

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
AUGUST 25, 2015 6:00 P.M.**

PRESENT: Chairman Larry Maxey, Vice-Chairman Garry Fricks, Commissioners Scotty Hancock, and Rhonda Wallace.

OTHERS

PRESENT: County Manager Jamie McCord, County Attorney Wade Hoyt, and Interim County Clerk Jaime Armstrong.

ABSENT: Commissioner Irwin Bagwell.

CALL TO

ORDER: Chairman Larry Maxey called the meeting to order.

INVOCATION: Commissioner Rhonda Wallace led the Invocation.

PLEDGE OF

ALLEGIANCE: Commissioner Scotty Hancock led the Pledge of Allegiance.

ADOPTION OF

MINUTES:

Chairman Maxey asked County Attorney Wade Hoyt if the minutes were in order. County Attorney Hoyt stated the minutes have been reviewed and are in order. Commissioner Fricks made a MOTION to adopt the minutes of the Caucus and Regular Meeting of July 28, 2015, Called Meeting of July 29, 2015, Called Meeting of August 04, 2015, and Caucus and Regular Meeting of August 11, 2015. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Hancock
Chairman Maxey

Motion Carried

PUBLIC HEARINGS:

(FIRST READINGS HELD AUGUST 11, 2015)

REQUESTS FOR REZONING & SPECIAL USE PERMITS

- 1. FILE #81-2015Z. REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO COMMUNITY COMMERCIAL (C-C) FOR MARKETING OF PROPERTY ON CALHOUN ROAD. TAX MAP K13W, PARCEL 042. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 8-0].)**

Chairman Maxey asked Ms. Sue Hiller, Rome-Floyd County Planning Department Director, to review the rezoning request. Ms. Hiller stated the subject property is zoned suburban residential, but according to tax data it was developed with a commercial building, she believes it was a welding shop and a parking lot in the 1970's, so it predates the adoption of the Unified Land Development Code (ULDC). She stated however, that use has now been gone for more than twelve months, and nonconforming uses go away after twelve months of inactivity. Surrounding development is mostly single-family dwellings. She stated there is one undeveloped lot south of the subject property that was rezoned from office institutional to community commercial in 2006. A church is located to the south, which is zoned suburban residential. She stated the commercial corridor along Veteran's Memorial Highway is to the north and east. She referenced aerial photos showing the shop on the property and the dwellings around it. She stated the photos also show that there is kind of a mix of use in this area especially as it gets closer to Veteran's Memorial Highway. Services and utilities are available to the property, which is shown on the future land use map as commercial. She added that it is within the urban character area. Granting this request would accommodate retail business. She stated community commercial zoning was chosen for the location because it allows a broad range of commercial uses that could operate twenty-four hours a day, seven days a week. The community commercial district would not allow the welding or repair shops; however, granting the request would allow business use to continue in a largely residential area, so there is some potential for adverse impacts. The property is near the bypass where nonresidential uses are prevalent, and since the Unified Land Development Code was adopted, three properties in the area have been rezoned to community commercial by Floyd County. She stated one property within a hundred feet in 2006, one within three hundred feet in

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2014, and one within seven hundred feet in 2003. While granting the request would allow commercial encroachment into a residential area, the long-standing commercial use, the future land use map, and previous zoning actions in the immediate area provide some support for such a decision. She stated the request comes to the Board with a unanimous recommendation for approval from the Planning Commission.

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

Support: Russell Rogers, 128 Williamson Street, stated he is with Dempsey Auction Company, and they have been hired by the Crowe estate to represent them in selling the property. He stated they are going to sell the real property and the personal property. At this time with the current zoning, it is a little bit limited to what they can do with it. He stated in fact, it is very limited. Some people in the antique business have expressed interest in putting a commercial business there on the property. He stated he thinks it would be easier for them (*Dempsey Auction Company*) to get the current owners the most money for the property if it is commercial zoned, which is their main objective. He added that they appreciate the Board's consideration in the matter, and he would be glad to answer any questions they may have.

Chairman Maxey asked is there anyone else who would like to speak at this time. Seeing none, he declared the Public Hearing closed, and asked if there is any discussion. Commissioner Wallace made a MOTION to adopt an ordinance to approve the request for rezoning from Suburban Residential (S-R) to Community Commercial (C-C) for marketing of property on Calhoun Road. SECOND by Commissioner Hancock. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Hancock		
Chairman Maxey		

Motion Carried

CHAIRMAN'S REPORT:

1. Citizen Appointments

a. Alcohol Control Commission.

Commissioner Fricks made a MOTION to reappoint Spencer Brewer, Post 4, and Lynwood Belvin, Post 5, for a 3-year terms to expire August 31, 2018. SECOND by Commissioner Hancock. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Hancock		
Chairman Maxey		

Motion Carried

b. Forum Advisory Committee.

Chairman Maxey made a MOTION to appoint Jay Shell, Post 5, for a 3-year term to expire August 31, 2017, and Suzanne Dobson, Post 6, for a 3-year term to expire August 31, 2018. SECOND by Commissioner Hancock. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Hancock		
Chairman Maxey		

Motion Carried

c. Georgia Department of Behavioral Health & Developmental Disabilities Board.

Chairman Maxey made a MOTION to appoint Kellie Curry for a 3-year term to expire June 30,

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2018. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Hancock
Chairman Maxey

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Bagwell, Chairman

No report.

2. Public Safety Committee – Commissioner Maxey, Chairman

No report.

3. Public Works Committee – Commissioner Wallace, Chairman

No report.

4. Water Committee – Commissioner Fricks, Chairman

No report.

5. Judicial Services Committee (CJIS) – Commissioner Fricks

No report.

6. Floyd County Library Board – Commissioner Hancock

Commissioner Hancock stated that a motion came before the Board to have a mural painted on one of the walls located outside of the Library. He stated that would take place this Saturday, August 29, 2015. Some students from Berry College are coming together to paint the mural. He stated there were some minor issues with the color tones, which was re-voted on and approved. He stated his understanding was that the mural would be completed in one day, so the wall should be looking very beautiful by Sunday.

7. Special Committee Reports.

a. Fire Overview Committee – Commissioners Bagwell & Fricks

No Report.

b. Joint Services Committee – Commissioners Maxey & Bagwell

No Report

c. Joint Development Oversight Committee – Commissioners Bagwell & Wallace

No Report

d. Joint Solid Waste Oversight Committee – Commissioners Bagwell & Wallace

No report

e. SPLOST Project Overview Committee – Commissioner Maxey & Bagwell

County Manager McCord stated they are progressing on the engineering phase of the Everett Springs Project for the water system in that area. He stated they are narrowing in on one of the pump sites though they are still diligently looking for a tower site or a tank site to find properties available for that. It is a little bit more difficult with the elevation requirements to get the head pressure that is required for that system. He stated everything is going well, and they are hoping to have something to bring before the Board in the next meeting or so. The Jail Controls Upgrade Project, which he would have more of an update on later in the meeting, is probably within two weeks of completion. He stated obviously they would be moving into Jail Medical shortly after that is completed. This has ended up

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being a good project. He stated once they address the last bit of clean up later in the meeting and the project is complete, they will be in good shape moving forward. He added that they would be receiving proposals on the Animal Control project next week from the four finalists. He stated they have ten days to review those proposals, and interviews will be held with each of the individuals on September 10, 2015 at the EOC Training Room. They are looking forward to reviewing those proposals and moving forward with the interviews. He stated hopefully they will be ready to make a recommendation to the Board in late September.

f. RFPRA Task Force Committee – Commissioners Maxey & Fricks

No report.

CLERK’S REPORT:

Consent Agenda

Interim County Clerk Jaime Armstrong stated there are currently three items on the Clerk’s Consent Agenda for your consideration. Interim Clerk Armstrong requested that all three items be approved as submitted with the exception of deferring the approval of the Self-Service Fuel Licenses for the nine Circle K locations as listed to the September 08, 2015 meeting, and approving only the Alcoholic Beverage Licenses for those locations at this time.

Chairman Maxey called for a Motion. Commissioner Fricks made a MOTION to Approve and Authorize Execution of items submitted under the Clerk’s Consent Agenda as presented. SECOND by Commissioner Wallace. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
“ Hancock		
Chairman Maxey		

Motion Carried

1. **Authorize Execution by Chairman of Quit Claim Deed between Floyd County and James Thomas Manis for redemption of property located on what is commonly known as Blueberry Lane and identified as Tax Map K15Y, Parcel 053.**
2. **Approve request from Tax Commissioner for removal of bills from the Tax Commissioner’s Roll, in the amount of \$11,502.52, and that the taxes be relieved from the books as outlined in the memo from the Tax Commissioner and attached list dated August 17, 2015.**
3. **Applications for Alcoholic Beverage Licenses (Beer & Wine) and ~~Self-Service Fuel Dispensing Licenses:~~**
 - a. **Circle K Stores, Inc. dba Circle K #2723648, Ashley Manchester, 1407 Kingston Highway. (Owner and Manager Change)**
 - b. **Circle K Stores, Inc. dba Circle K #2723647, 1881 Old Calhoun Road. (Owner Change Only)**
 - c. **Circle K Stores, Inc. dba Circle K #2723720, 2995 Cedartown Highway. (Owner Change Only)**
 - d. **Circle K Stores, Inc. dba Circle K #2723564, Brandon Barnett, 3070 Cedartown Highway. (Owner and Manager Change)**
 - e. **Circle K Stores, Inc. dba Circle K #2723522, 3129 Maple Street. (Owner Change Only)**
 - f. **Circle K Stores, Inc. dba Circle K #2723537, Edward Lammert, 4350 Martha Berry Highway. (Owner and Manager Change)**
 - g. **Circle K Stores, Inc. dba Circle K #2723536, 4818 Alabama Highway. (Owner Change Only)**
 - h. **Circle K Stores, Inc. dba Circle K #2723636, Jessica Staney, 500 Burnett Ferry Road. (Owner and Manager Change)**
 - i. **Circle K Stores, Inc. dba Circle K #2723678, Jennifer Godwin, 5880 New Calhoun Road. (Owner and Manager Change)**

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MANAGER'S REPORT:

1. APPROVE AND AUTHORIZE EXECUTION OF ANTENNA SITE AGREEMENT BETWEEN FLOYD COUNTY AND IWISPR, LLC FOR SPACE LEASING AT THE LAKE MARVIN TOWER SITE.

County Manager McCord stated they have been working for several weeks, actually several months with this company at the Lake Marvin site in the northern part of the county. He stated they are an internet service provider that will be providing wireless internet, which is a much needed service in that area. They have had a lot of phone calls and a lot of questions about that after the tower project was completed. He stated the contract has been reviewed, and the insurance is in place. The county would be receiving \$600.00 per month rent with a three percent escalation annually for that contract. He stated this would not be a big impact to the tower; the consultant has confirmed that. The company will have equipment going on the tower; two dishes, five antennas, and one GPS. He stated the transmitters are actually built into the antennas so it was not a big impact, or take up of their space on that tower. They are hoping to follow suit on this again on this tower as well as the other towers throughout Floyd County.

Chairman Maxey called for a Motion. Commissioner Hancock made a MOTION to approve and authorize execution of antenna site agreement between Floyd County and iWispr, LLC, for space leasing at the Lake Marvin Tower Site. SECOND by Commissioner Wallace. VOTING:

YES	NO
Commissioner Wallace	
" Fricks	
" Hancock	
Chairman Maxey	

Motion Carried

2. APPROVE CHANGE ORDER BETWEEN FLOYD COUNTY AND BLACK CREEK INTEGRATED SYSTEMS CORPORATION FOR THE JAIL CONTROLS UPGRADE PROJECT (2013 SPLOST).

County Manager McCord stated he has had many conversations with each of them (*Commissioners*) individually and as a group for several months now trying to clean up a few things with that contract. He stated there was nothing that they really disagreed with. They only disagreed with where some of the debits and credits were being put toward, what was going to the base contract, and what was going to contingency. He and Finance Director/Comptroller met with officials from Black Creek Integrated Systems and the Sheriff's Office several weeks ago in early August. He stated to summarize, they have a contingency balance of \$57,203.00 as of today, and with the credits and debits added to that it will go to a - \$7,253.00, which means there will be \$7,253.00 over the approved \$100,000.00 contingency. However, the base contract as of today is at \$89,281.00 remaining to be billed. He stated it will actually increase to a net of \$130,483.00. They have used up all of the contingency plus an additional \$7,200.00, but they will have \$40,000.00 left over in the base contract as long as they do not have any other issues arise in the next couple of weeks. He stated if there is an issue, the money is available in the project. They can come back to either his office or the Board with an amendment depending on the amount, which puts it all in the correct order so they can track everything going forward and have a proper audit.

Chairman Maxey called for a Motion. Commissioner Wallace made a MOTION to approve Change Order between Floyd County and Black Creek Integrated Systems Corporation for the Jail Controls Upgrade Project (2013 SPLOST). SECOND by Commissioner Fricks. VOTING:

YES	NO
Commissioner Wallace	
" Fricks	
" Hancock	
Chairman Maxey	

Motion Carried

3. BOARD OF EQUALIZATION PAY INCREASE.

County Manager McCord stated this is a recommendation from Barbara Penson, Clerk of Superior Court, to increase the per day payment from \$67.00 to an \$80.00 flat rate for all members of the Board of Equalization. He stated that currently the Board of Equalization pay is \$67.24 per day for a regular member and \$73.04 for the Chairman. Ms. Penson is having a difficult time attracting people to serve in this role, which is a very important role. He stated this is a very large geographic community with

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a lot of square miles and a lot of parcels. He thinks it is critical that she is able to keep the rate competitive to get people to assist and serve on this board. He stated the impact on an annual basis for this increase would be \$15,060.00 so it is not an impact to the budget whatsoever; she does have this money budgeted and it would certainly be much less than that for the remainder of the year. She did a good job of providing what surrounding communities pay. He thinks their comparison was a little low, but this will get them to where they need to be going forward.

Chairman Maxey called for a Motion. Commissioner Wallace made a MOTION to approve the Board of Equalization pay increase of \$80.00 per day flat rate effective September 1, 2015. SECOND by Commissioner Hancock. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Hancock		
Chairman Maxey		

Motion Carried

ADD ITEM #4 TO AGENDA BY 4/4 VOTE

4. APPROVE AND AUTHORIZE EXECUTION OF CONTRACT OF EMPLOYMENT FOR FLOYD COUNTY ASSISTANT MANAGER/COMPTROLLER.

County Manager McCord stated he is ahead of schedule a little on his schedule, probably a bit behind on their schedule, but he is ready to recommend Gary Burkhalter as Assistant County Manager/Comptroller. He stated per the County Attorney's recommendation, they would need to vote to add to approval of that contract to the agenda by 4/4 vote.

Chairman Maxey called for a Motion. Commissioner Wallace made a MOTION to add approve and authorize execution of Contract of Employment for Floyd County Assistant Manager/Comptroller to the agenda by 4/4 vote. SECOND by Commissioner Hancock. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Hancock		
Chairman Maxey		

Motion Carried

County Manager McCord stated Gary Burkhalter comes to them with tons of experience, thirty-three years overall. He stated he has served as a big help to him over the past eleven months wearing two hats, one in Finance and one in the Manager's Office, as they have had some vacant positions. He could not be more pleased with Mr. Burkhalter's dual role efforts in helping carry out the duties that the Board places upon him. He stated they are really excited about making this permanent. The contract they have before them would be effective today. He stated the annual salary would \$112,000.00. He would be provided a vehicle allowance as well as a \$100.00 phone allowance. He stated they would also be looking at some conversion on his retirement going forward from his time with the city. He would like to add that the Comptroller title that they have decided to keep in place gives them a chief internal auditor position. He stated hopefully they would never have to utilize that, but he would carry the chief auditor responsibility for the entire county covering all offices.

Commission Wallace stated before they make a motion she would just like to clarify that the change they discussed in Caucus would be included in the contract. County Manager McCord stated yes, the contract would include the change in severance from two months to three months.

Chairman Maxey called for a Motion. Commissioner Wallace made a MOTION to approve and authorize execution of Contract of Employment with Gary Burkhalter as Floyd County Assistant Manager/Comptroller with noted amendment as presented. SECOND by Commissioner Hancock. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Hancock		

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Chairman Maxey

Motion Carried

ATTORNEY'S REPORT:

No report.

ADJOURNMENT:

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

YES NO

Commissioner Wallace
" Fricks
" Hancock
Chairman Maxey

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

LARRY N. MAXEY, CHAIRMAN

FLOYD COUNTY BOARD OF COMMISSIONERS

CAUCUS

August 25, 2015 5:00 PM

Present: Commissioners Garry Fricks, Scotty Hancock, Larry Maxey, and Rhonda Wallace, County Manager Jamie McCord, County Attorney Wade Hoyt, Interim County Clerk Jaime Armstrong, and Comptroller/Finance Director Gary Burkhalter.

Absent: Commissioner Irwin Bagwell.

Judy Jacks, 3949 Rome Road, Plainville, was present to discuss issues and voice concerns related to personal property taxes. Public Works Director Michael Skeen and NWGRC Community and Economic Development Representative Delmas Stone were present to discuss the Lindale CDBG.

Commissioners and staff reviewed items on the agenda for the meeting of August 25, 2015.

FLOYD COUNTY BOARD OF COMMISSIONERS

LARRY N. MAXEY, CHAIRMAN