightclub and a condition limiting the hours of operation. Ms. Ellington's daughter stated she is not a property owner here, but she and her husband have stayed with her mother some. She stated she thinks their biggest concern is that it took over a year to resolve the problem with the nightclub. She would not want them to bring something in that would be very disruptive, or cause a lot of traffic.

Commissioner Whitefield stated he would like to address a comment made by Ms. Ellington's daughter. He stated he understands her concerns, which are valid, but unfortunately pre-dating zoning they had (*manufacturing*) buildings that were built in the middle of residential areas. That would not be allowed to happen today, but these buildings are there, and they are grandfathered in. He stated in light industrial, by right, there are uses that could be very aggravating now. Regardless of rezoning the property, there are things like recycling drop offs, outdoor warehouse storage, and light manufacturing allowed that could already be irritating. He stated if it comforts them at all, they do have the ability to apply some restrictions now with the rezoning that otherwise do not exist.

There being no further discussion, Chairman Bagwell called for a MOTION. Commissioner Whitefield made a MOTION to Approve the request for Rezoning from Light Industrial (L-I) and Suburban Residential (S-R) to Heavy Commercial (H-C) to market property located on Callier Springs Road 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; that all buffers be maintained as specified in the ULDC concerning Heavy Commercial; and hours of operation for manufacturing are restricted from 9:00 p.m. to 7:00 a.m. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

- 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]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated the subject property was rezoned in 2010 from heavy commercial to community commercial. She stated to the west, adjacent to the subject property, is community commercial property. To the east, across Martha Berry Highway, is also commercial property. She stated that to the north the property is zoned multi-family residential, and developed with a single-family dwelling. The subject property is accessed via Walenda Drive, which is a local road. She stated the aerial photograph shows manufactured homes that are no longer there. The applicant submitted a site plan that shows the setbacks, the tables that would be used for the flea market, and it shows parking on the front of the property. She stated it does not show buffering and landscaping, which would be required for development of this property. She stated that the reason that the Planning Commission set a condition was so that the applicant could not obtain a variance to get around the buffers and landscaping. She stated the Planning Commission felt that it was important that all of those development standards be met in this particular instance.

Chairman Bagwell declared the Public Hearing open.

**Support:** Jason Eskridge, 12 Argon Drive, stated he bought both parts of the property last January. He stated he is leasing the building next to it to Armuchee AMVETS, and they are wanting to use the lot toward Martha Berry Highway as a flea market to generate revenue. He is requesting to have it rezoned for that reason.

There being no one else to speak in support or opposition of the request, Chairman Bagwell declared the public hearing closed.

**Discussion:** Chairman Bagwell asked if there was any discussion or questions from the Board. Commissioner Fricks stated one thing he would like to add is an e-mail he received from someone who could not attend this meeting regarding their concerns. He stated the e-mail voiced the following concerns: health safety, ingress and egress, trash disposal, restrooms, facilities, lighting, fencing, security, and the look that it will create in that corridor. They asked that the Board please consider

putting the request on hold until these concerns are adequately addressed. He stated since they were unable to attend their request needs to be presented for consideration.

Commissioner Fricks asked Mr. Eskridge if they have made provisions for all of those elements. He asked if they will be constructing restroom facilities on the premises. Mr. Eskridge stated he was told at the Planning Commission meeting that since the AMVETS are running the flea market, that their restrooms can be used as the public restrooms.

Chairman Bagwell asked what about the traffic. He stated generally around a flea market there are parking needs. Chairman Bagwell asked Mr. Eskridge if he has those parking needs satisfied. Mr. Eskridge stated they had talked about putting six covered awnings, or carports, and he was told that to do that he would have to have sixteen paved parking spaces. He stated since this is just opening and starting to grow, they did not have the funds to do that, so they would come back to them before they put the carports up. Right now, all they will have is folding tables that will be put up and taken down every day. Commissioner Bagwell asked Mr. Eskridge if he was going to allow parking on the side streets. Mr. Eskridge stated no. All of the parking will be on the property. He stated the AMVETS have twelve paved parking spaces and those spaces can be used for the flea market as well.

Commissioner Fricks asked will all of the traffic flow come in from Walenda Drive. Mr. Eskridge stated yes. Commissioner Fricks asked Ms. Hiller if she could elaborate. Ms. Hiller stated he has to provide restrooms that are accessible to people who are handicapped and so on. She stated if he has commercial grade restrooms that he can have open and available, he would probably be allowed to use those.

Commissioner Fricks asked the applicant what are his operational hours going to be, and will he have any lighting. Mr. Eskridge stated they will operate during daylight. Chairman Bagwell asked would he mind if they stipulate that they only operate during daylight hours. Mr. Eskridge stated that would be fine.

Commissioner Whitefield stated this is a one-acre property, and one acre is not a lot. He asked what are the parking requirements. Ms. Hiller stated parking for retail uses is one space per two hundred square feet of permanent outdoor sales area. She stated it was difficult to figure that from the site plan that they had, but the drawing that comes back in order to develop the site will have to be more detailed to include all of that. Commissioner Whitefield asked so after leaving here tonight, the applicant has additional due diligence to do. Ms. Hiller stated he will have to come up with a site plan and have it approved through Building Inspection.

There being no further discussion, Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Approve the request for Rezoning from Community Commercial (C-C) to Heavy Commercial (H-C) for flea market on property located on Martha Berry Highway with the condition that the buffers and landscaping be in accordance with the ULDC except for the side buffer on the northern

side which shall be 30 feet; and flea market shall operate during daylight hours only. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

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

Chairman Bagwell asked County Attorney Virginia Harman to review the proposed ordinance amendment. County Attorney Harman stated this ordinance is designed to mirror one that was adopted by the City of Rome about a year ago, to allow police and fire departments in the county to issue tickets to keep their fire lanes clear. She stated that there have been problems that have come up with the fire lanes in the county, and in the event that there is a problem, the authorities need the ability to ticket those who are blocking those lanes. She stated this ordinance comes with the County Attorney's approval and recommendation.

Chairman Bagwell declared the public hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed, and called for a motion. Commissioner Lumsden made a MOTION to Adopt an Ordinance to Amend the Code of Ordinances of Floyd County, Georgia, related to Fire Lane Ordinance. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**CHAIRMAN'S REPORT:**

**1. Appointments:**

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

**a. Floyd County Board of Health –**

Reappoint Dr. Robert Puckett, 6-year term to expire December 31, 2017

**b. Joint Floyd-Gordon County Development Authority –**

Reappoint Greg Wood, as a member at large, 3-year term to expire December 31, 2014

**c. Rome-Floyd Land Bank Authority –**

Reappoint Larry Maxey and Tom Saltino, 4-year terms to expire December 31, 2015

SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Bagwell

Motion Carried

**2. Adopt Resolution to Amend the Rules of Procedure for Floyd County Commission regarding voting.**

Defer.

**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**

**4/5 Vote Required to Add item to Agenda**

**a. Adopt Resolution Approving and Authorizing the Acquisition of Easements for property located at the intersection of Prosperity Way and Highway 140. (2009 SPLOST)**

Chairman Bagwell made a MOTION to add the item to the agenda by 4/5 vote. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

Chairman Bagwell asked County Manager Blaine Williams to give a brief overview of this item. County Manager Williams stated this relates to the North Floyd Industrial Park, and the creation of a signalized intersection with the new Prosperity Way and Highway 140. He stated that it is currently a two-lane road in that area. Future plans are to widen the road to allow for a turn lane. He stated the county needs to acquire some permanent slope easements that affect seven property owners there. A property acquisition consultant has met with all parties involved. He stated the combined cost for the seven easements is just over \$2,000.00. He stated that this was discussed by the Public Works Committee, and is being brought before the Board for action because they want to continue to keep pace with the rapid development of the Lowe's project. He stated this would enable the county to keep up their end of the bargain to have that road open so that Lowe's can be ready for business. He recommended authorizing the execution of the acquisition of the easements for property at the intersection of Prosperity Way and Highway 140.

Chairman Bagwell made a MOTION to Adopt the Resolution Approving Execution of an Option for Permanent Slope Easements for property located at the intersection of Prosperity Way and Highway 140. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

**4. Water Committee – Commissioner Fricks, Chairman**

No Report.

**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 three 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 C. Martin, 201 Broad Street, Suite 200, \$256.58
- b. Susan Reynolds Edwards, 339 Mount Alto Road SW, \$132.46

- c. John Reed Edwards, 339 Mount Alto Road SW, \$46.89
  - d. Shonna Dean, 211 Chateau Drive, \$93.71
  - e. Life of Jesus in Action Holiness or Bobby Grier, 218 Old Airport Road, \$22.96
  - f. Riverside Professional Park LLC, 2400 Garden Lakes Blvd., \$2,069.72
  - g. Kubikowski Enterprises LLC, 2400 Garden Lakes Blvd., \$245.91
  - h. Ann Adams, 46 Ridgeview Drive SE, \$49.30
  - i. Patricia Drought, 4 Blackhawk Circle, \$32.26
  - j. Charles Keown, P.O. Box 6008, \$185.87
  - k. Lakes Construction Rental Properties LLC, 2400 Garden Lakes Blvd., \$77.01
  - l. Sandra Allen, 1191 Jackson Lake Rd., Chatsworth, \$52.76
  - m. Forrest Place LLC, P.O. Box 51, \$965.32
  - n. Lakes Construction Company, 2400 Garden Lakes Blvd., \$77.58
  - o. DW Builders Inc., 4 Blackhawk Circle, \$119.74
  - p. Roger & Wanda Lemaster, 909 Burkhalter Road SE, \$269.20
  - q. Joyce Burgess, 1183 Burnett Ferry Road SW, \$22.46
  - r. Elaine Cargle, 190 Ward Mountain Road, \$49.56
  - s. Stephen A. Stutts & Darell G. Lowrey, 2836 Old Dalton Road, 154.72
  - t. Jamie L. Ely, 27 Beard Drive, \$5.23
  - u. Gaines Dempsey, 24 Rockridge Road, \$224.56
  - v. Michael M. & Lynn J. Bojczuk, 2230 East Hermitage Road, \$176.20
  - w. David A. Bojczuk, 2200 East Hermitage Road, \$21.92
  - x. VU Thasng Duc, 6 Pinestream Drive, \$1.01
  - y. Bill & Gina Scoggin, 433 Duke Drive, \$116.82
  - z. Eugene & Martha Childers, 20 Bridgeview Drive SE, \$212.77
  - aa. Leland & Rowena Ann Landrum, 9036 Christiana St., Spring Valley, \$45.38
  - bb. Rome LTH Partners, P.O. Box 92129, Southlake, TX, \$1,586.10
  - cc. Regina Wilson-Darvis, 100 Parkway Drive, \$591.31
  - dd. Randal G. & Elaine Selman, 5 Heather Road, \$0.56
  - ee. Thomas A. Tilton Jr., 7 Chesney Drive NW, \$105.68
  - ff. Anthony Izaak & Mark Spota, 1825 Turner McCall Blvd., \$244.72
  - gg. ABH Developers, Inc., 200 West Line Street, Calhoun, \$66.44
  - hh. Marcus R. Spota, 1825 Turner McCall Blvd., \$665.46
  - ii. Conell A. & Cynthia Allmon, 30 Albion Drive SW, \$233.03
  - jj. Zack J. Mendence, 10 Golden Way, Kingston, \$416.97
  - kk. Jeffery E. Tolbert, 171 Smith Road, \$148.02
  - ll. Jim Edwin alford, 675 Rustic Ridge Road NE, \$61.72
2. **Authorize execution of Easement Agreement between David L. Smith and Sandra A. Smith, Floyd County and Berry College, Inc., related to Public Safety Communication System. (2009 SPLOST)**
  3. **Authorize execution of Sales Contract between Floyd County and Berry College, Inc., related to Public Safety Communication System. (2009 SPLOST)**

**MANAGER'S REPORT:**

**1. 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) (DEFERRED FEBRUARY 14, 2012):**

County Manager Blaine Williams stated this item relates to Prosperity Way and Highway 140. He stated they are going to need to relocate some power poles to allow for the expansion in that area. He stated the initial costs for the relocation of those power poles was \$140,000.00. In working with Georgia Power, they have lowered the total cost of the work to \$91,449.00, of which Georgia Power is seeking that the county pick up \$66,224.00. He stated they did approach Georgia Power about working with the county to reduce the county's portion of the cost. He stated that Georgia Power pointed out that they are putting \$816,000.00 into the development. He recommended adopting this resolution so that the work can proceed.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Adopt the Resolution Approving and Authorizing Execution of a Utility Relocation Agreement between Floyd County and Georgia Power Company related to Utility Poles at North Floyd Industrial Park. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**2. AWARD OF BID FOR ONE (1) 2012, F150 4X4 PICKUP TRUCK FOR EMERGENCY MANAGEMENT:**

County Manager Williams stated this pickup would be the vehicle for the new Network Administrator for the Communication System. He stated they had budgeted \$27,000.00 in the 2012 800MHZ Communications Fund. The Purchasing Department was able to find a vehicle on state contract for \$22,196.75. He recommended award of the bid.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the bid for one (1) 2012, F150 4x4 Pickup Truck for Emergency Management to Allan Vigil Ford in the amount of \$22,196.75. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**3. CONSIDER PROPOSAL FOR  
JOINT ROME-FLOYD EMPLOYEE  
HEALTH CLINIC:**

County Manager Williams stated this relates to the proposal for a Joint Rome-Floyd Employee Health Clinic, and he will share some facts about the proposal at hand. He stated the City of Rome recently recommended that the H2U/Redmond Proposal for the Joint Health Clinic be accepted. He stated that this is the culmination of a request for proposal (RFP) process developed by a joint committee of city and county staff and undertaken by the City of Rome Purchasing Department. He stated initial proposals were received in June 2010 with eight respondents to the request for proposal. The H2U/Redmond proposal was determined by the evaluation committee at the time to be the most responsive offer. He stated they are proposing approximately \$200,000.00 of annual operating cost, to be split between the city and county, to offer a dedicated clinic for city and county employees. There is an initial, one time, start up charge of \$76,000.00, which Redmond has offered to spread the payment out over three years. He stated the H2U/Redmond Proposal would accommodate up to approximately 5,280 visits per year, or 22 per day, and involves a full-time nurse practitioner. The location of the clinic would be at the Redmond Complex on Shorter Avenue in West Rome. He stated the city chose to strike the prescription services that were in this initial proposal when they took action on it. He stated that he would answer any questions that the Board may have.

Commissioner Fricks asked do they have a copy of the proposal with the revisions. County Manager Williams stated he does, but he handed out the original proposal because that is what went before the General Administrative Committee of the city, and that is what the city approved. He stated he did not want to get off track from what the city had approved. Commissioner Fricks asked so the original proposal is what went through General Administration. County Manager Williams stated the proposal that he is calling the original was presented in November of this past year when the meetings were being held, just to stay consistent. He stated there have been

many questions, but he has not tried to come back with a different version of what was discussed before, even though it included the prescription benefit.

Chairman Bagwell stated the proposal he (*County Manager Williams*) has for them does have prescriptions in there. County Manager Williams stated it does. He stated the City of Rome, as he understands it, took action on the proposal that he presented to the Board tonight. He wanted to make sure they were talking apples to apples by providing them with the proposal that the city took action on. He stated they awarded the bid on that particular proposal, but chose to strike the prescription benefit. Chairman Bagwell stated so the city took action on the proposal, but they struck the pharmacy portion of it. County Manager Williams stated that particular proposal is what was accepted. He stated he does not remember the verbatim motion that was made. In summary, it was that they accepted the proposal, but they elected not to pursue prescription services at this time. Chairman Bagwell asked whether what is before them tonight is the proposal with the prescriptions still intact. County Manager Williams stated yes, it is the same one the city reviewed and acted upon.

Commissioner Fricks asked when they vote today, will they be voting to accept the proposal before them. County Manager Williams stated yes, he believes that is correct. Commissioner Fricks asked would they vote on the contract, or would they be provided with a contract. County Manager Williams stated should they choose to take action tonight, he would recommend that it be only to award the bid, and then allow the development of a contract if they choose to award it, as well as an intergovernmental agreement with the City of Rome to lay out exactly how those costs will be shared. Commissioner Fricks asked which committee that would work through. County Manager Williams stated he is not sure that it would go through a committee if the Board awards the bid. He stated that typically, their process is to develop a contract for the county attorney to review, but they will do whatever the Board desires.

Commissioner Fricks stated they have been on this thing for two years, and asked would they not have a finished contract to vote on. County Manager Williams stated they are only awarding the bid tonight. Commissioner Fricks stated there are a lot of variables in this that have changed over that time. He stated it is somewhat unusual that they would vote on a sketch of a contract, and say that they are going to let the attorney work out the details on it. County Manager Williams stated it was requested at the agenda session that this item be placed on the agenda. He stated it is up to the Board what action they would take. He recommended not voting on any type of contract tonight because they have not developed those. He stated if they should choose to take action, he recommended only awarding the bid that would allow staff to work on the components of the contract. Chairman Bagwell stated in his mind, he thought it was customary to award a bid and have a contract ready at the same time. County Manager Williams stated he knows that that has been the case at times. Commissioner Fricks stated they need to move forward with a motion.

