

May 22, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
May 22, 2012                    6:00 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 Commissioner Fricks.

**PUBLIC**

**PARTICIPATION:**

**REVIEW OF FY2011**

**AUDIT REPORT:**

Matt Hill with Mauldin & Jenkins reviewed the preliminary FY2011 Audit Report. Mr. Hill stated it is a pleasure to be associated with the county, handling the audit, and working with Mr. Burkhalter and his staff. He stated they expect to issue the completed audit within the next couple of weeks. He stated they feel good about the numbers and wanted to give the Board an idea of what to expect. He stated the most important thing they would like to share is that the county received a clean opinion, meaning no modifications to the financial statement or compliance to federal laws were required. He stated in their review, they recognized that the county's revenues, property taxes, and LOST taxes were all up a little from the prior year. He stated they noticed a decrease in the overall fund balance of around \$685,000.00. The fund balance of the General Fund is around \$13 million, with around \$12 million of that balance unassigned or available for spending. He stated the Water and Sewer Fund had another good year. Revenues and expenses were both down a little, but their overall netting of operations and everything were consistent with prior years. He stated the General Fund is about where they would expect it to be in relation to other counties, and the Water and Sewer Fund continues to generate profit.

Chairman Bagwell thanked Mr. Hill and the Finance Department for their hard work in keeping the county's finances in order. County Manager Williams stated they were projecting a \$2.2 million use of fund balance in 2011. He stated due to the efforts of the county staff, and financial policies that were enacted, only \$685,000.00 of fund balance was used. He

thanked all of the county staff, the Commissioners, and the whole team for what they have done to help bring that number down. Chairman Bagwell stated it is a team effort from the Board down to the department heads that are always watching the finances.

## **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 Fricks made a MOTION to adopt the minutes of the Regular Meeting of May 08, 2012. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

## Motion Carried

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
ON MAY 08, 2012)**

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. (2012-004A)

Chairman Bagwell asked County Attorney Manning for a review of the proposed amendment. County Attorney Manning stated this amendment allows for a member of the Personnel Board to serve a four-year term, and in the event that the Commission has not selected a successor by the time that term expires, it allows for that person to continue in office until a qualified successor is elected, or until the individual passes away, resigns, or is removed. He stated the language previously did not allow for that, and sometimes there is a need for carryover while a decision is being made.

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.

**Discussion:** Commissioner Fricks asked does that fall under an ordinance of other appointees that they cannot do. He asked if that is what they are revising.

County Attorney Manning stated they are doing two things. He stated that previously it just read that a term of office was four years, so it did not have that language that allowed an appointee, like most other offices, to be able to continue in place if there is a period of time between the expiration of the term and the time that the new person is elected. The second thing, contrary to many of the boards the county has, they wanted to make it clear that this could be a multiple term board.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt an Ordinance Amending 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. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

## Motion Carried

## **REZONING & SPECIAL USE PERMITS**

Chairman Bagwell reviewed the procedures for Public Hearings.

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]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated the subject property is within the commercial corridor along Highway 27. She stated the houses that are on this lot were placed there as model homes. She stated that business is no longer in operation. The request would allow reuse of those single-family residential buildings. She stated they could be adapted and converted for offices, services, and retail types of use. She stated although they are houses, they are in the corridor of a highway, and are on the lot in such a way that it is not likely that they will ever be single-family dwellings. The property to the north is developed with a convenience store, and a little further south is a motel.

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.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt an Ordinance Approving the request for 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. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

## Motion Carried

## ULDC AMENDMENTS

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 asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated there has been some interest in allowing uses that sort of border on more industrial in nature in some industrial type buildings that happen to be located in other zoning districts. She stated this amendment was meant to address that. She stated that this amendment would revise Article 3 in such a way that mold poured concrete products would be allowed in the community commercial zoning district by special use permit with some additional standards, and in the heavy commercial and light industrial districts by right but with some additional standards. She stated it would be allowed in the heavy industrial district as a use by right with no additional standards applied. These could include storm shelters, septic tanks, burial vaults, lawn ornaments, and things of that nature. She stated the additional standards would be that all operations including but not limited to mixing, pouring, drying, painting, and display would be carried out within a building. They would not be allowed to do that outside where there might be dust or paint splatter, and so on.

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.

**Discussion:** Commissioner Mayes asked Ms. Hiller why they would want to do that in community commercial. He stated it seems like something normal in heavy commercial or light industrial. Ms. Hiller stated they have businesses inquire about doing this in the community commercial zoning district. She stated there are some cases where there are buildings and properties that are in highway corridors, not in areas where they are real close to residential uses, and the buildings themselves were probably built for some type of light assembly, light manufacturing, or warehousing. She stated that in some cases, there are multiple buildings on the property. She stated rezoning would eliminate some uses while allowing others, and still leave some of the property vacant and unproductive.

Commissioner Fricks asked was there not a case where a company was operating and they were not aware of the proper zoning off the Alabama Highway. Ms. Hiller stated there was a case where a company came into town, asked if they could operate, and went ahead with setting that business up. Commissioner Fricks stated his understanding about that case was that no one really even knew that they were operating. It was fine with the neighborhood, but when they came in to get a business license, they found out they could not do business there. County Manager Williams stated to reiterate what Ms. Hiller stated, in some cases they have buildings that are attached to other buildings. He stated they might have a light industrial building clearly attached to something that is more suited for community commercial. Because they are physically attached, they cannot separate those two and have two different zoning designations. He stated of course, they do not like to have split zoning within single parcels, so they are trying to address that type of thing.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt an Ordinance Revising Article 3 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. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

## CHAIRMAN'S REPORT:

No Report.

## **COMMISSIONER'S REPORT:**

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

No Report.

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

#### **a. Recommendation to Adopt Resolution Approving and Authorizing Execution of Agreement between Emergency Communications Network, LLC, and Floyd County for CodeRED Services Agreement.**

Commissioner Mayes asked County Manager Williams to give an overview of this item. County Manager Williams stated this relates to the CodeRED Weather Warning service. He stated if we have severe weather identified by National Oceanic and Atmospheric Administration (NOAA) out of Peachtree City, those who have signed up actually receive notification by a phone call. The county, specifically Emergency Management Director Scotty Hancock, has negotiated the cost of that service down from \$25,000.00 per year to \$17,500.00 for 2013, which will be a reduction of \$7,500.00 per year. He stated this would be a three-year agreement that is structured to renew automatically. They are also offering one thousand (1,000) free minutes of their call back feature that will allow the county to call certain segments of the population if there were situations such as a chemical spill, missing child, missing Alzheimer patient, etc., so we are going to try that option.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt a Resolution Approving and Authorizing Execution of an Agreement between Emergency Communications Network, LLC, and Floyd County for CodeRED Services Agreement for 2013. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

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

No Report.

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

- a. **Recommendation to Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and Williams, Sweitzer & Barnum, Inc., for Engineering Services for Water System Improvements along the north side of Highway 156 from Everett Springs Road to the east side of Johns Creek Bridge in Gordon County.**

Commissioner Fricks stated he would like to give an update on some of the Water Department projects. He stated the Water Department came up with some strategies some time ago to try to develop as many water resources as they possibly can. He stated not only will this potentially provide savings, but it will also offer the county another separate water supply to further diversify our resources, in case there are issues with a single water source. He stated this would be an additional ground surface supply, and to further develop a couple of wells that they have.

County Manager Williams stated the City of Calhoun has indicated an interest in becoming a water provider to Floyd County, if the county can make a connection to their system. They have identified an area of the county near Highway 156 where that is feasible. He stated after some initial discussions with the City of Calhoun, it appears that they can offer a long term and advantageous water volume and rate to Floyd County. The cost estimates with this connection seem to justify some further action. He stated the Water Committee recommends that they engage Williams, Sweitzer & Barnum to undertake engineering for these infrastructure improvements.

Chairman Bagwell stated they would have more diversity at hopefully a lower overall cost. County Manager Williams stated as they discussed in caucus, this is not a new precedent for Floyd County. He stated we purchase water from the City of Adairsville, as well as the City of Rome, in addition to our own groundwater and surface sources. We are continually looking for ways to remain viable for the future.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt a Resolution Approving and Authorizing Execution of an Agreement between Floyd County and Williams, Sweitzer & Barnum, Inc., for Engineering Services for Water System Improvements along the north side of Highway 156 from Everett Springs Road to the east side of Johns Creek Bridge in Gordon County. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**b. Recommendation to Adopt Resolution Approving and Authorizing Execution of Contract between Floyd County and A&S Environmental Services, Inc., for Construction and Monitoring of Installation of Monitoring Well for Fulton Road Well Project.**

County Manager Williams stated the Floyd County Water Department is looking into a new membrane technology that may enable them to reactivate the Fulton Road Well. He stated they have spent some money at the Fulton Road Well over some time trying to develop that. He stated that it has had some issues with “coming under the influence” (the term that the state uses) from surface water contamination. He stated what the Water Department seeks to do is undertake an analysis of the capacity and development potential of the Fulton Road Well, and incorporate those findings into a preliminary engineering report. He stated the contract calls for A&S Environmental to drill a two-inch test monitoring well for a cost of \$33,145.00. The purpose of the monitoring well is a seventy-two hour monitoring test for aquifer recovery. He stated this is required when they start to look at the well again. In addition, they would monitor the installation and monitor the aquifer test for an additional \$12,840.00.

He stated the second item would be to engage CTI Engineers, Inc., to perform a water quality analysis including microscopic particulate analysis, and in coordination with the other vendor, produce a preliminary engineering report. The cost of those services is \$12,300.00. He stated together the final deliverable would be checking out the volume capacity of the well, as well as a preliminary engineering report that will allow the county to take the next step toward exploring this new membrane technology. He recommended approving both agreements as presented by the Water Committee, in two separate motions.

Commissioner Fricks made a MOTION to Adopt a Resolution Approving and Authorizing Execution of a Contract between Floyd County and A&S Environmental Services, Inc., for Construction and Monitoring of Installation of Monitoring Well for Fulton Road Well Project. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

## Motion Carried

**c. Recommendation to Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and Consolidated Technologies, Inc., dba CTI Engineers, Inc., for Engineering Services for Fulton Road Well Project.**

Commissioner Fricks made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Agreement between Floyd County and Consolidated Technologies, Inc., dba CTI Engineers, Inc., for Engineering Services for Fulton Road Well Project. SECOND by Commissioner Mayes. VOTING:

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 two 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:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

## Motion Carried

**1. Tax Refunds:**

- a. E. Tommy & John Adam Chapman, 122 Millstone Mountain Road, Armuchee, \$56.15
- b. S & B Property Management, LLC, 455 W. Belmon Ave., Calhoun, \$129.32
- c. Joseph Hicks, 86 Ridgeview Drive, Silver Creek, \$233.77
- d. Karen Lynne Mayberry, 512 Elliott Drive NW, \$15.19
- e. Dee Genet Williams, 11 Scenic Trace Drive SW, \$21.70

**2. Adopt Resolution Approving and Authorizing Execution of Grantee-Subgrantee Agreement for FY2011 Homeland Security Grant Program for the Floyd County Police Department, in the amount of \$25,000.00. (FIPS #115-00000-04, GAN #EMW-2011-SS-00081-S01)**

**MANAGER'S REPORT:**

**1. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF WASTE DISPOSAL PROCUREMENT AGREEMENT BETWEEN FLOYD COUNTY, THE CITY OF ROME, AND ALLIED WASTE SERVICES, LLC, dba ALLIED WASTE SERVICES OF ROME:**

County Manager Williams stated this item comes to the Board with a unanimous recommendation from the Rome-Floyd Joint Solid Waste Commission. He stated it relates to the Waste Disposal Procurement Agreement between Floyd County, the City of Rome, and BFI. He stated the landfill is a joint landfill, which city staff manages. He stated the proposed contract differs from the existing contract by decreasing the daily waste minimums from 125 tons to 100 tons, and does not consider the Saturday half day that BFI currently dumps. He stated that since they are averaging less waste on Saturday, they did not want that to count against their minimums. He stated on the other hand, if they do bring stuff to them on Saturday, they do not get credit toward those minimums either. He stated that this would be a five-year agreement beginning January 1, 2013. He stated this new contract would provide a more clear understanding of how rate adjustments will occur over time. They are tied to the CPI, and it is specific about which of those CPI measures to use. He stated the contract is also clearer about what happens should BFI fall beyond minimum volumes, in which case they would be charged the normal standard rate charge of the third parties for that month. He recommended approving the agreement as presented through the Joint Solid Waste Commission.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Waste Disposal Procurement Agreement between Floyd County, the City of Rome, and Allied

Waste Services, LLC, dba Allied Waste Services of Rome. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

### Motion Carried

## **2. AWARD OF BID FOR JANITORIAL PRODUCTS AND PAPER PRODUCTS:**

County Manager Williams stated the Purchasing Department has done a good job in structuring this bid, broken out across eleven different product categories and allowing for comparable products to be taken into account. He stated they had various low bidders across the different categories, but overall local vendors did pretty well. Sixteen bidders participated, and they will have identical, but separate contracts with the various low bidders. He stated this is a one-year agreement with the option for two additional on-year renewals.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the Bid for Janitorial Products and Paper Products as recommended by the Purchasing Department in their memo and attached spreadsheet, dated May 15, 2012. SECOND by Commissioner Fricks. VOTING:

Commissioner Fricks  
" Mayes  
Chairman Bagwell

## Motion Carried

- 3. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF LICENSE AGREEMENT BETWEEN FLOYD COUNTY AND OGLETHORPE POWER CORPORATION RELATED TO ROCKY MOUNTAIN TOWER SITE.  
(2009 SPLOST PUBLIC SAFETY COMMUNICATIONS PROJECT)**

Defer.

**OTHER BUSINESS:**

Assistant Manager Noah Simon announced that Floyd County would be dedicating four trees to four county schools in honor of the Class of 2012 on May 23, 2012. He invited the public to join them in the dedications as follows: Armuchee High School at 9:00 a.m.; Model High School at 10:30 a.m.; Pepperell High School at 12:00 p.m.; and Coosa High School at 1:30 p.m. Chairman Bagwell stated Mr. Simon has been working very hard collaborating this event with Mary Hardin Thornton, Keep Rome-Floyd Beautiful Director and Michael Skeen, Floyd County Public Works Director. He stated they appreciate all of their hard work. Chairman Bagwell encouraged everyone to attend.

**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
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Commissioner Fricks  
" Mayes  
Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**