

October 9, 2007

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
October 09, 2007 2:00 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 Lumsden led the Invocation.

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

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 September 25, 2007. SECOND by Commissioner Lumsden. VOTING:

YES	NO
	Commissioner Fricks
" Lumsden	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

PROCLAMATIONS:

NATIONAL TRAIL OF TEARS:

Commissioner Whitefield presented Claudia Oakes, Executive Director Chieftains Museum, with a Proclamation proclaiming the week of November 4 through November 10, 2007 as National Trail of Tears Week.

(Proclamation/Resolution Book, Page 109)

FOCUS ON FLOYD:

PUBLIC SERVICES COMMITTEE:

Steve Hulsey, Utilities Administrator, Mike Mathews, Airport Manager, John Mays, Facilities Management, and Michael Skeen, Public Works Director, presented an overview of the goals and objectives for the Public Services Committee. The mission statement for the committee is "To maximize coordination and communication regarding physical plant/infrastructure maintenance, and expansion, as well as emergency response."

FIRST READINGS

(SECOND READINGS/PUBLIC HEARINGS

TO BE HELD OCTOBER 23, 2007 AT 6:00 P.M.)

1. FILE #911-2007SUP, REQUEST SPECIAL USE PERMIT FOR SHALE MINING IN THE H-I (HEAVY INDUSTRIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 2046 HUFFAKER ROAD. ZONING MAP F12 – PART OF PARCEL 008. (PLANNING COMMISSION RECOMMENDATION: POSTPONE. [VOTE: 9-0]).
2. FILE #101-2007Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING OF PROPERTY LOCATED AT KINGSTON HIGHWAY AND FREEMAN FERRY ROAD. ZONING MAP L14X – PART OF PARCEL 116. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITIONS OF LANDSCAPING AND PARKING TO MEET THE REQUIREMENTS OF THE ULDC, BUFFERS THE FULL WIDTH OF THE SETBACK REQUIREMENT AND IN CONFORMANCE WITH THE CODE, AND DIRECTION OF LIGHTING DOWNWARD AND AWAY FROM ADJACENT RESIDENTIAL PROPERTY; AND RECORDING A SURVEY. [VOTE: 8-0]).
3. FILE #104-2007SUP, REQUEST SPECIAL USE PERMIT FOR TWO (2) MANUFACTURED HOMES ON ONE SUBDIVISION LOT IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 2384 OLD BLACKS BLUFF ROAD. ZONING MAP G16 – PARCEL 074. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 8-1]).
4. FILE # 106-2007Z, REQUEST REZONING FROM A-R (AGRICULTURE RESIDENTIAL) TO H-C (HEAVY COMMERCIAL) FOR CONSTRUCTION OF A FLEA MARKET ON PROPERTY LOCATED AT 141 SHIFLETT ROAD AT ROCKMART HIGHWAY. ZONING MAP K19 – PARCEL

106. (PLANNING COMMISSION RECOMMENDATION: DENY.
[VOTE: 9-0]).

ULDC REVISIONS:

1. REVISE OR DELETE ARTICLE 4.2.3 CONCERNING RESIDENTIAL
BUSINESSES. (PLANNING COMMISSION RECOMMENDATION:
APPROVE. [VOTE: 9-0]).

Chairman Jennings stated the Second Readings/Public Hearings will be held Tuesday,
October 23, 2007 at 6:00 p.m.

SECOND READINGS/PUBLIC HEARINGS:
(FIRST READINGS HELD SEPTEMBER 25, 2007)

1. AMENDMENT TO FLOYD COUNTY CODE §2-13-1
AND §2-13-8 RELATED TO WEAPONS AND FIREARMS
(2007-006A):

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

YES	NO
	Commissioner Fricks
" Lumsden	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone to speak in favor or against this proposed
amendment to the Code. Seeing none, Commissioner Mayes made a MOTION to close the
Public Hearing. SECOND by Commissioner Lumsden. VOTING:

YES	NO
	Commissioner Fricks
" Lumsden	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to adopt the Ordinances to Amend the Floyd County Code §2-13-1 and §2-13-8 related to Weapons and Firearms. SECOND by Commissioner Lumsden. VOTING:

YES NO

" Lumsden
Commissioner Fricks
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. AMENDMENT TO FLOYD COUNTY CODE §2-15-6
SURFACE MINING ORDINANCE (2007-007A):

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

YES NO

" Lumsden
Commissioner Fricks
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked if there is anyone to speak in favor or against this proposed amendment to the Code. Seeing none, Commissioner Lumsden made a MOTION to close the Public Hearing. SECOND by Commissioner Whitefield. VOTING:

YES NO

" Lumsden
Commissioner Fricks
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Fricks made a MOTION to adopt the Ordinance to Amend the Floyd County Code related to Surface Mining Ordinance§2-15-6. SECOND by Commissioner Lumsden. VOTING:

YES NO

" Lumsden
Commissioner Fricks
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

CHAIRMAN'S REPORT:

1. Discuss Resolution regarding interbasin transfer of water and funding for regional and statewide water planning and monitoring.

Chairman Jennings stated this is a joint Resolution with the Rome City Commission in response to the State Draft Water Plan. He stated the Resolution will be presented on October 18, 2007 at the EPD Water Council Public Hearing to be held here in Rome.

Commissioner Whitefield made a MOTION to approve the Resolution as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

" Lumsden
Commissioner Fricks
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

No Report.

2. Public Safety Committee – Commissioner Lumsden, Chairman

No Report.

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 five 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

" Lumsden

Commissioner Fricks

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

1. Tax Refunds:

- a. Sybil Youngblood, 16 Ridge Drive, \$130.83
 - b. Christian Forestry, Inc., 51 Mountainside Drive, \$185.74
 - c. Fred & Barbara Paul, 22 Valley Brook Court, \$.81
 - d. Joy G. & Joe E. Rickman Sr., 252 Terhume Road, \$775.12
 - e. Lem & Betty Edwards, 1398 Abrams Road, Silver Creek, \$54.25
 - f. Patrice Tribble, 3 Eden Drive, \$29.09
2. Authorize release of tax bills from the Tax Commissioner's Roll totaling \$11,532.99.
 3. Authorize execution of Memorandum of Understanding for Local Update of Census Addresses.
 4. Enter into Minutes Property and Liability Insurance Coverage Renewal with ACCG-IRMA.
 5. Authorize execution of Agreement between Stacking Stones Films, Inc. and Floyd County to allow filming of a movie at the Rome-Floyd Law Enforcement Center.

Discussion: Commissioner Fricks stated he had a question regarding item #4. He asked if the Liability Insurance with ACCG is just a single year contract. He stated he knows the initial contract was a two-year contract. County Manager Poe stated it goes from October 1 to September 30. Commissioner Fricks asked did they do any evaluations and comparisons to see if it is working for them. He stated he knew they were supposed to, after the two-year contract, look at it again. They use to review it and compare every year, because they were on a single year contract. County Manager Poe stated they did not take proposals this year. Commissioner Mayes stated on that note he has no problem with the Consent Agenda, and recommended taking advantage of the services that they (ACCG) offer. County Manager Poe stated they have done work for them before. He stated next year if they want to go through the process they went through three years ago to put it back out for bid, they can do that. Commissioner Fricks stated he just did not know if they had evaluated how it was working for them. County Manager Poe stated as far as the service they are getting, it is excellent. He stated this is a \$6,000 increase over last year, which is fairly reasonable on the dollar value. Commissioner Fricks stated every year prior, that he knows of, they have taken bids and done a comparison on it. He asked have they stopped doing that. County Manager Poe stated they have not done that the last two years. Commissioner Fricks stated he knows that they are on a two-year contract. Commissioner Jennings stated he thinks we are getting ready for the rebate too. County Manager Poe stated that is correct. He stated we will be eligible when they close out the given claims year. He stated he thinks it takes about three or four years to close out any given claims year, but we will be eligible for a dividend if we stay in the ACCG program. Commissioner Fricks stated he just wondered if they knew of how it was measuring up. He stated when they decided the two-year contract, two years ago when he was on the Administrative & Finance Committee, it was a very defined comparison. He stated one year they compared and it did not measure up, and the next year it did measure up, so he was not sure how it was changing at this point in time. He stated the first year we went with another company and ended up the second year going to ACCG. He stated he does not want them to discontinue that process, and not do a comparison. He stated he thinks it is only fair. County Manager Poe stated he guesses when he says comparison he is talking about putting it out for bid and taking proposals again. Commissioner Fricks stated they have done it every year since he has

been involved except for this last year and he understands why they did not do it last year because of the two-year contract, but he did not know why they did not do it last time. County Manager Poe stated he guesses he was thinking that they were making a little more of a commitment to stay in the program than just two years.

Commissioner Mayes stated the way the association is set up, they have to commit some time to be with them to recoup their investment. County Manager Poe stated if they stay in the program they could be getting dividends for 2005 and 2006 when they finally close out those claims years. He stated we are eligible for a reduction, so who knows if they are going to get \$10,000 or \$5,000 back, whatever the dividend will be. Commissioner Mayes stated we are literally the co-owners of the insurance company. Commissioner Fricks stated he has not seen any numbers or any comparison on it, so he just was curious if they decided not to or what. He stated when they discussed the two-year contract he thought they would re-evaluate it after the two years to look at it. Commissioner Mayes stated they can always take bids next year.

MANAGER'S REPORT:

1. AWARD OF BID FOR NEW HVAC ROOFTOP UNIT AT THE JAIL:

County Manager Poe stated sealed bids were received for the replacement of an HVAC rooftop unit at the jail. He stated four bids were received and reviewed by the engineer. The recommendation is to award the bid to Baker Mechanical in the amount of \$11,345.00.

Commissioner Whitefield made a MOTION to approve the recommendation concerning the HVAC rooftop unit at the jail. SECOND by Commissioner Lumsden. VOTING:

YES NO

	Commissioner Fricks
" Lumsden	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

2. DISCUSS PROPOSAL FROM PLANNING WORKS TO PREPARE OVERLAY ORDINANCES FOR THE HIGHWAY 411 CORRIDOR AND THE AIRPORT:

County Manager Poe stated a proposal has been received from Planning Works, who has been working with them on the Comprehensive Plan. He stated the proposal is to prepare an Overlay Ordinance on the Highway 411 Corridor and at the Richard B. Russell Regional Airport. The total amount of the proposal to do both of the overlay plans is \$39,386.00. He stated the

majority of that money would be reimbursed through DOT grant money. He recommended acceptance of the proposal as submitted.

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

YES	NO
" Lumsden	Commissioner Fricks
	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

4/5 VOTE REQUIRED

1. INTERGOVERNMENTAL AGREEMENT WITH THE DEVELOPMENT AUTHORITY OF FLOYD COUNTY, THE ROME – FLOYD COUNTY DEVELOPMENT AUTHORITY, AND FLOYD COUNTY:

County Attorney Manning recommended that the Commission consider placing on the agenda the issue of an Amendment to the Intergovernmental Agreement that exists between the county and the two Development Authorities, the Rome-Floyd County Development Authority and the Development Authority of Floyd County, concerning the financing of property owned by those Development Authorities at the intersection of Highway 53 and 140.

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

YES	NO
" Lumsden	Commissioner Fricks
	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

County Attorney Manning recommended the Commission consider authorizing the Chairman to execute an Amendment to that Intergovernmental Agreement between those two

Development Authorities to extend for a term of 3-years that contract regarding the bond and note concerning the Highway 53 and 140 property that is owned by the Development Authorities, which is coming up for refinancing.

Commissioner Lumsden made a MOTION to accept the County Attorney's recommendation in regard to the Intergovernmental Agreement concerning the Highway 53 and 140 property owned by the Development Authority. SECOND by Commissioner Mayes.

VOTING:

YES	NO
" Lumsden	Commissioner Fricks
	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

OTHER BUSINESS:

Chairman Jennings recognized the Leadership Rome Participant 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
" Lumsden	Commissioner Fricks
	" Mayes
	" Whitefield
	Chairman Jennings

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

(10/09/07 - Regular Meeting)

JERRY JENNINGS, CHAIRMAN