

**February 13, 2007**

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
February 13, 2007                      2:00 P.M.**

**PRESENT:**                Vice-Chairman John Mayes, Commissioners Eddie Lumsden, and Chad Whitefield.

**OTHERS**

**PRESENT:**                County Attorney Virginia Harman, Deputy Clerk Jaime Foster, County Manager Kevin Poe, and Assistant Manager Ron Roberts.

**ABSENT:**                Chairman Jerry Jennings, Commissioner Garry Fricks, County Attorney Tommy Manning, and County Clerk Kathy Arp.

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

**INVOCATION:**        Commissioner Lumsden led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:**        The Pledge of Allegiance was led by Commissioner Whitefield.

**PUBLIC PARTICIPATION:**

Chairman Mayes recognized the Leadership Rome Participants present for the meeting.

**ADOPTION OF  
MINUTES:**

Chairman Mayes asked if the minutes were in order. County Attorney Virginia Harman stated the minutes had been reviewed and were in order. Commissioner Whitefield made a MOTION to adopt the minutes of the Regular Meeting of January 23, 2007 and the Reconvened Meeting of January 30, 2007. SECOND by Commissioner Lumsden. VOTING:

YES                      NO

Commissioner Lumsden  
"                      Whitefield  
Chairman Mayes

Motion Carried

**PROCLAMATIONS:**

## **2007 YEARS OF SERVICE AWARDS**

Chairman Mayes stated they have Years of Service Awards to present. County Manager Kevin Poe asked the Commissioners to join him in recognizing the following employees for their years of service to Floyd County:

	Thomas A. Shiflett, Floyd County Police Department	35
Years		
	Jerry F. Boyd, Floyd County Police Department	35
Years		
	Arthur W. Smallwood, Floyd County Police Department	35
Years		
	Sandra J. Fowler, Human Resources	25 Years
	Kenneth B. Lackey, Tax Assessor	25 Years
	Arthur C. Camp, Public Works	25
Years		
	David W. Carroll, Public Works	25
Years		
	Karen H. Blanton, Tax Assessor	25
Years		
	James C. Sutherland, Prison	20 Years
	DeWayne C. Weeks, Public Works	20 Years
	Elizabeth Underwood, Cooperative Extension	20
Years		

County Manager Poe thanked the employees for their hard work, and stated they are all appreciated.

## **RECOGNIZE FINANCE DEPARTMENT STAFF FOR GFOA AWARD OF FINANCIAL REPORTING ACHIEVEMENT.**

County Manager Poe asked that the Floyd County Finance Department join them. He stated they would like to recognize and congratulate them for receiving the Award of Financial Reporting Achievement from the Government Finance Officers Association. This award is presented to those Government units whose annual financial reports are just and adhere to program standards. He stated it represents the highest award in Government Financial Reporting. He presented the award to Gary Burkhalter, Finance Director.

Mr. Burkhalter introduced Pam Shiflett, Office Manager, Jennie Leonard, Chief Accountant, Brenda Hancock, Accounts Payable, Sheryl Allen, Accounts Payable, Melanie Shirley, Accountant, and John Ware, Internal Auditor. County Manager Poe stated they appreciate them and they very much deserve this award. He stated they have

received this award for the past 10 or 15 years and most of this staff has been with the county during that time.

**ARBOR DAY, FEBRUARY 16, 2007:**

Chairman Mayes presented the Proclamation to Mary Hardin Thornton and Carolyn Harper recognizing February 16, 2007 as Arbor Day.

(Proclamation/Resolution Book, Page 95)

**RESOLUTIONS:**

County Manager Poe stated both of these Resolutions are a process the county is going through to close two roads. He stated one is Old Wilbanks Road, which is an abandoned road. The second one is the proposed closure of Summerstone Drive. He stated the developer of the property off of that road would like to privatize the road and make that development a gated community. He stated they need to take separate action on each one because they have separate Resolution for each.

**1. ADOPT RESOLUTION REGARDING THE CLOSURE OF A PORTION OF THE OLD WILBANKS ROAD BETWEEN THE NEW WILBANKS ROAD AND THE EAST ROME BYPASS:**

Commissioner Lumsden made a MOTION to adopt the Resolution regarding the closure of Wilbanks Road. SECOND by Commissioner Whitefield.  
VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**2. ADOPT RESOLUTION REGARDING THE CLOSURE OF SUMMERSTONE DRIVE:**

Commissioner Whitefield made a MOTION to accept the Resolution regarding the closure of Summerstone Drive. SECOND by Commissioner Lumsden.  
VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

County Manager Poe stated let him mention that on both of those there will be a Public Hearing on February 27, 2007 at 6:00 p.m. to consider the closure of those roads at which time the Commission will take action on that.

**FIRST READINGS:  
(SECOND READINGS/PUBLIC HEARINGS  
TO BE HELD FEBRUARY 27, 2007 AT 6:00 PM)**

- 1. FILE #22-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE COMMERCIAL USE ON PROPERTY LOCATED AT 2564 SHORTER AVENUE. ZONING MAP G13W – PARCEL 546. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0]:**
- 2. FILE #26-2007Z, REQUEST REZONING FROM H-C (HEAVY COMMERCIAL) TO H-TR (HIGH DENSITY TRADITIONAL RESIDENTIAL) TO CONTINUE SINGLE-FAMILY USE ON PROPERTY LOCATED AT 420 AND 420½ STRAWBERRY LANE. ZONING MAP J16Y – PARCEL 235. (PLANNING COMMISSION RECOMMENDATION: APPROVE AND REQUEST THE ENTIRE BLOCK BE REZONED. [VOTE: 10 – 0]:**
- 3. FILE #27-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL) FOR TRUCK REPAIR AND MOTOR FREIGHT TRUCK TERMINAL USE ON PROPERTY LOCATED AT 5045 CALHOUN ROAD, HIGHWAY 53 NORTH. ZONING MAP L11W – PARCEL 100. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS OF OBTAINING A SPECIAL EXCEPTION FROM THE ZONING BOARD OF APPEALS, AND ON PROHIBITING CONSTRUCTION AND/OR OPERATION OF A PAINT BOOTH ON THE PROPERTY. [VOTE: 10 – 0]:**

**ULDC REVISIONS**

- 1. REVISE OR DELETE ARTICLE 3.3.2 b(2); ARTICLE 3.4 TABLE 3-1;**

**4.1.12 b(6)(e) AND b(2)(b); 4.1.12 d(1) AND d(4); AND 4.1.12 f(3)  
REGARDING MANUFACTURED HOMES OUTSIDE OF  
MANUFACTURED HOME PARKS. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE [VOTE: 10 – 0]:**

- 2. REVISE ARTICLE 3.3.2 b, c, d, AND e; ARTICLE 3.4 TABLE 3-1;  
AND ARTICLE 4.1.28 CONCERNING ATTACHED SINGLE-FAMILY  
DWELLINGS. (PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE: 10 – 0]:**

Chairman Mayes stated the Public Hearings would be held Tuesday,  
February 27, 2007 at 6:00 P.M. for these items on First Readings.

**CHAIRMAN'S REPORT:**

**1. Appointments:**

- a. Northwest Georgia Region I Emergency Medical Services Coordinating  
Council, 2-year term expires January 15, 2007 (currently held by Tony  
Cooper).**

Chairman Mayes called for a motion regarding this appointment. County  
Manager Kevin Poe stated the recommendation from the Agenda Session was Jim  
Bojo. Commissioner Whitefield made a MOTION to appoint Jim Bojo for  
placement on the Northwest Georgia Region I Emergency Medical Services  
Coordinating Council. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

- b. Zoning Board of Appeals, 4-year term, expires September 30, 2007 (to fill  
slot vacated by resignation of Graham Dixon).**

Defer.

- c. Rome-Floyd 20/20 Committee.**

Defer.

**COMMISSIONER'S REPORT:**

- 1. Administrative/Finance Committee – Commissioner Whitefield, Chairman**
- 2. Public Safety Committee – Commissioner Lumsden, Chairman**
- 3. Public Works Committee – Commissioner Fricks, Chairman**
- 4. Water Committee – Commissioner Mayes, Chairman**
- 5. Special Committee Reports**
  - a. SPLOST Committee**
  - b. Work Release Committee**
  - c. Fire Overview Committee**
  - d. Joint Services Committee**

**No Committee Reports.**

**CLERK’S REPORT:**

**Consent Agenda**

Deputy Clerk Jaime Foster stated there are two items on the Clerk’s Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Mayes made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**1. Tax Refunds:**

- a. ABH Investments, LLC, 4220 Moccasin Trail, \$4.74
- b. William & Donna Bentley, 380 Bethel Church Road, Silver Creek, \$92.23
- c. William L. Blackstock, 6 Clubview Drive, \$69.43
- d. Lamar & Robbie Ann Baker, P.O. Box 492, \$162.05
- e. Jerry & Harleen Blankenship, 218 Pinson Road, \$372.48
- f. Everett L. Bollen Jr., 1878 Big Texas Valley Road, \$46.07
- g. Gail Duncan, 1227 Morris Road, Aragon, \$26.66

- h. Samuel & Sandra Buffington, 1320 Morris Road, Aragon, \$87.49
- i. Sandra Agan Buffington, 1320 Morris Road, Aragon, \$430.56
- j. Roy Edward Cagle, 1061 Cedartown Highway, Rockmart, \$109.32
- k. Florida Tile Industries, P.O. Box 962, Shannon, \$37,044.09
- l. Harris L. & Frances B. Bagley, 100 Parkway Drive, \$7.02
- m. Robert A. Bowling, 7 Gregory Drive, \$355.08
- n. Melanie M. & Robert A. Bowling Jr., 7 Gregory Drive, \$476.51
- o. Allison T. Holcomb, 3 Sagewood Drive, \$24.93
- p. Martin J. Bergstrom, 1 Bridgeview Drive, \$80.48
- q. Ricky Daniel Bennett, 250 Bond Road, Aragon, \$121.28
- r. Richard A. Phillips, P.O. Box 42, Silver Creek, \$161.60
- s. Sandra Jones, 112 Mimosa Drive, \$161.63
- t. Hubert B. & Geverna Stepp, 22 Rivermont Drive, 204.34
- u. William W. Byington Jr., P.O. Box 2369, \$142.76
- v. Sherry D. Lane, 1289 Doyle Road, Cedartown, \$202.22
- w. Jack S. Borden, P.O. Box 1655, Calhoun, \$7.57
- x. Frances M. Davis, 2728 Horseleg Creek Road, \$92.17
- y. Emma M. Butler Trustee, 180 Woodrow Wilson Way, \$23.27
- z. Emma Dean Butler, 180 Woodrow Wilson Way, \$38.49
- aa. Milledgeville Associates Bright-Meyers, 537 Market St. Suite 400 Chattanooga, TN, \$220.54
- bb. Louis N. Huff III, 1752 Blacks Bluff Road, \$7,129.86
- cc. Roger L. Tate, 5859 Big Texas Valley Road, \$30.31
- dd. Montine C. Bartlett, 303 Dodd St., \$4.57

## **2. Malt Beverage Applications:**

- a. **Devin Desai, Mahraj Enterprises, Inc., Mr. C's, 6280 Martha Berry Hwy., Armuchee, Georgia (Convenience Store – Beer & Wine, New)**
- b. **Martin Aguirre, El Alazan Mexican Restaurant, 233 Wax Road, Silver Creek, Georgia (Restaurant – Beer & Wine, New)**

## **MANAGER'S REPORT:**

### **1. ACCEPT PROPOSALS SUBMITTED BY GOLDER ASSOCIATES FOR CONTINUING WATER MONITORING SERVICES AT BERRYHILL LANDFILL AND WALKER MOUNTAIN LANDFILL AND AUTHORIZE EXECUTION OF SAME:**

County Manager Kevin Poe stated before them is a proposal submitted by Golder Associates for Water Monitoring Services at Berryhill Landfill and Walker Mountain Landfill. He stated this comes as a recommendation to enter into a contract with Golder Associates from the Solid Waste Commission.

Commissioner Whitefield made a MOTION to accept the Manager's recommendation for the Proposal submitted by Golder Associates. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**2. AWARD OF BID FOR PAINTING AT STATE MUTUAL STADIUM:**

County Manager Poe stated they recently took sealed bids for painting to be performed at State Mutual Stadium. He stated they received five bids. The low bid was from a company called DACA and their bid amount was \$15,036.00. He recommended awarding the contract to DACA for that amount. He stated the funding will come out of the Stadium Maintenance fund.

Chairman Mayes made a MOTION to approve the Manager's recommendation. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**3. DISCUSS HIRING PROGRAM MANAGER FOR PARKING DECKS/TOWN GREEN/RIVERFRONT PLAZA PROJECT (2006 SPLOST):**

County Manager Poe stated they have taken proposals to hire a Program Manager to manage the Parking Decks/Town Green/Riverfront Plaza Project. He stated they received two proposals, one from Adams Management Services Corporation here in Rome, and the other from Carter out of Atlanta. He stated Adams had the best proposal at the best price. It was for services that will be provided over an 18-month period. He stated the minimum amount of money to be expended would be \$153,000.00 to a maximum of \$198,000.00, plus out of pocket expenses or reimburseables. He stated it would not include any travel expense since their offices are located in within one block of the project. He recommended they award the contract to Adams Management Services Corporation to be Program Manager for the Parking Decks/Town Green/Riverfront Plaza Project.



Commissioner Lumsden made a MOTION to accept the Manager's recommendation concerning the hiring of the Program Manager. SECOND by Commissioner Whitefield.

**Discussion:** County Manager Poe stated part of this will be paid for with SPLOST money. He stated the Program Management Services will be paid for with SPLOST money. He stated one of the parking decks is a city/county project that will be paid for through issuance of bonds, and then they actually have Transportation Enhancement funds to pay for improvements to the Riverfront Plaza. VOTING:

YES

NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**4. PROPOSED AGREEMENT BETWEEN FLOYD COUNTY, CITY OF ROME AND BATTEY, LLC REGARDING PARKING DECK PROJECT AND AUTHORIZE COUNTY ATTORNEY TO COMPLETE THE AGREEMENT:**

County Manager Poe stated they have some proposed terms of an Agreement between Floyd County, City of Rome, and Battey LLC related to the parking deck to be built between The Forum and Hawthorne Suites. He stated there are several bullet points there that they propose would be included in a legal document that they city and county attorney's would have to put together that will need to be voted on at a later point in time when that is completed. He stated they have a memo from John Bennett, City Manager, where the City of Rome took up this issue at their last meeting and they had one recommended change to the fourth bullet point. He stated they have the wording there related to the extension of the deck at the restaurant. He recommended they approve these proposed terms of an Agreement with the change as recommended by the City of Rome. He stated again, they need to clarify this is not a legal binding action they are taking today. He stated this is just to move forward with putting together a legal agreement that they will have to come back and approve. He stated he and John Bennett have been negotiating with the partners of Battey LLC. He stated they are in agreement with these terms and they anticipate no problem in moving forward. Chairman Mayes asked so they are voting to allow County Manager Poe to proceed with John Bennett, City Manager. County Manager Poe stated with the City of Rome under these terms to put together a legal document that will have to come back before the city and county at a later date.

Commissioner Whitefield made a MOTION to allow the County Manager to continue in negotiations with the City of Rome and Battey LLC utilizing the

principals contained in the latest communications between the parties to create a proposed agreement which will then be brought back to the Commission for final approval . SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**5. AMENDMENT TO INTERGOVERNMENTAL AGREEMENT  
BETWEEN FLOYD COUNTY, CITY OF ROME AND CITY OF  
CAVE SPRING REGARDING 2006 SPLOST:**

County Manager Poe stated they have an Amendment to an Intergovernmental Agreement that was entered into between Floyd County, the City of Rome and City of Cave Spring regarding the 2006 Special Purpose Local Options Sales Tax. He stated these amendments are required to put together all the terms related to the issuance of \$20 million in bonds so they can go ahead and begin the projects. He stated this amendment has been reviewed in conjunction with the county attorneys, the bond attorneys, and the financial advisor. He recommended that this Intergovernmental Agreement be approved. County Attorney Virginia Harman stated there is actually a Resolution that accompanied that Agreement that she has given to the clerk. She stated there was a Resolution for the county, one for the City of Cave Spring, and one for the City of Rome. She stated they are all identical and she has provided the originals to the clerk for the county's record. Chairman Mayes asked how the motion should be worded. She stated to approve the Resolution and the Amendment.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation concerning the Amendment to the Intergovernmental Agreement between Floyd County, the City of Rome, and the City of Cave Spring regarding the 2006 SPLOST with the provisions just mentioned by the County Attorney. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**6. PROPOSED INDIGENT DEFENSE SERVICES**

## **AGREEMENT FOR 2007:**

County Manager Poe stated they have a proposed Indigent Defense Services Agreement for 2007. He stated this Agreement has been presented by the Circuit Public Defenders Office of the Rome Judicial Circuit. He stated they started this program a couple of years ago and each year they have entered into an Agreement for those services. He stated the document has been reviewed, and all the facts stated in it are in order as far as the budgeted amount and the staffing levels. He stated the only change that they propose is the wording in Section 5.04c, all but the first sentence, be removed. He recommended they approve that document with that one change.

Commissioner Whitefield made a MOTION to accept the Manager's recommendation concerning the Indigent Defense Services Agreement with the stipulation that the wording be removed outside of the first sentence in Section 5.04c. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

## **7. CONTRACT/MEMORANDUM OF UNDERSTANDING FOR COUNTY EXTENSION PERSONNEL:**

County Manager Poe stated they have a Contract/Memorandum of Understanding between the Board of Regions and the University of Georgia on behalf of the University of Georgia Cooperative Extension and the Floyd County Board of Commissioners. He stated this is a contract and memorandum of understanding detailing the services and the funding of the Floyd County Cooperative Extension Department. He stated this contract was last entered into in 1996 and it looks like they are looking to update it every ten years. He stated he has reviewed the Contract/Memorandum. He stated it is in order and recommended approval.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation concerning the Contract/Memorandum of Understanding for County Extension Personnel. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT:**

No report.

**OTHER BUSINESS:**

County Manager Poe welcomed Ron Roberts. He stated he is the new Assistant County Manager and this is his first meeting.

**ADJOURNMENT:**

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

YES

NO

Commissioner Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

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**JERRY JENNINGS, CHAIRMAN**