

February 26, 2013

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
February 26, 2013 6:00 P.M.**

PRESENT: Chairman Irwin Bagwell, Commissioners Garry Fricks, 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.

ABSENT: Vice-Chairman Larry Maxey.

CALL TO ORDER: Chairman Bagwell called the meeting to order.

INVOCATION: Commissioner Wallace led the Invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Mayes.

PUBLIC PARTICIPATION:

RECOGNIZE 2012 FLOYD COUNTY RETIREES:

The Board recognized the following employees for their years of service to Floyd County. Proclamations and plaques were presented to the retirees.

Deborah Staney, Tax Assessor, 34 years, 4 months

(Proclamation/Resolution Book, Page 16)

Danny Logan, Police Department, 29 years, 4 months

(Proclamation/Resolution Book, Page 17)

Michael Moldavan, Human Resources, 15 years, 10 months

Patricia Crumley, Probate Court, 14 years

Betty Shankles, Sheriff's Department, 13 years, 10 months

Brenda Perry, Clerk of Superior Court, 13 years, 4 months

Geniva Rowland, Floyd County Prison, 11 years

Donnie McCary, Public Works Department, 11 years, 6 months

Charles Wright, Sr., Public Works Department, 11 years

Gerald Nesbit, Public Works Department, 7 years, 5 months

The Commissioners expressed their appreciation to all these employees for more than 150 years of combined service to the citizens of Floyd County.

**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 February 12, 2013. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
FEBRUARY 12, 2013)**

Chairman Bagwell reviewed the procedures for Public Hearings.

- 1. ADOPT ORDINANCE TO AMEND THE FLOYD COUNTY CODE TO ADOPT THE UNIFIED LAND DEVELOPMENT CODE (ULDC) FOR THE CITY OF ROME AND FLOYD COUNTY REGARDING THE ESTABLISHMENT OF ZONING DISTRICTS AND DEVELOPMENT REGULATIONS, AND TO ADOPT THE OFFICIAL ZONING MAPS AND CONDITIONS FOR THE CITY OF ROME AND FLOYD COUNTY. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated that every year Floyd County and the City of Rome go through a number of rezoning requests to change the zoning maps, and every year they adopt changes to the Unified Land Development Code (ULDC) that affect the text of that document. She stated they make those changes as they go along, but on the advice of the attorneys for the city and the county, once a year they readopt all of the maps and readopt the Unified Land Development Code (ULDC) in order to consolidate all of the changes that were 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. Commissioner Wallace made a MOTION to Adopt an Ordinance Adopting the Unified Land Development Code (ULDC) for the City of Rome and Floyd County regarding the establishment of zoning districts and development regulations, and to Adopt the Official Zoning Maps and Conditions for the City of Rome and Floyd County. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**2. REVISE OR DELETE ARTICLE 4.1.3
CONCERNING LOCATION AND ACCESS
FOR PLACES OF WORSHIP. (PLANNING
COMMISSION RECOMMENDATION:
APPROVE [VOTE: 8-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the proposed changes. Ms. Hiller stated they have some special conditions in the Unified Land Development Code (ULDC) that apply to churches and other religious facilities. She stated these conditions include that the buildings must be set back from residential property lines 50 feet, and the parking lots must be set back from residential property structures 20 feet. She stated the conditions also require that their access be from an arterial, which is essentially state and federal highways. She stated the site must contain an acre with 100 feet of frontage on a public street. She believes these were written to address the possibility of mega churches because obviously churches that have huge membership and huge facilities do have an impact on traffic, parking, and activity levels in neighborhoods. She stated they do not actually have a lot of that kind of church development. What they do have is many very small churches. She stated they are in the neighborhoods, they are sometimes in shopping centers, in old office buildings, and occasionally in old warehouses. She stated they do not always have access on an arterial, so that is an element that comes up if they want to improve their parking, build a fellowship center or things of that nature. She stated when they have something that comes to the Board of Adjustment Office, they take it to the Planning Commission, get their recommendation on making a change, and bring it before the Board of Commissioners. She stated the proposed revision will keep the setback 50 feet for buildings from residential, the 20 feet setback for parking areas, removing the requirement that access be from an arterial street, and changing the one-acre and 100 feet requirement. She stated the requirement would then read 'for new

construction on undeveloped ground the site must be at least one acre in size, and have frontage on a public street of 100 feet’.

Chairman Bagwell declared the Public Hearing open. Commissioner Mayes stated a lot of churches are in residential areas, or abutting residentially zoned structures, that are future businesses. In other words, the structures are on a main arterial street and presently zoned residential, but those areas would more than likely turn commercial. He asked could those churches get some type of variance on the parking, setbacks, and such. Ms. Hiller stated yes, and they do deal with that. She stated a lot of times they cannot quite meet those setbacks. She stated that they do try to make sure that the parking requirements can be met, because if there is going to be an impact on an area adjacent a church that is generally where it would be.

Chairman Bagwell asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed. Commissioner Wallace made a MOTION to Adopt an Ordinance to Revise Article 4.1.3 concerning location and access for places of worship. (2013-001ULDC) SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

CHAIRMAN’S REPORT:

1. Citizen Appointments:

a. Floyd-Rome Urban Transportation Study (FRUTS) Citizen Advisory Committee.

Chairman Bagwell made a MOTION to Appoint James Howell to fill the slot currently held by Richard Garrett as a holdover appointment, and for a full 2-year term on the Floyd-Rome Urban Transportation Study (FRUTS) Citizen Advisory Committee, expiring December 31, 2015. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

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

No Report.

4. Water Committee – Commissioner Maxey, Chairman

a. Authorize Purchase of Neptune Auto-Read Water Meters from Delta Municipal Supply, as Sole Source Provider.

Chairman Bagwell stated Commissioner Fricks Chaired the Water Committee meeting for Commissioner Maxey in his absence. Commissioner Fricks stated the Water Committee recommends purchasing Neptune Auto-Read Meters from Delta Municipal Supply, as a sole source provider. He stated the water department has been purchasing their meters from Delta Municipal Supply for a number of years, in order to stay consistent with the brands and type of meters installed.

Commissioner Fricks made a MOTION to Authorize the Purchase of Neptune Auto-Read Water Meters from Delta Municipal Supply, as Sole Source Provider for 2013. SECOND by Commissioner Mayes

Discussion: Chairman Bagwell asked Interim Manager Burkhalter how they were coming along on the meter change out project. Interim Manager Burkhalter stated he believes the 2013 year is the last year of the initial change out period. He stated then they will start at the beginning replacing the meters that started this entire replacement process. Commissioner Fricks stated the project is less than ten percent from completion. Chairman Bagwell stated it is all about being more efficient. He stated the Water Department does a great job, as do their other county partners, at being as efficient as they can be. VOTING:

YES

NO

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

5. Judicial Services Committee (CJIS) – Commissioner Wallace

No Report.

6. Special Committee Reports

a. Fire Overview Committee – Commissioners Fricks and Mayes

No Report.

b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks

No Report.

c. Joint Development Oversight Committee – Chairman Bagwell and Commissioner Fricks

No Report.

d. Joint Solid Waste Oversight Committee – Chairman Bagwell and Commissioner Fricks

No Report.

e. SPLOST Committee – Commissioner Wallace

1) Appointments to 2013 SPLOST Citizen Committee.

Commissioner Wallace stated the Commissioners asked the citizens of our community to enter applications if they were interested in serving on the SPLOST Committee. She stated they received twenty applications, and from those applications, they are ready to choose six people. Each Commissioner had an opportunity to look at all of the applications. She stated after reviewing the applications, they were able to choose those six people. Commissioner Wallace reported that the City of Cave Spring selected J. C. Boehm as its appointee.

