

March 27, 2012

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 27, 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 Tommy Manning, County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

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 Whitefield.

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 March 13, 2012. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

PROCLAMATIONS:

CHILD ABUSE PREVENTION MONTH:

Commissioner Whitefield presented Mr. Malcolm Smith, Child Abuse Prevention Partnership (CAPP) Chairman, with a Joint Floyd County and City of Rome

Proclamation recognizing April as Child Abuse Prevention Month. Mr. Smith stated he would like to thank the Board for not only another year of support for child abuse prevention in the community, but also for the support that they provide to all of their agencies throughout the year. He stated they could not do what they do without it. He thanked the Board again on behalf of all the agencies represented through the CAPP.

(Proclamation/Resolution Book, Page 213)

**PUBLIC HEARINGS
(FIRST READINGS HELD
ON MARCH 13, 2012)**

Chairman Bagwell reviewed the procedures for Public Hearings.

REZONING & SPECIAL USE PERMITS

**1. FILE #32-2012SUP. REQUESTS
SPECIAL USE PERMIT FOR
MANUFACTURED HOME ON
SUBDIVISION LOTS IN SUBURBAN
RESIDENTIAL (S-R) ZONING
DISTRICT ON PROPERTY LOCATED
ON HALSTEAD SMITH ROAD. ZONING
MAP H14X PARCEL 344 (PLANNING
COMMISSION RECOMMENDATION:
DENY [VOTE: 8-0]).**

Chairman Bagwell asked Phil Helton, Rome-Floyd Planning Department, to review the request. Mr. Helton stated Guadalupe Ortiz is the applicant. He stated that the subject property is located on Halstead Smith Road, off Burnett Ferry Road. Mr. Helton stated the property is currently zoned suburban residential, with duplex residential use across the street. He stated most of the structures in the area are site-built homes.

Chairman Bagwell declared the Public Hearing open.

Support: **Vicenio Cruz, 209 Cherry Street**, stated he has a doublewide mobile home that he would like to place on the property to be next door to his family.

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

Discussion: Commissioner Mayes asked County Manager Williams if he was at the Planning Commission meeting when this request was considered. County Manager Williams stated he was at the meeting. He stated that the Planning Commission recommended denial of this request, as most of the structures in the

immediate vicinity of the subject property are site-built homes. He stated it was a unanimous vote because they did not feel that it conformed to most of the other structures in that area. Commissioner Fricks asked had there been a structure on the property in the past. Mr. Helton stated if there was, it was a very long time ago, but not to their knowledge. The applicant stated that there had never been a structure on the property.

Commissioner Mayes made a MOTION to Deny the request for Special Use Permit for manufactured home on subdivision lots in Suburban Residential (S-R) zoning district on property located on Halstead Smith Road. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

AMENDMENTS TO THE CODE OF ORDINANCES OF FLOYD COUNTY

1. ADOPT AN ORDINANCE TO AMEND SECTION 2-13-16 OF THE CODE OF ORDINANCES OF FLOYD COUNTY, GEORGIA RELATED TO CONSUMPTION OF ALCOHOL AT RECREATION FACILITIES. (2012-003A)

Chairman Bagwell asked County Attorney Tommy Manning to review the proposed ordinance amendment. County Attorney Manning stated that the Rome-Floyd Parks and Recreation Authority proposed this amendment to the code of ordinances. Mr. Manning stated the amendment is designed to allow the consumption of alcohol during hours when a recreational facility is not normally open to the public. He stated that he believes it was brought about due to a demand for such a facility, and the opportunity for additional revenue during these tough budgetary times. He stated it is designed not to interfere with normal hours when those buildings are open to the public, but to present the opportunity to rent those facilities where alcohol could be served.

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.

Discussion: Commissioner Fricks asked does this cover all recreation facilities. County Attorney Manning stated he thinks it is intended to cover any recreation facility, which would be any structure at a park where they could be rented for a public function. Commissioner Mayes asked if that includes the swimming pools. County Attorney Manning stated no one has asked that particular question, but he believes that would be possible. County Manager Williams stated he believes that the primary intent was that it would be the recreation centers such as North Floyd Park, and the scout hut in Shannon. He stated mainly the facilities that have meeting places that could accommodate a party, rain or shine.

Commissioner Mayes asked could they vote to approve it, but ask the County Attorney to get specifics on the facilities. County Manager Williams stated if they would like a better definition of that, they could certainly approach the Recreation Authority to provide a list of structures. He stated it might forego revenue for a couple of weeks. County Attorney Manning stated recreation facilities are defined in Section 2-13-1 of the Floyd County Code, as all recreation areas and parks, which includes swimming pools in the definition. He stated that he does not think the intent of the Recreation Authority, is to lease swimming pools. Mr. Manning stated if they want to clarify what may be leased, the appropriate thing to do would be to make any change desired, and put it back on first and second reading to bring it back before the Board.

Commissioner Fricks asked if the city has already passed this, or is this only for the unincorporated areas. County Attorney Manning stated this would only have application in the unincorporated areas. He stated that is all the Board of Commissioners can control. County Manager Williams stated the recreation agreement states that the city owns the city facilities. He stated the Recreation Authority would have an application process for the rentals. Commissioner Fricks stated according to the Alcohol Ordinance, they would be limited on the number of times they could sell before they are required to have licensed servers. County Clerk Arp stated this would be handled through the Recreation Authority. She stated they would have an application process for those who would like to lease the facility and serve alcohol, or sell alcohol. It would be a different license application than the convenience store type application. Commissioner Fricks asked if it would be one of the off-premises licenses. County Clerk Arp stated it would not. Commissioner Fricks stated he used to do festivals years ago, and he had to meet the requirements of the ordinance to obtain an off-premises license. County Attorney Manning stated he believes the answer to that is if they were charging for the alcohol, then a county application would have to be made.

Chairman Bagwell asked County Attorney Manning if he has any recommendations for them. County Attorney Manning stated he does not have any legal recommendations for them. He stated he thinks this is just a policy question for them as to whether they want to narrow the scope of what areas may be leased. Chairman Bagwell asked if they approve this, could they limit the alcohol around swimming pools. Commissioner Fricks stated if it is the city, they do not have any control over that, but what about in the future. Commissioner Mayes stated they could always revisit it. County Attorney Manning stated if they pass it now and they wanted

to curtail use at swimming pools if they are later constructed in the unincorporated area, they would need to address the issue at that time. Chairman Bagwell stated Commissioner Lumsden sits on the Recreation Authority board. Commissioner Lumsden stated he has not been present when anything relative to a swimming pool has been discussed, but as pointed out, they do not have any swimming pools in the unincorporated areas, so that is not an issue at this time. He stated moving forward it could be. They could address it now, or wait until such time that they are there and the future Board handle it then. Commissioner Whitefield stated he thinks they have a Rome-Floyd Parks and Recreation Authority member present that may be able to shed some light on the matter.

Jerry Lee stated he is the Chairman of the Rome-Floyd Parks and Recreation Authority, and he would be glad to answer any questions. He stated primarily what they are trying to do is to put the parks and recreation facilities in compliance with what is allowed in other county facilities. He stated that the intent here is more toward bar mitzvahs, class reunions, and things of that nature that would like to serve alcohol. He stated their vision was more toward North Floyd Park and Shannon Park. He stated they are getting many requests for facilities. There are not many places in Rome and Floyd County large enough for these types of functions. He stated this would lend itself more toward the larger facilities.

There being no further discussion, Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Adopt an Ordinance to Amend Section 2-13-6 of the Code of Ordinances of Floyd County, Georgia, related to Consumption of Alcohol at Recreation Facilities. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments of Commissioners to fill seats vacated by Commissioners Lumsden and Whitefield.

Chairman Bagwell stated this will be Commissioner Lumsden and Commissioner Whitefield's last meeting. He stated that representation on the committees that they currently serve would fall upon the three remaining Commissioners. Chairman Bagwell made the following appointments to fill the seats vacated by Commissioner Lumsden and Commissioner Whitefield:

Chairman Irwin Bagwell

Floyd County Library/Sara Hightower Regional Library Board of Trustees
Work Release Committee

Vice-Chairman Garry Fricks

Floyd County Board of Health
Rome-Floyd Parks & Recreation Authority
Transportation Policy Committee (TPC)

Commissioner John Mayes

Criminal Justice Information Sharing (CJIS)
Department of Family & Children Services Board
Keep Rome-Floyd Beautiful
Rome-Floyd Planning Commission
The Forum Civic Center Advisory Board

COMMISSIONER’S REPORT:

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

4/5 Vote Required to add item to the agenda

a. Authorize Execution by Chairman of Georgia Public Library Service Major Repair and Renovation Grant Application.

Commissioner Fricks asked County Manager Williams to give a description of the grant application. County Manager Williams stated they have an opportunity for a grant through the state, due to recent legislation that passed, allocating some funds towards the state’s library facilities improvements. He stated they were informed of this opportunity a little over a month ago. One of the eligible activities was HVAC control systems at the Sara Hightower Regional Library. He stated that the control system currently at the library is approaching twenty to twenty-five years old, so this is a great opportunity.

Chairman Bagwell called for a motion to add the item. Commissioner Mayes 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

County Manager Williams stated the amount of the assistance from the state is \$75,000.00. The projected total project cost is around \$156,000.00. He stated the county's match is approximately \$81,000.00. He stated that with this being a tough budget year, it is hard to find money for the matching funds, but at the same time they do not want to forego a grant from the state. He stated they have been working with the Library Board on budgeting for the work. He stated that \$60,000.00 has been allocated in the county budget for elevator repairs. He stated that since the elevator seems to be holding up, they would like to use those funds to help leverage this grant. He stated that the Library Board has agreed to provide the remaining funds from the library facilities fund balance. He recommended authorizing execution of the grant application. He stated the application is due March 30, 2012.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Authorize Execution of the Georgia Public Library Service Major Repair and Renovation Grant Application. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

4/5 Vote Required to add item to the agenda

b. Authorize reallocation of funds in the amount of \$65,000.00 in Facilities Management budget from Library Elevator funds to Library HVAC funds.

Commissioner Fricks stated this is a reallocation of funds in order to accommodate the repair and renovation grant. He stated they would be shifting funds from one line item to another. County Manager Williams stated he would like to suggest that they make this contingent on the Library Board approval of that extra \$16,000.00 to make up the balance of the grant match.

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

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Authorize reallocation of funds in the amount of \$65,000.00 in Facilities Management budget from Library Elevator funds to Library HVAC funds. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

2. Public Safety Committee – Commissioner Mayes, Chairman

No Report.

3. Public Works Committee – Chairman Bagwell, Chairman

- a. Recommendation to Authorize submittal of 2012 Local Maintenance and Improvement Grant (LMIG) road list to Georgia Department of Transportation (GDOT).**

Chairman Bagwell asked County Manager Williams to give an overview of the recommendation. County Manager Williams stated this relates to the Georgia Department of Transportation Local Maintenance and Improvement Grant (LMIG) for paving. He stated they are looking at planning for 2013 budget year for the county. He stated that GDOT would pay approximately \$600,000.00 in assistance, and the county match would be approximately \$100,000.00. He stated that the Public Works Department has determined approximately twelve miles of roads that the assistance would be used towards, that meets the state criteria. He recommended authorizing submittal of this road list to the Georgia Department of Transportation.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Authorize submittal of the 2012 Local Maintenance and Improvement Grant (LMIG) road list to the Georgia Department of Transportation (GDOT). SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

b. Recommendation to accept the following roads within Emerald Oaks Estates, Phase 2A, Part 1, onto county maintenance: Rambling Oaks Drive NE, and an extension of Royal Oak Drive NE.

County Manager Williams stated there are a couple of roads within Emerald Oaks Estates, Phase 2A, Part 1, that have passed the inspection by the county engineer. He recommended accepting roads onto county maintenance as presented.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to accept Rambling Oaks Drive NE, and an extension of Royal Oak Drive NE, within Emerald Oaks Estates, Phase 2A, Part 1, onto county maintenance. SECOND by Commissioner Fricks. 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 Mayes made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

1. Tax Refunds:

a.

- 2. Authorize Execution by Chairman of 2012-2013 ACCG Health Promotion & Wellness Grant.**
- 3. Authorize Execution of Second Amendment to Building Lease Agreement between Floyd County and Redmond Park Hospital, LLC d/b/a Redmond Regional Medical Center, Emergency Services Department, at Richard B. Russell Regional Airport.**

MANAGER’S REPORT:

County Manager Williams stated before beginning his report, he would like welcome Noah Simon, the new Assistant County Manager to the dais. He stated we are glad to have him on board.

**1. ADOPT RESOLUTION APPROVING
AND AUTHORIZING EXECUTION OF
AGREEMENT BETWEEN NORTHERN
INTEGRITY COUNSELING SERVICES,
LLC, AND FLOYD COUNTY:**

County Manager Williams stated this agreement relates to the Drug Abuse and Treatment Education (DATE) funds. He stated the funds are add-on fines that are added as a condition of a sentence from Superior Court to drug offenders. The money is set aside specifically for outpatient drug and alcohol counseling and testing. He stated the county contracts with a private entity to provide those counseling and testing services. They have enjoyed a good history with this company, which is made up of two principals. He stated one of the principals is dissolving their company, and this is merely to create a new contract with the remaining principal to continue the same scope and level of services, as well as costs. The contract terms and everything are basically the same. He recommended approving this new agreement with Northern Integrity Counseling Services, LLC.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Agreement between Northern Integrity Counseling Services, LLC, and Floyd County. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Bagwell

Motion Carried

OTHER BUSINESS:

Chairman Bagwell stated they will be losing Commissioner Lumsden and Commissioner Whitefield after this meeting. He stated he has enjoyed working with the two of them. It has been most enjoyable. He thanked them for their years of service. He stated he knows they are looking forward to bigger and better things. He wishes each of them well.

Commissioner Mayes stated Commissioner Lumsden has been a jewel to work with. He stated he appreciates him, and appreciates working with him. He has been a good commissioner. He stated that goes for Commissioner Whitefield as well. He stated that Commissioner Whitefield is a man of faith, and he appreciates him.

Commissioner Whitefield stated it has been an incredible six years. He stated it has been an honor to serve the men and women that make up the workforce of Floyd County. They are incredible people. He stated they have worked tirelessly to help them through this difficult financial time. They have worked with worn out equipment, with no raises, with furloughs, every challenge possible, and they have never complained. He stated they have just diligently served the people of Floyd County. Floyd County is a service organization, and a service organization is only as good as the people within that organization. He stated he is proud that he was able to be a part of that. He stated that he would like to thank the administrative staff, professional staff, and fellow commissioners. He stated they have weathered some pretty difficult times and were able to maintain their services to keep the ship running steady. He appreciates all of their efforts. He stated he is grateful to have been a part of it.

Commissioner Lumsden stated he counts it as a privilege to have been able to serve in this capacity, to serve the people of Floyd County, and to work with this fine group of commissioners and staff. He stated he would take exception to the comments about bigger and better things. He stated that they may be attempting to move on to bigger things, but he does not think better is appropriate here. He stated he thinks what they have here in Rome and Floyd County is pretty unique and special. He is privileged and thankful to have been able to be a part of this organization. He stated if their efforts are successful, they will be moving to a bigger stage, but they will be able to continue to serve their community in ways that will benefit all of them.

The Board presented Commissioner Lumsden and Commissioner Whitefield with a plaque, a proclamation, and a throw depicting Floyd County landmarks, as a token of appreciation for the service they have provided to the citizens of Floyd County.

Chairman Bagwell 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 Lumsden, 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