

July 24, 2007

Called Meeting

PRESENT: Chairman Jerry Jennings, Commissioners Garry Fricks, Eddie Lumsden, John Mayes, and Chad Whitefield.

OTHERS

PRESENT: County Clerk Kathy Arp, County Manager Kevin Poe, Assistant County Manager Blaine Williams, and Gary Burkhalter, Comptroller/Finance Director.

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

INVOCATION: Commissioner Mayes led the Invocation.

PUBLIC HEARING REGARDING 2007 MILLAGE RATE:

Commissioner Lumsden made a MOTION to open the Public Hearing regarding the 2007 Millage Rate. SECOND by Commissioner Whitefield. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone present to speak in support or opposition the proposed 2007 Millage Rate. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Whitefield.

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ADJOURNMENT:

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JERRY

JENNINGS, CHAIRMAN

Regular Meeting

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 24, 2007 6:00 P.M.**

PRESENT: Chairman Jerry Jennings, Commissioners Garry Fricks, Eddie Lumsden, John Mayes, and Chad Whitefield.

OTHERS

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

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

INVOCATION: Commissioner Mayes led the Invocation.

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

ADOPTION OF MINUTES:

Chairman Jennings asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of July 10, 2007 and Called Meeting of July 17, 2007. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

PROCLAMATIONS:

JENNIFER LOWRY FOR FUNDRAISING EFFORTS:

Commissioner Lumsden presented Jennifer Lowry with a Proclamation for her compassionate and unselfish fundraising efforts to help the animals of the Floyd County Animal Shelter.

(Proclamation/Resolution Book, Page 105)

**RECOGNIZE SCOTTY HANCOCK, EMA DIRECTOR
AND TIM HERRINGTON, DEPUTY DIRECTOR, FOR
RECEIVING THE NEIL J. HOLTON TRAINING AWARD:**

The Board recognized Scotty Hancock, EMA Director, and Tim Herrington, Deputy Director, for receiving the Neil J. Holton Training Award. Chairman Jennings stated they organized fourteen GMA Training Sessions for Floyd County.

Mr. Hancock stated he would like to thank Tim Herrington. He stated it is good to have employees that you can point in a direction and they take what you tell them and run with it. He stated Mr. Herrington is in charge of training for EMA and he solely did this all on his own.

Mr. Herrington stated he would like to thank the First Responders in Rome and Floyd County. He stated that without them none of this would have been possible.

**RECOGNIZE TRACY HARDY AND THE ROME-FLOYD
COUNTY CRITICAL INCIDENT STRESS MANAGEMENT
(CISM) TEAM:**

The Board recognized Tracy Hardy, Director of the Rome-Floyd County Critical Incident Stress Management team. Chairman Jennings stated Mr. Hardy was recognized at the recent conference of the International Critical Incident Stress Foundation meeting, held in Atlanta, for Floyd County's Crisis Management team efforts and outstanding contributions in the CISM field.

Mr. Hardy recognized team members present for this meeting, Gary Batchelor, Rita Odom, Ray Plymel, and Mark Blanton. He stated they are four out of about forty team members, and the members are the real reason the team is a success.

**FIRST READINGS:
(SECOND READINGS/PUBLIC HEARINGS
TO BE HELD AUGUST 14, 2007 AT 2:00 PM)**

- 1. FILE #52-2007Z, REQUEST REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY
COMMERCIAL) FOR NEIGHBORHOOD GROCERY
STORE ON PROPERTY LOCATED ON ROCKMART
HIGHWAY. ZONING MAP K17 – PARCELS 082, 090.
(PLANNING COMMISSION RECOMMENDATION:
APPROVE CONDITIONED ON ACCESS FROM
ROCKMART HIGHWAY ONLY, AND PROVISION OF
BUFFERS EQUAL TO THE SETBACK REQUIREMENTS.
[VOTE: 5-4]).**
- 2. FILE #73-2007Z, REQUEST REZONING FROM H-I
(HEAVY INDUSTRIAL) TO S-R (SUBURBAN RESIDENTIAL)
FOR EXISTING SINGLE-FAMILY RESIDENCE ON PROPERTY
LOCATED AT 1682 HUFFAKER ROAD. ZONING MAP F12 –
PARCEL 008A. (PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE: 9-0]).**
- 3. FILE #74-2007SUP, REQUEST SPECIAL USE PERMIT FOR
MANUFACTURED HOME ON SUBDIVISION LOT IN S-R
(SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY
LOCATED AT 227 ADAMS CIRCLE. ZONING MAP J16Z –
PARCEL 041. (PLANNING COMMISSION RECOMMENDATION:
APPROVE [VOTE: 9-0]).**

4. FILE #75-2007Z, REQUEST REZONING FROM H-C (HEAVY COMMERCIAL) TO H-TR (HEAVY TRANSITIONAL RESIDENTIAL) AND S-R (SUBURBAN RESIDENTIAL) TO ALLOW CONTINUED SINGLE-FAMILY RESIDENTIAL USE ON PROPERTY LOCATED ON STRAWBERRY LANE AND BOOZE MOUNTAIN ROAD AND WHITE AVENUE, LINDALE. ZONING MAP J17X – PARCELS 344, 344A, 345, 346, 347, 348, 349, 351, 352, 353, 354, 355, 356 AND ZONING MAP J16Y – PARCELS 232, 233, 234, 236, 237. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).
5. FILE #77-2007SUP, REQUEST SPECIAL USE PERMIT FOR PERSONAL CARE HOME FOR 3-6 PERSONS IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 23 ZONA KAY CIRCLE. ZONING MAP K17 – PARCEL 238. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-1]).
6. FILE #78-2007SUP, REQUEST SPECIAL USE PERMIT TO CONSTRUCT SINGLE-FAMILY ATTACHED DWELLINGS IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED ON OLD SUMMERTON ROAD. ZONING MAP J10Y – PART OF PARCEL 121, TRACT “A”. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE CONDITIONS THAT THERE BE A 10-FOOT BUFFER; 10-FOOT OF MATURE HARDWOOD TREES TO BE LEFT INTACT; AND ONLY 12 UNITS BE BUILT. [VOTE: 9-0]).
7. FILE #711-2007Z, REQUEST REZONING FROM C-C (COMMUNITY COMMERCIAL) TO L-I (LIGHT INDUSTRIAL) FOR COMMERCIAL ROOFING CONTRACT ON PROPERTY LOCATED AT 3945 ALABAMA HIGHWAY. ZONING MAP F13Z – PARCEL 216. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).

ULDC REVISIONS:

1. REVISE OR DELETE ARTICLE 9.3.5 b. (2) AND (8) CONCERNING REVIEW OF PROJECTS IN THE SOUTH ROME OVERLAY DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH REVISIONS AS ATTACHED. [VOTE: 9-0]).

**PUBLIC HEARING REGARDING 2007 MILLAGE RATE:
(PUBLIC HEARINGS HELD JULY 17, 2007 AT 12:00 NOON
AND JULY 24, 2007 AT 12:00 NOON):**

Commissioner Whitefield made a MOTION to open the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone who would like to speak for or against the 2007 Millage Rate. Seeing none, Commissioner Mayes made a MOTION to close the Public Hearing. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

RESOLUTIONS:

**ADOPT RESOLUTION SETTING 2007 MILLAGE RATE
FOR FLOYD COUNTY BOARD OF EDUCATION M&O
AND FLOYD COUNTY GOVERNMENT M&O, FIRE
PROTECTION AND SOLID WASTE:**

County Manager Poe stated the Resolution sets the 2007 tax levy for the Floyd County Schools, Floyd County Maintenance and Operations, Floyd County Fire Protection, and Solid Waste. He stated the Resolution would set the school Millage rate at 18.676 mills, as set by the Floyd County Board of Education, the County M&O at 8.100 mills, Fire Protection at 1.669 mills, and Solid Waste at 0.664 mills. County Manager Poe stated this represents a slight increase in Solid Waste of .025 mills, but overall it is the same Millage rate as 2006.

Commissioner Whitefield made a MOTION to adopt the Resolution before them setting the 2007 Millage Rate for Floyd County Board of Education M&O and Floyd County Government M&O, Fire Protection and Solid Waste. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments:

a. **Board of Family and Children Services (5-year term expires June 30, 2012).**

Commissioner Whitefield made a MOTION to appoint Elaine Gracyzk to serve on the Board of Family and Children Services for a 5-year term expiring June 30, 2012. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

b. Board of Elections and Registration (4-year term expires December 31, 2010).

Commissioner Whitefield made a MOTION to appoint Pete McDonald to serve as Chairman of the Board of Elections and Registration to replace Ed McIntyre who resigned. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. Authorize submittal of letter of support for the Coosa Valley Regional Development Center's River, Trails and Conservation Assistance Program application.

Commissioner Lumsden made a MOTION to authorize the Chairman to sign a letter of support for the Coosa Valley Regional Development Center's River, Trails, and Conservation Assistance Program Application. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

Commissioner Whitefield stated they received their second SPLOST check in the amount of \$1.2 million, which was a little bit higher than their projection.

2. Public Safety Committee – Commissioner Lumsden, Chairman

a. Request for Part-time employee for Animal Control Department.

Commissioner Lumsden stated a request has been made concerning a need for a part-time employee for Animal Control. He stated the request is for the employee to work 5 hours per day on Saturday and Sunday, at a rate of \$8.00 per hour. Funding for the position will come from the Vet Fund.

Commissioner Lumsden made a MOTION to approve a part-time employee for Animal Control as outlined. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

3. Public Works Committee – Commissioner Fricks, Chairman

No Report.

4. Water Committee – Commissioner Mayes, Chairman

No Report.

5. Judicial Services Committee – Commissioner Jennings, Chairman

No Report.

6. Special Committee Reports

- a. SPLOST Committee (Lumsden)
- b. Work Release Committee (Lumsden, Mayes)
- c. Fire Overview Committee (Lumsden, Whitefield)
- d. Joint Services Committee (Jennings, Whitefield)
- e. Joint Development Oversight Committee (Mayes, Whitefield)

There were no Special Committee Reports.

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there are eight items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Whitefield made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 1. Authorize release of tax bill number 2006-0001877 in the amount of \$129.23 from the Mobile Home Digest.**
- 2. Authorize charge off in the amount of \$6,818.93 for 1999 and 2002 tax bills for K-Mart.**
- 3. Malt Beverage Application, Salima Lalani, Alishaan and Khaliya, Inc., dba Taylor's Grocery & Tobacco, 4672 Martha Berry Hwy (Convenience Store, Ownership Change, Beer & Wine).**
- 4. Self-Service Fuel Application, Yogesh Patel, and Viral Patel, Riyajill Inc./dba E-A Stop, 4466 Rockmart Highway, Silver Creek**
- 5. Authorize execution of Agreement between Floyd County and the Coosa Valley Regional Development Center for Transportation of the Elderly.**
- 6. Authorize execution of DOT Contract Amendment No. 1 for Project No. PR000-S009-00(765) C1 – National Guard Armory Parking Lot. (No change in contract amount.)**
- 7. Enter into Minutes AIA Agreement between Floyd County and Charles Gauthreaux Architects for construction of Work Release Center.**
- 8. Enter into Minutes Lease Agreement between Floyd County and Ontario Investments, Inc., for computer equipment.**

MANAGER'S REPORT:

- 1. APPROVE OPTION BETWEEN FLOYD COUNTY AND NORFOLK SOUTHERN RAILWAY COMPANY FOR SALE OF PROPERTY IN LINDALE:
(DEFERRED JULY 10, 2007)**

County Manager Poe stated the option between Floyd County and Norfolk Southern Railway Company is for the purchase of a .06-acre tract of property in Lindale adjacent to the rail line that they currently own to avoid a condemnation action by the railroad. He stated after Attorney review regarding the legalities of how the county could dispose of that property, he would recommend that the Board approve the option, at an amended price of ten dollars (\$10.00). Chairman Jennings stated as he understands it the three factors that kind of dictate that decision are (1) what are the other possible uses for this property, and there really is no other possible use; (2) the cost of the property to Floyd County, which was nothing; and (3) its potential marketability, and it does not really have any marketability. He stated he feels that this is a good decision for the county and Norfolk Southern Railroad.

Commissioner Mayes made a MOTION to approve the Option Agreement as presented, with an Amended price of ten dollars. SECOND by Commissioner Lumsden. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**2. AUTHORIZE EXECUTION OF AGREEMENT BETWEEN
FLOYD COUNTY AND NORTHWEST GEORGIA REGIONAL
HOSPITAL TO PROVIDE AN INMATE WORK CREW:**

County Manager Poe stated this would be a renewal of an existing agreement that they have had for several years with Northwest Georgia Hospital. He stated the only change is the amount that Northwest Georgia Regional Hospital will pay for the inmate guard has been adjusted based on changes in salary and benefits. He recommended approval of the agreement as submitted.

Commissioner Lumsden made a MOTION to approve the Manager's recommendation to authorize the Execution of the Agreement between Floyd County and Northwest Georgia Regional Hospital. SECOND by Commissioner Mayes. VOTING:

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**3. AUTHORIZE AMENDMENT TO AGREEMENT
WITH ALLIED WASTE INDUSTRIES:**

County Manager Poe stated they have an amendment to an existing agreement that they have with Allied Waste Industries for the operation of their remote collection sites. He stated this amendment would extend the original contract through December 31, 2007 at the current contract rate.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation authorizing the Amendment of the Agreement with Allied Waste Industries. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**4. AWARD OF BID FOR 15-PASSENGER VAN
FOR PRISON:**

County Manager Poe stated sealed bids were accepted on May 31, 2007 for this budgeted item. The budgeted amount for the purchase of this van is \$30,000. He stated the recommendation is to accept the low bid from Allen Vigil Ford in the amount of \$21,834.00.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

5. DISCUSS SPLOST PROJECTS:

No action.

4/5 VOTE REQUIRED

**6. INCREASE STREET LIGHTING ASSESSMENT
FOR 2007 TAX YEAR:**

Commissioner Whitefield made a MOTION to place the item on the agenda. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

County Manager Poe recommended that the Board set the Street Lighting Assessment for the 2007 tax year at \$.40 per foot. He stated that would be a three-cent increase over the previous year. Chairman Jennings asked would that basically cover the cost of the electricity for the streets. County Manager Poe stated that covers the cost of the Georgia Power bill that they have for all the streetlights in the special street light districts. Chairman Jennings stated so there is no excess and it basically covers the cost.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

No Report.

OTHER BUSINESS:

Chairman Jennings welcomed members of the Junior Service League who were in attendance.

ADJOURNMENT:

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JERRY JENNINGS, CHAIRMAN