

August 27, 2013

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
August 27, 2013 6:00 P.M.**

PRESENT: Chairman Irwin Bagwell, Vice-Chairman Larry Maxey, and
 Commissioner Rhonda Wallace.

OTHERS

PRESENT: County Manager Jamie McCord, County Attorney Tommy Manning,
 County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

ABSENT: Commissioners Garry Fricks, and John Mayes.

CALL TO

ORDER: Chairman Bagwell called the meeting to order.

INVOCATION: Commissioner Maxey led the Invocation.

PLEDGE OF

ALLEGIANCE: Commissioner Wallace led the Pledge of Allegiance.

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 Maxey made a MOTION to adopt the minutes of the Caucus and Regular Meeting of August 13, 2013 and Special Called Meeting of August 22, 2013. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Maxey

Chairman Bagwell

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
AUGUST 13, 2013)**

Chairman Bagwell reviewed the procedures for Public Hearings.

Rezoning:

1. FILE #81-2013Z. REQUESTS REZONING FROM HEAVY COMMERCIAL (H-C) TO COMMUNITY COMMERCIAL (C-C) FOR PROPERTY LOCATED ON NEW CALHOUN HIGHWAY, SHANNON. TAX MAP M11X, PARCEL 006. (PLANNING COMMISSION RECOMMENDATION: [VOTE: 8-1])

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director, to provide an overview of the rezoning request. Ms. Hiller stated the subject property is zoned heavy commercial (H-C) with suburban residential (S-R) zoning to the east and west, and is surrounded by heavy industrial (H-I) zoning. She presented photos of surrounding properties that are zoned heavy industrial (H-I) with residences on them along with an aerial photo of the subject property. She stated the property was rezoned from heavy industrial (H-I) to heavy commercial (H-C) in 2003. The current use, which is a retail sales business, has existed there since 2005. She stated it is within the Highway 53 corridor where commercial and industrial zoning is the predominant use. She stated that granting the current request would just accommodate the existing use of the property.

Chairman Bagwell stated that before they begin the Public Hearing, he would like to ask Ms. Hiller if the rezoning has anything to do with any special events on the property. Ms. Hiller stated that the rezoning has nothing to do with special events.

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

Support: Charles Craton, 27 Pear Street, stated he is the owner of High Five Investments, LLC, which owns the property in question. He stated he is here to speak in favor of the rezoning simply because it just matches up with the business that is currently there. He stated that they have a retail store and it is currently zoned heavy commercial (H-C). He stated Ms. Hiller had indicated to him that the property was rezoned heavy commercial as a matter of trying to sell the property prior to his purchasing it. He stated that they are not asking for a more egregious kind of zoning. He stated they are actually asking for a downgrade in the zoning from heavy commercial (H-C) to community commercial (C-C) to put the property in compliance with what the current business really is. He thanked the Board for their attention to this matter.

Opposition: Sara Hiern, 395 Bells Ferry Road, stated that she attended the Planning Commission meeting for the rezoning proposal. She stated that there were a number of citizens from that area in attendance opposed to the rezoning change. She stated that the reason is that they felt it would be very detrimental to their community, which is considered rural and quiet. She stated she feels that this would lead to some development that they do not wish to have in their community. She thanked the Board for their time.

Rebuttal: Mr. Craton stated that it has been communicated in the press that he does have development plans for a potential entertainment complex. He stated what was not clear was where that would be. He stated that he has never stated to anyone that any type of future development for an entertainment complex in the county would be on the property that is currently under consideration. He stated that does not mean that it would not be something that they would look at in the future, but it is certainly not something that he is contemplating at this point.

Chairman Bagwell declared the Public Hearing closed, and called for a motion. Commissioner Wallace made a MOTION to Adopt the Ordinance to Approve the Rezoning from Heavy Commercial (H-C) to Community Commercial (C-C) for property located on New Calhoun Highway, Shannon, Tax Map M11X, Parcel 006.

Discussion: Commissioner Wallace stated she would like to make sure that Ms. Hiern understands that going from heavy commercial (H-C) to community commercial (C-C) does restrict the property much more than what it is currently zoned.

Chairman Bagwell stated he has a question for Ms. Hiller. He stated this is a downgrade so to speak. He asked if he is correct that it would be more restrictive in setbacks than currently allowed. Ms. Hiller stated that is correct. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Maxey

Chairman Bagwell

Motion Carried

Closure of Gray Avenue:

**1. ADOPT ORDINANCE TO
CLOSE GRAY AVENUE:**

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 and called for a motion. Commissioner Maxey made a MOTION to Adopt the Ordinance to close Gray Avenue. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Maxey

Chairman Bagwell

Motion Carried

CHAIRMAN'S REPORT:

1. Citizen Appointments:

a. Northwest Georgia Regional Commission Board of Directors.

Chairman Bagwell made a MOTION to Reappoint Mark Eubanks to the Northwest Georgia Regional Commission Board of Directors, for a 1-year term to expire on September 08, 2014. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

b. Rome-Floyd County Planning Commission.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Appoint Bill Temple to succeed Nathan Roberts on the Rome-Floyd County Planning Commission, for a 5-year term to expire on August 20, 2018. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

2. Appoint Commissioner Garry Fricks, Voting Delegate for 2013 ACCG Legislative Leadership Conference.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Appoint Commissioner Garry Fricks as Voting Delegate for the 2013 ACCG Legislative Leadership Conference. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

COMMISSIONER'S REPORT:

- 1. Administrative/Finance Committee – Commissioner Fricks, Chairman**
 - a. Adopt Resolution adopting a Revised Budget for the Fiscal Year 2013 funds of Floyd County.**

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

No Report.
- 3. Public Works Committee – Chairman Bagwell, Chairman**

No Report.
- 4. Water Committee – Commissioner Maxey, Chairman**

No Report.
- 5. Judicial Services Committee (CJIS) – Commissioner Wallace**

No Report.
- 6. Special Committee Reports**
 - a. Fire Overview Committee – Commissioners Fricks and Mayes**
 - b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks**
 - c. Joint Development Oversight Committee – Chairman Bagwell and Commissioner Fricks**
 - d. Joint Solid Waste Oversight Committee – Chairman Bagwell and Commissioner Fricks**
 - e. SPLOST Committee – Commissioner Wallace**

Commissioner Wallace stated a joint meeting was held on August 22, 2013 between the City of Rome, the City of Cave Spring, and Floyd County. She stated the governing bodies signed the Intergovernmental Agreement. She stated that the SPLOST Committee would be getting together the next group of citizens in order to educate the community. She stated for anyone interested in being involved, contact Allie Freeman from Harbin Clinic, or David Newby, Chairman of the 2013 SPLOST Citizens Committee. She stated that Ms. Freeman will be chairing that event with help from Mr. Newby.

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 Adopt the Resolution approving the Clerk’s Consent Agenda as presented. SECOND by Commissioner Maxey. VOTING:

YES NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

- 1. Tax Refunds:**
 - a. Miguel A Medrano, 223 Burnett Ferry Rd, \$168.43
 - b. Phillip C & Jane F Franssen, 5 Rambling Oaks Dr, \$167.38
- 2. Approve Alcoholic Beverage License, Hannah Allmon, Schroeder’s New Deli, Armuchee, 3170 Martha Berry Highway (Manager Change, Beer).**

MANAGER’S REPORT:

- 1. CONSIDER RECOMMENDATIONS FROM AIRPORT COMMISSION:**
 - a. Adopt Resolution Approving and Authorizing Execution of Work Authorization No. 28 between Floyd County and LPA Group, Inc. for Construction Safety and Phasing Plan (CSPP) for the Obstruction Clearing Project at Richard B. Russell Regional Airport.**

- b. Adopt Resolution Approving and Authorizing Execution of Work Authorization No. 29 between Floyd County and LPA Group, Inc. for Construction Safety and Phasing Plan (CSPP) for the Runway Safety Area Grading Project at Richard B. Russell Regional Airport.**
- c. Adopt Resolution Approving and Authorizing the Award of Bid for Car Rental Services at Richard B. Russell Regional Airport. DEFER**
- d. Adopt Resolution Approving and Authorizing Abolishment of Aircraft Service Worker Position Number 650-008 at Richard B. Russell Regional Airport.**
- e. Adopt Resolution Approving and Authorizing the Creation of Airport Maintenance/Detail Officer Position (Position Number 650-009, Paygrade 112) at Richard B. Russell Regional Airport.**

County Manager McCord stated they have four recommendations from the Airport Commission for consideration by the Board. He stated that Work Authorization No. 28 with the LPA Group, Inc., in the amount of \$6,800.00, is for the Obstruction Clearing Project at the airport. He stated this project is a requirement from Federal Aviation Administration (FAA).

He stated Work Authorization No. 29 with the LPA Group, Inc., in the amount of \$7,745.00, is for the Runway Safety Area Grading Project. He stated both Work Authorizations are part of the Construction Safety and Phasing Plan (CSPP) for the airport.

He stated that the Airport Commission is recommending eliminating an Aircraft Service Worker Position (Position Number 650-008), and creating an Airport Maintenance/Detail Officer Position (Position Number 650-009, Paygrade 112). He stated that this would allow additional inmate labor at the airport for help with maintenance detail and other things that need to take place there.

He stated that item 1.c. regarding car rental services is being deferred.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving the Recommendations from the Airport Commission as follows:

- a. Approving and Authorizing Execution of Work Authorization No. 28 between Floyd County and LPA Group, Inc. for Construction Safety and Phasing Plan (CSPP) for the Obstruction Clearing Project at Richard B. Russell Regional Airport, in the amount of \$6,800.00.
- b. Approving and Authorizing Execution of Work Authorization No. 29 between Floyd County and LPA Group, Inc. for Construction Safety

and Phasing Plan (CSPP) for the Runway Safety Area Grading Project at Richard B. Russell Regional Airport, in the amount of \$7,745.00.

- c. Approving and Authorizing Abolishment Aircraft Service Worker Position Number 650-008 at Richard B. Russell Regional Airport.
- d. Approving and Authorizing the Creation of Airport Maintenance/Detail Officer Position (Position Number 650-009, Paygrade 112) at Richard B. Russell Regional Airport.

SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

The Award of Bid for Care Rental Services at Richard B. Russell Regional Airport was deferred to a later date.

2. ADOPT RESOLUTION APPROVING AND AUTHORIZING CREATION OF ONE (1) FULL-TIME CUSTODIAL POSITION (POSITION NUMBER 455-316, PAYGRADE 105) AND ONE (1) PART-TIME CUSTODIAL POSITION (POSITION NUMBER 455-317, PAYGRADE 105) FOR FACILITIES MANAGEMENT DEPARTMENT.

County Manager McCord stated that this would take the place of the existing contract crew that is currently servicing the cleaning/janitorial needs at the Judicial Building and Law Enforcement Center. He stated Facilities Management would advertise and fill the positions (Position Number 455-316, Paygrade 105 and Position Number 455-317, Paygrade 105).

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Adopt the Resolution Approving and Authorizing the Creation of one (1) full-time Custodial Position (Position Number 455-316, Paygrade 105) and one (1) part-time Custodial Position (Position Number 455-317, Paygrade 105) for the Facilities Management Department. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION APPROVING
AND AUTHORIZING CANCELLATION
OF CONTRACT FOR SERVICES, DATED
FEBRUARY 26, 2008, BETWEEN FLOYD
COUNTY AND MEERS CLEANING
SERVICE, INC. d/b/a CUSTOM CLEANING,
FOLLOWING 30-DAY WRITTEN NOTICE
PURSUANT TO PARAGRAPH 4 OF SAID
CONTRACT.**

County Manager McCord stated that to coincide with the creation of the custodial positions for the Facilities Management Department, it is recommended that the existing maintenance and custodial contract with Meers Cleaning Service, Inc. be cancelled. He stated there is a 30-day out in the contract, which would be effective after the custodial positions have been filled, and proper notice has been given. He stated that Mr. Meers is aware of the county's intent to cancel the contract.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing Cancellation of Contract for Services, dated February 26, 2008, between Floyd County and Meers Cleaning Service, Inc. d/b/a Custom Cleaning, following 30-day written notice pursuant to paragraph 4 of said contract. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

**4. ADOPT RESOLUTION APPROVING
AND AUTHORIZING AWARD OF
BID FOR FLOYD COUNTY SPECIAL
OPERATIONS COMMUNICATIONS
TRAILER EQUIPMENT (2009 SPLOST
PUBLIC SAFETY COMMUNICATIONS
PROJECT).**

County Manager McCord stated that bids were taken for the trailer equipment back in April. He stated they received two bids, one from Williams Communication and the other from Wamar Technology. He stated the low bid at that time was from Williams Communication in the amount of \$90,416.80. He stated that Williams has since negotiated the costs to their line item bid and were able to reduce that amount to \$31,486.80. He stated that this would include retrofitting an existing trailer that they have rather than buying a new trailer. He recommended awarding the bid to Williams Communication for communications trailer equipment and conversion of an existing trailer into a Special Operations Communications Trailer.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Adopt the Resolution Approving and Authorizing Award of Bid for Floyd County Special Operations Communications Trailer Equipment to Williams Communications in the amount of \$31,486.80. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Maxey

Chairman Bagwell

Motion Carried

**5. ADOPT RESOLUTION APPROVING
AND AUTHORIZING EXECUTION
OF FIRST AMENDMENT TO LICENSE
AGREEMENT BETWEEN AMERICAN
TOWER, L.P. AND FLOYD COUNTY.
(2009 SPLOST PUBLIC SAFETY
COMMUNICATIONS PROJECT):**

County Manager McCord stated this is a corrective amendment between American Tower, L.P. and Floyd County to adjust for the ground space dimensions on their current contract for the Heath Mountain tower site. He stated there is no cost to this amendment. It is a cleanup of the actual square footage being used at the site.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing Execution of First Amendment to the License Agreement between American Tower, L.P. and Floyd County (2009 SPLOST Public Safety Communications Project). SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

ATTORNEY'S REPORT:

**1. ADOPT RESOLUTION APPROVING
AND AUTHORIZING EXECUTION
OF RESOLUTION TO CALL FOR
SPLOST ELECTION AND
ISSUANCE/NOT ISSUANCE OF
BONDS, ETC.**

County Attorney Manning stated the proposed resolution before the Board for consideration would: allow for the call for the SPLOST Election and the possible issuance of general obligation bonds; specify the purposes for which the SPLOST proceeds would be used; specify the period of time for SPLOST collection, and the estimated maximum cost of the SPLOST projects; the maximum principal amount of bonds, the purposes for those, and the maximum interest rate. He stated the resolution requests the call of the election by the Floyd County Board of Elections and Registration and it approves of the form of the ballot question for the public in November.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Resolution to Call for SPLOST Election and Issuance/Not Issuance of Bonds, etc. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

ADJOURNMENT:

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

YES

NO

Commissioner Wallace
" Maxey
Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN

**FLOYD COUNTY BOARD OF COMMISSIONERS
CAUCUS
AUGUST 27, 2013 5:00 PM**

Present: Chairman Irwin Bagwell, Vice-Chairman Larry Maxey, and Rhonda Wallace, County Manager Jamie McCord, Assistant County Manager Noah Simon, County Clerk Kathy Arp, County Attorney Tommy Manning, and Comptroller/Finance Director Gary Burkhalter.

Absent: Commissioners Garry Fricks and John Mayes.

Commissioners and staff reviewed items on the agenda for the meeting of August 27, 2013.

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN