

November 10, 2009

**REGULAR MEETING**  
**FLOYD COUNTY BOARD OF COMMISSIONERS**  
**November 10, 2009                      2:00 P.M.**

**PRESENT:**                      Chairman John Mayes, Commissioners Eddie Lumsden, Irwin Bagwell, and Garry Fricks.

**OTHERS**

**PRESENT:**                      County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Blaine Williams.

**ABSENT:**                      Commissioner Chad Whitefield.

**CALL TO ORDER:** Chairman Mayes 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:**

**Gregory Thomas, 113 Ashland Park,** stated he has formed the My Neighborhood America Foundation. He stated he is a young Roman having just moved here a couple of years ago. He said the purpose of the foundation is to get involved with the young people and the elderly in the community. He stated he sees some kids who do not have anything to do after school. Mothers who do not have a father figure and fathers who do not have a mother figure. He said he feels like it is our duty as Americans and Christians to get involved in the neighborhood to show that we care. He said he wants to know his neighbors, and he wants to know the kids. He stated as he was coming up as a young man, when something happened in the neighborhood before you got home the parents knew. Kids know that their parents love them, but when someone else loves them, it makes an extra difference in their lives. He stated the purpose of this foundation is from Ashland Park to North Rome to South Rome, to get the parents involved and show structure and morale for our kids. He said he asked God for something that he could do, and he is asking America to come along and help him do this. He thanked the Board for their time.

**ADOPTION OF  
MINUTES:**

Chairman Mayes asked 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 October 27, 2009. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
Chairman Mayes

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE EMPLOYEE  
OF THE QUARTER:**

The Board recognized Phil Hart, Superior Court Administrator, as Employee of the Quarter, in recognition of his twenty-five plus years of service, and the high level of professionalism, exemplary performance and conscientious service exhibited to the public. Phil thanked the Board for the recognition, and thanked those who had nominated him for this recognition, and for attending the meeting with him today.

**RESOLUTIONS:**

**ADOPT RESOLUTION IN SUPPORT  
OF HIGHWAY 140 WIDENING:**

Chairman Mayes called for a motion. Commissioner Lumsden made a Motion to Adopt the Resolution in Support of Highway 140 Widening. SECOND by Commissioner Bagwell.

**Discussion:** County Manager Poe stated the plans are to take this Resolution, along with a lot of other letters that officials throughout this region are writing, and send it to our legislative delegation, other key members of the state legislature, as well as the Governor and the Department of Transportation, to let them know how important the widening of Highway 140 is to our whole region. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
Chairman Mayes

Motion Carried

**FIRST READINGS:  
(PUBLIC HEARINGS TO BE HELD ON  
NOVEMBER 24, 2009 AT 6:00 PM)**

- 1. FILE #94-2009Z, REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO MULTI-FAMILY RESIDENTIAL (M-R) FOR QUADRAPLEXES ON PROPERTY LOCATED AT MIDWAY PARK ROAD, SILVER CREEK. ZONING MAP K17-523A. (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH CONDITION THAT A PLAT BE RECORDED SHOWING THE ZONING LINE. [VOTE: 8 – 0]).**

Chairman Mayes stated Public Hearings will be held on November 24, 2009 at 6:00 p.m.

**PUBLIC HEARINGS:  
(FIRST READINGS HELD  
ON OCTOBER 27, 2009)**

- 1. PROPOSED CLOSURE OF A PORTION OF DEMPSEY ROAD:**

Chairman Mayes declared the Public Hearing open, and asked County Manager Poe to give a brief overview.

County Manager Poe stated they are looking to close the portion of Dempsey Road that is north of the railroad crossing that was closed at the old Dempsey Dairies. He stated coming in from the south side, it dead-ends at the railroad tracks. The property owner who requested this portion be closed owns both sides of the road.

Chairman Mayes asked if there is anyone who wishes to speak in support or opposition of the proposed road closing. Seeing none, he declared the Public Hearing closed and called for a motion.

Commissioner Fricks made a MOTION to approve the closure of a portion of Dempsey Road as submitted, and outlined by the County Manager. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks

" Lumsden  
Chairman Mayes

Motion Carried

**2. PROPOSED RENAMING OF MCC DRIVE,  
A FLOYD COUNTY MAINTAINED ROAD,  
TO BALL DRIVE:**

Chairman Mayes declared the Public Hearing open, and asked County Manager Poe to give a brief overview.

County Manager Poe stated the road going into Metal Container Corporation is a county maintained road that is currently called MCC Drive. He said Ball Corporation has bought that plant, and they are requesting that the road be renamed from MCC Drive to Ball Drive. He stated it only affects one property owner and they are the ones requesting this action.

Chairman Mayes asked if there is anyone who wishes to speak in support or opposition.

**Support: Jim Grindstaff, 140 E. Clinton Drive,** stated he is the Human Resource Manager at Ball Corporation. He stated they requested this name change due to becoming a Ball Organization. Metal Container is no longer part of them. He stated they would like to rename that street so it reflects the corporation in which they belong. He thanked the Board.

Commissioner Bagwell made a MOTION to approve the renaming of MCC Drive, which is a county maintained road, to Ball Drive. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

**CHAIRMAN'S REPORT:**

***No Report.***

**COMMISSIONER'S REPORT:**

**1. Administrative/Finance Committee – Commissioner Chad Whitefield, Chairman**

No Report.

**2. Public Safety Committee – Commissioner Eddie Lumsden, Chairman**

No Report.

**3. Public Works Committee – Commissioner Irwin Bagwell, Chairman**

No Report.

**4. Water Committee – Commissioner Garry Fricks, Chairman**

No Report.

**5. Judicial Services Committee – Commissioner Eddie Lumsden, Chairman**

No Report.

**6. Special Committee Reports**

**a. SPLOST Committee – (Fricks)**

**b. Work Release Committee – (Lumsden and Mayes)**

**c. Fire Overview Committee – (Lumsden and Whitefield)**

**d. Joint Services Committee – (Mayes and Whitefield)**

**e. Joint Development Oversight Committee – (Fricks and Whitefield)**

**f. Special Transportation Committee – (Whitefield)**

**g. Special Public Safety Committee – (Lumsden)**

There were no Special Committee Reports.

**CLERK’S REPORT:**

**Consent Agenda**

County Clerk Kathy Arp stated there are two items on the Clerk’s Consent Agenda that have been reviewed, and are submitted for approval.

Commissioner Fricks made a MOTION to approve the Consent Agenda as presented. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Lumsden

Chairman Mayes

Motion Carried

**1. Tax Refunds:**

- a. Virginia Barnes, 122 Pine Bower Drive, \$29.63
- b. Ray Built Homes, P.O. Box 870, Aragon, \$14.19
- c. Donnie & Patricia Franks, 644 Doyle Road SE, Cedartown, \$46.51
- d. Shorter College, 315 Shorter Avenue, \$211.05
- e. Thomas & Lynda Meredith, 422 Ridgewood Circle, Summerville, \$155.31
- f. Patrick Cash Homes, P.O. Box 6041, \$1,702.87
- g. Johnny D. Childs, 3517 Riddick Drive, Pensacola, FL, \$82.82
- h. Johnny D. Childs, P.O. Box 17015, Pensacola, FL, \$8.99
- i. Dessie C. Dyer, 2073 Blacks Bluff Road, \$101.66
- j. Mary E. Frost & Aaron J. Frost, 83 Fairview Drive, \$77.72
- k. Mary Elizabeth Frost, 83 Fairview Drive, \$108.85
- l. Noel Eerett, 5 Mount Alto Road, \$266.67
- m. Jeffrey White & Cynthia Douan, 151 Prater Road, Kingston, \$18.55

**2. Agreement for Transportation of the Elderly in Coosa Valley – Modification #01.**

**MANAGER'S REPORT:**

**1. CONSIDER REQUEST FROM CLERK OF SUPERIOR COURT, BARBARA PENSON, TO AMEND EQUIPMENT BUDGET TO PURCHASE ADDITIONAL HANGING PLAT FILES:**

County Manager Poe stated they have a request from Barbara Penson, Clerk of Superior Court, to amend her budget to transfer money to her equipment line item to allow her to purchase additional hanging plat files and to replace some chairs in her office. He stated there is money in her budget to allow her to do this without having to add additional money to her overall budget. He recommended approval of the request.

Commissioner Lumsden made a MOTION to approve the request from the Clerk of Superior Court to amend the Clerk of Superior Court budget for the purchase of additional hanging plat files and chairs in an amount not to exceed \$10,500.00. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
Chairman Mayes

Motion Carried

**2. APPROVE CHANGE ORDER #04 WITH  
DAVIDSON-SOUTHERN, INC., FOR  
WORK ON THE NORTH FLOYD PARK  
COMMUNITY CENTER. AMOUNT OF  
CHANGE ORDER IS A REDUCTION  
OF \$12,906.69 (2006 SPLOST):**

County Manager Poe stated they have received Change Order #04 from Davidson-Southern, Inc. He stated the amount of the change order is a reduction to the total contract sum of \$12,906.69. He stated this is a 2006 SPLOST project. He recommended approval of Change Order #4 as presented.

Commissioner Bagwell made a MOTION to approve Change Order #04 with Davidson-Southern, for a reduction in the total contract sum in the amount of \$12,906.69, per the Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
Chairman Mayes

Motion Carried

**3. AWARD BID FOR FITNESS EQUIPMENT  
AT NORTH FLOYD PARK (2006 SPLOST):**

No action.

**4. DISCUSS RECOMMENDATION FROM ROME  
REDEVELOPMENT AGENCY TO APPROVE  
RIVERWALK REDEVELOPMENT PROJECT  
(TAD II) APPLICATION:**

County Manager Poe stated they have before them a Resolution that would have to be adopted by the Board in order to move forward with this TAD II Application. He stated the County Attorney reviewed the Resolution with them during caucus. He deferred to the County Attorney for any further comments before taking action on the proposed Resolution.

County Attorney Manning stated the Board had before them a Resolution, which would consent to the inclusion of certain Floyd County ad valorem taxes in the computation of the tax allocation increments for the City of Rome TAD II. He stated this is conditioned upon an Intergovernmental Agreement being reached with the City of Rome, that would have a number of items that are spelled out and contained in the Resolution. He stated that he would be glad to answer any specific questions the Commissioners may have that they did not discuss in caucus.

Commissioner Fricks made a MOTION to Adopt the Resolution before them concerning the Riverwalk Redevelopment Project (TAD II) Application. SECOND by Commissioner Lumsden.

**Discussion:** Commissioner Bagwell stated he would like to make a few comments. He stated first of all he appreciates the development that has been done there. It is certainly worthwhile and worthy to our community. But as he sees it, the property was purchased without the assurance of a TAD, and there was no guarantee. He stated in his mind, when the property was purchased, it was going to be developed with or without a TAD. Then the reason for issuing TAD, environmental concerns, has been mentioned. He said one of those, the only one that he can see, was soil compactibility being the major reason. He stated this extra cost was associated with this development. It was a cost that was going to occur with or without the assurance of a TAD. He stated in his mind the property would have been developed anyway. The environmental concern, being compactibility problems, is coupled with an old landfill being on the property several years before. He stated other developments in the community have had the same problems with compatibility, and they have had to do the same thing, pile compaction to get soil suitable for building and development. He said he knows that they are about to begin FY 2010 budget hearings for the county and this will affect the tax digest for up to fifteen years. He stated he just cannot see that they can stand losing the revenue from this development that they would normally have without a TAD, and he cannot support it for those reasons.

Commissioner Fricks stated during the years when they initially considered this TAD, they did put it under strong consideration prior to the development of these properties. He stated actually at some point in time they even thought that it is a new thing for them here in Rome, Georgia, and it is a new mechanism of encouraged development in areas like this that they were really unaware of. He said unfortunately they did not take the proper steps to move forward, and the full Commission supported it at that time. He stated he supports it because he supported it at that time, and told them (*the developers*) to proceed and move forward with it, and now it is coming back to them. He said it is enlightening to see what a project like this has done, because not

many times do they get to see the benefits of the decisions they have made in the past. He stated besides the incremental increases, and the taxes that are generated, which are substantial and will be used for the repayment of the debt service created by the city, but they also talked about job creation, and sales tax revenue generation. He said they look back at it and think what if, and this whole thing may not have taken place or ever been there. He stated it might have been just a blighted piece of land that still sat there. You have to make the dollars work to make an investment, and you have to make sure that there is a reason to do it. He stated he thinks they have done that. He said he thinks the numbers that the developer was projecting is the creation of about \$200,000 annually on sales tax generation. He thinks that this is one of those projects that they would be short sighted if they did not support it. He stated he will give his approval on that basis.

Commissioner Bagwell stated he appreciates Commissioner Fricks' comments on this. He stated it is a beautiful development there, but he thinks it would have occurred without the assurance of a TAD and they would be realizing all of the ad valorem taxes that could be contributed to the county tax base and help fund the operations of the county. The county is going through furloughs right now, and will probably have to take drastic measures in the next two months for FY2010. He said they need the revenue to fund these things. He stated again, he thinks it is a beautiful development that would have occurred anyway.

Commissioner Fricks stated they can second-guess everything. He stated they look back at Pirelli, and think if they did not spend the dollars to build the road, and give them the incentive, we might not have those jobs in the count today. He said Commissioner Bagwell is correct. It may have taken place without it, but still, sometimes, it is not worth the gamble of not supporting it and moving it forward.

Commissioner Bagwell stated he would also like to say that if they do anymore TAD's in the future, he would want all the paperwork to be done beforehand and not afterhand. He stated he thinks that is one thing that was short sighted. That it was new to everyone, but now they see the need to have everything spelled out before it is proceeded upon. Chairman Mayes stated he thinks they now have a procedure and application process in place. County Attorney Manning stated the City of Rome who, by the vote of the people, has the ability to create a TAD also created a Redevelopment Agency which will make recommendations in the future. County Manager Poe stated it now has to go through that process before it even comes to the Board. He said there is a substantial application fee that goes with it, so somebody really has to be serious about it to move forward. He stated that is a lesson that they learned from this process, because if they do consider them in the future they have to make sure they have the right criteria set out to evaluate it properly. VOTING:

YES

NO

Commissioner  
Bagwell

Commissioner Fricks  
" Lumsden  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**OTHER BUSINESS:**

Chairman Mayes recognized the Leadership Rome members in attendance.

**ADJOURNMENT:**

There being no further business to come before the Board, MOTION was made by Commissioner Bagwell, SECOND by Commissioner Fricks, that the meeting be adjourned. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Lumsden  
Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**JOHN MAYES, CHAIRMAN**