

April 10, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
April 10, 2012                      2:00 P.M.**

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

**OTHERS**

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

**ABSENT:** Assistant County Manager Noah Simon.

**CALL TO**

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

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

**PLEDGE OF**

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

**PUBLIC**

**PARTICIPATION:**

**Rhonda Wallace, 114 S. Cloudview Road SE**, stated she wanted to observe the meeting in person, to see how the Board meetings are conducted. She stated she would like to attend caucus at another time. She thanked the Board for everything they do, and for allowing her to be here.

**Dawn Treglown, Action Ministries Coordinator** for the Smart Lunch, Smart Kid Program. She stated that Action Ministries was founded in 1963. It is a nondenominational, faith-based, nonprofit charitable organization. She stated that the Smart Lunch, Smart Kid lunch program will be initiated this summer throughout Georgia, including Rome and Floyd County. She stated each day more than 800,000 students in Georgia receive free or reduced price lunch in schools, and once summer arrives, the students no longer have access to those meals. She stated therefore, Action Ministries is committed to ensuring that Georgia's children have access to the food they need to learn and grow, especially during the summer months. The Smart Lunch, Smart Kid program is designed to provide four hundred healthy snack lunches to school age children in Rome and Floyd County. She stated she has identified close to six hundred children in Rome and Floyd County that need this program. She stated that she is here today to call for volunteers. She stated volunteers would assemble lunches for delivery, at a place of their choosing, and deliver the meals to a local distribution site. Drivers will then distribute the lunches to designated areas. They have already designated one distribution site off Old Dalton Road.

She stated they are starting the Countdown to Summer Donation Program to collect items that they need. Donation bins and posters are set up throughout the community, including churches and businesses. Volunteer involvement is a key component of the program, and the success of the program will be based largely on the level of civic and corporate support generated by the local community. Getting involved in the Smart Lunch, Smart Kid program is an easy, fun, and rewarding experience. She asked everyone to please contact her if you would like to help in any way. She thanked the Board for their time.

**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 27, 2012. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**PROCLAMATIONS:**

**CONFEDERATE HISTORY  
AND HERITAGE MONTH:**

Commissioner Fricks presented Lieutenant Commander Dale Carpenter, Nathan Bedford Forrest Camp 469, with a Proclamation recognizing April as Confederate History and Heritage Month. Mr. Carpenter thanked the Board for their recognition on behalf of the community and Nathan Bedford Forrest Camp 469.

(Proclamation/Resolution Book, Page 214)

**ENTER INTO MINUTES  
NATIONAL DONATE LIFE  
MONTH:**

Chairman Bagwell stated this Proclamation recognizes April as National Donate Life Month.

(Proclamation/Resolution Book, Page 215)

**NATIONAL CRIME VICTIMS'**

## **RIGHTS WEEK:**

Chairman Bagwell presented Beth Dabbs, Victim Witness Assistance Program Director, and Leigh Patterson, District Attorney, with a Proclamation recognizing April 22-28, 2012 as National Crime Victims' Rights Week. District Attorney Leigh Patterson introduced Victim Advocates Elizabeth McGill and Sandra Kennemen. She stated these ladies help victims receive compensation for crime scene clean up, counseling, medical bills, and sometimes lost wages. They are the aids between her staff and the courts that help keep the victims of crime in Floyd County notified of what is going on in court. She stated they do a really good job. She thanked the Board for their support and recognition.

(Proclamation/Resolution Book, Page 216)

## **FIRST READINGS:**

(PUBLIC HEARINGS TO BE HELD  
ON APRIL 24, 2012 AT 6:00 P.M.)

### **REZONING & SPECIAL USE PERMITS**

1. FILE #41-2012SUP. REQUESTS SPECIAL USE PERMIT FOR MANUFACTURED HOME ON LOT WITHIN A SUBDIVISION IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON SHADOWOOD CIRCLE. ZONING MAP K17 PARCEL 203. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 7-0]).
2. FILE #42-2012Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO HIGH DENSITY-TRADITIONAL RESIDENTIAL FOR EXISTING SINGLE-FAMILY DWELLING ON PROPERTY LOCATED ON ALFORD STREET. ZONING MAP K13X PARCEL 262. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-0]).

### **ULDC TEXT AMENDMENTS**

1. REVISE OR DELETE ARTICLE 4 CONCERNING THE PRODUCTION OF A LIMITED AMOUNT OF ETHANOL AS AN ACCESSORY USE TO AN AGRICULTURAL OPERATION (FARM) IN THE AGRICULTURAL RESIDENTIAL (A-R) ZONING DISTRICT. (PLANNING COMMISSION

RECOMMENDATION: APPROVE [VOTE: 7-0]).

Chairman Bagwell stated that Public Hearings would be held on April 24, 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 – Chairman Bagwell, Chairman**

**a. Recommendation for purchase of HVAC units for Floyd County Jail.**

Chairman Bagwell asked County Manager Williams to give an overview of the recommendation. County Manager Williams stated the HVAC units on the roof of the jail were installed when the jail was constructed, and now they are coming of age. He stated they have been investing, for the last several years, in replacing those units. This is an item that was approved with \$57,000.00 in the 2012 Capital Budget. He stated they have replaced thirty-five of those units with McQuay Packaged Units. The recommendation from the Facilities Manager and the Jail Administrator is to continue to use McQuay units, since so many have been replaced with that brand. He stated furthermore, the Jail Administrator and the Purchasing Director have worked together to acquire pricing for these units through General Services Administration (GSA). He recommended utilizing the GSA contract to purchase eleven McQuay Packaged Roof Top Units in the amount of \$59,809.77.

He stated as mentioned, they had \$57,000.00 allocated in the budget. The additional \$2,800.00 will come out of the Facilities Management Repair and Maintenance budget for the Jail. He stated that in the past they have utilized a helicopter to lift those units, which is cheaper than renting a crane and the Jail will bear that cost.

Chairman Bagwell stated as they discussed in caucus, that will be forty-nine units replaced in the past three years out of the total fifty-four units. County Manager Williams stated he may be one or two units off, but it is between forty-

seven and forty-nine units. He stated after replacing these eleven that will leave six to eight remaining units to be replaced. Chairman Bagwell stated so they are almost at one hundred percent of having the HVAC units replaced at the Jail. County Manager Williams stated that is correct.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Approve the roof top units be standardized to McQuay Packaged Roof Top Units, and the purchase of eleven (11) McQuay units through GSA, in the amount of \$59,809.77. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

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

**a. Adopt Resolution Approving and Authorizing Execution of Contract between Quarry Utility Systems, LLC, and Floyd County for Water System Improvements to Chulio Road, Nichols Road, and David Road.**

Commissioner Fricks stated this resolution supports the contract for water system improvements to Chulio Road, Nichols Road, and David Road. He stated they have received the bonds and other necessary documentation to support this contract in order to proceed.

Commissioner Fricks made a MOTION to Adopt the Resolution Approving and Authorizing Execution of a Contract between Quarry Utility Systems, LLC, and Floyd County, in the amount of \$708,899.90, for Water System Improvements to Chulio Road, Nichols Road, and David Road. SECOND by Commissioner Mayes. VOTING:

YES

NO

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

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

## **1. Tax Refunds:**

- a. Michael P. Davis, 5617 Rockmart Road, Silver Creek, \$293.16
- b. Terrance & Elizabeth Hughes, 13 Winterberry Lane, \$82.97
- c. Donald & Beth Morrison, 93 Wiseman Road, Kingston, \$287.79
- d. Mrs. Grace Dempsey, 5 Bells Ferry Road NE, \$4.21
- e. John P. Dempsey & Wife, 5 Bells Ferry Road NE, \$71.38
- f. Barbara Lynch, P.O. Box 1681, \$14.68
- g. Linda P. Griffin & Richard Hester, 130 Keown Road SE, \$10.77
- h. Joyce & Dean Gilleland, 16 Summit Drive, Lindale, \$42.68
- i. Quinton Van Grann, 200 Greenview Road SW, \$156.87
- j. Brandy & Gordon Brownlow, 1491 Booze Mountain Road, Silver Creek, \$215.79
- k. Morris, Hardwick, Schneider, LLC, 349 Creekstone Ridge, Woodstock, \$247.06
- l. Steven O. Hicks, 540 Brice Ridge Road SE, Silver Creek, \$3.49

- m. Gary W. Fincher, 240 Beard Lake Road, \$346.23
- n. David A. Bojczuk, 2200 East Hermitage Road, Kingston, \$236.90
- o. Altoview Meadows LLC, 2400 Garden Lakes Boulevard, \$54.59
- p. Cathryn B. Grant, 65 Grant's Gulch Road, \$9.96
- q. Barry & Dorothy Wood, 2 Castlewood Drive, \$197.81
- r. Harold & Michaelleen Gosnell, 6 Honington Road SW, \$52.12
- s. Cathryn Grant, 65 Grant's Gulch Road SW, \$42.31
- t. James Lanier, 161 Melody Lane, \$225.65
- u. Joel Heyman Lyons, P.O. Box 269 , \$5.80
- v. Justin & Larry Hight, 360 South Avery Road, \$146.56
- w. Kellogg Snacks, One Kellogg Square, Battle Creek, Michigan, \$363.17
- x. James T. Griffin & Ladonna Griffin, 415 East 18<sup>th</sup> Street, \$100.16
- y. Warren P. Lovett Jr., 4 Hawk Spring Drive, \$127.97
- z. Hall & Anthony Properties, Inc, 175 North Edenfield Ridge Drive SE, \$8.85
- aa. Douglas & Rebecca Laipple, 38 Riverview Road, \$200.57
- bb. Renee Sharpe Lumpkin, 127 Simpson Drive, \$15.69
- cc. Mary Alice Montgomery & Rose Mae, 407 Branham Avenue, \$0.00
- dd. Ronald & Barbara Lynch, P.O. Box 1681, \$47.69
- ee. Clarence H. Gray, 2020 Maple Road, \$15.74
- ff. Ellen G. Kemp, 25 Orchard Spring Drive, \$480.87
- gg. F.T. 6739 New Calhoun Shannon, LLC, 475 South San Antonio Rd., Altos, California, \$666.32
- hh. Billy Harbin Kinsey, 557 McGrady Road NE, \$41.81
- ii. Jonathan Patrick Resch, 80 Harris Road SE, \$294.43
- jj. J. Doyle Buffington & Donald Evans, 15 LaDonna Place, \$31.77
- kk. J. Doyle Buffington & June C. Buffington, 15 LaDonna Place, \$30.90
- ll. M. Wayne Robinson Builder Developer Inc, 613 Turner McCall Boulevard, \$62.04
- mm. Marry Ann Cleveland McCullough, 108 Burnett Street, \$7.14
- nn. Marty A. McDonald, P.O. Box 1111, \$13.17
- oo. Robert W. Huff c/o David T. Cherry, 301 Clark Drive, \$43.93
- pp. Renee Smith, 23 Graben Drive, \$495.55
- qq. Renee Smith, 23 Graben Drive, \$176.08
- rr. Charles Keown, P.O. Box 8, \$197.28
- ss. Robert L. Moss, 12 Horseshoe Bend Road, \$634.27
- tt. North Whitfield Mini-Warehouse LLC, 1006 Trammell Street, Dalton, \$129.40
- uu. Greater Rome Bank, P.O. Box 529, \$305.43
- vv. Iris Kinnebrew, 216 Kingston Avenue, \$104.26
- ww. RK Morris Inc., 152 Jake Whorton Road, Silver Creek, \$6.61
- xx. The Garden Lakes Wetlands Conservancy , 2400 Garden Lakes Boulevard, \$190.60
- yy. Clare Specht, 76 Shadow Lane SW, \$223.12
- zz. JTC Enterprises, Inc., 5408 Blacks Bluff Road SW, \$48.10
- aaa. J. Michael & Brenda McDougal, 14 Drew Street, Lindale, \$14.13

bbb. Barbara T. O'Neil as Trustee, 189 Sea Hammock Way, Ponte Verda, FL, \$281.57

ccc. Nellie Jo Hunter c/o Cindy Sillis, 16 Pine Ridge Court, Summerville, \$214.47

ddd. Selina Mobbs, 5 April Drive, \$26.22

eee. J. Doyle Buffington, 15 LaDonna Place, \$10.65

fff. Annette J. & David M. Nelson, 3 Leland Avenue, \$41.51

ggg. Susan Pollard, 3250 Horseleg Creek Road, \$22.52

hhh. Kenneth & Laura Davis, 3 Old Shorter Hill , \$26.43

iii. M. Wayne Robinson Builder Developer, Inc., 613 Turner McCall Boulevard, \$62.04

jjj. Stan Hansard, 1774 Floyd Springs Road, Armuchee, \$1,026.90

kkk. Jacolyn & Paul Jones, 710 Cedar Avenue SW, \$42.66

lll. Mohawk Industries c/o Ernst & Young, LLP, P.O. Box 52307, Atlanta, \$1,393.25

mmm. Next Level Investments, Inc., 611 Turner McCall Boulevard, \$71.88

nnn. Charles & Rhonda L. Ford, 7132 Blacks Bluff Road, Cave Spring, \$30.78

ooo. Paul N. Loveless, Sr., 13 Kenwood Drive, \$36.35

ppp. Patricia A. Parsons, 1970 Pleasant Valley Road SE, \$9.11

qqq. JKL Investment, LLC, 8 Intervale Drive, \$555.56

rrr. Harvey-Given Co., P.O. Box 431 , \$39.97

sss. Larry Wayne McAbee, 99 Morrison Campground Road, \$10.62

ttt. Ronald K. Morris, P.O. Box 143, Silver Creek, \$480.47

uuu. Margaret S. Puryear c/o Brent Smith, 37 Clubview Drive, \$19.86

vvv. Carolyn E. Grissom, 4460 Blacks Bluff Road, \$10.78

www. River City Bank, 228 North Second Avenue, \$4,468.03

xxx. Johnathan & Abby Green, 1414 Horseleg Creek Road, \$984.36

yyy. Luke Lamb, 31 E. Lake Drive, \$202.38

zzz. Stan Hansard Construction, 1774 Floyd Springs Road, Armuchee, \$18.02

aaaa. Daxa V. & Vipinchandra B. Patel, 183 Ravenwood Drive, \$359.26

bbbb. Heatherwood Assoc. LTD c/o Easley McCaleb & Assoc., P.O. Box 98309, Atlanta, \$1,526.82

2. **Approve request from Tax Commissioner for removal of bills from the Tax Commissioner's Roll, and that they be relieved from the books, in the amount of \$665.41.**
3. **Malt Beverage Application, Alejandro Perez, LaConquista Mexican Grill, 3989 Martha Berry Highway, Temporary Permit for off-premises, May 5, 2012. (Beer & Wine).**

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

1. **RECOMMENDATION FOR AWARD OF BID FOR ONE (1) 15-PASSENGER VAN AND ONE (1) FULL SIZE 4X4 PICKUP TRUCK FOR PRISON:**



County Manager Williams stated sealed bids were recently accepted for these items. He stated the recommendation is to award the bid for the van to the low bidder, Wade Ford, in the amount of \$22,979.00. He stated the budgeted amount for the van was \$30,000.00. He stated six bids were received on the truck. The low bidder did not meet specifications. He stated the recommendation is that the truck be awarded to the low bidder that did meet specification, which is Prater Ford, in the amount of \$23,561.00. He stated the budgeted amount for the truck was \$26,500.00.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the bid for one (1) 15-Passenger Van to Wade Ford, in the amount of \$22,979.00, and one (1) full size 4x4 Pickup Truck to Prater Ford, in the amount of \$23,561.00 for the vehicles for the Prison. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**2. RECOMMENDATION FOR AWARD  
OF BID FOR UTILITY TRENCH FOR  
LAKE MARVIN ROAD FOR 800MHz  
PUBLIC SAFETY COMMUNICATIONS  
PROJECT: (2009 SPLOST - PUBLIC  
SAFETY COMMUNICATIONS SYSTEM)**

County Manager Williams stated it is the county's responsibility to provide power to each of the tower sites for the communications system. He stated they have been working with North Georgia EMC on this particular site. It is quite a distance to run power to this site due to lack of development in the area. He stated access to this site runs across National Forest Service land, and they are particular about wanting the power run underground. In addition, North Georgia EMC requires a fairly deep trench covered with concrete to minimize the potential of damage to the power lines. He stated four bids were received. He recommended that the contract be awarded to Spriggs Construction Company, who submitted the low bid of \$87,392.00. He stated they did have an allowance in the 800 MHz budget for providing power to the sites, and this is within the budget.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Award the bid for Utility Trench for Lake Marvin Road for the 800MHz Public Safety Communications Project to Spriggs Construction in the amount of

\$87,392.00. (2009 SPLOST - Public Safety Communications System SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION APPROVING  
AND AUTHORIZING EXECUTION  
OF AGREEMENT BETWEEN FLOYD  
COUNTY AND SPRIGGS CONSTRUCTION  
COMPANY, LLC, FOR UTILITY TRENCH  
FOR LAKE MARVIN ROAD: (2009 SPLOST  
- PUBLIC SAFETY COMMUNICATIONS SYSTEM)**

County Manager Williams recommended authorizing execution of the contract with Spriggs Construction Company, LLC, for the Utility Trench.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Agreement between Floyd County and Spriggs Construction Company, LLC, for Utility Trench for Lake Marvin Road. (2009 SPLOST - Public Safety Communications System) SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**OTHER BUSINESS:**

Chairman Bagwell recognized Leadership Rome participants in attendance.

**ADJOURNMENT:**

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

YES

NO

Commissioner Fricks

"

Mayes

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**