

January 13, 2009

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
January 13, 2009                      2:00 P.M.**

**PRESENT:** Commissioners Irwin Bagwell, 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:** County Attorney Tommy Manning called the meeting to order.

**INVOCATION:** Commissioner Lumsden led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Mayes.

**APPOINTMENT OF CHAIRMAN**

**AND VICE-CHAIRMAN:**

County Attorney Tommy Manning called for a motion to appoint the Chairman of the Floyd County Board of Commissioners. Commissioner Lumsden made a MOTION to appoint Commissioner John Mayes as Chairman for the year 2009. SECOND by Commissioner Whitefield. VOTING:

YES                      NO

Commissioner Bagwell  
"        Fricks  
"        Lumsden  
"        Mayes  
"        Whitefield

Motion Carried

Chairman Mayes called for a motion to appoint Vice-Chairman. Commissioner Whitefield made a MOTION to appoint Commissioner Eddie Lumsden as Vice-Chairman for the year 2009. SECOND by Commissioner Fricks. VOTING:

YES                      NO

Commissioner Bagwell  
"        Fricks

" Lumsden  
" Mayes  
" Whitefield

Motion Carried

**PUBLIC PARTICIPATION:**

**PRESENTATION OF NAIA GAME BALL TO FLOYD COUNTY  
BY REPRESENTATIVES OF GREATER ROME CONVENTION  
& VISITORS BUREAU AND SHORTER COLLEGE:**

Chairman Mayes acknowledged the visitors present for the presentation of the NAIA Game Ball. Bob Berry stated on behalf of the NAIA Host Committee, and Bill Peterson, Shorter College Athletic Director and Co-Chair of the NAIA Event, he would like to present to Floyd County a football signed by all players, and all coaches, from both teams that participated in the game. He stated without the county's participation, along with the city and Shorter College, this game would not have happened. He stated they would like to give the Game Ball as a token of their appreciation.

**MARTIN LUTHER KING CELEBRATION:**

**Alvin Jackson, Sr., 23 Conn Street,** stated he is the Chairman of the MLK Commission of Rome & Floyd County. He stated they have four days of wonderful events scheduled for this year's celebration. Mr. Jackson reviewed a list of the scheduled events for the MLK Celebration. He stated all events are free and open to the public, except for the Prayer Breakfast, which they charge to cover the cost of the breakfast. He extended an invitation to the Commissioners, and the citizens of Rome and Floyd County to participate in the upcoming events. He thanked the Board for their continuous support of this celebration.

**ADOPTION OF  
MINUTES:**

Chairman Mayes asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Fricks made a MOTION to adopt the minutes of the Regular Meeting of December 09, 2008. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Mayes  
" Whitefield

Motion Carried

**PROCLAMATIONS:  
NAIA FOOTBALL NATIONAL  
CHAMPIONSHIP GAME:**

County Manager Poe stated Floyd County and the City of Rome have a Proclamation which was presented to the NAIA Host Committee, Rome-Floyd County Parks & Recreation Director Richard Garland, and Parks Superintendent Todd Wofford.

Bill Peterson stated Floyd County, along with the City of Rome, and Shorter College, have given them the privilege of working on an event, which was truly fun to do. He stated he thinks it had a very positive impact for Rome and Floyd County. There are not many events that they can bring into the town that is exposed to a national television audience. He stated over the course of last year, and certainly as they do it again this year, it cannot help but bring a lot of notoriety to Rome and Floyd County, which we hope will be a benefit to the community at large. He stated they appreciate being given the opportunity to do that.

**RECOGNIZE JERRY JENNINGS FOR YEARS  
OF SERVICE AS A COMMISSIONER:**

The Board presented a Proclamation and a plaque, to former Commissioner Jerry Jennings for his decade of service as a Floyd County Commissioner. Commissioner Jennings was commended for his dedication toward the betterment of Floyd County. The Board extended their heartfelt appreciation for his many contributions to the community.

Commissioner Jennings stated he is grateful to the people of Floyd County. He stated he has enjoyed working with his fellow commissioners, and he has enjoyed the relationships he has formed with the city commissioners. He stated there are a number of Floyd County employees here. He is in awe of them and their colleagues who are not here. He stated we do not appreciate you all enough, and it has been an honor to work with you all. He stated four people are with him today, his father and mother-in-law Ray and Frances Delrosso, his son Matt, who just flew in this morning from South Africa, and the person he is most appreciative of, his lovely wife Terry. He stated it has been his honor to serve, and thanked everyone for his recognition.

Sheriff Tim Burkhalter stated it is his honor as Sheriff of Floyd County, on behalf of the Sheriff's Office and Floyd County Public Safety, to present Commissioner Jennings with an Honorary Deputy position with the Floyd County Sheriff's Office.

Mayor Wright Bagby, Rome City Commission, stated he would like to say that they can accomplish so much as a city and a county doing stuff together. In the last few years, it has been pretty phenomenal. He stated other cities and counties do not have this relationship, and a lot of that relationship is because of Commissioner Jennings being

the facilitator that he is. Mayor Bagby stated that Commissioner Jennings was not just a great facilitator when he was Chairman, but also at other times too. Mayor Bagby said that he would just like for Commissioner Jennings to know, on behalf of all the citizens of Rome, who are citizens of Floyd County, that they greatly appreciate the working relationship, and they look forward to the fruits of that for many more years. He stated the cooperation works.

Chairman Mayes thanked Commissioner Jennings again. Commissioner Jennings wished the Board the best of luck.

## **RESOLUTIONS:**

### **1. MATTERS RELATED TO THE COLLECTION OF TAXES**

Chairman Mayes called for a motion on Matters Related to the Collection of Taxes. Commissioner Whitefield made a MOTION to Adopt the Resolution regarding Matters Related to the Collection of Taxes. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

### **2. HIRING RESOLUTIONS:**

#### **a. COUNTY MANAGER**

Chairman Mayes called for a motion to appoint the County Manager. Commissioner Lumsden made a MOTION to Adopt the Resolution appointing Kevin Poe as County Manager. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

#### **b. COUNTY ATTORNEY**

Chairman Mayes called for a motion to appoint the County Attorney. Commissioner Lumsden made a MOTION to Adopt the Resolution appointing McRae, Stegall, Peek, Harman, Smith and Manning, LLP as County Attorney. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

### **c. COUNTY AUDITOR**

Chairman Mayes called for a motion to appoint the County Auditor. Commissioner Whitefield made a MOTION to Adopt the Resolution appointing Mauldin & Jenkins, LLC, as County Auditor for the year 2009. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

### **3. DESIGNATION OF DEPOSITORIES OF FLOYD COUNTY:**

Chairman Mayes called for a motion concerning the Designation of Depositories of Floyd County. Commissioner Fricks made a MOTION to Adopt the Resolution designating the Depositories of Floyd County. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**FIRST READINGS:  
(PUBLIC HEARINGS TO BE HELD  
JANUARY 27, 2009 AT 6:00 P.M.)**

- 1. FILE #02-2009SUP, REQUEST A SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED AT 73 BROWNLOW DRIVE, ZONING MAP E13Z – PARCEL 027. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**
- 2. FILE #124-2008Z, REQUEST REZONING FROM SUBURBAN RESIDENTIAL (S-R) AND MULTI-FAMILY RESIDENTIAL (M-R) TO COMMUNITY COMMERCIAL (C-C) TO MARKET FOR COMMERCIAL USE ON PROPERTY LOCATED AT 233 WAX ROAD. ZONING MAP K17 – PART OF PARCEL 456, 456A, 456B, 456C, 456C1 AND 456D. (PLANNING COMMISSION RECOMMENDATION: APPROVE REZONING AND CORRECTING THE PROPERTY LINES AND ZONING DISTRICT BOUNDARIES AS PER THE MAP PREPARED BY STAFF AND DATED JANUARY 8, 2009. [VOTE: 7-2]).**

Chairman Mayes stated the Public Hearings will be held Tuesday, January 27, 2009 at 6:00 p.m.

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
DECEMBER 09, 2008 AT 2:00 P.M.)**

**ULDC REVISIONS**

- 1. ADOPT UNIFIED LAND DEVELOPMENT CODE (ULDC) FOR THE CITY OF ROME AND FLOYD COUNTY REGARDING THE ESTABLISHMENT OF ZONING DISTRICTS AND DEVELOPMENT REGULATIONS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He reviewed the procedures for Public Hearings. Chairman Mayes asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this item. Ms. Hiller stated the city and the county adopted the ULDC (Unified Land Development Code) and the maps in August 2001. She stated they have amended both the maps, and the text of the ULDC, many times since then. Each of those revisions, whether it was to the map or the text,

has been through the Planning Commission, through the Board, and/or through the City of Rome. She stated it has been brought to their attention recently that it would be appropriate, safe, and wise to re-adopt both the map and the text at least once a year.

County Attorney Manning stated the proposed ordinance that the Clerk has incorporates both the adoption of the ULDC and the Zoning Maps in one document. He recommended holding a Public Hearing for #2 also before taking a vote on the proposed ordinance before them.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed.

**2. ADOPT ZONING MAPS FOR THE CITY OF ROME AND FLOYD COUNTY. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this item. Ms. Hiller discussed the maps and the plan for annual readoption of the ULDC, procedures and maps in addition to any ordinances making changes during the year.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition. Seeing none, he declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Whitefield made a MOTION to Adopt the Ordinance before the Commission. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

**3. REVISE OR DELETE ARTICLE 6.6.8 REGARDING LIGHTING. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this proposed revision. Ms. Hiller stated the Lighting Ordinance would essentially give them a tool to use if a business, or someone in a residential area, had lighting that was causing

significant adverse impact on adjacent properties by shining directly on those properties or obscuring their ability to see, to pull in and out of a driveway, or to drive on public roads, for example.

Commissioner Fricks asked will this apply to existing lighting or only newly installed lighting. Ms. Hiller stated only anything newly installed.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition of this proposed revision. Seeing none, he declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to Adopt the Ordinance Adding Article 6.6.8 regarding lighting, as presented. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

**4. REVISE OR DELETE ARTICLE 4.2.13 REGARDING WIND GENERATION. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this proposed revision. Ms. Hiller stated even though wind generation systems are very expensive and we, as a community, are in a geographic area that is rated low as far as their potential for producing wind energy, they have had a request to put a wind energy system on a residential property within a residential subdivision. She stated she thinks that is kind of interesting, and she thinks it is probably something that most of us feel is a good thing, but there are some safeguards that need to be in place to protect surrounding properties. Those are such things as: the wind energy system will meet all applicable building codes; will be located a distance from the property line that will protect adjacent properties should it come down; clearance of blade, the blade should not come close enough to the ground to cause injury to someone; and sound levels. She stated they are proposing a set of eight standards that would apply to wind generation systems, and these are small scale. This would not apply to a wind farm, but these are wind systems as an accessory use in any of our designated zoning districts.



Chairman Mayes asked if there was anyone who wishes to speak in support or opposition of the proposed revision. Seeing none, he declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to Adopt the Ordinance adding Article 4.2.13 regarding wind generation as presented. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**5. REVISE OR DELETE ARTICLE 6.6.9 REGARDING PROTECTION OF CEMETERIES. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this proposed revision. Ms. Hiller stated this incorporates, by referencing state law, protection of known cemeteries and burial grounds. She stated the Planning Department has been very interested in cemeteries through the years. Rome and Floyd County have a number of burial grounds that are in danger from neglect, from encroachment, and other things because they are on private property, or affiliated with churches and families that are no longer able to care for them. She stated over the last few years they have been working to make sure they have mapped as many of those as they can find.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition of this proposed revision. Seeing none, he declared the Public Hearing closed.

Chairman Mayes called for a motion. Commissioner Whitefield made a MOTION to Adopt the Ordinance adding Article 6.6.9 regarding protection of cemeteries as presented. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**REZONING/SPECIAL USE PERMITS:**

- 1. FILE #122-2008SUP, REQUEST SPECIAL USE PERMIT FOR MANUFACTURED HOME ON SUBDIVISION LOT IN S-R (SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 1885 CHULIO ROAD. ZONING MAP L16 – PARCEL 007. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this proposed special use permit request. Ms. Hiller stated the subject property is at the corner of Hillindale Drive and Chulio Road. She stated this would allow the manufactured home that was on the property to be replaced with a new manufactured home. There are other manufactured homes in the area further to the north, and further in along Hillindale Drive. She stated there are other single-family dwellings in the area as well. Generally, the adoption criteria for a special use permit is whether services and utilities are available to support that use, and in the case of a manufactured home on a subdivision lot, it is also compatibility with the neighbors. She stated services and utilities are available to this area, and it would not introduce an additional or unusual development pattern for the area.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition of the request.

**Support: Frank Adams, 1885 Chulio Road,** stated he has owned the property for the past twenty-five to thirty years. He stated he has three lots there. He moved the mobile home off the property, and bought another mobile home. He is requesting approval so he can get the new mobile home set up.

**Greg Adams, 536 Cliff Nelson Road,** stated he is Frank Adams's son. He stated they decided to move his dad's mobile home off because it was in bad shape, and they wanted to put something decent there where his dad would have a nice place to live. He stated they are trying to move the old mobile home out, put a new mobile home in, and make it look better around there.

There was no one to speak in opposition. Chairman Mayes declared the Public Hearing closed, and called for a motion. Commissioner Fricks made a MOTION to Adopt the Ordinance for a special use permit request for manufactured home on subdivision lot located at 1885 Chulio Road. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**2. FILE #123-2008SUP, REQUEST SPECIAL USE PERMIT FOR  
MANUFACTURED HOME ON SUBDIVISION LOT IN S-R  
(SUBURBAN RESIDENTIAL) ZONING DISTRICT ON PROPERTY  
LOCATED AT 127 LINDSEY ROAD. ZONING MAP J11X – PARCEL  
358. (PLANNING COMMISSION RECOMMENDATION: APPROVE  
[VOTE: 10 – 0]):**

Chairman Mayes declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of this proposed special use permit. Ms. Hiller stated there is an auto repair shop zoned S-R (Suburban Residential) to the north of the subject property, and property zoned H-C (Heavy Commercial) to the north as well. She stated most of the property directly around the subject property is zoned S-R (Suburban Residential). There are other manufactured homes in the area to the east and west. Further down there are additional ones to the north side of Lindsey Road. She stated generally, the adoption criteria for a special use permit is whether services and utilities are available to support the use, and whether the use will be compatible with existing uses. There is residential use in this area, and it consists of both site-built and manufactured homes. She stated utilities and services are available in the area.

Chairman Mayes asked if there was anyone who wishes to speak in support or opposition of the request.

**Support: Jackie Wooten, 111B Woods Road,** stated she bought the land on Lindsey Road in October 2008, and a bought a new manufactured home. She stated she has been waiting since October to put it there. She already has her utilities placed, and the hook-ups are ready. She is asking permission to allow her to put her home on her land.

There was no one to speak in opposition.

Chairman Mayes declared the Public Hearing closed, and called for a motion. Commissioner Lumsden made a MOTION to Adopt the Ordinance to approve the special use permit request for manufactured home on subdivision lot located at 127 Lindsey Road. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**CHAIRMAN'S REPORT:**

**1. Appointment of Commissioners to various Committees.**

No Report.

**2. Appointments to SPLOST Committee.**

No Report.

**COMMISSIONER'S REPORT:**

**1. Administrative/Finance Committee**

No Report.

**2. Public Safety Committee**

No Report.

**3. Public Works Committee**

No Report.

**4. Water Committee**

No Report.

**5. Judicial Services Committee**

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)**

**f. Special Transportation Committee**

**g. Special Public Safety Committee**

There were no Special Committee Reports.

## **CLERK'S REPORT:**

### **Consent Agenda**

County Clerk Kathy Arp stated there are six 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 Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

### **1. Tax Refunds:**

- a. Lloyd & Janet Farr, 2 Horseshoe Bend Road, \$597.61
- b. Habitat for Humanity, P.O. Box 127, \$88.14
- c. Adairsville City Gas, 2425 Commerce Ave., Suite 300, Duluth, \$69.98
- d. Dorothy Lambert, 10 Locust Street NE, \$16.97
- e. Appletree, Inc., P.O. Box 302, Cave Spring, \$47.22
- f. Guest House Apartments, LLC, P.O. Box 1273, \$2.39
- g. Man K. & Sung K. Lee, 306 East 14<sup>th</sup> Street, \$1.56
- h. Billy Joe & Jo Anne White, 111 Mathis Road SE, \$792.66
- i. Thad Watters, 16 Forest Meadow SW, \$46.93
- j. George Harper, 11 London Lane SE, \$189.07
- k. Thomas W. Betts, 108 East Creekview Drive SW, \$51.79
- l. Macquarie Equip Finance, LLC, P.O. Box 2017, Bloomfield Hi, MI, \$1,405.87
- m. Ron Tucker, 388 Roberts Drive, Summerville, \$3.78
- n. Virginia Spector, 2400 Garden Lakes Blvd., \$7.06

- o. Rent-A-Center, P.O. Box 22845, Oklahoma City, OK, \$26.45
  - p. Javaid Khalid, 3124 Rockmart Road SE, \$484.64
  - q. Verizon Wireless VAW, LLC, P.O. Box 7028, Bedminster, NJ, \$4,200.75
  - r. Comcast IP Phone II, LLC, P.O. Box 173838, Denver, CO, \$31.04
  - s. Laura Irene Stratton, P.O. Box 154, Armuchee, \$85.45
  - t. Comcast IP Phone, LLC, P.O. Box 173838, Denver, CO, \$121.56
2. **Authorize execution of Quit Claim Deed between Floyd County and Laurelbrook, Inc. related to property located at 309 Ross Street.**
  3. **Authorize release of Tax Bills from Tax Commissioner's Roll in the amount of \$26,973.56.**
  4. **Authorize Execution of Memorandum of Understanding between City of Rome and Floyd County for Administration of the 2008 Community Home Investment Program (CHIP) Downpayment Assistance Program (Grant No. 08m-y-057-1-6006).**
  5. **Authorize execution of Quit Claim Deed between Floyd County and Frank Hood related to drainage right of way on property located in Land Lot 116 of the 22<sup>nd</sup> District and 3<sup>rd</sup> Section of Floyd County (Ridgewood Estates – Plat Book 13, Pages 92 & 93).**
  6. **Authorize execution of Quit Claim Deed between Floyd County and John C. Herin and Geraldine Herin related to drainage right of way on property located in Land Lot 116 of the 22<sup>nd</sup> District and 3<sup>rd</sup> Section of Floyd County (Ridgewood Estates – Plat Book 13, Pages 92 & 93).**

## **MANAGER'S REPORT:**

### **1. DISCUSS/REVIEW PROPOSED FY2009 BUDGET:**

County Manager Poe stated it is going to be a challenging year as they have found out as they continue to work on the Proposed FY2009 Budget. He stated they had a Budget Hearing this morning, and continued the discussion into our Caucus session. He stated a lot of it is centered on how to implement the additional cuts that we are looking to gather through the process of trying to balance the budget. We are looking to get over another \$1 million in cuts. He stated a lot of those will be through personnel, such as freezing positions, furloughs, reduction in pay, and things along those lines. A couple of things that came out in the various meetings he has had with different department heads and constitutional officers is, it is hard to get a consensus on any group of exactly what the best way to go about doing that is. He stated we are having difficulty coming to a consensus, and these are some tough decisions we are having to make. One thing they talked about doing is implementing a hiring freeze, where all positions will be evaluated as they become vacant. He stated our main emphasis will be on Public Safety to fill those positions, but again every position that

becomes vacant will go through a process of review. The one area that we do not want any additional vacancies is in Public Safety, particularly our first responders. He stated the process would be that each department would have to justify filling a position, no matter how big a department is. We are also targeting departments of over ten employees for staff reductions of 10%, and continue to pursue that. He stated that will be where our main focus is. We talked about implementing an Overtime Policy where the only overtime that is authorized is emergency overtime, or overtime that is currently built into specific work schedules, such as correctional officers, or jailers. He stated the emergency call-out policy will be changed. Instead of being a four-hour minimum per emergency call-outs, we are looking to reduce that to a two-hour minimum.

He stated in order to accomplish these cuts, the main discussion was centered around giving each individual department the flexibility to determine how to make budget cuts. If they can come up with enough savings it would eliminate having to furlough their employees. He stated it appears through our conversations that the Board is agreement that they give this a try, unless they give him other directions. He stated there are a lot of issues they discussed dealing with that, the pros and cons, and the fact that it is not going to be consistent from one department to another on exactly which employees will be required to take furloughs. It is going to end up being on a department-by-department basis. He stated each department head is going to have to submit a plan to be approved. If they come up with an alternate plan where they can find cost savings in other places to eliminate having to furlough their employees, they would be allowed to do that, but those plans would have to be reviewed to ensure that they meet all criteria.

He stated a Public Hearing will be held on January 20, 2009 to receive public comment on the document. The FY2009 budget has to be adopted by January 31, 2009. He stated some of the cost savings we have gotten so far have been dealing with gas and oil cost, and our pension contribution ability. We can make a minimum contribution to our pension plan once every three years, which we will take advantage of this year based on some credits that we have earned through the years. He stated the main thing was trying to get some kind of direction so we know how to move forward at the Department Head meeting tomorrow. It is going to be critical that each department head work as fast as possible to put their plans together if they are going to come up with alternate ways to save money, so that we can make sure that those are acceptable, and we can come up with a final budget document.

He stated we will go back into every single budget, take their total salary budget as of December 31, 2008, and come up with a reduction of 4.5%. Again, it will be up to each department head of how they achieve that reduction. He stated departments with ten or more employees are looking at 10% reduction in staff, and we will also deduct the like amount out of their budgets to accomplish that. That is how we plan on moving forward at this point in time, knowing that we are going to have to monitor this very closely. He stated the fact that each department potentially is going to have some alternative plan of what they are going to do with furloughs means we

are going to have to track that through our Human Resources system, and it is going to be critical that we get that set up also.

He stated that is a brief review, and if there is any other direction they would like him to take at this point, he will do so. He stated the main things are overtime policy, the hiring freeze, and the change in our emergency call out procedure. He stated these are things they will implement tomorrow morning. He stated that specifically the Sheriff, Police, Prison, and E911 would be exempted from the 10% cut in staff. That is not to say that they cannot voluntarily come up with some hiring freezes to reduce the number of furloughs, if they are going to do furloughs at all, but we are not targeting those particular Public Safety agencies. Commissioner Fricks stated his question is then, are they looking for any savings on those under ten, are they implementing furloughs on those. County Manager Poe stated departments under ten will get a reduction in their budget equivalent to cutting their salary budget 4.5%. If that 4.5% equals \$20,000.00, they are either going to have to do furloughs, or they are going to have to come up with savings somewhere else to cover that \$20,000.00. He stated the minimum everyone is going to have to come up with is the equivalent of a 4.5% salary reduction, and then those other departments will have to come up with an additional amount related to hiring freezes or reduction in force. He stated there is no action to be taken at this time. He is just getting feedback from the Board as to how they are going to move forward, so he can relay that to the department heads.

**2. APPROVE PROJECT CLOSEOUT CHANGE ORDERS  
FOR THE COOSA VALLEY TECHNICAL COLLEGE  
(CVTC) AVIATION/AVIONICS BUILDING CONSTRUCTION:**

County Manager Poe stated they did come slightly over their guaranteed maximum price with Bennett Construction on the actual building contract. He stated that amount was \$6,843.00. However, if you take the project as a whole they did come under their budget projections by \$111,558.00. He stated on the spreadsheet it shows how those remaining funds are shared between Floyd County and Coosa Valley Technical College, as well as a sharing of savings to Bennett Construction. He recommended approval of the final auditing of the project, and the final Change Orders to close out this Aviation/Avionics Building project.

Commissioner Lumsden made a MOTION to accept the Manager's recommendation and approve the Project Closeout Change Orders for the Coosa Valley Technical College (CVTC) Aviation/Avionics Building. SECOND by Chairman Mayes. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes



Motion Carried

**3. DISCUSS FORMALIZING LIST OF PROJECTS  
THE COUNTY WANTS TO PURSUE FOR  
FUTURE SPLOST FUNDING:**

County Manager Poe stated they have discussed potential projects that the county wishes to pursue to submit for future SPLOST funding. He stated there will be some engineering and architectural services that we will have to retain to get these projects formalized, where we can present a project that we feel comfortable with particularly with the cost estimates. They are looking at the City of Cave Spring, City of Rome, and Floyd County joining together and making appointments to have another SPLOST Advisory Committee. He stated they have talked about re-appointing some of the members that are currently on the 2006 SPLOST Committee, but it looks like we are going to need two or three more names. We have a total of six appointees to that committee. He stated if anyone is interested in serving, they can contact the County Clerk's Office to submit their profile for consideration. We need to move pretty fast, and hopefully make those appointments at the next County Commission meeting. He stated no action is required.

**4. UPDATE ON FRANCHISE FEE LITIGATION:**

County Manager Poe reviewed a situation where Georgia Power Company was spreading out the collection of those fees amongst their entire customer base, including residents in the unincorporated area. He stated all the fees collected were being submitted to the City of Rome for their use. Cobb County and the Association County Commissioners of Georgia (ACCG), went before the Public Service Commission to challenge the process. He stated they thought it was unfair to collect that fee from customers in the unincorporated area, then have all the money go to the City of Rome, and be applied toward financing the City of Rome's services. The Public Service Commission found in favor of ACCG and Cobb County. Georgia Municipal Association challenged that in court. He stated the court found that the Public Service Commission was correct in ordering Georgia Power to change how they collected those franchise fees. They started phasing it out in 2008. As of 2009 if you are a resident in the unincorporated area, and are a Georgia Power customer, you should not be charged a franchise fee. He stated counties are not allowed to charge electrical companies for franchise fees, only municipalities can do that. At the beginning of last year, Georgia Power had to specifically break that out on their bill so customers in the unincorporated area should have seen the change to that.

**5. APPROVE DEDUCTIVE CHANGE ORDER TO  
CONTRACT BETWEEN FLOYD COUNTY AND  
PINSON'S INC., REGARDING CONSTRUCTION  
OF WORK RELEASE CENTER (2006 SPLOST):**

County Manager Poe stated when the contract was awarded to Pinson's Inc. for the construction of the Work Release Center, we knew that we were going to work with them to try to do some value engineering, and look at some things that we could do in-house to lower the cost of that contract. He stated we were successful in doing that, and recommended approval of the Deductive Change Order with Pinson's Inc. for the Work Release Center project.

Chairman Mayes made a MOTION to approve the Deductive Change Order before the Commission to the contract between Pinson's Inc., and Floyd County for the Work Release Center project. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**6. DISCUSS AIRPORT OVERLAY ZONE  
AND SIGN ORDINANCE:**

County Manager Poe stated the Airport Overlay Zone has been put on hold after the last round of Public Hearings. He stated they are evaluating the comments received. They are planning to move forward with changes to the Sign Ordinance based on public input that has been received. He stated they are working on a summary of what the proposed changes are. If we do not do anything, we still have a Sign Ordinance. He stated the revised document will go back to the Planning Commission and the County Commission for review, with the opportunity to make additional changes. He stated there will be additional Public Hearings at those meetings.

**7. APPROVE INCREASE IN RENTAL RATES AT  
RICHARD B. RUSSELL REGIONAL AIRPORT  
AS RECOMMENDED BY THE AIRPORT  
COMMISSION:**

County Manager Poe stated they have a memo from the Airport Commission recommending an increase in rental rates at Richard B. Russell Regional Airport. He recommended approving the increase in Rental Rates per the Airport Commission's recommendation.

Commissioner Lumsden made a MOTION to approve the increase in Rental Rates at Richard B. Russell Regional Airport as recommended in the memo by the Airport Commission. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**8. APPROVE FY2010–2014 5-YEAR AIRPORT  
CAPITAL IMPROVEMENT PLAN (CIP) AS  
RECOMMENDED BY THE AIRPORT  
COMMISSION:**

County Manager Poe stated each year we are required to adopt a 5-year Airport Capital Improvement Plan (CIP) for the Richard B. Russell Regional Airport. He stated in order for us to be eligible for federal and state funding, we have to have a formal Capital Improvement Plan in place that has been approved by all those agencies. The Airport Commission has reviewed that and come back with an updated plan for FY2010–2014. He recommended approval of that Capital Improvement Plan as presented by the Airport Commission.

Commissioner Lumsden made a MOTION to approve the 5-Year Airport Capital Improvement Plan (CIP) as submitted by the Airport Commission. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**9. AUTHORIZE EXECUTION OF CONTRACT  
BETWEEN FLOYD COUNTY AND NORTHWEST  
GEORGIA PAVING, INC., FOR CONSTRUCTION  
OF RUNWAY 1 HOLD APRON AT RICHARD B.  
RUSSELL REGIONAL AIRPORT:**

County Manager Poe referenced a spreadsheet that showed all of the projects that we are looking to do at the Richard B. Russell Regional Airport. He stated the list of all those projects shows where the funding is coming from, and most of the projects are FAA and DOT supported projects. He stated if it is an FAA project, the

county only has to fund a 2.5% match, and if it is a DOT project it is a 25% match. Everything they submitted to the county was over \$1.3 million, and if we agree to all of it, our maximum match would be a little over \$71,000.00. He stated the first project is to move forward with the construction of Runway 1 Hold Apron. He recommended the contract be awarded to Northwest Georgia Paving, Inc. for construction of the Runway 1 Hold Apron paving project.

Commissioner Whitefield made a MOTION to authorize execution of the contract to Northwest Georgia Paving, Inc. for construction of the Runway 1 Hold Apron paving project. SECOND by Chairman Mayes. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**10. AUTHORIZE EXECUTION OF CONTRACT BETWEEN  
FLOYD COUNTY AND WALKER & WHITESIDE, INC.,  
FOR TAXIWAY "A" LIGHTING REHABILITATION  
AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe recommended the contract for the Taxiway "A" Lighting Rehabilitation at Richard B. Russell Regional Airport be awarded to Walker & Whiteside, Inc.

Commissioner Lumsden made a MOTION to authorize execution of the contract between Floyd County and Walker & Whiteside, Inc., for Taxiway "A" Lighting Rehabilitation at Richard B. Russell Regional Airport. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
" Whitefield  
Chairman Mayes

Motion Carried

**11. AUTHORIZE EXECUTION OF CONTRACT BETWEEN**

**FLOYD COUNTY AND DEPARTMENT OF TRANSPORTATION  
FOR CONSTRUCTION OF RUNWAY 1 HOLD APRON,  
REHABILITATION OF TAXIWAY “A” LIGHTING, ELECTRICAL  
VAULT REPLACEMENT, BUSINESS PLANNING STUDY  
AND INSTALLATION OF A GROUND COMMUNICATION  
OUTLET (GCO) AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated they have received a contract with the Department of Transportation related to the Runway 1 Hold Apron, Rehabilitation of Taxiway “A” Lighting, Electrical Vault Replacement, Business Planning Study, and Installation of Ground Communication Outlet (GCO) at the Richard B. Russell Regional Airport. He stated these are all projects that the DOT are willing to fund at their 75% share of the cost. He stated when we do DOT projects and enter into agreements, we go ahead and do the project then the DOT reimburses the county based on the contract documents. He stated the Business Planning Study is something that was added by the DOT. He stated they were looking to use Floyd County as a pilot project to begin doing Business Planning Studies for airports throughout the State of Georgia, with Floyd County being their first one. There is a 25% match that would go with that, which would be about \$35,000.00. He stated we do have money in the current draft of the budget that would cover our share of those projects if approved. It is the Board’s pleasure as to which projects they would like to move forward with.

Commissioner Bagwell stated he had some concern about the Business Planning Study. He stated it is \$35,000.00 cash out of the county’s pocket, and he thinks with the budgetary concerns we have today we do not need to spend that money right now, that is going to cost \$140,000.00 total. He would like to remove that item, and would like to see the other items approved.

Chairman Mayes asked Assistant Manager Williams what is the sensitivity of this item as far as timing. Assistant Manager Williams stated nothing, other than the state had bestowed this upon Floyd County as a show of confidence in the way we do operations at the airport and being a good steward of state funds in getting projects done. He stated from a timing perspective, economic development growth notwithstanding, there is no urgency. Chairman Mayes stated we can put a motion on the floor and if it does not pass, we can separate these items out. Commissioner Fricks asked if we were to defer that one element to get some more information on it before our next Board meeting, would that have any hindrance on the operation. Assistant Manager Williams stated no, not before the next meeting. He stated that he would recommend that they make the previous two items, should they follow through on that, contingent on the approval of this umbrella contract. He stated otherwise, they are pushing forward with some contracts before they have approved their contract with DOT. If anything should happen to that DOT money, we would still be obligated with that vendor to get that job done.

County Manager Poe stated this should not impact their decision, but just to let them know, it gets complicated with DOT. He stated we would have to send the document back so the DOT could draft a new document.

Chairman Mayes called for a motion.

Commissioner Bagwell stated he has a question before they have a motion. He asked can this item be removed from the DOT contracts without affecting the other projects. County Manager Poe stated they will have to redo the contracts. He stated we cannot mark up the contract and send it back to them, and again, he is just letting them know that because DOT sometimes does not move that swift. They would have to send it back to them, and they will send a new document. He stated they would have to totally redo the contract, because we cannot unstaple it, or mark it up, all we can do is put the signatures on it for it to be valid. Commissioner Bagwell asked Assistant Manager Williams, whether we have two weeks to see if we can have it removed, and then vote on this in two weeks. Assistant Manager Williams stated should the Commission vote on that, we can certainly ask them. He stated he does not know if DOT will respond within two weeks. County Manager Poe stated it seems logical that they could just make a typing correction, and we would do all we can to stay on top of them to get it changed as quickly as possible to bring it back to the Board revised. He stated if they choose to take this item out, we would try to get it back before the next meeting. Commissioner Fricks asked did this come through as a recommendation from the Airport Commission, or did it go through the Airport Commission. Assistant Manager Williams stated it is part of the 5-year Capital Improvement Plan (CIP) that was voted on by the Airport Commission, so yes, it has been ratified by the Airport Commission as part of that plan. Commissioner Bagwell asked who picked the consultant company on that. Assistant Manager Williams stated the DOT. He stated this is a pilot project for the state. The state wanted to try this out. He stated apparently they saw some merit in it. He is not sure how they picked this particular consultant, but they came to the county through the course of their grants asking if the county would like to be their test project. He stated we said sure, any grant money you would like to bring to the county, we will be glad to look at it, but until we had a contract in hand it was not something that we could bring to the Board for action.

Commissioner Bagwell asked if the project moves on, he thinks thirty-three weeks is the time frame on that, then it is decided we need to make some changes to that plan and it drags on another two months, who is responsible for the bill if it runs over the \$140,000.00. Assistant Manager Williams stated no change orders are allowed without the Board's approval. If there were any change orders, the state would also have to agree, and he would assume that it would be the same 75%-25% match. Commissioner Bagwell stated he would want that ironed out in the contract. He stated he would hate for it to run over, go up to say \$170,000.00, and the county would be responsible for the other \$130,000.00. He has seen consulting fees run up and someone has to pay the bill. He stated he would hate to see the county have to pay 100%, and not keep the 75%-25% split. Assistant Manager Williams stated we can certainly get that spelled out very clearly with the state should the Commission choose to go forward.

County Manager Poe stated we also have a similar issue with these contracts we enter into. He stated that is why we are contracting directly with Northwest Georgia Paving, but if there ends up being a change order to the contract, not only do we have to agree to it, but the DOT does also because they are agreeing to pick up 75% of the change order. Typically, we have not seen a lot of change orders with these projects. He stated there is potential with any of these construction projects that something could come up, and there would be change orders, but the county and state would have to unilaterally agree to move forward with it. Commissioner Bagwell stated he would like to see that worked out in the contract before hand.

Commissioner Fricks stated he sees the merit in the project, but he did not have all of the information. He stated he just wanted to have the opportunity to review and ask more questions in the future. He would like some more information on the merit of the expenditure. He stated he thinks they have to be more diligent today in expenditures than they have in the past. Commissioner Bagwell asked if we defer this item, is it going to effect items #9 and #10. Assistant Manager Williams stated with the County Attorney's backing, that it does affect those, and they not move forward with items #9 and #10 until they approve in some form or fashion #11, because DOT and FAA are majority funding sources. He stated if they were to move forward with the other two, there might be some exposure for the county, so he would halt all three of those until they are ready to move forward with that blanket contract. County Attorney Manning stated he would agree. He stated they have authorized the execution of those contracts, but they could withhold the signature until they decide what they are going to do at the next meeting, assuming that they could do it by then. If not, they might rescind that action. He stated or they could just rescind the action they had taken earlier now.

Commissioner Bagwell made a MOTION to defer the contract with the Department of Transportation related to the Runway 1 Hold Apron, Rehabilitation of Taxiway "A" Lighting, Electrical Vault Replacement, Business Planning Study, and Installation of Ground Communication Outlet (GCO) at the Richard B. Russell Regional Airport. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks

Commissioner

Lumsden

"

Whitefield

Chairman Mayes

Motion Denied

Chairman Mayes called for a motion. Commissioner Whitefield made a MOTION to approve the contract with the Department of Transportation related to the Runway 1 Hold Apron, Rehabilitation of Taxiway "A" Lighting, Electrical Vault Replacement, Business Planning Study, and Installation of Ground Communication Outlet (GCO) at the Richard B. Russell Regional Airport. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner

Bagwell

Commissioner Fricks

" Lumsden

" Whitefield

Chairman Mayes

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:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

" Whitefield

Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**JOHN MAYES, CHAIRMAN**