

March 25, 2014

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
March 25, 2014                      6:00 P.M.**

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

**OTHERS**

**PRESENT:**                      County Manager Jamie McCord, 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:**              Commissioner Maxey 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 are in order. Commissioner Maxey made a MOTION to adopt the minutes of the Caucus and Regular Meeting of March 11, 2014. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

"              Fricks

"              Mayes

"              Maxey

Chairman Bagwell

Motion Carried

**PROCLAMATIONS:**

**NATIONAL CRIME VICTIMS' RIGHTS WEEK:**

Commissioner Wallace presented Ms. Beth Dabbs, Victim Witness Assistance Program Director, with a Joint City-County Proclamation recognizing April 6

– 12, 2014 as National Crime Victims’ Rights Week. Ms. Dabbs stated this year National Crime Victims’ Rights Week theme is “Thirty Years Restoring the Balance of Justice.” She stated the Victims of Crime Act was developed in 1984.

Ms. Leigh Patterson, District Attorney, stated she would also like to thank the County Commissioners, as well as the City Commissioners, for this proclamation. She stated the Victim Witness staff is the liaison between the victims and the court. She thanked the Board again for their support.

(Proclamation/Resolution Book, Page 50)

## **RESOLUTIONS:**

### **ADOPT RESOLUTION DECLARING CERTAIN REAL ESTATE OF THE COUNTY UNSERVICEABLE AND AUTHORIZING SALE OF SAID PROPERTY THROUGH AN AUCTION, AS SET FORTH IN AN AGREEMENT BETWEEN FLOYD COUNTY AND DEMPSEY AUCTION COMPANY FOR AUCTIONEER SERVICES FOR THE SALE OF SAID SURPLUS REAL ESTATE.**

Chairman Bagwell asked County Attorney Manning for a review of the resolution. County Attorney Manning stated the resolution would declare certain properties owned by the county as surplus, which would make them available to be auctioned. He stated a portion of the resolution also contains authorization for Dempsey Auction Company to contract with the county to conduct the auction.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt a Resolution Declaring Certain Real Estate of the County Unserviceable and Authorizing Sale of said Property through an Auction, as set forth in an Agreement between Floyd County and Dempsey Auction Company for Auctioneer Services for the Sale of said Surplus Real Estate. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

Chairman Bagwell stated the auction has tentatively been set for Wednesday, May 07, 2014 at The Forum. County Manager McCord stated there are fifty-two (52) parcels slated to be auctioned.

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
ON MARCH 11, 2014)**

Chairman Bagwell reviewed the procedures for Public Hearings.

**ULDC AND REZONING REQUEST**

**1. ADOPT UNIFIED LAND DEVELOPMENT  
CODE (ULDC) FOR THE CITY OF ROME  
AND FLOYD COUNTY REGARDING THE  
ESTABLISHMENT OF ZONING DISTRICTS  
AND DEVELOPMENT REGULATIONS, AND  
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 provide an overview of the request. Ms. Hiller stated throughout the year, changes are made to the zoning maps through the rezoning and special use permit process, sometimes with conditions, and changes are made to the ULDC text through the text amendment process. The changes have been adopted and incorporated into the ULDC throughout the year. This annual readoption of the ULDC and Zoning Maps reaffirm those changes that were approved in 2013.

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 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 Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**(Readopted ULDC and Official Zoning Maps on File in the Office of the County Clerk)**

**2. FILE #03-2014Z. REQUESTS REZONING FROM AGRICUTURAL RESIDENTIAL (A-R) TO COMMUNITY COMMERCIAL (C-C) FOR CONVENIENCE STORE ON PROPERTY LOCATED ON ROCKMART HIGHWAY. TAX MAP K18, PARCEL 168. (PLANNING COMMISSION RECOMMENDATION: DENY. [VOTE: 8-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director, to provide an overview of the request. Ms. Hiller stated the subject property is approximately 1.4 acres in size, with frontage on Craton Road and Rockmart Highway. She stated the property is currently developed with a single-family dwelling. She stated to the north, east, and west are properties that are zoned agriculture residential, and developed with single-family dwellings. She stated the property to the south is developed with a convenience store that was rebuilt in 2013 following storm damage. She stated that property was rezoned from agriculture residential to community commercial to allow the store to be rebuilt. She stated the current application indicates that a convenience store with gas pumps would be built on the property. She stated the property is in an area where public water is available, but public sewer is not. All other services and utilities are available. She stated the 2010 Flood Insurance Rate Map (FIRM) indicates that the property is not within a flood plain, and that there are no wetlands on the property.

She stated the site plan submitted indicates that development standards could be met, although there is little detail provided and some adjustments may be necessary. She stated rezoning of the property would allow expansion of commercial use, therefore further encroachment of commercial use into a rural residential area. She stated the potential adverse impacts include increased activity, traffic, light, noise, and litter that could occur twenty-four hours a day, seven days a week. She stated when the property to the south was rezoned commercial in 2013, adjacent property owners cited those adverse impacts as the reasons why they did not want that rezoning to take place. She stated rezoning is not consistent with the recommendation of the future land use map, which anticipates residential development on the property. She stated the proposed use and zoning are not supported by new conditions, and are not anticipated by the future land use map because, although the convenience store property to the south was rezoned as recently as 2013, that use has existed since the late 1950's on that property according to tax records.

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

**Opposition: Jewell Johnson, 141 Craton Road,** presented a petition signed by residents of the area opposing the request. She stated the area is all agriculture residential with single-family homes. She stated they certainly do not need the extra traffic on Craton Road. She stated the road is approximately 14 feet wide, which is narrow, and in some areas narrower than that. She stated they have to pull off to side of the road a bit when there are oncoming cars in the more narrow areas, so they are all strongly opposed to this.

**J. W. Chandler, 2246 Penile Hill Road, Decherd, Tennessee,** stated he is from Rome originally. He stated he owns the property that is adjacent to the property in question. He stated he bought the property from Clyde Chester, a former real estate agent, and one of his classmates at Rome High School. He stated he strongly objects to having their renters try to buy a house on either side of their business. He stated their business has been there for about sixty years. He stated it is a nice facility, and he sees no need in having two convenience stores side by side in that area. He stated that it would be detrimental to the value of his property. He stated the new store was built bigger, better, and nicer than it was before. He stated he feels it is a nice addition that the community can be proud of. He stated he would hate to see someone that is leasing the property try to buy a residential house next door to try to take advantage of an established, successful location. He thanked the Board for their time.

**Glenn Johnson, 141 Craton Road,** stated that he has lived at this address for thirty. He stated the main reason that they are opposed is that it is agriculture residential, but the other reason is that there are enough convenience stores in that area already. He stated that the people that are requesting the rezoning for this property run the convenience store on Rockmart Highway at Wax Road. He stated he does not know if they actually own the store, but they do operate it. He stated they would like to see their community remain residential. He does not think that another convenience store is necessary. He stated Mr. Chandler rebuilt his store, which is a nice store, so he sees no reason to have another one. He thanked the Board.

There being no one else to speak in support or opposition, Chairman Bagwell declared the Public Hearing closed, and called for a motion. Commissioner Maxey made a MOTION to Deny the Rezoning Request from Agriculture Residential (A-R) to Community Commercial (C-C) for convenience store on property located on Rockmart Highway. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**AMENDMENT TO THE CODE OF FLOYD COUNTY, GEORGIA**

**3. ORDINANCE TO AMEND CHAPTER  
2-6 OF THE CODE OF ORDINANCES  
OF FLOYD COUNTY, GEORGIA,  
SPECIFICALLY SECTION 2-6-2 AND  
SECTION 2-6-3 REGARDING THE  
BOARD OF ADJUSTMENTS AND APPEALS  
AND ADOPTION OF TECHNICAL CODES  
AND SUPPLEMENTS. (2014-001A)**

Chairman Bagwell asked County Attorney Manning for a review of the proposed amendment. County Attorney Manning stated the ordinance would amend the building code to bring it up to date and in compliance with state law, and would not affect the fees that are currently charged.

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 Wallace made a MOTION to Adopt an Ordinance to Amend Chapter 2-6 of the Code of Floyd County, Georgia, specifically Section 2-6-2 and Section 2-6-3 regarding the Board of Adjustments and Appeals and Adoption of Technical Codes and Supplements. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

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 Bagwell, Chairman**

No Report.

**3. Public Works Committee – Commissioner Wallace, Chairman**

No Report.

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

Commissioner Maxey stated that the work on Glen View Drive should be finished this week, and ready for paving. County Manager McCord stated they have done some grading work on the waterline, but it has been tough weather to work in. He stated that will be the first road that we pave this year.

**5. Judicial Services Committee (CJIS) – Commissioner Wallace**

No Report.

**6. Floyd County Library Board – Commissioner Maxey**

Commissioner Maxey stated they would be discussing the possibility of the Library being open more days at their upcoming meeting.

**7. Special Committee Reports**

**a. Fire Overview Committee – Chairman Bagwell & Commissioner Fricks**

No Report.

**b. Joint Services Committee – Chairman Bagwell & Commissioner Fricks**

Chairman Bagwell stated the Joint Services Committee met yesterday. He stated a Rome-Floyd Parks & Recreation Joint Task Force is being formed to study how other communities handle their recreation facilities. He stated the Task Force will include two county commissioners, two city commissioners, along with county and city staff. He stated he has appointed Commissioner Maxey and Commissioner Fricks to represent the county on the task force. He stated they would use the information collected to help guide them with the completion of the Rome-Floyd Parks & Recreation agreement.

Chairman Bagwell stated another topic of discussion at the meeting was the Emergency Operations Center Agreement with the City of Rome. He stated a draft agreement has been presented to the city and county commissions for review.

**c. Joint Development Oversight Committee – Commissioners Fricks & Wallace**

No Report.

**d. Joint Solid Waste Oversight Committee – Commissioners Fricks & Wallace**

Commissioner Wallace stated the Joint Solid Waste Oversight Committee met this morning. She stated the Committee discussed possibly moving forward with the Recycling Project. She stated the SPLOST Committee would need to discuss the project before bringing it to the Board for action.

**e. 2013 SPLOST Project Overview Committee – Chairman Bagwell & Commissioner Fricks**

Chairman Bagwell stated the new SPLOST collections will begin April 01, 2014. He stated sales tax would increase from 6% to 7%.

**CLERK’S REPORT:**

**Consent Agenda**

**Adopt Resolution to Approve and Authorize Execution Of  
Items Submitted Under the Clerk’s Consent Agenda:**

County Clerk Kathy Arp stated there are seven items on the Clerk’s Consent Agenda. She stated Items 1, 2, 3, 4, 5 and 7 are submitted for approval, and Item 6 will not be considered at this time.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Adopt the Resolution to Approve and Authorize Execution of items submitted under the Clerk’s Consent, as presented by the County Clerk. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**1. Intergovernmental Agreement for the Joint Collaboration of Festival Events at  
Kingston Downs between Floyd County, Georgia and Bartow County, Georgia.**



2. **Quit Claim Deed between Floyd County, Georgia and Dale Allbritton related to that parcel of land designated as Tax Parcel I16X, Parcel 034, being a portion of Block A, Shelby Sims Subdivision.**
3. **Purchase of Neptune Water Meters, Accessories and Parts, from Delta Municipal Supply Company, Inc., as Sole Source Provider for all 2014 purchases of Neptune products by the Floyd County Water Department.**
4. **Purchase of twenty-four (24) Taser X26E, from Taser International, as Sole Source Provider, for the Floyd County Police Department in the amount of \$20,765.20.**
5. **Award of Bid for purchase of six (6) 2014 Dodge Chargers from Don Jackson Dodge, for Floyd County Police Department, in the amount of \$23,136.00 each (total vehicle cost \$138,816.00).**
6. ~~**Intergovernmental Agreement (FY2015 Capacity Agreement) between the Georgia Department of Corrections and Floyd County to house State Offenders at the Floyd County Prison.**~~
7. **Governor's Office of Highway Safety, Georgia Highway Safety Intoxilyzer 9000 Grant Application for Floyd County Police Department.**

**MANAGER'S REPORT:**

1. **ADOPT RESOLUTION TO APPROVE AND AUTHORIZE EXECUTION OF AGREEMENT BETWEEN FLOYD COUNTY AND BLACK CREEK INTEGRATED SYSTEMS CORPORATION FOR THE JAIL CONTROLS UPGRADE PROJECT. (2013 SPLOST)**

Defer.

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**ATTEST:  
COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**KATHY M. ARP, COUNTY CLERK**

**IRWIN BAGWELL, CHAIRMAN**

**FLOYD COUNTY BOARD OF COMMISSIONERS  
CAUCUS**

**March 25, 2014 5:00 PM**

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

Commissioners and staff reviewed items on the agenda for meeting of March 25, 2014.

**ATTEST:  
COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**KATHY M. ARP, COUNTY CLERK**

**IRWIN BAGWELL, CHAIRMAN**