

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
July 28, 2015              6:00 P.M.**

**PRESENT:** Chairman Larry Maxey, Vice-Chairman Garry Fricks, Commissioners Irwin Bagwell, Scotty Hancock, and Rhonda Wallace.

## OTHERS

**PRESENT:** County Manager Jamie McCord, County Attorney Wade Hoyt, and Interim County Clerk Jaime Armstrong.

## CALL TO

**ORDER:** Chairman Larry Maxey called the meeting to order.

## INVOCATION:

Commissioner Scotty Hancock led the Invocation.

## **PLEDGE OF**

**ALLEGIANCE:** Commissioner Irwin Bagwell led the Pledge of Allegiance.

## **ADOPTION OF MINUTES:**

Chairman Maxey asked County Attorney Wade Hoyt if the minutes were in order. Mr. Hoyt stated the minutes have been reviewed and are in order. Commissioner Bagwell made a MOTION to adopt the minutes of the Caucus and Regular Meeting of July 14, 2015, and Called Meeting of July 16, 2015. SECOND by Commissioner Hancock. VOTING:

Commissioner Wallace  
" Fricks  
" Bagwell  
" Hancock  
Chairman Maxey

## Motion Carried

## PROCLAMATIONS:

## **PROCLAIM FLOYD COUNTY AS A PURPLE HEART COUNTY**

Commissioner Wallace presented Marvin Garner, Local Chapter Commander of Military Order of the Purple Heart, with a Proclamation declaring Floyd County as a Purple Heart County.

Commander Garner stated that the Georgia General Assembly from Cherokee County, which once comprised all the land north of the Chattahoochee River except for Carroll County, established Floyd County on December 03, 1832. Floyd County was named after John Floyd, a famous solider and United States Congressman. He stated they are proud to be here to support the Board as they (*the Board*) honor their brothers and sisters who were wounded while serving to keep our country free. At the national convention in Denver last year, he was authorized to present a special award to those who support all of their wounded warrior Purple Heart recipients. Service Officer Howard Cothran presented the Board with a pin symbolizing support of the Military Order of the Purple Heart. He hopes that they all wear these pins proudly to show their support.

Service Officer Alfred Carnes stated a ceremony is scheduled at the old East View Cemetery on August 7, 2015 to honor the forgotten soldiers in World War II. He added that a group would be placing monuments on gravesites, and cleaning up the cemetery. He invited and encouraged everyone to attend, stating that volunteers are needed and welcomed.

(Proclamation/Resolution Book, Page 85)

## RESOLUTIONS:

**RESOLUTION TO APPROVE THE ISSUANCE OF REVENUE BONDS BY THE DEVELOPMENT AUTHORITY OF FLOYD COUNTY FOR THE BENEFIT OF DARLINGTON SCHOOL.**

County Attorney Hoyt stated he has met with Mr. Smith from McRae, Stegall, Peek, Harman, Smith & Manning, LLP, and reviewed the documents, which are in order. He stated all the Board is required to do is to approve the resolution.

## **(07/28/15 - Regular Meeting)**

Chairman Maxey called for a Motion. Commissioner Fricks made a MOTION to Adopt the Resolution to Approve the Issuance of Revenue Bonds by the Development Authority of Floyd County for the Benefit of Darlington School. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace

" Fricks

" Bagwell

" Hancock

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## PUBLIC HEARINGS:

PUBLIC HEARING TO RECEIVE COMMENTS REGARDING 2015 MILLAGE RATE

Chairman Maxey declared the Public Hearing open, and asked if there is anyone wishing to speak in regards to the 2015 Millage Rate.

**Ronnie Kilgo, 101 Primrose Road SW**, stated he owns property on Reeseburg Road. He also operates Rome LP Gas and Rhino Waste and Recycling. He stated he understands that the county may be seeking a tax increase in order to cover the sales tax repayment to the state. He thinks the sales tax should be taken out of the contingency fund if it takes it all and then some. That is what the contingency fund was set up for before anyone on the current Board was ever elected. He believes the purpose of the contingency fund is for things that come around the corner unexpectedly, not necessarily for pay raises, a new paving machine, or a motor grader. He stated the fund is there for when they have a tornado, an ice storm, or have to repay someone a million dollars in sales tax. He does not think raising property taxes is right, or necessary. The City of Rome is in the same predicament as the county, and they are not raising property taxes on their citizens. He stated he thinks the county should follow the city's lead. The city is actually setting their tax rate to where taxes on a \$100,000.00 house would be a dollar cheaper this year. He stated that the Board chose not to reinstate the energy tax on all of the heavy industry in the county. Mr. Hodge, Greater Rome Chamber of Commerce President & CEO, made a good argument to the Board about not reinstating the energy tax because it would hurt employment and the chances to bring in new industry, but if the Board raises property taxes, they would be hurting hundreds of small businesses throughout the county. He stated his last argument pertains to SPLOST. He has witnessed several, he has fought one before, and some he has even supported. When the movers and shakers of Floyd County are coming out into the county and holding their meetings, one of their main arguments is, if citizens vote for SPLOST, it will provide the money to cover major expenses, help with infrastructure, the Water Department, and all the different county departments without raising the property taxes. He stated he heard that during the last SPLOST election. Again, he understands that this was something unexpected that no one knew anything about, but he does not think that is a good excuse to raise taxes. He stated based on history, anytime taxes are raised, the increase stays and never goes away. If the Board decides on a tax increase, once the million dollars is paid off, the taxes will not go back down. He stated he has spoken with some of the Commissioners personally, and he is standing before them today to say that he really does not want to see the property taxes go up in Floyd County. He thanked the Board.

**Johnny Davis, 5348 Big Texas Valley Road**, stated that the Commissioners represent everyone in the county, and in this county, there are thousands of illegal residents living among them. He stated those who pay taxes are supporting those people. He is sure there are many requirements to adhere to through the state and federal government to get sales tax, but taxes are already high, and they hurt homeowners and businesses. He stated a sales tax at least divides that up and allows everybody to be a part of paying for the services. Many retired people live in this county. He stated when costs go up, they do not get a raise because they are on a fixed income, so it affects them probably more than it does anyone else. He is not here to propose any new taxes; he is just appealing to them that if a tax is necessary, that it be in the form of a sales tax so everyone can help pay for it. He thanked the Board for their time.

**Martha Mansfield, 1065 Booze Mountain Road, Lindale**, stated she is proud to be a Floyd County resident and property owner. She is a senior citizen that lives on a fixed income. She stated that she is opposed to any tax increase to cover this industry's mistake. She feels like the industry should assume the responsibility for the overpayment. She stated the industry is much more capable of bearing that burden than senior citizen property owners on fixed incomes. She thanked the Board.

**Ron Swinford, 11 Poplar Street**, stated he is the co-owner of ten houses in the Riverside District. He stated as the others stated so far, he is opposed to increasing the millage rate to pay off the sales tax issue they have acquired. He thinks everyone here realizes that the state is going to get their money one way or another. He stated that he is not against all taxes in general as taxes are necessary to run the government. He has spoken with a relative that used to work for the Department of Revenue as a Sales Tax

**(07/28/15 - Regular Meeting)**

Auditor who said there a couple of things in this situation that do not seem quite right, and there should be some things that the Board could appeal, or at least get some explanation from the state without obtaining confidential information. He stated one other thing he would like to mention is that they recently had a meeting where they chose not to reinstate the energy excise tax on businesses as someone else mentioned. If the amounts that he saw were correct, they could pay off the county's portion of this debt in about two years with that. He asked if that is the case, then why not implement the energy excise tax rather than imposing on those with fixed incomes, and so on. He admits that he is not on a fixed income. He stated he has rental houses on which he paid eight thousand dollars and some change in property taxes on last year. They are about to do that again just as they do every year. He stated it looks like they could take out some of that out on the businesses to help some of the property owners who really need the help in some cases. He also suggested that the county request an audit of the state. He stated it is the county's right to do that. They (*the Board*) can go in with the city and both school boards and ask for an audit of how much they are actually getting from the state for their sales tax. He stated almost every time that happens, a community ends up getting more than what they had been receiving. That would be a way for them to pay some of this off. He stated just as someone else mentioned, if the Board increases their taxes for two years to cover this sales tax repayment because that is what they feel that they have to do, then at the end of those two years all of that extra money would go into the general fund. He asked if this tax increase has to be done, then why not designate a specific use for that extra money after the fact. He suggested using some of the extra money to do some specific things almost as the SPLOST is meant to do once they have paid off the sales tax. He stated another thing he thinks needs to happen, though he knows that this is not going to happen, is to revoke on using current SPLOST funds to pay off the old SPLOST. He does not feel that it is an unreasonable request for an election to ask the people what they would like to do. If they do not want to do that, fine they are going to have to pay the money one way or the other. He stated he agrees with the lady that suggested holding the businesses more responsible for the mistake. The interest amount seems very high, and he thinks there is some wiggle room there. He stated he understands that getting into it with the state is hard to do, but he feels that they as a community deserve that from the Board as their commissioners. He thanked the Board for allowing him to speak.

**Stacy Kates, 17 Treehouse Trail**, stated her Uncle Dewey Corley, her maternal great-great uncle, lived on Old Dalton Road for many decades as some of them may remember. She stated he was a beekeeper and sold honey. She is actually just here to say that she is in favor of mileage rate increasing because she feels that their police officers should be paid a good salary. She was told that they are the lowest paid officers in a nine county region compared to other officers. She stated that she does not mind a little bit of money coming out of her property taxes to cover that pay increase. Those officers protect her property and her person, and if they were required to, they would risk their lives to do so. She stated she feels that those professions where people risks their lives should be paid more for putting their lives at risk. She appreciates their officers and the job they do. She thanked the Board.

**Dan Hanks, 39 Hunnington Road**, stated he would like to make two points, and he will address the easy one first. He stated one of the things he likes about what is happening in regards to the sales tax issue is that the county is trying to work together with the city and the school boards on a solution to where next year they correct this issue in the state legislature. He he thinks they need to do that with people from both parties nonpartisan. He stated if they could get through this thing and make that happen, it would be a great service for them to do so that no other towns in the state would have to face the same thing they are facing. He will move on to his second point. He stated there is not a person in this room that he thinks wants to be here including the Board. He is sure that they would rather be somewhere else rather than facing this problem. He stated these problems have not been created by anyone in this room. The financial problems of this county and this country were created due to decisions made by multiple politicians, bureaucrats and financiers in Washington and New York over the past ten years, but as his late grandmother would often quote out of either Luke or John that the ox is in the ditch and they have to do something about it. He stated now the problem is that when the county, and the school boards, and everyone made up their budgets, they were not aware of these things. They are all standing up there telling the Board to do it this way or do it that way, but all he is saying is that they have a problem that needs to be addressed. He stated they tried to make up a budget in hard times; times were already hard, and they were not even faced with this issue at that time. He is definitely not blaming any of the Commissioners for this issue because they did not know about it. He stated they have to make some decisions in regards to that situation, and there are no easy answers to this. He knows that because of the hard times since the recession began in 2008, the county commission has had to cut services already such that a lot of the fat in the budget has already been removed. He does thinks there is much more that they can cut. He stated when he makes a call from Horseleg Creek for the cops to come out; he wants to know that they are going to show up. He knows that they are also being faced with that, and they are having issues there. He stated just as the book title "A Perfect Storm", he thinks that this is an imperfect storm It is affecting all of them, and they have to make some tough decisions. The real question for a conservative such as himself is can they find any more fat in the budget; real, honest to goodness fat. He stated when he calls up 911 because someone is banging on his back door and trying to get in, he wants someone there to pick up the phone. That is what he considers mandatory. He stated he would hope for the good of the public. He would suggest that the County Manager, Finance Director, and the Board record all of the things that have been done in the past because of the recession though he understands there is not a whole lot left. He stated he is not going to argue about if they have to raise taxes whether it is property taxes or sales taxes; he is not going to argue that. He is just that they have some tough decisions when in all

**(07/28/15 - Regular Meeting)**

honesty, they did not have anything to with these issues, and they have cut all of these things to begin with. He stated if anyone wants to answer him on that they can do it now, or they can put out a white paper on it. He thinks the citizens need to hear what they (*the Board*) have done and where the cuts would come from though he does not know if there are any good answers to that. He thanked the Board.

**Lee Bagley, 2979 Big Texas Valley Road**, stated he works his tail off every day, and does not have a lot of free time unfortunately. He stated he did not have time to sit back and write something up about this, so he took a couple of seconds while sitting here just to tell the Board that he is totally opposed to raising taxes. He pays a lot of taxes every year. He stated he thinks they need to appropriate the money where it needs to be. They need to do a little bit better of a job as businessmen, and they need to handle a business the way they (*the citizens*) handle business every day. He stated he has to appropriate money where he needs it appropriated to make jobs work, make things happen, and get things done. He does not go running to anybody else asking for money. He stated he has to make his money work for himself. This is a government; government is the biggest business in the world. He stated there is nothing bigger. From the top to them (*the Board*), the smallest communities out here. He stated they cannot put the pressure on the good working citizens of the county to handle the problems that are being created by other outside sources. Maybe they should look at some of these businesspeople around here, and instead of them (*the Board*) trying to do so many things in-house, and handling so many things in-house, maybe they could better outsource some of these businesses to trades of people that do this every day instead of trying to do all the work themselves as a community. He stated there is probably a better way to do it. There are people who are tradesmen in certain areas that do things right, that do things quick, that do things efficient because of the reason that if they do not do it they lose their tails, they do not make money, and they go bankrupt. He stated they do not call them (*the Board*) out and say help them out; there is nobody there. They fall back and they go bankrupt. He stated he does understand what the problem is. They (*the county*) are the biggest business in the world. He stated they need to handle this themselves and make this right, period. He thanked the Board.

**Christy Larue, 13 Rollingwood Drive**, stated she pays county and city taxes. She stated as a citizen, and she does not want anything to be thrown at her, but she does not have a problem paying the county police officers or the fire department more money. She also agrees with raising the millage rate because she has been in Animal Control; she sees how the process is. She stated their budget is way under. Floyd County citizens use that by taking their animals and dumping them up there instead of taking responsibility. She stated in doing that, they are overflowing with intake of animals. They are not equipped with the money and the stuff to take care of these animals. She stated she just thinks they need to understand what this money is going toward maybe. Maybe have a little bit more in the paper of where all of this money is going, but she personally does not have a problem with paying the firemen, the people that are graduating from high school that are having to Cartersville or Cobb County because they cannot afford to work here in Rome. She stated her husband has to go out of town to get a job to get decent pay because nothing in Floyd County pays anything. She does agree with raising the millage rate.

Chairman Maxey asked is there anyone else who would like to speak at this time. Seeing none, he declared the Public Hearing closed, and asked if there is any discussion. County Manager McCord stated the next Public Hearing on the millage rate would be held on July 29, 2015 at 2:00 p.m. in the Community Room followed by an evening meeting on August 04, 2015 at 6:00 p.m. He stated action would be taken to adopt the 2015 Millage Rate after the Public Hearing at the meeting on August 04, 2015.

**ULDC TEXT AMENDMENTS**

**1. REVISE OR DELETE ARTICLE 3.4 TABLE 3-2 CONCERNING HOME OFFICE/HOME BUSINESS AS AN ACCESSORY USE. (2015-007ULDC) (PLANNING COMMISSION RECOMMENDATION: APPROVE WITH THE ADDITION OF HEAVY COMMERCIAL & OFFICE INSTITUTIONAL. [VOTE: 0-9]**

Chairman Maxey asked Ms. Sue Hiller, Rome-Floyd County Planning Department Director, to review the text amendment. Ms. Hiller stated that within the last five to six years they have done some Unified Land Development Code (ULDC) amendments that have not only allowed, but encouraged residential uses in some of the commercial districts like community commercial (C-C), central business commercial (C-B-C) such as the downtown area, and urban mixed use (U-M-U). She stated typically, these are lofts or apartments, but they have had requests recently from people who want to have a home office, or a home business. They allow that in residential districts; they always have, but there was no provision in those commercial districts to allow that as an accessory use. She stated they proposed to the Planning Commission adding that as an accessory use in the community commercial, central business commercial, and urban mixed use zoning districts. The Planning Commission has added to that the heavy commercial (H-C) and office institutional (O-I) districts, so they would add that as a use in five zoning districts. She stated it would still have the perimeters that are listed in Article 4 that state things such as they cannot have employees at their home office, it can only be the person and their family that live there. They can only dedicate so much of their house to business use, and they have to avoid external changes and manifestations of that business. They still have to maintain a residential character. She stated this comes to the Board with a unanimous recommendation to approve from the Planning Commission.

**(07/28/15 - Regular Meeting)**

Chairman Maxey declared the Public Hearing open, and asked if there is anyone to speak in support or opposition of the text amendment. Seeing none, he declared the Public Hearing closed, and asked if there is any discussion.

Chairman Maxey called for a Motion. Commissioner Bagwell made a MOTION to Adopt an Ordinance to amend Article 3.4, Table 3-2, concerning home office/home business as accessory use (2015-007ULDC). SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace  
" Fricks  
" Bagwell  
" Hancock  
Chairman Maxey

### Motion Carried

## **CHAIRMAN'S REPORT:**

## 1. Citizen Appointments

**a. Alcohol Control Commission.**

Chairman Maxey made a Motion to reappoint Gary Miller, Post 2, and Stuart Neslin, Post 3, to the Alcohol Control Commission for 4-year terms to expire August 31, 2017. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace  
" Fricks  
" Bagwell  
" Hancock  
Chairman Maxey

## Motion Carried

**b. Department of Family and Children's Services (DFCS) Board.**

Chairman Maxey made a Motion to reappoint Mitchell Jolly to the Department of Family and Children's Services (DFCS) for a 5-year term to expire June 30, 2020. SECOND by Commissioner Wallace. VOTING:

Commissioner Wallace  
" Fricks  
" Bagwell  
" Hancock  
Chairman Maxey

## Motion Carried

## **COMMISSIONER'S REPORT:**

## 1. Administrative/Finance Committee – Commissioner Bagwell, Chairman

No report.

## 2. Public Safety Committee – Commissioner Maxey, Chairman

No report.

### **3. Public Works Committee – Commissioner Wallace, Chairman**

No report.

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

County Manager McCord stated at their meeting on July 27, 2015, this item did not require action,

**(07/28/15 - Regular Meeting)**

but they did apply for a non-matching GEFA loan for funds to help them with calibration of their meters. He stated this is something that they do on an annual basis already with some of their larger customers and any meters over two inches because over time, they do become out of calibration and they end up with lost water; more goes through than is actually being metered. They do not know the results of that. He stated they had a quick turn around on it, but they will bring it back before the Board at a later date if they are awarded the loan.

**5. Judicial Services Committee (CJIS) – Commissioner Fricks**

No report.

**6. Floyd County Library Board – Commissioner Hancock**

No report.

**7. Special Committee Reports**

**a. Fire Overview Committee – Commissioners Bagwell & Fricks**

No Report.

**b. Joint Services Committee – Commissioners Maxey & Bagwell**

No Report

**c. Joint Development Oversight Committee – Commissioners Bagwell & Wallace**

No Report.

**d. Joint Solid Waste Oversight Committee – Commissioners Bagwell & Wallace**

Commissioner Wallace stated they did have a meeting today. She stated she wanted to let everyone know that the Recycling Center has been painted. It was painted a more neutral color on the outside, so it is certainly a huge improvement. They have also painted the inside. She stated their numbers as far as sales are pretty much normal, but the issue there still is just the market price of materials, which is down, so therefore the amount of revenue is much less. She stated all in all, the Recycling Center is looking much better.

**e. SPLOST Project Overview Committee – Commissioner Maxey & Bagwell**

County Manager McCord stated the Barron Road Signal is actually in flash mode as they speak. He stated it would be activated about four or five days prior to school starting. They got the paving done, the striping done, and the signal is in flash, which is just a requirement to get the neighborhood and the community used to that before it goes active. He stated the signal would be fully active for the start of county schools next week.

**f. RFPRA Task Force Committee – Commissioners Maxey & Fricks**

No Report.

**CLERK'S REPORT:**

**Consent Agenda**

Interim County Clerk Jaime Armstrong stated there are five items on the Clerk's Consent Agenda, which have been reviewed, and are submitted for approval.

Chairman Maxey called for a Motion. Commissioner Wallace made a MOTION to Approve and Authorize Execution of items submitted under the Clerk's Consent Agenda as presented. SECOND by Commissioner Hancock. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Bagwell

" Hancock

Chairman Maxey

Motion Carried

## **(07/28/15 - Regular Meeting)**

1. Approve request from Tax Commissioner for removal of bills from the Tax Commissioner's Roll, for \$ 4,796.92, and that the taxes be relieved from the books as outlined in the memo from the Tax Commissioner and attached list dated July 08, 2015.
2. Authorize Execution by Chairman of 2016 ACCG Safety Discount Verification.
3. Approve and Authorize Execution of Amended Agreement between Floyd County and the City of Cartersville for a Part time Inmate Work Crew.
4. Approve and Authorize Execution of Exhibit "A" Equipment Schedule to Master Lease Agreement dated April 23, 2013 between Floyd County and Ontario Investments, LLC.
5. Approve and Authorize Execution of Agreement between Floyd County and Sara Hightower Regional Library for Inmate Work Crew at Library.

## MANAGER'S REPORT:

## **1. UPDATE ON ROME-FLOYD COUNTY PARKS AND RECREATION DIRECTOR INTERVIEW PROCESS.**

County Manager McCord stated it his pleasure to announce publicly that they have settled on an applicant for the Parks and Recreation Director. He stated the applicant is Kevin Cowling from Clarksville, Tennessee. Mr. Cowling has fifteen years of experience in the Parks and Recreation field with both Pell City, Alabama, and the City of Clarksville, Tennessee. Clarksville, Tennessee is a good-sized community on the Kentucky border near the Fort Campbell military base. He stated Mr. Cowling has been with them since 2006 as the Operations Manager for Park and Recreation Services for the City of Clarksville. Mr. Cowling is a really good fit for Floyd County, and they are excited about getting him on board; he will be available to start work on August 17, 2015. He stated they would have an employee contract ready for Board approval at their August 11, 2015 meeting.

## ATTORNEY'S REPORT:

No report.

## **ADJOURNMENT:**

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

Commissioner Wallace  
" Fricks  
" Bagwell  
" Hancock  
Chairman Maxey

## Motion Carried

# **FLOYD COUNTY BOARD OF COMMISSIONERS**

## **LARRY N. MAXEY, CHAIRMAN**

**(07/28/15 - Regular Meeting)**

**FLOYD COUNTY BOARD OF COMMISSIONERS  
CAUCUS  
July 28, 2015      5:00 PM**

Present: Commissioners Irwin Bagwell, Garry Fricks, Scotty Hancock, Larry Maxey, and Rhonda Wallace, County Manager Jamie McCord, County Attorney Wade Hoyt, Interim County Clerk Jaime Armstrong, and Comptroller/Finance Director Gary Burkhalter.

Ron Swinford, 11 Poplar Street, was present to discuss issues and voice concerns related to the proposed 2015 Millage Rate.

Commissioners and staff reviewed items on the agenda for the meeting of July 28, 2015.

**FLOYD COUNTY BOARD OF COMMISSIONERS**

**LARRY N. MAXEY, CHAIRMAN**