

May 8, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
May 08, 2012                    2:00 P.M.**

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

**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 Mayes led the Invocation.

**PLEDGE OF  
ALLEGIANCE:**

The Pledge of Allegiance was led by Fricks.

**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 Called Meeting of April 23, 2012 and Regular Meeting of April 24, 2012. SECOND by Commissioner Fricks.  
VOTING:

YES

NO

Commissioner Fricks  
"                    Mayes  
Chairman Bagwell

Motion Carried

**RESOLUTIONS:**

**1. ADOPT RESOLUTION FOR  
GOVERNMENTAL ACCOUNTING  
STANDARDS BOARD (GASB) STATEMENT  
NO. 54, FUND BALANCE REPORTING AND  
GOVERNMENTAL FUND TYPE DEFINITIONS:**

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution for Governmental Accounting Standards Board (GASB) State No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**2. ADOPT RESOLUTION APPROVING  
REVISED FY2011 BUDGET:**

Chairman Bagwell stated annually they adopt the revised budget from the previous year. County Manager Williams stated they had originally projected to use a fund balance amount of \$2.2 million. He stated the revised budget shows that they are only using \$1.8 million. He stated in actuality the use of fund balance is \$685,000.00 versus \$2.2 million, and using only around \$88,000.00 of the unreserved fund balance, which is much better than projected. He stated this is due in large part to some of the policies the Board has enacted, as well as some of the revenues doing better than the conservative projections. He stated the department heads have worked hard to hold the line in their departmental spending. He stated that this is a bit of good news during bleak economic times. He stated that in the context of the SPLOST failing, there are still a lot of capital needs that they are not addressing, even with this good news, so the work will continue for them. He recommended adopting the revised budget. Chairman Bagwell stated they would like to commend County Manager Williams and the department heads on their hard work on the budget. He stated he knows they are operating under difficult times, but they have made it through in high order.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving the Revised FY2011 Budget. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION AUTHORIZING  
THE NORTHWEST GEORGIA REGIONAL  
COMMISSION TO ORGANIZE A NON-PROFIT**

**CORPORATION, AS AUTHORIZED BY O.C.G.A.  
§50-8-35:**

Chairman Bagwell asked County Manager Williams to give a brief overview of the resolution. County Manager Williams stated the Northwest Georgia Regional Commission has approached the county, along with the other member counties in the northwest Georgia region, to request approval for the creation of a non-profit corporation to aid in administering around \$7 million in neighborhood stabilization funds that they have received from the federal government. He stated anytime the Regional Commission seeks to create a related non-profit, it takes one hundred percent of the local government member's approval to allow them to do so. He stated they are seeking Floyd County's approval to allow them to move forward.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Authorizing the Northwest Georgia Regional Commission to organize a non-profit corporation, as authorized by O.C.G.A. §50-8-35. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**4. ADOPT RESOLUTION AUTHORIZING EXECUTION  
OF AN INTERGOVERNMENTAL CONTRACT WITH  
THE HOSPITAL AUTHORITY OF FLOYD COUNTY  
RELATING TO THE PROPOSED ISSUANCE OF  
REVENUE ANTICIPATION CERTIFICATES:**

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Authorizing Execution of an Intergovernmental Contract with the Hospital Authority of Floyd County relating to the Proposed Issuance of Revenue Anticipation Certificates. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**FIRST READINGS:  
(PUBLIC HEARINGS TO BE HELD)**

ON MAY 22, 2012 AT 6:00 P.M.)

- 1. ADOPT ORDINANCE TO AMEND SECTION 2-14-25(b) OF THE CODE OF ORDINANCES OF FLOYD COUNTY, GEORGIA TO PROVIDE FOR THE TERM OF OFFICE OF PERSONNEL BOARD MEMBERS AND THE RIGHT TO SERVE CONSECUTIVE TERMS.**

**REZONING & SPECIAL USE PERMITS**

- 1. FILE #52-2012Z. REQUESTS REZONING FROM HEAVY COMMERCIAL (H-C) TO COMMUNITY COMMERCIAL (C-C) FOR COMMERCIAL (RETAIL AND OFFICE) USE OF PROPERTY LOCATED ON MARTHA BERRY HIGHWAY AT BEARD DRIVE. ZONING MAP J11Y PARCEL 029. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**

**ULDC REVISIONS**

- 1. REVISE OR DELETE ARTICLE 3 AND ARTICLE 4 CONCERNING MOLD POURED CONCRETE PRODUCTS INSIDE A BUILDING IN THE COMMUNITY COMMERCIAL (C-C), HEAVY COMMERCIAL (H-C), LIGHT INDUSTRIAL (L-I) AND HEAVY INDUSTRIAL (H-I) ZONING DISTRICTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**

Chairman Bagwell stated that Public Hearings would be held on May 22, 2012 at 6:00 P.M.

**PUBLIC HEARINGS:**

- 1. GRANT APPLICATION FOR THE FY2012 BYRNE JUSTICE ASSISTANCE PROGRAM:**

Chairman Bagwell asked County Manager Williams to give a brief review of the grant application. County Manager Williams the Byrne Justice Assistance Grant Program application would be submitted on behalf of the Floyd County Police Department. They are requesting funding to upgrade and update the storage unit and server for storage of digital video recorded from patrol officers in-car cameras. He

stated they have purchased thirty in-car cameras in the past year, and they are quickly outgrowing the initial server space allotment. He stated the cost of a server is \$9,500.00. He stated they would also be purchasing five tasers with holsters for \$4,500.00. The total grant would be \$14,088.00, with no match required from the county.

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. He reiterated that action would be taken on this Grant Application later in this meeting.

**VOTE ONLY – PUBLIC HEARINGS HELD APRIL 24, 2012**

**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]).**

Chairman Bagwell stated a Public Hearing was held on April 24, 2012. He asked if there was anyone present wishing to speak in support or opposition of the request. Seeing none, Chairman Bagwell made a MOTION to Deny the Special Use Permit for manufactured home on lot within a subdivision in Suburban Residential (S-R) zoning district on property located on Shadowood Circle. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

- 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]).**

Chairman Bagwell asked if there was anyone present wishing to speak in support or opposition. Seeing none, he called for a motion. Commissioner Fricks made a MOTION to Approve the request for Rezoning from Community Commercial (C-C) to High Density-Traditional Residential (HT-R) for existing single-family dwelling on property located on Alford Street. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

### **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]). (2012-002ULDC)**

Chairman Bagwell asked if there was anyone present wishing to speak in support or opposition. Seeing none, he called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Revising 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. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

### **CHAIRMAN'S REPORT:**

- 1. Appointments:**

- a. Floyd County Department of Family and Children Services (DFACS) Board.**

Chairman Bagwell made a MOTION to Reappoint Elaine Graczyk-Thomas, 5-year term to expire June 30, 2017. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**b. Northwest Georgia Region 1 Emergency Medical Services Coordinating Council.**

Chairman Bagwell made a MOTION to Reappoint Chad Taylor, 2-year term to expire January 15, 2014. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**COMMISSIONER'S REPORT:**

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

**a. Authorize reclassification of Staff Sergeant (position #454-096, paygrade 116) to Patrol Lieutenant (position #454-096, paygrade 124) in Floyd County Police Department.**

Commissioner Fricks asked County Manager Williams to give a brief review of the reclassification. County Manager Williams stated Chief Shiflett has requested reclassification of the Staff Sergeant position to a Patrol Lieutenant. He stated that the staff sergeant position has typically been an administrative position, which included being a vehicle maintenance officer, maintaining Environmental Protection Division (EPD) records, and managing school crossing guards. He stated the new lieutenant will serve as a working patrol supervisor. He stated in reclassifying this position they are eliminating an administrative supervisor in favor of making one more officer available for working on the road. He stated the request was taken before the Administrative/Finance Committee, which recommended it for Board consideration. He recommended approval of the position reclassification.

Commissioner Fricks made a MOTION to Authorize reclassification of Staff Sergeant (position #454-096, paygrade 116) to Patrol Lieutenant (position #454-096, paygrade 124) in the Floyd County Police Department. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**2. Public Safety Committee – Commissioner Mayes, Chairman**

No Report.

**3. Public Works Committee – Chairman Bagwell, Chairman**

No Report.

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

**a. Award of Bid for 25KW Emergency Generator for Water Department for the Shannon Pump Station.**

Commissioner Fricks stated they have before them the award of bid for a 25KW emergency generator for the Shannon Pump Station. He stated the Water Department would utilize the Shannon Pump Station as their emergency location for situations such as power outages. The generator will enable them to continue basic business operations during those emergencies.

Commissioner Fricks made a MOTION to Award the Bid for the 25KW Emergency Generator for the Water Department for Shannon Pump Station to Yancey Power Systems, in the amount of \$32,669.00. 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 four 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 Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**1. Tax Refunds:**

- a. Mark Tremail Trimble, 102 Glen Ridge Road NE, \$20.00
- b. Sheryl & James Powell, 301 Barker Road SW, \$762.17
- c. Amanda & Christopher Jacobs, 100 Buttermilk Road SW, \$138.75
- d. Bobby Couch, 7603 New Calhoun Highway, Adairsville, \$3.47
- e. Joe G. & Martha B. Walstad, 3 Central Plaza #414, \$12.41
- f. Martha B. Walstad, 3 Central Plaza #414, \$148.13
- g. Earl P. & Merilus Taylor, 409A 72 Avenue North, Myrtle Beach, SC, \$17.77
- h. Katherine M. Tingle, 45 First Manassas Way East, Sharpsburg, GA, \$8.55
- i. Wilbrook Properties, LLC, P.O. Box 191, Silver Creek, \$0.79
- j. Muneyoshi & Betty F. Yamakuchi, 210 Maplewood Drive SE, \$13.38
- k. Marlin Financial & Lease Corp., P.O. Box 13, Hixon, TN, \$459.95
- l. Secretary of Veterans Affairs, 1732 Wilkerson Road, \$52.19

- m. Virginia Bradley, 1501 Moore Street, \$31.26
- n. Mobile Mini, Inc. , 7420 S Kyrene Road, Suite 101, Tempe, AZ, \$27.42
- o. Clinton H. Yates, 5 Leland Avenue, \$22.23
- p. Roger Tate, 7735 Alabama Highway, \$215.37
- q. The Y'Allta Group, 3418 Deer Lane Drive, Tallahassee, FL, \$24.80
- r. William & Peggy Costlow, 33 Harris Road, Silver Creek, \$826.62
- s. James G. Wright Jr. & James G. Wright Sr., 254 North 5<sup>th</sup> Avenue, \$52.63
- t. Diana D. Wall, 18 Birchfield Drive NE, \$27.58
- u. Mary L. Pitts, P.O. Box 475, Shannon, \$206.81
- v. Timothy & Doris Wiggins, 224 East Second Avenue, Lindale, \$202.75
- w. Ray Whaley, 184 Samuel Mountain Road SW, \$209.57
- x. Air Products & Chemicals, Inc. , 7201 Hamilton Boulevard, Allentown, PA, \$99.05
- y. Marlin Leasing, Inc., P.O. Box 5481, Mount Laurel, NJ, \$15.82
- z. Mobile Mini, Inc. , 7420 S Kyrene Road, Suite 101, Tempe, AZ, \$45.05
- aa. Sassar Properties, LLC, 7 Pine Park Drive SE, \$150.53
- bb. Violeta Rodriguez, 9336 San Juan Avenue, South Gate, CA, \$94.67
- cc. David C. Spence, 7 Pine Park, \$125.34
- dd. Beverly Ward, James Bowers, John Brown, June Frost, Mary Frost & Aaron J. Frost, 158 Fairview Drive SW, \$63.83
- ee. Mac-Gray Services, Inc., 404 Wyman Street Suite 400, Waltham, MA, \$5.27
- ff. Joe Wright, 814 South Broad Street, \$8.46
- gg. Mrs. Gladys & A.A. Vaughn, 4757 Wayland Circle, Acworth, GA, \$39.48
- hh. Conasuga Investments, Inc. , 101 Architecture Building, Still Water, OK, \$143.98
- ii. Everbank Commercial Finance, 630 North Central Expy Suite A, Pilano, TX, \$105.43
- jj. Mark Thomas, 111 Camp Creek Trail, Peachtree City, GA, \$262.13
- kk. De Lagelanden Operational Services, 1111 Old Eagle School Road, Wayne, PA, \$43.90
- ll. Gary Marc & Kay Wetherington, 13 Saddle Mountain Road, \$27.25
- mm. Bob Troy, P.O. Box 5083, \$46.53
- nn. Storm Mason, 1130 Scoggins Road, Dallas, GA, \$49.88
- oo. Gurley Construction Co. Inc., P.O. Box 5181, \$3,123.96
- pp. Rene Fountain, 35 Covey Rise Drive SE, \$63.17
- qq. John W. Rush, 5019 Riverhill Road, Marietta, GA, \$160.65
- rr. Joseph R. & Marsha Spota, 241 Lavender Road NW, \$175.80
- ss. Charles & Lisa Vasser, 80 Woodglen Drive, Cedartown, GA, \$133.05
- tt. De Lagelanden Operational Services, 1111 Old Eagle School Road, Wayne, PA, \$137.72
- uu. Gene Spears, 114 Shoals Ferry Road, \$91.02
- vv. Arp Jeb-Stuart Bennett, 130B Broad Street, \$12.37
- ww. Wall Family Holdings LLP & W.E. Salmon, Inc. , 514 Broad Street, \$1,453.49
- xx. Towe Co Assets, LLC, 500 Valleystone Drive Suite 200, Cary, NC, \$824.51
- yy. Towe Co Assets, LLC, 500 Valleystone Drive Suite 200, Cary, NC, \$920.31

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 \$10,536.94.**
3. **Adopt Resolution Amending Section 1-02 of the Rules of Procedure for Floyd County Commission.**
4. **Authorize Execution Grant Application for the FY2012 Byrne Justice Assistance (JAG) Program (No. 2012-H2340-GA-DJ).**

**MANAGER'S REPORT:**

**1. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT BETWEEN FLOYD COUNTY AND THE SOUTH ROME REDEVELOPMENT AGENCY:**

County Manager Williams stated the South Rome Redevelopment Agency (SRRDA) has requested a property from the county that the county possesses at 7 Cherokee Street. He stated they would like to incorporate this property into their Phase II of the Etowah Terrace, which is renovating the old McCall Hospital on South Broad Street. This is a Sheriff's deed property that the county involuntarily came into possession of through a tax sale some years ago. He stated there is a dilapidated house on the property, which will constitute a maintenance issue for the county in the future. He stated more importantly, they are furthering a community interest in moving ahead with the South Rome Redevelopment Plan. He stated his recommendation is to quitclaim the property to the SRRDA in order for them to move forward.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Intergovernmental Agreement between Floyd County and the South Rome Redevelopment Agency. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
 " Mayes  
 Chairman Bagwell

Motion Carried

**2. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN JLC**

**AIRSHOW MANAGEMENT, LLC  
AND FLOYD COUNTY:**

County Manager Williams stated that JLC Airshow Management, LLC is looking to produce an air show at Richard B. Russell Regional Airport in September 2012. He stated that while they have had air shows in the past, he thinks everyone that has talked with this group has been very impressed with their level of organization and the amount of resources that they are committing to this endeavor. He feels that it will be a great community event. He stated this contract between the county and JLC Airshow Management, LLC solidifies what their respective responsibilities are in putting on that air show. He stated they will be putting on a show that he feels the citizens of Floyd County can be proud of and enjoy. He stated also, they would attract many people from around the region to our community which means economic impact. Finally, they will help showcase the airport. He stated in summary, JLC Airshow Management, LLC would provide security, traffic control, sanitation and trash pickup. There will be a rent commission payment to the airport in years three, four, and five of the air show. He stated that equals ten percent of net profits. They also recognize how important it is to be a community partner, and they are offering five percent of net profits to local charities. He stated JLC would carry public and liability insurance for the event. The county will allow them access to the airport grounds during the event, along with fire and rescue equipment provided by the Rome Fire Department. He stated the Manager's recommendation is to approve the resolution and agreement, based on the recommendation brought forth by the Airport Commission. Chairman Bagwell asked about the date of the event. County Manager Williams stated it would be September 28-30, 2012, and there will be announcements as the time draws closer, to ensure good coverage of the event.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Agreement between JLC Airshow Management, LLC and Floyd County. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**OTHER BUSINESS:**

County Manager Williams announced the Armuchee Connector Ribbon Cutting Ceremony will be on May 17, 2012 at 9:00 a.m., and the public is invited to attend. He stated that was an \$11 million project, which was a flagship of the 2006 SPLOST.

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**