

March 11, 2008

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 11, 2008 2:00 P.M.**

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

OTHERS

PRESENT: County Attorney Tommy Manning, Deputy Clerk Jaime Foster, County Manager Kevin Poe, and Assistant County Manager Blaine Williams.

ABSENT: County Clerk Kathy Arp.

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 Fricks.

PUBLIC PARTICIPATION:

Ms. Serpentfoot, 324 Forsyth Street, stated they (*Commissioners*) have made comments about joining other counties to recognize old courthouses, and she would like to see them recognize their first courthouse, which was at Livingston. She stated the old map, the first one, is something they will find in the Rome-Floyd County Library Special Collections Department. It shows the Livingston Academy, the old courthouse, and the old post office at Livingston on land lot 287. She stated she would like to see them buy that property, land lots 286 and 287, and make a great park out there with a boat ramp, where they can put some boats in the Coosa River there. She stated that would be wonderful to recognize their first courthouse at Livingston. She stated she has written a letter to Attorney General Thurbert Baker, and the reason that she has done that is that she has spoken so many times about recognizing Chief John Ross on his land lot 244. She stated now with the County Commission's suggestion the City of Rome is going to name that new bridge the John Ross Crossing and that is okay, but it is not great. They call the bridge that they are naming for Major Ridge the Major Ridge Memorial Bridge, so how about a memorial to the chief of the Cherokee's. She stated not just say the John Ross Crossing, but recognize that he was the chief of the Cherokee nation right there. She stated there has been too much discrimination against blacks and Indians. She stated they drove the whole tribe of Indians out. She stated they used to have a saying "the only good Indian is a dead Indian". She stated that is so racist, but Rome is still racist as far as Indians are concerned because the way Rome is interpreting that now is the only good Indian is the one that signed the treaty so they could drive them all west on the Trail of Tears. She stated Major Ridge is the only Indian memorialized here in Rome, Georgia. She stated they do need to call that

the Chief John Ross Memorial Bridge, and show him at least as much respect as they show to the Indian that signed the treaty. She stated the reason she has written Attorney General Thurbert Baker is she thinks he would understand racial discrimination and prejudice against people because of race, religion or anything. She stated it seems like there is just no response to all the talking that she has done for the last two or three years, and if they cannot respond there is something very desperately that needs to be responded to, and that is in the last three or four weeks there has been an old home demolished on the John Ross home site. She is so afraid of what is going to be developed there, and also David Doss wanting to redevelop all of West Third. She stated that is right at John Ross' house. She stated John Ross filed memorial in the U.S. Senate in the House of Representatives June 21, 1836, and they will find that in the John Ross papers at the Rome-Floyd County Special Collections Department. She stated that memorial is in the U.S. Senate in the House of Representatives showing that his father's grave and one of his children are buried there. She stated to date there has been no report of graves found in that vicinity, so you can assume from that that somebody found them and was just dirty and crooked enough not to report it, and just destroy them. She stated the other assumption is they have not run into them yet. She stated that is wonderful, and she believes it is a reasonable assumption because these old houses there are sometimes just propped up on two or three feet of foundation. She stated they may not have disturbed the ground as deep as a grave would be, so those graves could still be there. She stated she wants them to act now, and act like they have heard her. She hopes somebody, if the Commission does not maybe Attorney General Baker will, but somebody needs to prevent destruction of those Indian graves on that land lot. She stated if we cannot have honesty in government, then we do not need any powers over anybody's property if we cannot start with the facts and treat everybody equally with equal treatment of the law.

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 Whitefield made a MOTION to adopt the minutes of the Regular Meeting of February 26, 2008. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

PROCLAMATIONS:

CHILD ABUSE PREVENTION MONTH:

Commissioner Whitefield presented Ms. Beth Dabbs, Victim Witness Assistance Program Director, with a Proclamation recognizing April as Child Abuse Prevention Month. Ms. Dabbs reviewed the Awareness Activities for the month of April. She recognized her committee and thanked the Board for their recognition.

(Proclamation/Resolution Book, Page 114)

RECOGNIZE FINANCE DEPARTMENT STAFF FOR GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) AWARD OF FINANCIAL REPORTING ACHIEVEMENT:

County Manager Poe stated they would like to recognize and congratulate the Floyd County Finance Department for receiving the Award of Financial Reporting Achievement from the Government Finance Officers Association for the twentieth consecutive year, and twenty-five years overall. He stated this award is presented to those government units whose annual financial reports are just and adhere to program standards, and represents the highest award in Government Financial Reporting. He presented the award to Gary Burkhalter, Finance Director.

Mr. Burkhalter introduced Susie Gass, Assistant Finance Director, Sheryl Allen, Accounts Payable, Brenda Hancock, Accounts Payable, Jennie Leonard, Chief Accountant, Pam Shiflett, Office Manager, Donna Puckett, Recreation Accounts Payable, Cathleen Wilson, Accountant and John Ware, Internal Auditor. County Manager Poe stated they appreciate them and they very much deserve this award.

FIRST READINGS: (SECOND READINGS/PUBLIC HEARINGS TO BE HELD MARCH 25, 2008 AT 6:00 P.M.)

- 1. FILE #31-2008Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO A-R (AGRICULTURE RESIDENTIAL) FOR CONTINUED AGRICULTURE USE ON PROPERTY LOCATED AT 2416 TURKEY MOUNTAIN ROAD. ZONING MAP L09 – PARCEL 048A. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6-0]).**
- 2. FILE #32-2008Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING OF PROPERTY LOCATED AT 1246 CARTERSVILLE HIGHWAY. ZONING MAP K15Z – PARCEL 005. (PLANNING COMMISSION RECOMMENDATION: APPROVE**

[VOTE: 5-1]).

3. **FILE #33-2008Z, REQUEST REZONING FROM D-R (DUPLEX RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING OF PROPERTY LOCATED AT LOVELL STREET. ZONING MAP J11Y – PARCEL 146. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT THE SIDE SETBACK BE 20 FEET WITH A VEGETATIVE SCREEN. [VOTE: 6-0]).**
4. **FILE #37-2008Z, REQUEST REZONING FROM L-I (LIGHT INDUSTRIAL) TO O-I (OFFICE INSTITUTIONAL) TO CONSTRUCT CHURCH ON PROPERTY LOCATED AT 2567 CEDARTOWN HIGHWAY. ZONING MAP I16X – PARCEL 075 (PART OF). (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT THE LOT BE SUBDIVIDED AND RECORDED. [VOTE: 6-0]).**

ULDC REVISIONS:

1. **REVISE OR DELETE ARTICLE 7.4 CONCERNING ELECTION OF BOARD OF ADJUSTMENTS CHAIRPERSON. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6-0]).**
2. **REVISE OR DELETE ARTICLE 2, 3, 4 AND 8 CONCERNING PERSONAL CARE HOMES. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6-0]).**

CHAIRMAN'S REPORT:

No Report.

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 Mayes, Chairman**

No Report.

4. Water Committee – Commissioner Fricks, Chairman

a. Discuss Water Rates

Commissioner Fricks stated they have a proposal on adjusting the Water Rates and deferred to County Manager Poe to outline that proposal.

County Manager Poe stated for most residential customers that are on a 5/8” or 1” meter the rates will be adjusted according to the schedule that they will make part of the record. The rate for those currently using from three thousand to twenty-five thousand gallons will go up 3% percent; those using twenty-six thousand to one hundred thousand gallons will go up 12.4%; and those using over one hundred thousand gallons the rate will go up 22.4%. He stated that covers all of their residential customers. The minimum charge will be increased 3% from \$11.03 to \$11.36. He stated for all of their other customers who are on meters 1 1/2” and greater are commercial and industrial customers. He stated basically the usage rates would go up 3% across the board for all categories. They are also recommending that the deposit be increased from \$75 to \$100. Commissioner Fricks stated the basic affect on the average household was \$.73. County Manager Poe stated for a typical household that uses six thousand gallons of water a month would be \$.73. Commissioner Fricks stated one of the other things that are changing that people will see are the people who are heavier household users. County Manager Poe stated what they are trying to do is move toward getting away from a declining rate schedule. He stated initially this year they are asking that they be allowed to come back in six months and look at some additional adjustments to the rates. He stated they are still somewhat on a declining rate schedule, even though the higher usage customers are getting a larger increase. He stated that after six months they would like to recommend they go to a flat rate schedule for their residential customers. He stated hopefully next year they can look at going to an increasing rate schedule. He stated the reason for doing that is to encourage people to conserve water. He stated they are looking to implement this so people will have time to adjust their usage knowing that they are planning to make these changes. He stated that way if they are a large water user they can adjust their usage and take advantage of the rate schedule for the lower usage customers.

Commissioner Fricks made a MOTION to approve the Water Rate Schedule as recommended. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield

Chairman Jennings

Motion Carried

b. Amendment to Water Fund Budget

County Manager Poe stated they discussed the Water Fund Budget and the proposed amendment during Caucus. He stated there is a request for an additional Operator position, and that has been incorporated into the revised budget, which adjusted it \$37,000. He stated that would accommodate nine months of salary, plus some additional money to equip that person. He recommended approval of the amended budget as submitted with those changes, including the equipment list.

Commissioner Fricks made a MOTION to approve the Revised Water Fund Budget as submitted. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings stated they are presenting a press release in regards to the water restrictions, and are basically following the state plan, but making it clear that they are going to monitor this monthly, maybe more closely as the summer comes along. County Manager Poe noted that this is the first rate increase they have had since April 2006.

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

Deputy Clerk Jaime Foster stated there are five items on the Clerk's Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Fricks 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. Kimberly & Alex Lamboy, P.O. Box 553, Cave Spring, \$13.26
- b. Gajaba & Loku Sanaraweera, 109 Bent Creek Drive, \$243.20
- c. Margaret T. Harbin, 7 Horseleg Creek Road, \$82.50
- d. NRS Properties, Inc., 652 Chulio Road, \$879.36
- e. Martha Mansfield, 1065 Booze Mountain Road, Lindale, \$1,331.96
- f. Johnny Rainey Morris, P.O. Box 131, Shannon, \$29.87
- g. Robert L. Moss, 12 Horseshoe Bend Road, \$436.39
- h. Stephen & Judith Smith, 105 Greenview Road SW, \$1,245.14
- i. Gordon L. Miller, 325 Randall Road SW, Cave Spring, \$32.63
- j. Alice & David Martin & Mary M. Yarbrough, P.O. Box 438, Armuchee, \$295.80
- k. Fernando Molina, 17 Orchard Springs Drive, \$63.86
- l. NRS Properties, 652 Chulio Road, \$155.82
- m. Erica & Valerie Hixon, 311 13th Street, Butner, NC, \$27.03
- n. Jackson D. Morgan, 436 Broad Street, \$675.21
- o. Eva Joy Rogers, 115 Morgan Drive NW, \$5.99
- p. Mulligan Investments, LLC., 106S Cloudview Road, \$106.01
- q. Pat Comer, 1439 Horseleg Creek Road, \$926.47

2. **Enter into Minutes Memorandum of Understanding regarding OneGeorgia Authority BRIDGE Project. (Participation approved at meeting of December 11, 2007.)**
3. **Malt Beverage Application, Amina Wazir Noorali, Taylor's Grocery and Tobacco, 4672 Martha Berry Highway, Rome, Georgia. Grocery Store/Beer & Wine. Ownership Change.**
4. **Malt Beverage Application, Khalid Javaid, NJL Corporation dba US Food Mart, 7748 Alabama Highway, Rome, Georgia, Convenience Store/Beer. Ownership Change.**
5. **Self-Service Fuel Application, Khalid Javaid, NJL Corporation dba US Food Mart, 7748 Alabama Highway, Rome, Georgia. Ownership Change.**

MANAGER'S REPORT:

1. REQUEST FOR BUDGET AMENDMENT FOR EMERGENCY MANAGEMENT:

County Manager Poe stated they have a request from Scotty Hancock, Emergency Management Director, to reallocate \$1,500.00 from his Supply line item to his Equipment line item in order to purchase a flat screen television monitor to be installed at the Emergency Operations Center.

Commissioner Whitefield made a MOTION to approve the budget amendment. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

2. REQUEST FOR BUDGET AMENDMENT FOR ELECTIONS AND REGISTRATION:

County Manager Poe stated they have a request from Pete McDonald, Chairman of the Board of Elections and Registrations requesting the purchase of five additional sets of Express Polls. He stated they had allocated \$12,000.00 to purchase some of those Express Poles in the 2008 Budget that was adopted. He stated in order to have the adequate funds to purchase five sets it would require an additional \$13,000.00 for a total of \$25,000.00 for those machines. Chairman Jennings stated they

have targeted their biggest precincts for this equipment. County Manager Poe stated Alto Park, Etowah, East Lindale, East Rome, North Rome, Mt. Alto North, and Mt. Alto South are where they would like to add more equipment. He stated they have \$12,000.00 allocated, so they can order two pair of Express Poll machines to get ready for the election that would be coming up. Chairman Jennings stated he does not think that there is any discount involved in this. He stated if they order two sets now, and order three sets later, it will not affect the price.

Commissioner Whitefield made a MOTION to authorize the purchase of three sets of Express Poll machines. He stated they have \$12,000.00 budgeted, which would be a \$3,000.00 addition to the budget, and leave the door open for re-evaluation of the other two down the road. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**3. ASSIGNMENT OF AIRPORT LAND LEASE AGREEMENT
FROM FRANK GEORGE TO 950 LLC:**

**4. ASSIGNMENT OF AIRPORT LAND LEASE AGREEMENT
FROM 950 LLC TO UNITY NATIONAL BANK:**

County Manager Poe referred items #3 and #4 to the County Attorney. County Attorney Manning stated with regard to items #3 and #4 they have not been presented with formal assignments of those Airport Leases from 950 LLC. He stated this concerns an Airport Hangar Lease, and the parties desire to transfer the lease from its current owner to 950 LLC. He stated in order to do that the lease requires that the county provide its consent, and then they would like to also have the county consent to a transfer of the lease from 950 LLC to Unity National Bank for financing. He stated he thinks the appropriate action for the Commission to take, if they are so inclined, would be to authorize the assignment of the lease from Mr. Frank George to 950 LLC, and also authorize the assignment of the lease from 950 LLC to Unity National Bank provided the form of the assignment is agreeable or approved by the County Attorney.

Commissioner Whitefield made a MOTION to accept the County Attorney's recommendation. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**5. APPROVE CONTRACT WITH JEFF BENNETT
CONSTRUCTION COMPANY INC., FOR CVTC
PROJECT AT RICHARD B. RUSSELL REGIONAL
AIRPORT:**

Assistant Manager Williams stated they have been working under an agreement with Jeff Bennett Construction Company to construct the Coosa Valley Tech Avionics building at the Airport. He stated they are ready to formally execute a contract with them.

Commissioner Lumsden made a MOTION to approve the contract with Jeff Bennett Construction Company. SECOND by Commissioner Whitefield.

Discussion: County Manager Poe stated this contract is a design/build contract with a guaranteed maximum price. He stated they knew as they move forward that they would be establishing a guaranteed maximum price once all design documents were completed. He stated they are locking into the original price that was established for the project. He stated they will monitor that, and if there are some reductions in that price or savings, 50% of that will come back to the county. Commissioner Fricks asked who is the shared savings with. County Manager Poe stated the shared savings would be between the contractor and the owner. He stated they are used to doing a design bid/build type project, and from day one trying to monitor a project, reviewing their contracts and things like that, there were some issues about doing that right off the get go. Commissioner Fricks asked they did ask for design/build bids, did they not. County Manager Poe stated yes with guaranteed maximum price. He stated that with the way they established their price, there is not going to be as much opportunity for cost savings as there would be with most of these companies that they do a GNP with, like they are about to do with R.J. Griffin particularly because they will do their GNP a lot earlier than what they have established right now. Commissioner Fricks stated right now lends itself to a favorable time on your subs to get favorable prices on your savings. County Manager Poe stated but they are about 75% complete with the project. Commissioner Fricks asked were there individual bids received. County Manager Poe stated yes, most of the primary work of their subs has been completed. Assistant Manager Williams stated the pricing was established in October. County Manager Poe stated the preference would be to get 100% of the savings, but with trying to work this contract out and how they were tracking the cost, that is about the best they could negotiate. He stated he is not saying that negative toward the other party, but that is just the way it is working out. He stated with the way this has been worked out, there is going to be very

little savings because they were pretty much locked into those prices early on. County Manager Poe stated usually the bigger the project the more opportunity there is for savings. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**6. APPROVE PURCHASE OF LIFT STATION FOR CVTC
PROJECT AT RICHARD B. RUSSELL REGIONAL
AIRPORT:**

County Manager Poe deferred to Assistant Manager Williams. Assistant Manager Williams stated as part of the improvements at the North Terminal expansion area in conjunction with the Coosa Valley Tech project, they are fixing the sewer system there for what is existing as well as what is planned in the future. He stated that calls for the purchase and installation of a new lift station. He stated they have had the engineer spec what the City of Rome would require should they ever want to take over that sewer system. He stated that has caused them to go for a single source, and they ask that they approve \$40,000.00 for the purchase of that lift station.

Commissioner Lumsden made a MOTION to approve the purchase of the lift station as outlined by the Assistant Manager. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4/5 VOTE REQUIRED

**7. AWARD OF BIDS FOR PARKS AND RECREATION
AUTHORITY PROJECTS:**

County Manager Poe requested that this item be placed on the Agenda.

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

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

County Manager Poe stated the recommendation from Rome-Floyd Parks
& Recreation Authority is:

- a. Award the purchase of playground equipment for Wolfe Park to Southern Playgrounds in the amount of \$30,000.00 (2006 SPLOST).
- b. Award the bid for the purchase of six Snapper Pro S200 lawnmowers to Joe Hill Lawnmower for a total cost of \$36,204.00 (2008 Capital Equipment).
- c. Approve HVAC upgrades, repairs, and replacements to Etowah Senior Center, The Cage, Upper Alto Park, and Rome-Floyd Tennis Center in the amount of \$20,300.00 (2008 Capital Equipment).
- d. Approve the purchase five (5) Ford F-250 trucks from Courtesy Ford at a price of \$18,993.00 per truck (2008 Capital Equipment). Commissioner Whitefield stated it is his understanding that is about a \$70,000.00 savings over what was budgeted, is that correct. County Manager Poe stated with the sixth truck it would have been about \$50,000.00.

Commissioner Whitefield made a MOTION to approve the bid awards as outlined by the Manager. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

4/5 VOTE REQUIRED

**1. APPROVE AND AUTHORIZE EXECUTION OF A WORKER'S
COMPENSATION AGREEMENT CONCERNING JOHN
CASTEEL:**

County Attorney Manning proposed that the Board place on the agenda, the approval and authorization of the execution of a Worker's Compensation Settlement Agreement concerning Floyd County employee John Casteel, and also the issue of moving forward with finalizing a potential settlement agreement regarding that same claim against Hewitt Coleman and their E&O carrier.

Commissioner Mayes made a MOTION to add these items to the agenda.
Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks
" Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

County Attorney Manning stated they have before them a proposed Stipulation and Agreement to resolve a worker's compensation claim that the county has accepted as a compensable claim concerning John Casteel. He stated it has been in existence for quite some time. He stated the action for consideration would be to approve entering into the Stipulation and Agreement authorizing the county attorneys to sign on behalf of the county. He stated the action would also authorize the county to move forward with a settlement to resolve a potential claim by the county against Hewitt Coleman and their E&O carrier concerning the failure to file with a subsequent injury trust fund notice by Hewitt Coleman and to bring the final terms of that back to them in document at a later time.

Commissioner Whitefield made a MOTION to approve the County Attorney's recommendation as stated. SECOND by Commissioner Lumsden.
VOTING:

YES NO

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 Lumsden, SECOND by Commissioner Mayes, 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