Commissioner Fricks made a MOTION to Authorize the County Attorney to review the components of the proposal in order to prepare a contract to be presented to the Board for consideration.

**Discussion:** County Manager Williams stated that is in affect what they were seeking, should they choose to vote on it. Commissioner Fricks stated there is no reason to vote ahead of it because there are a lot of components to it. County Manager Williams stated he believes the idea was that if the Board chose to approve this, that the contract would come back to them at the next meeting for approval.

Commissioner Lumsden asked Commissioner Fricks if his motion is to approve this. Commissioner Fricks stated his motion is to submit this to the attorneys for consideration and review due to the many components involved. He stated one of his questions was if the affidavits were still valid that are with the proposals. There was a list of about six different affidavits that had to be signed that included an equal opportunity affidavit, drug free workplace affidavit, and an affidavit addressing collusion. He stated those affidavits were signed two years ago, and all of the components have changed a lot, so would that not need to be taken into consideration before moving forward. County Attorney Harman stated if she understood correctly the question is whether the affidavits are valid as of today. The affidavits were valid as of the date of signing only. Commissioner Fricks asked do they remain valid for any time period, even though it says that the contracts will be exercised within 90 days. County Attorney Harman stated she believes the contract would actually take the place of all that has come before it. She stated if the county chooses to vote on a particular contract they could decide whether to include a provision which would bring the representations in the affidavits up to date and then it would stand on its own at that point. She stated the affidavits themselves would not be relevant to whether the county entered into a binding contract at the time of its execution. She stated it would be a completely different consideration. Commissioner Fricks stated he knew that there were requirements in the proposals, and with a two-year lapse, many of those conditions have probably changed. County Attorney Harman stated that would depend on whether they wanted to incorporate those affidavits into the body of the contract. She stated the terms of the contract itself would have to be set out, and that would be one of many decisions as to what would be incorporated into that document. Chairman Bagwell asked Commissioner Fricks to restate his motion.

Commissioner Fricks restated his MOTION to Authorize the County Attorney to review the proposal in order to prepare a contract to be presented to the Board for consideration. SECOND by Chairman Bagwell.

**Further Discussion:** Commissioner Whitefield asked for clarification, if Commissioner Fricks is motioning to accept the bid, but bring a legal contract for attorney review. Commissioner Fricks stated he thinks the contract should be created, and then make the decision on the bid, which is what they normally do. He stated they usually have a contract to vote on. Commissioner Fricks asked how many of the Commissioners attended the joint meeting when the proposals were distributed. He

stated he knows he attended. Chairman Bagwell stated he was not at that meeting. Commissioner Fricks stated he wants to make sure everyone has a copy of the proposal to review. Chairman Bagwell stated he did not see any documentation in their agenda packet about the proposal. He stated he would like to see a contract worked out with the county attorney to clarify exactly what they are voting on.

County Manager Williams stated he would like to point out that they were mirroring what the City of Rome did. He stated one reason why they awarded the bid is that it was contingent on what the county would do. They did not want to vote on a contract without the partner being a part of it. He recommended that the Board do the same because this is a joint effort, and if they move forward that it should be contingent on a similar action by the city. Chairman Bagwell asked why could they not develop a contract in cooperation with the city, and then vote on it. County Manager Williams stated they could do that. He stated he was not comfortable asking for a contract until they had clear direction from the Board.

Commissioner Mayes stated clear direction would be to approve or not approve the actual proposal. Commissioner Lumsden asked does the motion on the table approve the proposal. Commissioner Fricks stated it does not. He stated he has a hard time voting on a proposal that no one has. He does not know if they have gotten it or not. He stated it was distributed at the joint September 11, 2011 meeting. He believes that he and Commissioner Lumsden were the only two there. He stated he wants to make sure that they review it. Chairman Bagwell stated he would say again that he wants to know exactly what he is voting on before moving forward with this issue. He stated they all want the best possible plan at the best possible price for the city and county employees. Their interest and benefit is first and foremost, whether it be financially or health related. He stated he feels that everyone's intention is to get a good plan that everyone can get behind, and be proud of having a clinic that will help to improve the overall health of their employees. That is certainly his ultimate goal. Commissioner Fricks stated it is their job to do the best thing for Floyd County.

VOTING:

YES	NO
Commissioner Fricks	
	Commissioner Lumsden
" Whitefield	" Mayes
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 Whitefield, SECOND by Commissioner Mayes, 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**