

January 8, 2013

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
January 08, 2013 2:00 P.M.**

PRESENT: Commissioners Irwin Bagwell, Garry Fricks, Larry Maxey, John Mayes, and Rhonda Wallace.

OTHERS

PRESENT: Interim County Manager Gary Burkhalter, County Attorney Tommy Manning, County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

CALL TO

ORDER: County Attorney Manning called the meeting to order.

INVOCATION: Commissioner Maxey led the Invocation.

PLEDGE OF

ALLEGIANCET: The Pledge of Allegiance was led by Commissioner Wallace.

**APPOINTMENT OF CHAIRMAN
AND VICE-CHAIRMAN:**

County Attorney Manning stated the Commission has before them the issue of the appointment of a Chairman and a Vice-Chairman for the Floyd County Board of Commissioners. He called for a motion to appoint a Chairman.

Commissioner Maxey made a MOTION to appoint Commissioner Bagwell as Chairman. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
" Maxey
" Bagwell

Motion Carried

County Attorney Manning turned the meeting over to Chairman Bagwell. Chairman Bagwell thanked the Board for the appointment as Chairman for another year. He stated he looks forward to a great 2013. Chairman Bagwell made a MOTION to appoint Commissioner Maxey as Vice-Chairman. SECOND by Commissioner Fricks. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Chairman Bagwell

Motion Carried

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 December 11, 2012. SECOND by Commissioner Maxey. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

RESOLUTIONS:

**1. ADOPT RESOLUTION REGARDING
MATTERS RELATED TO THE
COLLECTION OF TAXES:**

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution regarding Matters Related to the Collection of Taxes for the year 2013. SECOND by Commissioner Maxey. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

2. HIRING RESOLUTIONS:

a. COUNTY MANAGER

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Hiring Resolution appointing Gary Burkhalter as Interim Floyd County Manager for the year 2013, or until the commencement of employment of a new County Manager, whichever shall first occur. SECOND by Commissioner Mayes. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

b. COUNTY ATTORNEY

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Hiring Resolution appointing McRae, Stegall, Peek, Harman, Smith and Manning, LLP, as County Attorney for the year 2013. SECOND by Commissioner Maxey. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

c. COUNTY AUDITOR

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Hiring Resolution appointing Mauldin & Jenkins, LLC, as County Auditor for the year 2013. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION REGARDING
DESIGNATION OF DEPOSITORY
OF FLOYD COUNTY:**

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Adopt the Resolution Designating the Depositories of Floyd County for the year 2013. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks

" Maxev

Chairman Bagwell

Motion Carried

Commissioners Wallace and Mayes abstained due to their affiliation with financial institutes.

**PUBLIC HEARING:
(FIRST READING HELD
DECEMBER 11, 2012)**

Chairman Bagwell reviewed the procedures for Public Hearings.

REQUESTS FOR REZONING & SPECIAL USE PERMITS

1. **FILE #121-2012Z. REQUESTS REZONING FROM AGRICULTURE RESIDENTIAL (A-R) TO COMMUNITY COMMERCIAL (C-C) FOR MARKETING OF PROPERTY LOCATED ON ALABAMA HIGHWAY. ZONING MAP A13, PART OF PARCEL 005A. (PLANNING COMMISSION RECOMMENDATION: APPROVE CONDITIONED ON PROVISION OF LANDSCAPING, BUFFERS, AND**

**PARKING THAT CONFORMS TO THE REQUIREMENTS OF THE ULDC.
[VOTE: 8-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated a small corner of the subject property is already zoned Community Commercial (C-C). She stated initially the applicant indicated he was going to cut off a section of this lot to combine with the lot that is to the west that is already zoned Community Commercial (C-C). At some point that plan changed, and it became more of a plan to market the property for commercial use. She stated this is a very rural area. To the east, there is a property called the County Line Tavern, to the west, there is a convenience store, and beyond the store is the Alabama state line. She stated the property is shown as residential on the future land use map. An arterial highway serves the property, and the character area is a rural commercial corridor. She stated there are commercial corridors within Floyd County that are appropriate for commercial development if they have the utilities in place to serve them. She stated that this particular location is well served for transportation. She stated it does not have public water and sewer. The recommendation from the Planning Commission was to condition approval on provision of landscaping, buffers, and parking in conformation with the Unified Land Development Code (ULDC) for any new development on the property. She stated an additional condition would be that a plat be recorded showing the parcel that would be rezoned, as rezoning follows lot lines, or it should. She stated that occasionally they have to fix a spot where it does not. She stated the other thing was that they have seen a couple of different plats for this property, and depending on whether stand alone lots are being created, it would be combined with the property to the east, or it would share a driveway and the width of the lot may not conform to the ULDC.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition.

Support: Mr. Vester Hill, 1801 Bradley Avenue, Gadsden, Alabama, stated he owns the property and supports the rezoning request. He presented a survey/plat of the property.

Commissioner Wallace asked Mr. Hill if the survey has been recorded. Mr. Hill stated he has not recorded it.

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 County Attorney Manning if the survey could be recorded without having anything else done to it. County Attorney Manning stated surveys are recorded in the office of the Clerk of Superior Court. He asked Ms. Hiller who approves the surveys before they are recorded. Ms. Hiller stated

that surveys must be signed off by the County Engineer and the Planning Department before they can be recorded.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Ordinance to Approve the Rezoning from Agriculture Residential (A-R) to Community Commercial (C-C) for marketing of property located on Alabama Highway conditioned on a plat of the rezoned property of not to exceed three (3) acres being recorded in the Office of the Clerk of the Superior Court and on provision of landscaping, buffers, and parking that conforms to the requirements of the Unified Land Development Code. SECOND by Commissioner Maxey. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Begwell

Motion Carried

PUBLIC HEARING - FY2013 PROPOSED BUDGET

1. PUBLIC HEARING TO RECEIVE COMMENTS FROM ANY PERSONS WISHING TO BE HEARD ON THE FY2013 BUDGET:

Chairman Bagwell asked Interim County Manager Burkhalter for a brief overview of the proposed budget. Interim Manager Burkhalter stated the current draft of the budget shows the total expenditures, excluding SPLOST, are at approximately \$75 million. He stated SPLOST expenditures are \$6.7 million. He stated that the net effect in the budget reflects that the overall revenue is being decreased by \$3 million, and the overall expenditures are being decreased by almost \$2.5 million.

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.

Interim Manager Burkhalter stated an additional Public Hearing and adoption of the FY2013 Budget is scheduled for January 22, 2013 at 6:00 p.m.

CHAIRMAN'S REPORT:

4/5 Vote Required

Chairman Bagwell stated the Board discussed the Energy Excise Tax during Caucus. He called for a motion to add this item to the agenda. Commissioner Wallace made a MOTION to add discussion of Energy Excise Tax to the agenda. SECOND by Commissioner Mayes. VOTING:

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

1. Adopt Resolution Related to Energy Excise Tax.

Chairman Bagwell stated per the discussion during Caucus, he believes that the Board does not intend to implement a 2013 Energy Excise Tax.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Decline Implementation of an Energy Excise Tax for the year 2013. SECOND by Commissioner Fricks. VOTING:

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

2. Citizen Appointments:

a. Board of Elections & Registration.

Chairman Bagwell made a MOTION to Appoint Steve Miller to fill the unexpired term of Pete McDonald on the Board of Elections & Registration (4-year term expires December 31, 2014). SECOND by Commissioner Mayes. VOTING:

Commissioner Wallace

" Fricks

" Mayes
" Maxey
Chairman Bagwell

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee

No Report.

2. Public Safety Committee

No Report.

3. Public Works Committee

No Report.

4. Water Committee

No Report.

5. Judicial Services Committee (CJIS)

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.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Maxey. VOTING:

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

1. Tax Refunds:

- a. Terry Culberson, 284 Thomas Bluff Road NE, \$204.18
- b. W. Lane Haley, Atty, 901 North Broad Street Suite 350, \$98.05
- c. Lisa Landrum, 10 Ridgepoint Drive, \$108.79
- d. Lewis Jones, 1129 Burkhalter Road, Silver Creek, \$94.24
- e. James I. Tanner II, 1113 Oakland Avenue, \$23.72
- f. James I & Carolyn Tanner, 1113 Oakland Avenue, \$6.72

2. Adopt Resolution Approving and Authorizing Execution by Chairman of Interim County Manager Employment Agreement between Floyd County and Gary Burkhalter.

MANAGER'S REPORT:

**1. ADOPT RESOLUTION APPROVING
AND AUTHORIZING EXECUTION
BY CHAIRMAN OF AGREEMENT
BETWEEN FLOYD COUNTY AND
AND POLK COUNTY, GEORGIA
FOR INMATE WORK CREW:**

Interim County Manager Burkhalter stated Polk County has approached Floyd County about the possibility of providing an inmate work crew for Polk County. He stated this would be a crew of a maximum of eight inmates with a correctional officer. Polk County would provide the vehicle, all tools, equipment, and supplies needed to perform their duties, as well as proper insurance. He stated the Agreement would be for a period of January 01, 2013 through December 31, 2014.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Adopt the Resolution Approving and Authorizing Execution by Chairman of Agreement between Floyd County and Polk County, Georgia for an Inmate Work Crew. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

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 Wallace, SECOND by Commissioner Fricks, that the meeting be adjourned. VOTING:

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

IRWIN BAGWELL, CHAIRMAN