Commissioner Wallace made a MOTION to Appoint Jim Bojo, Brad Doyle, James (Jim) Howell, Eric Hunt, Lee Rush, Greta Willoughby as Floyd County Board of Commissioners appointees to the 2013 SPLOST Citizen

Committee, and to appoint David Newby to serve as Chairman of the Committee . SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Commissioner Wallace reported that she anticipated that the City of Rome would vote to appoint David Newby as Chairman as well.

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.

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

1. Tax Refunds:

- a. Gene G. Davidson, 92 Twin Lake Rd, \$122.27
- b. Leroy G. Steele, 436 Pearson Rd NW, \$163.12

2. Adopt Resolution Approving and Authorizing Execution by Chairman of Quit Claim Deed between Floyd County and Richard F. Chambers and Cheryl McReynolds Chambers, for .07 acres being in Land Lot 272 of the 23rd District and 3rd Section of Floyd County.

3. **Authorize Execution by Chairman of waiver of personal service and statutory notice requirements related to the upcoming condemnation (9½ Pennington) related to construction, operation, and maintenance of improvements for public school purposes.**
4. **Adopt Resolution Approving and Authorizing Execution of Third 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:

**1. CONSIDER RECOMMENDATION
FROM ROME-FLOYD COUNTY PARKS
& RECREATION AUTHORITY TO USE
\$3,000.00 FROM THE COUNTY CAPITAL
RESERVE FUND FOR THE PURCHASE
OF SIX (6) DIGI CELLS:**

Interim Manager Burkhalter stated they have received a recommendation from the Rome-Floyd Parks & Recreation Authority to use \$3,000.00 from the Capital Reserve Fund to purchase six (6) digi cells.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Approve the recommendation from Rome-Floyd Parks & Recreation Authority to use \$3,000.00 from the County Capital Reserve Fund for the purchase of six (6) digi cells. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

4/5 VOTE REQUIRED

**2. ASSESSMENT FOR
JAIL CONTROLS:**

Chairman Bagwell made a MOTION to add the Assessment for Jail Controls Items to the agenda item by 4/5 vote. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Chairman Bagwell asked Interim Manager Burkhalter for a brief review. Interim Manager Burkhalter stated they have discussed this matter with Latta Technical Services, Inc. He stated Latta would provide an assessment outlining options and a recommendation for the county to consider in moving forward with any implementation in refurbishing the controls at the jail. He recommended that the Board approve Latta Technical Services, Inc., to provide a professional assessment in an amount not to exceed \$32,000.00. He stated funding for this study would be paid through the Jail Inmate Benefits Fund.

Commissioner Mayes made a MOTION to Approve the Assessment for Jail controls with Latta Technical Services, Inc., in an amount not to exceed \$32,000.00, to be paid through the Jail Inmate Benefits Fund. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

ATTORNEY'S REPORT:

4/5 VOTE REQUIRED

- 1. ENTER INTO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSION OR
DELIBERATION ON THE APPOINTMENT,
EMPLOYMENT, COMPENSATION, HIRING,
DISCIPLINARY ACTION OR DISMISSAL,
OR PERIODIC EVALUATION OR RATING
OF A COUNTY OFFICER OR EMPLOYEE AS
PROVIDED IN O.C.G.A. §50-14-3(b)(2).**

County Attorney Manning stated it is his understanding that the Board may wish to go into Executive Session to discuss a personnel issue. He stated if they desire to consider that, he would suggest first voting to place the matter on the agenda.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to place on the agenda the item of considering whether to go into Executive Session for the purpose of discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provide in O.C.G.A. §50-14-3(b)(2). SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to enter into Executive Session for the purpose of discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. §50-14-3(b)(2). SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

The Board entered into Executive Session at 6:35 p.m.

Chairman Bagwell reconvened the meeting at 8:10 p.m.

Chairman Bagwell stated during the Executive Session the Commissioners discussed the criteria the Board of Commissioners would use for the hiring of a future County Manager.

ADJOURNMENT:

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN