

February 12, 2013

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
February 12, 2013 2:00 P.M.**

PRESENT: Chairman Irwin Bagwell, Commissioners Garry Fricks, John Mayes, and Rhonda Wallace.

OTHERS

PRESENT: Interim County Manager Gary Burkhalter, County Attorney Tommy Manning, and County Clerk Kathy Arp.

ABSENT: Vice-Chairman Larry Maxey, and Assistant County Manager Noah Simon.

CALL TO

ORDER: Chairman Bagwell called the meeting to order.

INVOCATION: Commissioner Wallace led the Invocation.

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

ADOPTION OF MINUTES:

Chairman Bagwell asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Mayes made a MOTION to adopt the minutes of the Regular Meeting of January 22, 2013. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

PROCLAMATIONS:

RECOGNIZE REPRESENTATIVE

BARBARA MASSEY REECE:

Commissioner Wallace presented Representative Barbara Massey Reece with a Proclamation recognizing and thanking her for her years of service to the citizens of Floyd County and the surrounding areas from 1998 – 2012. Ms. Reece stated this proclamation is such a thoughtful thing to do, and she could never tell the Board just how much she appreciates the recognition. She stated today is a very special day to do something like this, because it is Georgia Day. She stated that today is the anniversary of the founding of the Georgia colony by James Oglethorpe in 1733. She stated our state government operates because of local governments such as this body that they are all serving. She appreciates the service that each one of them has given to the citizens in this county. She appreciates how their local government has worked in cooperation with her, as well as surrounding governments. She stated she is very pleased to have friends throughout Floyd County that she has worked with through these fourteen (14) years. The Commissioner of Chattooga County is present today, along with representatives from the Veterans group, mental health, and all levels of education. She stated she appreciates everyone attending as a special tribute to her. It has been a pleasure and an honor for her to serve as representative for fourteen (14) years. She thanked the Board again for the recognition.

Georgia Northwestern Technical College representatives Lucy Hale and Dr. Paul Carter presented Ms. Reece with a flower basket, and thanked her for everything that she has done, not only for the Georgia Northwestern Technical College students, but also for all students.

(Proclamation/Resolution Book, Page 13)

ARBOR DAY:

Commissioner Fricks presented Mary Hardin Thornton, Keep Rome-Floyd Beautiful Director, with a Proclamation recognizing Friday, February 15, 2013 as Arbor Day. Ms. Thornton introduced Tree Board member Donna Chambers, and thanked the Board for the recognition.

(Proclamation/Resolution Book, Page 14)

SEVERE WEATHER AWARENESS WEEK:

Commissioner Mayes presented Assistant Emergency Management Director Tim Herrington with a Proclamation recognizing February 3 – February 9, 2013 as Severe Weather Awareness Week.

Mr. Herrington stated although Severe Weather Awareness Week has passed, he would still like to encourage everyone to continue to plan and prepare. He stated we never know what may happen, which is evident by the recent tornado in Bartow and Gordon Counties. He stated as part of the Severe Weather Awareness Week activities a thousand weather alert radios were distributed. They had a big outpour from the community

that went over very well. He stated the credit goes to the Commissioners for allowing them to get the information out to the public, to educate them. He was able to call around after their last tornado drill and make contact with several of the schools, daycares, and nursing homes, which was a sharp increase over last year as far as the number of agencies that actually participated. He stated this just proves that the community is listening and benefitting from the educational information. He thanked the Board for the recognition.

(Proclamation/Resolution Book, Page 15)

**FIRST READINGS:
(PUBLIC HEARINGS TO BE HELD
FEBRUARY 26, 2013 AT 6:00 P.M.)**

4/5 VOTE REQUIRED TO ADD ITEMS TO AGENDA

Chairman Bagwell stated a 4/5 vote is required to add the First Reading items to the agenda. Commissioner Wallace made a MOTION to add the items to the agenda. SECOND by Commissioner Fricks. VOTING:

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

- 1. ADOPT UNIFIED LAND DEVELOPMENT CODE (ULDC) FOR THE CITY OF ROME AND FLOYD COUNTY REGARDING THE ESTABLISHMENT OF ZONING DISTRICTS AND DEVELOPMENT REGULATIONS, AND ADOPT THE OFFICIAL ZONING MAPS AND CONDITIONS FOR THE CITY OF ROME AND FLOYD COUNTY. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).**
- 2. REVISE OR DELETE ARTICLE 4.1.3 CONCERNING LOCATION AND ACCESS FOR PLACES OF WORSHIP. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).**

Chairman Bagwell stated Public Hearings would be held on these items on February 26, 2013 at 6:00 p.m.

CHAIRMAN'S REPORT:

No report.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

No Report.

2. Public Safety Committee – Commissioner Mayes, Chairman

No Report.

3. Public Works Committee – Chairman Bagwell, Chairman

No Report.

4. Water Committee – Commissioner Maxey, Chairman

a. Adopt Resolution Amending the Budget for the Fiscal Year 2013.

Chairman Bagwell stated the FY2013 Water Budget was discussed during Caucus. He called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Amending the Budget for the Fiscal Year 2013. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

b. Adopt Resolution Approving and Authorizing Amendment to Floyd County Fee Schedule Book for Water Rate Increase effective April 01, 2013.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Approving and Authorizing Amendment to Floyd County Fee Schedule Book for a three-percent (3%) Water Rate Increase effective April 01, 2013. SECOND by Commissioner Mayes. VOTING:

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

5. Judicial Services Committee (CJIS) – Commissioner Wallace

No Report.

6. Special Committee Reports

a. Fire Overview Committee – Commissioners Fricks and Mayes

No Report.

b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks

1) Adopt Resolution Approving and Authorizing Execution of Rome-Floyd County Jail Agreement.

Chairman Bagwell made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Rome-Floyd County Jail Agreement. SECOND by Commissioner Wallace.

Discussion: Chairman Bagwell asked County Attorney Manning to give a brief overview of the agreement. County Attorney Manning stated he did not participate in the drafting of this document, but he did talk to Assistant Manager Simon about it. He stated they discussed paragraph 11 during caucus. He stated that the Agreement calls for a minimum payment of \$40 per day which is in addition to the booking fee required to be paid by the City of Rome. He stated in the past agreements, there would be incremental increases yearly, or every other year, where the rate would go up. It is his understanding from speaking with Assistant Manager Simon, and he thinks Interim Manager Burkhalter could confirm this, that the parties have interpreted the agreement to mean that the \$40 per day per inmate charge is a floor, and that the county could raise that amount during the term of the contract, but if they raised it, it would have to be the same rate that the County charged any other city or county. He stated in looking at the language, that he thinks that is the way that they have interpreted it. Mr. Manning stated that it is his understanding that the city has interpreted it that way as well. He stated he had suggested in caucus that if this Agreement is approved, before it is forwarded to the city, that they may want to get some type of writing confirming the city of Rome's interpretation in the

same manner as he just stated, and then they could forward the executed document to the city.

Chairman Bagwell asked Interim Manager Burkhalter if that was his recollection as well. Interim Manager Burkhalter stated that is the way they discussed it, and that was their interpretation. Chairman Bagwell asked, for general information purposes, how many years was this agreement. County Attorney Manning stated it is a five-year agreement, which includes a provision where that term can be extended for an additional five years. He stated it also contains an opt-out clause that either party can get out of the agreement, but they have to provide twelve months notice. Chairman Bagwell asked so if the Board determines in year number three or four that the rates need to be increased say \$45.00 a day for everyone, then the city would be agreeable to paying \$45.00. County Attorney Manning stated he did not participate in the negotiations, but that was his understanding. Interim Manager Burkhalter stated that is correct. VOTING:

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

c. Joint Development Oversight Committee – Chairman Bagwell and Commissioner Fricks

No Report.

d. Joint Solid Waste Oversight Committee – Chairman Bagwell and Commissioner Fricks

No Report.

e. SPLOST Committee – Commissioner Wallace

Commissioner Wallace stated the SPLOST Committee had their first meeting on January 31, 2013. She stated those who attended the meeting were Interim County Manager Gary Burkhalter, City of Rome Mayor Evie McNiece, City Manager John Bennett, and both the Floyd County and City of Rome School Board Chair and Superintendent. She stated that they discussed a proposal of moving forward with a 2013 SPLOST. She stated they all agreed that they would like to move forward with the proposal, which they have taken to their respective Boards. The next step would be getting the citizen group together. She stated she

believes the county would have six appointed members, the City of Rome would have four, the City of Cave Spring would have one, and there would be two members to co-chair the committee. The school board would have a separate SPLOST, but they would be voted on at the same time. She stated all four entities agreed as a group that they would like to work together on the project to represent the project moving forward. They hope to have the citizen committee formed by the next meeting. She stated they would start taking applications and/or names for that committee. She stated she believes there were several people that said that they did not want to serve on the committee, but would like to make suggestions. Anyone interested in serving on the committee, or making suggestions, may contact County Clerk Kathy Arp. She stated they would have another SPLOST meeting within the next ten days.

Chairman Bagwell stated they discussed in the Joint Services Committee that a commissioner from the county would be present at all meetings, and participate in discussion, but would not have a vote. He stated he assumes that Mayor McNiece would be the City of Rome representative, unless she appoints someone else, and Mayor Rob Ware would be the Cave Spring representative.

CLERK'S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there are three items on the Clerk's Consent Agenda, which have been reviewed, and are submitted for approval.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

1. Tax Refunds:

- a. Tabitha A. Gresham, 26 Crossridge Dr, \$44.44
- 2. Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and the Georgia Department of Transportation for an Off System Safety Project. (P.I. Number 0010923)**

3. Authorize Execution by Chairman of Quit Claim Deed between Floyd County and Charles Bishop for property located on what is commonly known as the D. G. Snyder Subdivision, and identified as Zoning Map G13W, Parcel 518.

MANAGER'S REPORT:

No Report.

ATTORNEY'S REPORT:

No Report.

OTHER BUSINESS:

Chairman Bagwell recognized the Leadership Rome participants in attendance.

ADJOURNMENT:

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

Commissioner Wallace
" Fricks
" Mayes
Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN