

September 12, 2006

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
September 12, 2006 2:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners Tom Bennett, Garry Fricks, and Jerry Jennings.

OTHERS

PRESENT: County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Sammy Rich.

ABSENT: Commissioner Hufstetler was absent.

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

INVOCATION: County Manager Poe led the Invocation.

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

PUBLIC PARTICIPATION:

Cory Cavender, 10 Arrowhead Drive, was recognized for his attendance. He stated he was here for Boy Scouts. He is working on citizenship in the community and he needed to attend a commission meeting. He stated he is with Troop 34 that meets at the First Presbyterian Church.

ADOPTION OF MINUTES:

Chairman Mayes asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Bennett made a MOTION to adopt the minutes of the Regular Meeting of August 22, 2006 as presented. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

PROCLAMATIONS:

**CONSTITUTION WEEK,
SEPTEMBER 17-23, 2006:**

Commissioner Jennings presented a Proclamation recognizing September 17-23, 2006 as Constitution Week to Melodye Brown, Xavier Chapter, Daughters of the American Revolution. Ms. Brown stated they are working in Rome and Floyd County to focus citizens on the celebration of the Constitution as it guarantees their basic rights as citizens. She stated their Chairman for Constitution Week is Mary Margaret Mallor. She stated there will be displays at the Rome History Museum and in the Children and Adult sections of the library. They have contacted and provided information packets to 41 schools, 30 churches and the local media. She stated local churches will be participating in Bells Across America, which is the ringing of the bells at 2:00 pm on Monday, September 18th. The DAR encourages citizens to reflect on their rights and privileges as Americans that are guaranteed by the Constitution and to celebrate being an American.

(Resolution/Proclamation Book, page 87)

**INTERNATIONAL LITERACY
DAY, SEPTEMBER 8, 2006:**

Commissioner Jennings presented a Proclamation to Susan Cooley proclaiming September 8, 2006 as International Literacy Day and the month of September as Literacy Month in Rome and Floyd County. Ms. Cooley stated she is a member of the Rome/Floyd County Alliance for Illiterate Workforce. They believe that everyone in Floyd County and in Georgia should have a chance to learn how to read and to speak English.

(Resolution/Proclamation Book, page 88)

**RECOGNIZE WATER DEPARTMENT
EMPLOYEES WHO ASSISTED THE CITY
OF CAVE SPRING IN REPAIRING A
WATERMAIN BREAK ON AUGUST 7,
2006:**

Commissioner Jennings asked Steve Hulsey, Water Department Director, to share with the Board what happened on August 7, 2006. Mr. Hulsey stated the City of Cave Spring had a major water break that happened around 9:30 that morning. He stated by 4:00 that afternoon they were still trying to get this fixed, but they did not have the equipment to do it with so they called and asked for the County Water Department's help. He stated they went down there at 4:00 that afternoon and they finished at 4:00 the next morning. He stated the major main that goes to their spring and up to their water tank was broken and these guys went down to Cave Spring and stayed with it until they got them back in water. Commissioner Jennings stated Mr. Hulsey received a letter from Rob Ware, the mayor of the City of Cave Spring, thanking them for their prompt response for his

request for assistance as they faced a desperate situation on August 7th. The Board presented John Boyd, Brian Dempsey, Jeff Earwood, Paul Grady, Joey Hazelwood, Dennis McCain, Bryan Parris and Wess LeFurgey with a Certificate of Appreciation “in recognition and appreciation of the diligent efforts demonstrated in assisting the City of Cave Spring on August 7, 2006 to repair a watermain break and restore vital service to their customers.”

FIRST READINGS

**(SECOND READINGS/PUBLIC HEARINGS
TO BE HELD OCTOBER 10, 2006 AT 2:00 PM):**

- 1. FILE #90-2006Z, REQUESTS REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO M-R (MULTI-FAMILY RESIDENTIAL) FOR MARKETING PURPOSES OF PROPERTY LOCATED AT 1643 OLD SUMMERVILLE ROAD. ZONING MAP J10Y – PARCEL 120. (PLANNING COMMISSION RECOMMENDATION: APPROVE TO D-R (DUPLEX RESIDENTIAL) [VOTE: 9-0]):**
- 2. FILE #92-2006Z, REQUEST REZONING FROM D-R (DUPLEX RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL) TO INSTALL SINGLE FAMILY MANUFACTURED HOME ON PROPERTY LOCATED AT 80 HENNON DRIVE. ZONING MAP J11X – PARCEL 184. (PLANNING COMMISSION RECOMMENDATION: TABLE [VOTE: 9-0]):**
- 3. FILE #93-2006Z, REQUEST REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL) FOR MARKETING PURPOSES OF PROPERTY LOCATED AT 600 BIDDY ROAD. ZONING MAP M15 – PARCEL 013B. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-1]):**
- 4. FILE #94-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING PURPOSES OF PROPERTY LOCATED AT 2501 CALLIER SPRINGS ROAD. ZONING MAP J140 – PARCEL 194. (PLANNING COMMISSION RECOMMENDATION: APPROVE TO N-O-C (NEIGHBORHOOD OFFICE COMMERCIAL) VOTE: 9-0]):**

ULDC REVISIONS:

- 1. DELETE THE EXISTING PERIOD ON THE END OF THE SENTENCE AND ADD TO ARTICLE 1.4.3 a. (2)(b) AND TO .2 b. (2)(b) THE FOLLOWING: ; PROVIDED HOWEVER, THAT A TRIPLEX DWELLING CONSTRUCTED PRIOR TO ADOPTION OF THIS CODE (DATES) MAY BE REPAIRED, REBUILT OR REPLACED AFTER DAMAGE EXCEEDING 50%; AND MAY BE RE-ESTABLISHED AFTER ITS REMOVAL FROM THE PROPERTY OR ITS DISCONTINUANCE FOR 12 MONTHS OR MORE AS A USE PERMITTED BY RIGHT IN THE D-R (DUPLEX RESIDENTIAL) ZONING DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-1]):**
- 3. REVISE ARTICLE 2.2.6 a. TO READ AS FOLLOWS: ANY APPLICATION FOR REZONING, SPECIAL USE PERMIT, OR DEVELOPMENT OR BUILDING PERMIT THAT WOULD RESULT IN AN ACTIVITY OR PROJECT THAT MEETS OR EXCEEDS ANY OF THE STATE OF GEORGIA THRESHOLDS SHALL BE CONSIDERED A DEVELOPMENT OF REGIONAL IMPACT. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]):**
- 4. DELETE ARTICLE 2.8.1 a. THROUGH b AND REPLACE WITH THE FOLLOWING: THE BUILDING CODE ADOPTED AND ENFORCED BY THE CITY OF ROME AND FLOYD COUNTY SHALL INCLUDE THOSE MANDATED BY THE STATE OF GEORGIA; AND MAY INCLUDE THOSE APPROVED BY THE STATE. BUILDING CODES MAY BE REVISED FROM TIME TO TIME AS MANDATED OR APPROVED BY THE STATE. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CHANGE OF ADDING “RESPECTIVELY” AFTER THE WORD “COUNTY”. [VOTE: 9-0]):**

Chairman Mayes stated Second Readings/Public Hearings will be held Tuesday, October 10, 2006 at 2:00 P.M. for these items on First Readings.

**SECOND READINGS/PUBLIC HEARINGS
(FIRST READINGS HELD AUGUST 22, 2006):**

- 1. ORDINANCE TO AMEND FLOYD COUNTY CODE
RELATED TO ANIMAL CONTROL (2006-006A):**

Chairman Mayes called for a motion to open the Public Hearing. Commissioner Jennings made a MOTION to open the Public Hearing. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Chairman Mayes stated the Public Hearing is now open and asked for a brief presentation. Scotty Hancock, Animal Control Director, stated when he took over as Director of Animal Control, he started looking at the Georgia state laws. One of the state laws is the Dangerous Dog and Potentially Dangerous Dog Ordinance. He stated one of the proposed revisions is implementing this into the county ordinance to give Floyd County Animal Control the means of enforcing it. He stated the ordinance is not breed specific. Mr. Hancock provided an overview of the proposed Amendments to the code.

Barbara Whiteside, 5A Oakcrest Trail, asked Mr. Hancock about a recent incident that was reported in the newspaper involving a German Shepard, where a person was contacted several times before the animal was brought under control. She asked how many times will that be before they will do it now, would it be the first time out when the dog bites or attacks. Mr. Hancock stated with the proposed Dangerous Dog Ordinance they would be able to go out and that dog would have been deemed potentially dangerous on the first time. Ms. Whiteside stated this is a good ordinance to go ahead and enact. It will protect good dogs, or good animals, and protect the public too.

Rodney Dillard, 324 Ridgedale Drive, Silver Creek, stated he got some bad information. He stated he read the newspaper and it said that they were targeting a specific breed of dog. He stated Mr. Hancock explained that to his satisfaction, but he does have a question as far as the aggression. He stated certain breeds of dogs are more aggressive towards other dogs. He stated would that lead the dog to be deemed a dangerous dog because they do not like other dogs, or are they talking about people? Mr. Hancock stated the way the ordinance is written it is just referring to people not other dogs. He stated this is covered under the Nuisance section of the ordinance.

Ann and Hoyt Crews, 2699 Chulio Road SE, stated they have had American Bulldogs for 15 years, and she believes she has had her questions answered already.

Chairman Mayes called for a motion to close the Public Hearing. Commissioner Bennett made a MOTION to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

Commissioner Bennett made a MOTION to amend the following sections of the Animal Control Ordinance: Sections 2-5-1, 2-5-22, 2-5-25, 2-5-37, 2-5-41, 2-5-42, 2-5-43 and 2-5-44 to read as presented in their packet. SECOND by Commissioner Jennings. County Manager Poe stated Section 2-5-40 also deals with investigations by Animal Control Officers notice of classification as a dangerous dog. County Attorney Manning stated we also need to add to Chapter 2-5, the Title called Article III, Dangerous Dogs. Commissioner Bennett AMENDED his MOTION to include Section 2-5-40 and the addition of the Title, Article III, Dangerous Dogs. Commissioner Jennings seconded the AMENDED MOTION. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

County Manager Poe requested to go out of order to allow Gary Burkhalter, Comptroller/Finance Director, to review the proposed budget revisions.

MANAGER'S REPORT:

5. Review proposed mid-year budget revisions.

Mr. Burkhalter reviewed the proposed Revised FY 2006 Budget and gave an in depth summary of each line item. Commissioner Bennett stated they talked before about trying to find out why the revenues they have projected are down. Mr. Burkhalter stated he does not have the answer today, but the internal auditor is working on this and they should have a report from him soon, they will then be able to give them more information after he completes his review.

Mr. Burkhalter stated the amount of the proposed change is the change between the first revised budget and the second revised budget, showing where the changes have been made and how much they have increased and decreased each of those categories. Following the review, County Manager Poe stated if the Board is comfortable with what was presented, he would recommend approval of the Revised Budget as submitted. Commissioner Bennett stated he did not see the total, what does that do the fund balance at the end of the year? County Manager Poe stated they are budgeting less use of fund balance, a reduction of \$95,646 from the revised budget. He stated they start off with the original budget, the first revised budget is all approved changes that the Board has made throughout the year, and then they come back with what is listed as the second revised budget. He stated the bottom line is they are projecting to use less fund balance than what they budgeted at the beginning of the year.

Commissioner Fricks made a MOTION to approve the Revised Budget as presented. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

CHAIRMAN'S REPORT:

1. Discuss proposed parking deck next to The Forum.

Following a lengthy discussion, the Board will continue to discuss ways to proceed with this project. No action was taken.

Chairman Mayes called for a 5-minute recess.

2. Appointment to Rome-Floyd Parks and Recreation Authority to fill unexpired term of Randy Davis (5-year term, expires June 30, 2007).

Chairman Mayes stated the recommendation is to appoint Terri Waters. Commissioner Fricks made a MOTION to appoint Terri Waters to fill the unexpired term of Randy Davis on the Rome-Floyd Parks and Recreation Authority. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks

" Jennings
" Bennett
Chairman Mayes

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

No Report.

2. Public Safety Committee – Commissioner Bennett, Chairman

No Report.

3. Public Works Committee – Commissioner Mayes, Chairman

No Report.

4. Water Committee – Commissioner Jennings, Chairman

No Report.

5. Special Committee Reports

a. Consolidation Task Force (Fricks/Hufstetler)

No Report.

a. Parking Committee (Fricks/Bennett)

No Report.

a. SPLOST Committee (Jennings)

No Report.

a. Alternative Sentencing Committee (Jennings, Fricks, Mayes)

1) Discuss setting up Committee to Review Architectural Proposals.

Chairman Mayes appointed Commissioner Tom Bennett and Commissioner Jerry Jennings to the Architectural Review Committee for the Work Release Center.

a. Fire Overview Committee (Bennett, Mayes)

No Report.

**CLERK'S REPORT:
Consent Agenda**

County Clerk Kathy Arp stated there is one item on the Clerk's Consent Agenda, which has been reviewed and is submitted for approval. Commissioner Bennett made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

1. Tax Refunds:

- a. Kithmin & Krishani Samaraweera, 109 Bent Creek Drive, \$214.19

MANAGER'S REPORT:

**1. AWARD BID FOR PURSUIT VEHICLES
FOR SHERIFF'S DEPARTMENT. (DEFERRED
JULY 25, AUGUST 8 AND AUGUST 22, 2006):**

No Action – Item to be removed from Agenda.

**2. CONSIDER REQUEST FOR ADDITIONAL PERSONNEL
FROM VARIOUS DEPARTMENTS. (DEFERRED
JULY 25, AUGUST 8 AND AUGUST 22, 2006):**

County Manager Poe stated they heard a presentation during Caucus from the Sheriff on his request for personnel. He stated they also have some other departmental requests that will be considered at a later date.

Commissioner Jennings made a MOTION to authorize the hiring of 5 new jail officers and 1 NCIC clerk in the Floyd County Sheriff's Department. SECOND by Chairman Mayes. VOTING:

YES NO

Commissioner Fricks
" Jennings

" Bennett
Chairman Mayes

Motion Carried

**3. AWARD BID FOR CONSTRUCTING AND
INSTALLING WAYFINDING AND SIGNAGE
SYSTEM IN DOWNTOWN ROME:**

County Manager Poe stated bids were accepted for constructing and installing a Wayfinding and Signage System in Downtown Rome. He stated this will be a joint project with the City of Rome. They will have a number of directional signs all over the downtown area that will direct people to all the governmental facilities, as well as having building identification signage on all the governmental buildings downtown. He stated they budgeted \$50,000 in anticipation that this would be about a \$100,000 project. The low bidder was Architectural Signing out of Atlanta, in an amount of \$81,054.14. He stated there were a couple of 'you are here' locator maps that were not included in their proposal and those would cost around \$9,000. He stated even with the addition of those signs that they left out of their bid they were still the low bidder. He stated he would recommend they award the project to Architectural Signing in the amount of \$90,000. The City of Rome will pay half, \$45,000, and the county will pay \$45,000. County Manager Poe noted this is \$5,000 less than the original budget.

Commissioner Bennett made a MOTION to accept the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

**4. AWARD BID FOR PLAYGROUND FACILITIES
FOR NORTH FLOYD AND MIDWAY PARKS
(2003 SPLOST):**

County Manager Poe stated the Recreation Department accepted requests for proposals for playground equipment for North Floyd Park and Midway Park. He stated several proposals were submitted and reviewed. The recommendation of the Recreation Authority is that the playground equipment be awarded to Hasley Recreation and Design, Inc., Option #2, which was a total amount of \$59,530.

Commissioner Bennett made a MOTION to award purchase of playground equipment for North Floyd and Midway Park to Hasley Recreation and Design with SPLOST funds in the amount of \$59,530. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES NO

Commissioner Fricks
" Jennings
" Bennett
Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JOHN MAYES, CHAIRMAN