

June 24, 2008

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
June 24, 2008 6:00 P.M.**

PRESENT: Chairman Jerry Jennings, Commissioners 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.

ABSENT: Commissioner Garry Fricks.

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

INVOCATION: Commissioner Whitefield led the Invocation.

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

PUBLIC PARTICIPATION:

Ms. Serpentfoot, 324 Forsyth Street, stated she just got out of the hospital and she has no peace. She stated this is the fifth time they have tried to tear her house down and she is very angry. She stated she does not make any excuse for any kind of violation of the law, nevertheless, there is a whole lot more criminal activity than somebody getting caught driving without a license. She stated there are three or four things she can think of that are a lot worse. The first one is not just one man, but out of all the people in this county, half of them are adults, and they are forcing a lot of people to drive without a license. She stated people who are too young, too old, too crazy, doped-up, drunk, and so on, to drive. She stated they are forcing thousands of them to drive because they do not have any alternative. She stated the best their DOT man, David Doss, has done is a walking bridge. Walking is fine, but that is not the top priority for what she wants to spend her transportation money on. She stated they should concentrate on putting a little transportation here. They used to have train stations all over this county with trains running all day. She stated they had Greyhound, Trailways, steamboats, and they are just about to lose their airplanes now. The City of Rome is the only place in the county that has any bus service right now, and they do not have service after six o'clock, on the weekends, or holidays, unless it is something special. She stated the second thing on her list is worse than that. She stated Mr. Doss building a walking bridge in a spot where he wants to make some money with the taxpayers financing it, that is going to tear up some Indian graves in an archeological site. She stated that is in violation of O.C.G.A. 31-21-44c. She stated the

city of Rome has contracted with David Doss and Mr. Hackett to commit this crime. She asked do they have any influence to stop them. They have a judge in this county that is collaborating in it too. She stated she filed suit to stop it and he unfiled it. She is going to have to make it a federal case unless somebody can say to him be a decent man, think of something besides your own profit, do your DOT job, and get us some transportation. She stated number three is she just got a letter from the Building Inspection Department, and this is the fifth time that they have tried to tear her house down. She stated they told her she was in violation of the 203 International Building Maintenance Code. She stated she does not believe people in any other country in the world would consent to the United States telling them how to maintain, or how to build their buildings. She stated they do not have an International Building Maintenance Code. They do not even have a national code. She stated the Constitution says what the national government can do, and her home is not involved in interstate commerce. The national government cannot tell her what to do with her home, much less the international. She stated she knows Saudi Arabia, Iran, and Japan have bought up a lot of this country, but they do not run it yet. The state, city, and county do not have the right to come into her home and tell her what to do. She stated this is a crime when you invade people's homes. Every man and every woman is supposed to be king or queen of their castle. She stated they do not have any liberty at all if they do not have some say over our private property. If the City of Rome cannot be anymore honest than they have been, and they cannot admit that this is Chief John Ross' house here and where the Trail of Tears started, then they ought not to have power over any property. She stated government needs to tend to public business and stay out of private property. They are violating constitutional rights and it needs to be stopped. She stated they are not under any international law. She stated she would like to see the Board stop this crime of destroying those Indian graves, which is an archeological site. She would like for them to do something about their transportation problems. She stated she would hate to have to make it a federal case. She stated she would like to see them do something about it.

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 June 10, 2008. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

RESOLUTIONS:

1. ADOPT RESOLUTION AUTHORIZING DISPLAY OF PORTRAITS OF JUDGES ON THE WALLS OF THE COURTROOMS OF THE COURTHOUSE/JUDICIAL BUILDING, 3 GOVERNMENT PLAZA:

Chairman Jennings called for a motion to approve this Resolution. Commissioner Mayes made a MOTION to Adopt the Resolution Authorizing Display of Portraits of Judges on the walls of the courtrooms of the Courthouse/Judicial Building, 3 Government Plaza. SECOND by Commissioner Whitefield. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

(Proclamation/Resolution Book, Page 127)

**2. ADOPT RESOLUTION TO ADOPT AMENDED
AND RESTATED DEFINED BENEFIT PLAN:**

Chairman Jennings called for a motion. Commissioner Whitefield made a MOTION to Adopt the Resolution to Adopt Amended and Restated Defined Benefit Plan. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4/4 VOTE REQUIRED:

3. ADOPT RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$6,000,000 TO FINANCE COSTS ASSOCIATED WITH THE ACQUISITION AND INSTALLATION OF MACHINERY FOR MARGLEN INDUSTRIES, INC:

Chairman Jennings called for a motion to add the Resolution Approving the Issuance of Revenue Bonds in an amount not to exceed \$6,000,000 to finance costs associated with the acquisition and installation of machinery for Marglen Industries, Inc. to the agenda. Commissioner Mayes made a MOTION to add the item to the agenda. SECOND by Commissioner Whitefield.

County Attorney Manning informed the Commissioners that the Bonds were issued by the Rome-Floyd County Development Authority, and the Resolution was required for IRS purposes and would not result in any obligation by the County.

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to Adopt the Resolution Approving the Issuance of Revenue Bonds for Marglen Industries, Inc. SECOND by Commissioner Mayes. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**FIRST READINGS:
(PUBLIC HEARINGS TO BE HELD
ON JULY 8, 2008 AT 2:00 P.M.)**

1. FILE #63-2008SUP, REQUEST REZONING FROM H-TR (HIGH-DENSITY TRADITIONAL RESIDENTIAL) TO S-R (SUBURBAN RESIDENTIAL), WITH A SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN THE S-R (SUBURBAN RESIDENTIAL) DISTRICT ON PROPERTY LOCATED AT 201 ALEXANDER AVENUE. ZONING MAP J16X – PARCELS 220, 221, 222. (PLANNING COMMISSION RECOMMENDATION: NO RECOMMENDATION. [VOTE: 4-4 ON MOTION TO APPROVE]).

2. FILE #68-2008SUP, REQUEST SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN THE S-R (SUBURBAN RESIDENTIAL) DISTRICT ON PROPERTY LOCATED AT 1282B RADIO SPRINGS ROAD. ZONING MAP G14Y – PARCEL 017. (PLANNING COMMISSION RECOMMENDATION: DENY [VOTE: 4-5 ON MOTION TO APPROVE].

ULDC REVISIONS:

1. REVISE OR DELETE ARTICLE 6.15.11 REGARDING NPDES COMPLIANCE. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).
2. REVISE OR DELETE ARTICLE 6.17.3 REGARDING LANDSCAPING PLAN. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).
3. REVISE OR DELETE ARTICLE 6.17.2a REGARDING LANDSCAPING ISLANDS IN PARKING LOTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).
4. REVISED OR DELETE ARTICLE 6.17.2c REGARDING LANDSCAPING ISLANDS IN PARKING LOTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).
5. REVISE OR DELETE ARTICLE 6.6.1 AND 6.4.2 CONCERNING DEDICATION OF ADDITIONAL ROW ALONG EXISTING STREETS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).
6. REVISE OR DELETE ARTICLE 6.9.3 REGARDING INTER-PARCEL ACCESS EASEMENTS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).

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

a. Recommendation to accept the following roads within Emerald Oaks Subdivision, Phase IB onto county maintenance: Emerald Oaks Trail, NE; Royal Oak Drive, NE (655' from station 0+00 to 6+55); Spanish Oaks Trail, NE; Whistling Oaks Drive, NE (640' from station 0+0 to 6+40); Pin Oak Drive, NE; Majestic Oaks Way, NE (405' from 0+00 to 4+05); and Misty Oaks Lane, NE.

Commissioner Mayes made a MOTION to accept the following roads within Emerald Oaks Subdivision, Phase IB onto county maintenance: Emerald Oaks Trail, NE; Royal Oak Drive, NE (655' from station 0+00 to 6+55); Spanish Oaks Trail, NE; Whistling Oaks Drive, NE (640' from station 0+0 to 6+40); Pin Oak Drive, NE; Majestic Oaks Way, NE (405' from 0+00 to 4+05); and Misty Oaks Lane, NE. SECOND by Commissioner Whitefield. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

4. Water Committee – Commissioner Fricks, Chairman

4/4 VOTE REQUIRED

a. Accept proposal submitted by Graves Service Company, Inc. (GSC) to furnish and install a Permanent Well Pump at Fulton Road Well.

County Manager Poe stated they have received a proposal from Graves Well Drilling Service related to the ongoing process of attempting to get the Fulton Road Well back into production. He stated the proposal is for \$16,300.00, to put in a new permanent well pump, and to seal the new well. He recommended approving the proposal as submitted.

Chairman Jennings called for a motion to put this item on the agenda. Commissioner Lumsden made a MOTION to put the item on the agenda. SECOND by Commissioner Mayes. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Chairman Jennings called for a motion to accept this proposal to furnish and install a Permanent Well Pump and seal the new well at Fulton Road Well. Commissioner Mayes made a MOTION to accept the proposal as submitted. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

5. Judicial Services Committee – Commissioner Jennings, Chairman

No Report.

6. Special Committee Reports

- a. **SPL OST 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)**
- f. **Transportation Committee (Whitefield)**

There were no Special Committee Reports

CLERK'S REPORT:

Consent Agenda

4/4 Vote Required to add Item #3

Chairman Jennings called for a motion to add Item #3 to the agenda. Commissioner Mayes made a MOTION to add item #3 to the Clerk's Consent Agenda. SECOND by Commissioner Whitefield. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

Commissioner Whitefield made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

1. Authorize Release of Taxes from Tax Commissioners Roll totaling \$1,162.93.
2. Authorize execution of Hangar Lease Agreement between Mark Porterfield and Floyd County Georgia for Hangar #35 at Richard B. Russell Regional Airport.
3. Authorize Renewal of Property and Liability Insurance Coverage with ACCG-IRMA for the period July 1, 2008 to July 1, 2009.

MANAGER'S REPORT:

1. DISCUSS AUTHORIZATION FOR CHAIRMAN TO SUBMIT A LETTER TO THE TRUST FOR PUBLIC LAND, REQUESTING TECHNICAL ADVICE AND ASSISTANCE REGARDING THE ACQUISITION OF LAND FOR RECREATION, PARKS, CONSERVATION AND OPEN SPACE:

County Manager Poe stated they have a request to authorize the Chairman to sign a letter to the Trust for Public Land officially requesting them for technical advice and assistance in connection with efforts to finance the acquisition of land for recreation, parks, conservation, and open space for potential related ballot measure for consideration by voters.

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to authorize the Chairman to sign and submit the letter to the Trust for Public Land. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**2. AUTHORIZE EXECUTION OF DOT GRANT FOR APRON
REPAVING PROJECT AT NORTH TERMINAL EXPANSION
AREA AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated they have received information regarding a DOT Grant for an Apron Repaving Project at the North Terminal Expansion Area at the Richard B. Russell Airport. He recommended authorizing the Chairman and Clerk to execute the necessary documents to move forward with this DOT grant.

Chairman Jennings called for a motion. Commissioner Whitefield made a MOTION to authorize the execution of the DOT Grant for Apron Repaving Project at Richard B. Russell Regional Airport. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

3. APPROVE CHANGE ORDER NO. 1 TO INCLUDE GUARANTEED MAXIMUM PRICE (GMP) IN CONTRACT BETWEEN FLOYD COUNTY AND DUNN SOUTHEAST INCORPORATED D/B/A R. J. GRIFFIN & COMPANY FOR THE FORUM PARKING DECK:

County Manager Poe stated this item has to deal with The Forum Parking Deck project. He stated they discussed this and had a presentation by Adams Management, R.J. Griffin, and the designer Carl Walker during Caucus related to this project. He stated the recommendation is to approve Change Order No. 1 with R.J. Griffin to include a Guaranteed Maximum Price (GMP) for construction of The Forum Parking Deck in the amount of \$6,669,557.00.

Chairman Jennings called for a motion to approve the change order. Commissioner Mayes made a MOTION to approve Change Order No. 1 to include a GMP of \$6,669,557.00. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

**4. APPROVE EQUIPMENT LINE ITEM BUDGET TRANSFER
TO ENABLE PURCHASE OF WATER TRUCK FOR PUBLIC
WORKS DEPARTMENT:**

County Manager Poe stated they have a request from Michael Skeen, Public Works Director, to amend his line item equipment budget to allocate an additional \$13,599.00, from savings on prior purchases, to the original \$20,000.00 that was allocated for the purchase of a water truck for the Public Works Department. He recommended approving the request.

Chairman Jennings called for a motion. Commissioner Mayes made a MOTION to approve the line item budget transfer in the amount of \$13,599.00 as requested. SECOND by Commissioner Lumsden. VOTING:

Commissioner Lumsden
" Mayes
" Whitefield
Chairman Jennings

Motion Carried

ATTORNEY'S REPORT:

No Report.

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:

Commissioner Lumsden
" Mayes

Mayes
White

"Whitefield

Chairman Jennings

Motion Carried

FLOYD COUNTY BOARD OF COMMISSIONERS

JERRY JENNINGS, CHAIRMAN