

July 23, 2013

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 23, 2013 6:00 P.M.**

PRESENT: Chairman Irwin Bagwell, Commissioners Garry Fricks, Larry Maxey, and Rhonda Wallace.

OTHERS

PRESENT: County Manager Jamie McCord, County Attorney Tommy Manning, County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

ABSENT: Commissioner John Mayes.

CALL TO

ORDER: Chairman Bagwell called the meeting to order.

INVOCATION: Commissioner Maxey led the Invocation.

PLEDGE OF

ALLEGIANCE: Commissioner Wallace led the Pledge of Allegiance.

PUBLIC PARTICIPATION:

**RECOGNIZE RAYMOND MALONE,
FLOYD COUNTY PRISON WARDEN'S
AWARD RECIPIENT:**

Warden Jeff Chandler thanked the Board for the opportunity to recognize one of their dedicated employees at Floyd County Prison and Floyd County Work Release Center. He stated he is pleased to present Officer Ray Malone with the Warden's Award for 2013.

**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 Maxey made a MOTION to adopt the minutes of the Caucus and Regular Meeting of July 02, 2013. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks
" Maxey
Chairman Bagwell

Motion Carried

PROCLAMATIONS

JAMIE BARTON, 2013 CARDIFF BBC SINGER OF THE WORLD:

Commissioner Wallace presented Ms. Jamie Barton with a Proclamation recognizing and congratulating her on winning the 2013 Cardiff BBC Singer of the World. Ms. Barton thanked the Board for their recognition not only of the amazing success that she has been able to experience, but also as recognition for what comes from Floyd County and Rome, Georgia. She stated all the way from the Pocket up through Shorter College, she is a product of this community. She stated the recognition is very overwhelming. She thanked the Board for the acknowledgement.

(Proclamation/Resolution Book, Page 29)

60TH ANNIVERSARY OF THE ARMISTICE AGREEMENT ENDING THE KOREAN WAR:

Commissioner Maxey presented Mr. Bill Burchette, President of the Sgt. Billy Freeman Chapter Korean War Veterans Association, with a Proclamation recognizing the 60th Anniversary of the Armistice Agreement ending the Korean War.

(Proclamation/Resolution Book, Page 30)

RESOLUTIONS:

ADOPT RESOLUTION SETTING 2013 MILLAGE RATE FOR FLOYD COUNTY BOARD OF EDUCATION M&O AND FLOYD COUNTY GOVERNMENT M&O, FIRE PROTECTION AND SOLID WASTE.

Chairman Bagwell asked County Manager McCord to review the 2013 Millage Rate. County Manager McCord stated the Floyd County Board of Education M&O millage rate will be set at 18.588 Mills, Fire Protection will be 1.669 Mills, Solid Waste will be .664 mills, and the Floyd County Government M&O will be 8.767 mills. He stated the rates are the same as 2012. Chairman Bagwell stated although they have lost tax digest, they have kept the rate the same for the past five years.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Setting 2013 Millage Rate for Floyd County Board of Education M&O at 18.588 mills, Fire Protection at 1.669 mills, Solid Waste at .664 mills, and Floyd County Government M&O at 8.767 mills. SECOND by Commissioner Wallace. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Maxey		
Chairman Bagwell		

Motion Carried

**ADOPT RESOLUTION SETTING
STREET LIGHTING ASSESSMENT
FOR 2013 TAX YEAR.**

Chairman Bagwell asked County Manager McCord for a brief review of the street lighting assessment. County Manager McCord stated this is basically a pass through to assess the subdivisions and streets throughout the county that have street lighting. He stated the Georgia Power bill is broken down per deed footage. He stated the assessment was set at fifty-three (\$.53) cents per foot in 2012. The 2013 street lighting assessment will be fifty-five (\$.55) cents per foot. He stated the increase is due to some improved measurement that they received from the Tax Assessor's Office along with a slight increase in the Georgia Power billing.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Adopt the Resolution Setting Street Lighting Assessment for 2013 Tax Year at fifty-five (\$.55) cents per foot. SECOND by Commissioner Wallace. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Maxey		
Chairman Bagwell		

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
JULY 02, 2013)**

Chairman Bagwell reviewed the procedures for Public Hearings.

Rezoning and Special Use Permits:

1. FILE #72-2013Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO SUBURBAN RESIDENTIAL (S-R) FOR SINGLE-FAMILY DWELLING ON PROPERTY LOCATED ON KINGSTON AVENUE. TAX MAP M14, PARCEL 079. (PLANNING COMMISSION RECOMMENDATION: [VOTE: 7-0])

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director, to provide an overview of the rezoning request. Ms. Hiller stated the subject property is surrounded by suburban residential (S-R) and agriculture residential (A-R) zoning. She stated in the 1970's the second structure on the property was used for a piano sales and service business. She stated that when the Unified Land Development Code (ULDC) was adopted in 2001, the property was zoned commercially for the piano business, although both structures are actually on the adjacent property. She stated the property is accessible via Kingston Highway, which is an arterial road, and Morrison Campground Road, which is a collector street. All services and utilities are available to support residential use, except there is no public sewer on the property. She stated the future land use map shows the property as suburban residential (S-R). If rezoned, the property would be compliant

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed and called for a Motion. Commissioner Wallace made a MOTION to Adopt the Ordinance to Approve the Rezoning from Community Commercial (C-C) to Suburban Residential (S-R) for single-family dwelling on property located on Kingston Avenue. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Maxey

Chairman Bagwell

Motion Carried

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

Commissioner Maxey stated there is a decrease in water sales over the same period as last year, mainly due to the amount of rainfall that we have experienced this year.

5. Judicial Services Committee (CJIS) – Commissioner Wallace

No Report.

6. Special Committee Reports

a. Fire Overview Committee – Commissioners Fricks and Mayes

b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks

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

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

e. SPLOST Committee – Commissioner Wallace

Commissioner Wallace invited everyone to attend the upcoming SPLOST Committee meeting on July 25, 2013 at 5:30 p.m. She stated the meeting would be at the Emergency Operations Center (EOC), 409 E. 12th Street. She stated the meetings are open to the public and encouraged everyone to attend.

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

YES

NO

Commissioner Wallace

" Fricks

" Maxey

Chairman Bagwell

Motion Carried

1. Tax Refunds:

- a.Ray J Tate Jr, 99 Mill St, Cave Spring, \$1,254.87
- b.Larry Martin, 201 Broad St, Suite 200, \$2,260.39
- c.David Thomas, 148 Quail Run, Cedartown, \$7.72
- d.Thomas Sales & Rentals LLC, 148 Quail Run, Cedartown, \$68.57
- e.Ashlie Harper, 1849 Morrison Campground Rd, \$67.61
- f.Enchanted Properties LLC, 2836 Old Dalton Rd, \$17.51
- g.Todd Horton, 2 Turnbull Dr, \$77.71
- h.Synovus Bank, 701 Broad St, \$199.61
- i.Ready Mix USA LLC, 1501 Belvedere Rd, West Palm Beach, FL, \$745.95
- j.Benfei Hu & Xiuming Quan, 3 Derby Ct, \$73.77
- k.Mary Flowers Family Limited Partnership, 1039 Livingston Rd, \$13,562.92
- l.Rufus N Turner Jr, 21 Beverly Dr, \$4.80
- m.Jag Development Group LLC, 126 Etowah Dr, \$2,945.60
- n.Jackson D Morgan, 436 Broad St, \$51.56

2. Adopt Resolution Approving and Authorizing Execution by Chairman of Georgia Emergency Management Agency (GEMA) Grant from the Department of Homeland Security for FY2012 Homeland Security Grant in the amount of \$6,572.00 for the Floyd County Emergency Management Agency. (FIPS #115-00000-99 GAN #EMW-2012-SS-00063-S01, Budget Worksheet #3030 SHO12-088).

3. Adopt Resolution Approving and Authorizing Execution of Agreement between Floyd County and Sara Hightower Regional Library for Inmate Work Crew at Library.

MANAGER'S REPORT:

- 1. CONSIDER RECOMMENDATIONS FROM ROME-FLOYD PARKS & RECREATION AUTHORITY:**

a. Authorize \$3,500.00 from the County Capital Reserve Fund to replace roof at the Lock & Dam caretaker's house.

County Manager McCord stated the \$3,500.00 would include \$2,500.00 for the materials and \$1,000.00 for disposal of the existing roof. He stated that the labor would be performed by the Parks & Recreation Department. He stated the Capital Reserve Fund currently has significant funds to cover this expense. He recommended the use of \$3,500.00 to replace the roof on the caretaker's building at the Lock & Dam.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Authorize \$3,500.00 from the County Capital Reserve Fund to replace the roof at the Lock & Dam caretaker's house. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Maxey

Chairman Bagwell

Motion Carried

b. Authorize increase in Revenue line item (530818-45319), Meet Host Fees in Gymnastics account, in the amount of \$9,700.00.

County Manager McCord stated the Parks & Recreation Department had a very successful spring and summer with the gymnastics program, and they have exceeded their revenue budget. The request is to increase their revenue budget from \$37,000.00 to \$46,700.00, which is a \$9,700.00 increase. He stated they are also looking forward to some additional meets in the fall. He recommended increasing the Parks & Recreation Department revenue line item for gymnastics host fees from \$37,000.00 to \$46,700.00.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Authorize the increase in Revenue line item (530818-45319), Meet Host Fees in Gymnastics account, in the amount of \$9,700.00. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Maxey

Chairman Bagwell

Motion Carried

- c. Authorize increase in Equipment line item (530818-51900) in the amount of \$4,000.00.**

County Manager McCord stated this item ties directly to the above item. He stated that with the increase in revenue, they are requesting the use of some of that revenue in order to put a bit of additional equipment back into the gymnastics program. They have a list of nine different items totaling \$7,705.00. He stated this would help upgrade and replace some of their equipment that they have for these gymnastics meets. Their current budget is \$4,000.00 and it is intact. He stated they have not spent any money year to date. They are requesting \$4,000.00 of that additional revenue be transferred to that account. He stated it would still be a net increase to revenue. He recommended increasing the Parks & Recreation equipment line item from \$4,000.00 to \$8,000.00 for the purchase of gymnastics equipment.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize an increase in the Equipment line item (530818-519000) in the amount of \$4,000.00 for gymnastics equipment. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace
" Fricks
" Maxey
Chairman Bagwell

Motion Carried

**2. AUTHORIZE THE FOLLOWING VEHICLES
BE DECLARED SURPLUS AND AUTHORIZE
DISPOSAL OF PROPERTY:**

- a. 1988 GMC 3500 Cargo Van (VIN# 1GTGG35K4J7530759).**

County Manager McCord stated they have a request to surplus a 1988 GMC 3500 Cargo Van to be disposed of through the GovDeals.com website. He stated the vehicle has been in use at the Rome-Floyd Library for the past several years. He recommended transferring the vehicle from the Library to surplus to be disposed of through GovDeals.com.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Authorize the 1988 GMC 3500 Cargo Van (VIN#

1GTGG35K4J7530759) be declared Surplus and Authorize disposal through the GovDeals.com website. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Maxey

Chairman Bagwell

Motion Carried

ATTORNEY'S REPORT:

1. ADOPT RESOLUTION CALLING FOR A REFERENDUM TO ALLOW THE PACKAGE SALES BY RETAILERS OF MALT BEVERAGES AND WINE TO OCCUR ON SUNDAY BETWEEN THE HOURS OF 12:30 P.M. AND 11:30 P.M. IN THE UNINCORPORATED AREA OF FLOYD COUNTY:

County Attorney Manning stated this is a resolution calling for a referendum to allow package sales on Sundays by retailers of malt beverages and wine. He stated if the Board approves the resolution, then the Elections Superintendent would call for an election, it would be advertised, and the election would be in November. He stated the date of the election would be November 5, 2013.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Calling for a Referendum to allow the package sales by retailers of Malt Beverages and Wine to occur on Sunday between the hours of 12:30 p.m. and 11:30 p.m. in the unincorporated area of Floyd County. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

Commissioner Maxey

Chairman Bagwell

Motion Carried

1. ADOPT RESOLUTION CALLING FOR A REFERENDUM TO ALLOW THE

**SALE OF MALT BEVERAGES AND
WINE TO OCCUR ON SUNDAY FROM
12:30 P.M. UNTIL 12:00 MIDNIGHT FOR
CONSUMPTION ON THE PREMISES
IN THE UNINCORPORATED AREA
OF FLOYD COUNTY:**

County Attorney Manning stated the second of the two resolutions would authorize a referendum to allow Malt Beverage and Wine sales on Sundays for consumption on the premises. He stated the law would require that malt beverage and wine could only be served in an establishment that derives at least fifty percent of its total annual gross sales from the sale of prepared meals or food, or an establishment where fifty percent of the total annual gross income was from the rental of rooms for overnight lodging. The passage of this resolution would only place this item on the ballot in November. He stated the Election Superintendent would call for the election as required by law and meet the advertising requirements in the *Rome News-Tribune* concerning the upcoming election.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Adopt the Resolution Calling for a Referendum to allow the sale of Malt Beverages and Wine to occur on Sunday from 12:30 p.m. until 12:00 midnight for Consumption on Premises in the unincorporated area of Floyd County. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
		Commissioner Maxey
Chairman Bagwell		
	Motion Carried	

ADJOURNMENT:

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

	YES	NO
Commissioner Wallace		
" Fricks		
" Maxey		
Chairman Bagwell		
	Motion Carried	

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN

**FLOYD COUNTY BOARD OF COMMISSIONERS
CAUCUS**

JULY 23, 2013 5:00 PM

Present: Chairman Irwin Bagwell, Vice-Chairman Larry Maxey, Commissioners Garry Fricks and Rhonda Wallace, County Manager Jamie McCord, Assistant County Manager Noah Simon, County Clerk Kathy Arp, County Attorney Tommy Manning, and Comptroller/Finance Director Gary Burkhalter.

Absent: Commissioner John Mayes.

Commissioners and staff reviewed items on the agenda for the meeting of July 23, 2013.

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN