

October 23, 2007

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS**

October 23, 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 October 9, 2007. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

FIRST READINGS:

(SECOND READINGS/PUBLIC HEARINGS

TO BE HELD NOVEMBER 13, 2007 AT 2:00 p.m.)

- 1. AMENDMENT TO FLOYD COUNTY CODE §2-3-39
RELATED TO GENERAL POWERS OF AIRPORT
COMMISSION. (2007-008A).**

Chairman Jennings stated the Second Readings/Public Hearings will be held Tuesday, November 13, 2007 at 2:00 p.m.
SECOND READINGS/PUBLIC HEARINGS:
(FIRST READINGS HELD OCTOBER 9, 2007)

Chairman Jennings reviewed the procedures for Public Hearings.

- 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]).**

No Action. Will go back to Planning Commission.

- 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]).**

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the applicant has indicated that part of this tax parcel would be separated and added to the parcel that fronts on Kingston Highway that is already zoned C-C (Community Commercial). She stated the parcel that fronts on Kingston Highway is developed with a commercial building. There is also some community commercial zoning across New Freeman Ferry Road to the east.

She stated otherwise, in all directions, the property is zoned either S-R or A-R and is used residentially or for agricultural purposes. The proposed new lot that would be formed would have to be combined with another lot in order to be conforming. She stated this is an area where services and utilities are available. Freeman Ferry Road is classified as a local road, and Kingston Highway is classified as an arterial. She stated staff's recommendation was to deny, simply because it would allow a further encroachment of commercial use into what is a predominately rural residential area. She stated that staff recommended that if the Planning Commission's decision was to recommend approval, it should be conditioned on several things that would help protect the residential array that surrounds it. She stated that is where the conditions that they have before them have come from. She stated it comes to the Board with a recommendation to approve the request with conditions of landscaping and parking, buffers the full width of the setback requirement, downward directed lighting so as not to overflow onto adjacent property, and recording of a plat that would show the separation of this piece of land from an attachment to the other one. She stated to the north there is residential property. To the south is residential property, and to the east is commercial property. She stated some of the property in this area is currently undeveloped. There was no site plan submitted for this property because the applicant indicated in his application that this is a rezoning request for marketing purposes.

Support: Don Poindexter, 44 Freeman Ferry Road, stated this property has been in his family for about 70 years, and he inherited it about 15 years ago. He stated there is an empty lot between his house and the building. His extra lot runs right up behind the building, plus there is a septic tank there. He stated if he sells this building he has to give them enough room to replace the septic tank, or repair it, and for parking. He stated right now the septic tank is on his property. He stated he is asking that they approve the request so it will be more marketable. He wants to give someone extra room for parking and give them access to the septic tank.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Fricks made a MOTION to approve the request for rezoning, with the 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 as recommended by the Planning Commission. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

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]):

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is within a subdivision called Wyatt H. Foster Farms, therefore it requires a special use permit to place a manufactured home on it. She stated because it is zoned S-R (Suburban Residential), it is in the unincorporated area, and it is served by septic tank, it can have as many as two single-family dwellings on it as long as they can get septic tank permits. The surrounding properties are also zoned S-R and developed with single-family residential structures. She stated to the north there are some buildings that consist of residential structures, out-buildings, manufactured homes, and site-built homes. To the south is undeveloped land. She stated there was some discussion at the Planning Commission about the fact that only two residences can be on the property, and the applicant indicated that there would be only two. She stated they had a comment from the Floyd County Health Department indicating that because the property is only a little over an acre they had some concerns about septic tanks. However, the applicant has dealt with that. She stated they have obtained the required septic tank permits and the

required permits to put water service to these properties. No site plans were submitted because they are not required for single-family residential properties.

Support: Stephanie Arias, 105 Summit Street, Cartersville, stated they want to put a mobile home there for her and her kids to live in, and her mother wants to put one behind her. She stated her mother has been sick and in bad health, and she wants her out there with her so if something happens she would be there to take care of her. She stated they are just wanting to get something out there to live in that is paid for so they can save up to build a house.

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 Mayes made a MOTION to approve the special use permit for two manufactured homes on the property. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

- 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]):**

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

NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the request. Ms. Hiller stated the subject property is currently mostly undeveloped, although there are some residential structures on it. She stated the surrounding properties are zoned A-R (Agricultural Residential) and the predominant development pattern is rural residential and agricultural uses. She stated the property is approximately 30 acres in size, and it is currently developed with manufactured homes, storage buildings and some other structures. She stated Shiflett Road is classified as a local road and there was a comment received from Floyd County Public Works that currently the paving on that road is 15-foot wide. Rockmart Highway is classified as an arterial road. She stated the property is not within a flood plain, but there is a mapped wetland on the property that would have to be considered. There were two site plans submitted. She stated they show entrance and exit from Shiflett Road, with driveways going through and vendor booths, vendor parking, parking for customers, and walking aisles on the property. Staff recommended denial of this request for a couple of reasons. 1) it would be a spot zone with the views that it has the potential to be somewhat incompatible in this area; and 2) with no turn lanes on Rockmart Highway, no signal lights at the intersection to Shiflett Road, and the very narrow condition of the pavement on Shiflett Road, there were some concerns that there may be some safety issues that would arise from the intense traffic that they sometimes see at flea markets. She stated they typically do not operate all the time, but when they do, they generate a great deal of traffic.

Support: Cathy Ely, 6488 Rockmart Highway, stated she respectfully requests that the Board allow her to withdraw the request without prejudice. She stated they need more time to do research. She also asked that the application fee be waived when they bring the request back before the Board.

Oppose: Andrew Hawkins, 6390 Rockmart Road, stated his property is right against the proposed flea market. He stated the reason that he feels they should deny the request indefinitely would be the fact that this is a swamp land and it is almost impossible with a golf cart, let alone foot traffic. Secondly, that this is an extremely dangerous road they live on. He stated there has been wreck after wreck, and the amount of traffic that would be generated from the flea market would only cause more accidents and possibly even deaths. He stated thirdly, it would absolutely make his property value, as well as the people around him, drop considerably. Those are the three things he wanted to make sure everybody was clear on. He thanked the Board for their time.

Amanda Kilgo, 14 Shiflett Road, stated her property is the other side that butts up against the property Ms. Ely would like to put the flea market on. She stated basically, not to reiterate what Mr. Hawkins said, but she lives on Shiflett Road and it is a very small road. It is impassable by two vehicles. She stated she thinks Ms. Ely is trying to do a petition to get Shiflett Road widened. She stated it is just a cut through road, not a major thoroughfare. She stated she feels like if there was a flea market there would be parking all up and down Shiflett Road, and then it would be impassable. She stated there are two people that own property other than Ms. Ely on Shiflett Road. She stated that is herself and Ms. Brett Butler, and she does not think it would be in the county's interest to have to buy any property to have to widen a road that is not used very often.

Karen Johnson, 2987 Old Rockmart Road, stated the traffic on the Rockmart Road is very heavy. She stated when you come from Polk County and start to turn into Shiflett Road, which they do at times, they cannot see over the hill. She stated the Old Rockmart Road is tremendously busy. She stated Shiflett Road is only about a lane and a quarter, and it is too small for any activity like a retail business. She stated they have a rural area and they would like to leave it like that.

Rebuttal: Ms. Ely stated she was under the impression the meeting would not get this far. She had asked to withdraw and she thought they would just vote on that. She stated in regard to Mr. Hawkins comments about the swamp land, they have a small pond on the property and that is what he is referring to. It has an overflow. She stated they were going to dig that out and put a big drain pipe in to address that problem. As far as people from the trade day parking up and down Shiflett Road and making that the parking area, that would not be, because they will have adequate parking within the perimeter of the trade day. She stated that is all she has to say right now.

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

Chairman Jennings stated they have a request to withdraw the application for this change without prejudice, meaning the applicant could bring this back up at any time, and a request to waive the fee that is paid to the Planning Commission to initiate this process. He stated it seems to him their choice is: 1) accept what the applicant is requesting, allow her to withdraw but to do it with prejudice, which means she would have to wait 12 months in order to come back and then the fee would have

to be paid at that point; 2) approve the rezoning request, or 3) deny the rezoning request.

County Attorney Manning stated according to § 2.2.5(c) of the ULDC, if they consider this a request for withdrawal in writing, and he is sure she could do that if they wanted, then the decision is do they allow that withdrawal with or without prejudice. Chairman Jennings stated so the issue is do they allow the withdrawal. Ms. Hiller stated if their choice is to deny her request to withdraw, she believes they would then have the option of voting to approve it, to deny it with prejudice, or to deny it without prejudice, but they do need to act on the request to withdraw first.

Commissioner Whitefield made a MOTION to deny the request for withdrawal. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated the request for rezoning is now on the table.

Commissioner Whitefield made a MOTION to deny the request without prejudice. SECOND by Commissioner Mayes.

Chairman Jennings stated to deny the rezoning request without prejudice, would allow the applicant to go through the process again after six months. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ULDC REVISIONS:

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

Commissioner Mayes 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 Ms. Sue Hiller, Planning Department Director, to give a brief overview of this change to the ULDC. Ms. Hiller stated the Planning Commission recently had a request to rezone a piece of property to community commercial from suburban residential. She stated the property was a subdivision lot in the middle of a residential subdivision and developed with a residence. However, the owner/applicant of the property was a hairdresser and wanted to have the option of operating a beauty shop essentially within her dwelling. She stated as a residential business, they currently do not allow beauty shops of any size to function that way. The N-O-C and the O-I zoning do not allow beauty shops either, so C-C zoning was really the only option that they had. She stated the Planning Commission felt that allowing C-C zoning in the middle of a residential subdivision was probably not appropriate, because if the beauty shop closed down the property could be a used car lot, it could be taken down and developed as a convenience store, a fast food restaurant, or any of those type things. She stated the Planning Commission postponed the request for three months and asked staff to write a revision that would allow a single-chair beauty shop to be operated within a residential structure within any residential zoning but it would be limited in size to one chair. She stated it would also be limited by all of the other limitations that are placed on home businesses, such as no employees other than people who live there, maintaining the residential character, no more than two people at the property at a time as customers, and so on.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated they have a recommendation to send the request back to the Planning Commission and have them look at providing for a special use permit within the existing zoning district, so that they would not change the zoning to commercial, but a special use permit to operate a one seat salon.

Chairman Jennings made a MOTION to send the request to Revise or Delete Article 4.2.3 of the ULDC, concerning residential businesses, back to the Planning Commission. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

a. Update on 20-year Comprehensive Plan.

Commissioner Whitefield stated they continue to make progress on the 20-year Comprehensive Plan. He stated they closed out the public comment period, and addressed those comments received. He stated this will be on the agenda at the next meeting.

2. Public Safety Committee – Commissioner Lumsden, Chairman

No Report.

3. Public Works Committee – Commissioner Fricks, Chairman

a. Present Proposal to Amend Road Acceptance Policy.

Commissioner Fricks stated they have received a Proposal to Amend the Road Acceptance Policy. He stated this will be presented for action at an upcoming meeting.

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)

County Manager Poe stated the SPLOST Committee will be meeting November 20, 2007 at 5:30 p.m.

b. Work Release Committee (Lumsden, Mayes)

No Report.

c. Fire Overview Committee (Lumsden, Whitefield)

No Report.

d. Joint Services Committee (Jennings, Whitefield)

No Report.

e. Joint Development Oversight Committee (Mayes, Whitefield)

No Report.

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there are four 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:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

1. Tax Refunds:

- a. Lynn & Dannette Ozment, 7 Morningside Drive, \$1,095.91
- b. Duane D. Clemones, 1654 Ward Mountain Road, \$375.82
- c. William & Dana Stewart, 12 Quarter Horse Drive, \$11.04
- d. Wayne Evans, 5B Coosawattee Avenue, \$63.61
- e. Ikon Office Solutions, 810 Gears Road, \$33.31

2. Malt Beverage Application, Sudha K. Patel, Jai Vaerai Inc. dba Kingston Highway Quick Mart, 1994 Kingston Road. Ownership Change (Convenience Store, Beer & Wine).

3. Self-Service Fuel Permit, Sudha K. Patel, Jai Vaerai Inc., dba Kingston Highway Quick Mart, 1994 Kingston Road, Ownership Change.

4. Approve Telephone Service Agreement with Georgia Department of Transportation for proposed signal at S.R. 1 and Armuchee Village Shopping Center.

MANAGER'S REPORT:

1. AWARD CONTRACT WITH GEORGIA MUNICIPAL ASSOCIATION FOR NATURAL GAS SERVICE:

County Manager Poe recommended approval of a Natural Gas Support Services Agreement between the Georgia Municipal Association and Floyd County, for services that GMA would provide in helping the county obtain competitive pricing for the retail consumption of natural gas.

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

2. DISCUSS PROPOSED MEMORANDUM OF UNDERSTANDING REGARDING 211 SERVICE:

County Manager Poe recommended approval of a Memorandum of Understanding between the United Way of Rome and Floyd County, Floyd County, the City of Rome, and the United Way of Northwest Georgia. He stated the Memorandum of Understanding covers providing a 211 Information Line for the citizens of Floyd County. He stated all four of these groups would be co-sponsors of this program.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation regarding the Memorandum of Understanding for the 211 Information Line. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

3. DISCUSS AMENDING CONTRACT WITH CHARLES GAUTHREAUX ARCHITECTS REGARDING WORK RELEASE CENTER PROJECT:

No Action. Defer.

4. DISCUSS FINANCING FOR AVIONICS PROGRAM BUILDING:

County Manager Poe stated proposals were accepted for financing the Avionics Program building at Richard B. Russell Airport. He stated after reviewing the proposals, the recommendation is to accept the proposal submitted by Wachovia Bank. He stated for the Series A Bonds the percentage rate was 4.5% for thirty (30) years, and on the Series B Bonds, the percentage rate was 3.84% for twelve (12) years.

Commissioner Whitefield made a MOTION to recommend approval of the financing of the Avionics Program through Wachovia as described by the County Manager. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden

" Mayes
" Whitefield
Chairman Jennings

Motion Carried

5. CONSIDER APPLICATION FOR COOSA VALLEY TECHNICAL COLLEGE AVIONICS BUILDING PURSUANT TO §2-3-3(n) & (t) OF THE FLOYD COUNTY CODE:

County Manager Poe asked County Attorney Manning to present this item. County Attorney Manning referred to a letter signed by Blaine Williams, Assistant County Manager, with enclosures, addressed to Mrs. Kathy Arp, County Clerk, requesting that the Board approve of the construction of the Avionics building for Coosa Valley Tech through a lease arrangement. Mr. Manning suggested that the Board consider approving that request pursuant to the Floyd County Code §2-3-3(n) & (t).

Commissioner Mayes made a MOTION to approve the letter as described by the County Attorney. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

6. AUTHORIZE LETTER TO FAA THAT PAYMENTS MADE UNDER LEASES WILL NOT BE PAID FROM ANY FUND DESIGNATED AS AIRPORT FUNDS AND THAT ANY CASH FLOW WILL GO BACK TO THE AIRPORT SPECIFICALLY:

County Manager Poe stated the Commissioners have before them a draft of a letter to the FAA regarding the Airport project and the recommendation is that the Board authorize the County Manager to sign the letter to the FAA authorizing that payments made under leases will not be paid from any fund designated as airport funds and that any cash flow after lease payments will go back to the airport specifically.

Commissioner Lumsden made a MOTION to accept the recommendation concerning the letter to the FAA regarding the Coosa Valley Technical College and Rome-Floyd County Development Authority Leases. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks

Commissioner Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

Chairman Jennings recognized Leadership Rome participants in attendance.

4/5 VOTE REQUIRED

7. AUTHORIZE RESOLUTION FOR SECOND AMENDMENT TO SPLOST INTERGOVERNMENTAL AGREEMENT (2006 SPLOST):

County Attorney Manning stated under the most recent SPLOST the City of Cave Spring would like to move forward with the renovation of the Historic Georgia School for the Deaf building. He stated under the current contractual arrangement between Floyd County, the City of Rome and the City of Cave Spring, that money is just going to trickle in for the Cave Spring project. It will be several years before they will be able to renovate that, and he thinks the officials from Cave Spring have discussed this with Floyd County, but the way that agreement works is all the SPLOST money comes in, bond payments are made and then distributions are made to the cities according to the agreed upon percentages with the balance left for the county. He stated the City of Cave Spring has requested that the county advance money that is available from the county, so they could go ahead and renovate their project. He stated what would happen would be once those monies are spent and the building is renovated, at that point, Cave Spring would not receive their allocation until the money was repaid to Floyd County's fund and it was replenished without interest. Mr. Manning stated he has drafted an agreement to do that. He stated it is pretty technical and it has gone to the representatives of Cave Spring and Rome to review since they are a party to that contract. He stated it has also gone to bond council in Atlanta who represented them on that transaction, but his understanding from the County Manager is that they would rather move forward with that so if the Board would like to pass a Resolution authorizing that Amendment to the Intergovernmental Agreement he has it and it has been drafted. He stated they can pass it subject to attorney's review. County Manager Poe stated he does not think it would have any negative impact on the county's ability to proceed with their projects. He stated Cave Spring is just sitting there, and they already have the architect hired. He can get the plans cranked out, get it bid, but as County Attorney Manning mentioned, they would have to wait on the money. Commissioner Mayes asked how much is it that are saying. Chairman Jennings stated

if he remembers correctly somewhere around \$850,000.00. Commissioner Fricks asked have they done a cash flow analysis on the whole thing and laid it out like that. He stated he knows with their projections, their revenue projections are lower than what they were actually originally projecting too. County Manager Poe stated in speaking with Gary Burkhalter, Finance Director, they looked at it and they felt like this was something that they could handle and would not negatively impact the county's ability to move forward. Commissioner Mayes asked if they would forward the entire one-hundred percent of it. County Manager Poe stated they would forward it and try to work it out as they need it. Chairman Jennings stated it involves architectural plans, and then contracts have to go out, so it is going to be probably six months before they are ready. County Manager Poe stated they are not talking about just giving them one lump sum amount. He stated they can do it over a period of time. It would be like them getting construction draws from them. County Attorney Manning stated he thinks he just put the cap on the total amount, which was the cap of that particular project. He stated that Cave Spring had more than one project on the SPLOST, and the agreement requires Cave Spring to use any funds that they have in their SPLOST fund for the renovation project combined with whatever the county advanced so as to total no more than the original estimated project cost.

Commissioner Mayes made a MOTION to put this item on the agenda by 4/5 vote. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

County Manager Poe stated the motion they would be looking for if they choose to do so would be to Authorize a Resolution for the county to enter into a Second Amendment to the Intergovernmental Agreement regarding the current SPLOST subject to Attorney's review. Chairman Jennings stated the conditions would be that first Cave Spring would use its allotted share on hand of the SPLOST money towards that project, and second as costs are ready to be expended, then that portion of the money would be allocated on a month by month basis as opposed to the whole lump sum. County Attorney Manning stated the way it is written it would give the county the ability to make those advances when they saw fit to do that. He stated the way he drafted it there is no interest charged by the county, but that money would be replenished by Cave Spring as the SPLOST money comes in.

Chairman Jennings made a MOTION to approve the County Attorney's recommendation. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

**1. CONSIDER VOTE TO ENTER INTO CLOSED SESSION
TO DISCUSS PENDING LITIGATION:**

County Attorney Manning recommended considering a motion to go into Closed Session to discuss pending litigation against the county.

Commissioner Mayes made a MOTION to go into Closed Session.
SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

The Board entered into Closed Session at 7:10 p.m. The meeting reconvened at 7:55 p.m.

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