

February 12, 2010

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
February 12, 2010 2:00 P.M.**

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

OTHERS

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

ABSENT: Commissioner Chad Whitefield.

CALL TO

ORDER: Chairman Lumsden called the meeting to order.

INVOCATION: Commissioner Mayes led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Bagwell.

PUBLIC PARTICIPATION:

Joy Peterson, Floyd County Public Information Officer, thanked the Board for the opportunity to speak to the people of Rome and Floyd County about the Census. She stated a Complete Count Committee was enacted on August 25, 2010 by the Census Bureau. She stated they currently have twenty-five members including representatives from the Latino and African American communities. She stated this is important because those demographics generally tend to be the harder to reach people, and what the Census Bureau considers hard to count. She said the Census touches everyone's life, because it assists the national and local leaders in planning for the provision of services such as schools, police and fire. She stated the last census was done in the year 2000. The response rate for Floyd County was 62%, the City of Rome was 63% and the City of Cave Spring was 53%. She stated the 2010 goal is a 70% response countywide. She stated April 1, 2010 is National Census Day and that is when the federal government wants everyone to fill out their census form, if they have not already done so, and send it back. She stated many people are concerned with confidentiality and federal workers just showing up at their house, but if you fill out the form and mail it in then no one comes out. If someone does come to your house representing the Census takers, make sure to ask for their federal identification. She stated for more information visit the county website, the State of Georgia Census site or the federal government census site.

ADOPTION OF

MINUTES:

Chairman Lumsden asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Bagwell made a MOTION to adopt the minutes of the Regular Meeting of January 26, 2010. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
Chairman Lumsden		

Motion Carried

PROCLAMATIONS:

ARBOR DAY:

Commissioner Bagwell presented Mary Hardin Thornton with a Proclamation celebrating February 19, 2010 as Arbor Day. Ms. Thornton stated that on Friday, February 19, 2010 they will be observing Arbor Day behind State Mutual Stadium at 11:00 a.m. They have installed about twelve Scarlett Oaks and one Magnolia tree that they are going to dedicate for the Federated Garden Clubs of Rome and Floyd County and for the Daughters of the American Revolution. She stated there would be a reception at the new Eco River Education Center following the ceremony at State Mutual Stadium. The public is invited to attend. She thanked the Board.

(Proclamation/Resolution Book, Page 155)

RESOLUTIONS:

**ADOPT RESOLUTION APPROVING THE
UPDATED SERVICE DELIVERY STRATEGY:**

Assistant Manager Williams stated they are required by the Georgia Department of Community Affairs and the State Legislature under House Bill 489 to have a coordinated set of agreements between the county and the cities of Rome and Cave Spring. He stated this Resolution simply states that all of the agreements are up to date and in compliance with those requirements.

Chairman Lumsden called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Approving the Updated Service Delivery Strategy. SECOND by Commissioner Bagwell. VOTING:

YES	NO
-----	----

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

CHAIRMAN'S REPORT:

1. Appointment of Commissioners to various committees.

No action.

2. Appointments to Firearms Discharge Review Board:

Chairman Lumsden stated whenever there is a shooting involving a police officer, policy requires that they appoint members to a Firearms Discharge Review Board. Chairman Lumsden appointed Captain Mark Wallace, Chairman, Captain Wayne Smallwood, Sgt. John Blalock, Sgt. Jeff Jones and Officer First Class Bryan McCarley in regards to Officer Shane Scoggins shooting incident that occurred on December 26, 2009.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Whitefield, Chairman

No Report.

2. Public Safety Committee – Commissioner Mayes, Chairman

No Report.

3. Public Works Committee – Commissioner Bagwell, Chairman

No Report.

4. Water Committee – Commissioner Fricks, Chairman

a. Recognize Water Department Employees for receiving a rating of “Outstanding Performance” based on the most recent survey completed by the Georgia Environmental Protection Division.

Commissioner Fricks stated they would like to recognize a group of employees from the Water Department for receiving a rating of “Outstanding Performance” based on the most recent survey completed by the Georgia

Environmental Protection Division. County Manager Poe introduced Wess LeFurgey, Director Steve Hulsey, Troy Atkins, and John Boyd from the Floyd County Water Department. He stated that the Floyd County Water Department had received a score of 94.7.

Steve Hulsey thanked the employees of the Water Department for the work that they do in helping to maintain the water system.

5. Judicial Services Committee (CJIS) – Chairman Lumsden, Chairman

No Report.

6. Special Committee Reports

a. Work Release Committee

1) Dedication of new Work Release Center (2006 SPLOST).

Chairman Lumsden stated the dedication of the new Work Release Center will be Monday, February 15, 2010 at 10:00 a.m. The dedication is open to the public and invited everyone to come and see the facility. County Manager Poe stated this was a 2006 SPLOST Project, and working with the court systems this will be alternate means of incarceration. He said it will allow those sentenced to do their jail time, but actually be able to work during the day, or whenever their shift is, and then report back to the facility. Many times if someone is found guilty of a crime and are sentenced to jail, they lose their job. He stated this facility helps them to continue their financial obligations while serving their debt to society. They feel that this is a good alternate means of sentencing that will help the overall court system.

b. Fire Overview Committee

No Report.

c. Joint Services Committee

No Report.

d. Joint Development Oversight Committee

No Report.

e. Joint Solid Waste Oversight Committee

No Report.

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

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

1. Tax Refunds:

- a. Veekee, Inc., dba Blue Box Beverage, 33 East Main Street, \$789.89
- b. Briggs Equipment, P.O. Box 111397 MS-135, Carrollton, TX, \$17.14
- c. Norris Allen & Dorothy Bryant, P.O. Box 1862, \$19.15
- d. North Heights Pharmacy dba Medicine Shoppe, 411 West 10th Street NE, \$4.75
- e. Williams Scotsman, Inc., P.O. Box 802809, Dallas, TX, \$520.21
- f. Sandy Mathis dba Partievents.Com, 122 Sequoia Drive, \$275.71
- g. Forestar (USA) Real Estate Group, Inc., P.O. Box 1149, Austin, TX, \$401.42
- h. Brooks & Givens, LLC, 16 Commerce Court, \$25.83
- i. Estate Solutions of Georgia, 16 Commerce Street, \$6.40

2. Authorize Execution of all documents for FY2009 GEMA Grant for CERT Program (GAN#2009-SS-TY-0047).

MANAGER'S REPORT:

1. UPDATE ON 2006 SPLOST PROJECTS:

County Manager Poe stated this was a discussion they had during Caucus to update the Commissioners on the status of the 2006 SPLOST Projects. He stated the information is available on the county website by clicking on the 2006 SPLOST link.

2. AUTHORIZE EXECUTION OF TAX SERVICE AGREEMENT BETWEEN THE CITY OF ROME,

**FLOYD COUNTY AND KEVIN PAYNE, TAX
COMMISSIONER: (DEFERRED JANUARY 12
AND JANUARY 26, 2010)**

County Manager Poe stated this relates to a Tax Service Agreement between the City of Rome, Floyd County and Kevin Payne, Floyd County Tax Commissioner. He stated there are some amendments that they would like to bring forward at this time in regards to that agreement to send back to the City of Rome and to the Tax Commissioner. He asked County Attorney Manning to review the revisions to the document.

County Attorney Manning stated the discussion in caucus was to consider the agreement that is in the agenda packet. He stated there was some discussion about possibly making a motion, which would amend the language that is contained in paragraph five of that agreement. The language would replace the existing language that is contained in the copy before them. He stated the revised language would be as follows "In order to substantially reimburse the county for the cost of providing the services delineated in this agreement, the City of Rome shall pay to the county in 2010 a sum of Sixty-five center (\$.65) for each parcel of real estate for which a tax bill is issued for said tax year. Thereafter, the City of Rome shall increase its payment to the county each year by five cents per year for each parcel of real estate for which a tax bill is issued each year such that the City of Rome shall pay to the county in 2011 Seventy cents (\$.70) for each parcel of real estate for which a tax bill is issued, increasing each year by five cents until a fee of \$1.10 is paid in 2019. Notwithstanding anything contained to the contrary herein, in addition, the city agrees to increase its payment for each parcel of real estate for which a tax bill is issued by the amount of any increase in postage if and when each such increase takes place. The County shall bill the City for the proper amount after the final tax digest is prepared."

Commissioner Fricks made a MOTION to Authorize Execution of the Tax Service Agreement between the City of Rome, Floyd County and Kevin Payne, Tax Commissioner with the revision as outlined by the County Attorney. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**3. APPROVE CHANGE ORDER #1 FROM RANDY
EARLEY CONSTRUCTION, INC., FOR SHANNON
PARK PROJECT (2006 SPLOST):**

(DEFERRED JANUARY 12 AND JANUARY 26, 2010)

County Manager Poe stated due to the determination that the center would have to have a fire sprinkler system installed in the facility, they have to make a change order with the contract. He stated the amount of the change order is \$44,433.00. He recommended approval of the change order as submitted in that amount.

Commissioner Bagwell made a MOTION to approve Change Order #1 with Randy Earley Construction, Inc., as recommended by the County Manager. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**4. APPROVE RECOMMENDATION
FOR COMMUNICATIONS SYSTEM
CONSULTANT (2009 SPLOST):**

County Manager Poe stated this is a recommendation he is bringing forward to them related to the hiring of a Communications System Consultant for their 2009 SPLOST Public Safety Communications System. He stated the recommendation is that they enter into a contract with TUSA Consulting Services. He stated the amount is going to be roughly \$250,000.00, and they will come back to the Board with a formal contract. He recommended approval to hire TUSA Consulting Services.

Commissioner Mayes made a MOTION to accept the recommendation for TUSA Consulting Services as the Consultant for the Communications System, per the Manager's recommendation. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**5. APPROVE 2010 INDIGENT DEFENSE
CONTRACT FOR THE ROME JUDICIAL
CIRCUIT:**

County Manager Poe stated this contract is the same as in previous years with only one change. The change is that the actual amount that they will be paying to the state will be decreased by one percent.

Commissioner Bagwell made a MOTION to approve the 2010 Indigent Defense Contract for the Rome Judicial Circuit as submitted. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

**6. APPROVE PROPOSAL FOR PHASE II
ARCHAEOLOGICAL SURVEY FOR
ARMUCHEE CONNECTOR PROJECT
(2009 SPLOST):**

County Manager Poe stated the Corps of Engineers is requiring a Phase II Archaeological Survey on part of the project in order for them to attempt to get a nationwide permit to undertake the work. He recommended amending Wilbur Smith's Engineering Contract to add this work at a cost of \$18,136.00.

Commissioner Mayes made a MOTION to approve the Proposal for Phase II Archaeological Survey for Armuchee Connector Project as recommended by the Manager. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

7. DISCUSS CODE OF ETHICS:

County Manager Poe stated they did not get to discuss this in caucus but the Board has been provided information related for their review. Chairman Lumsden

stated the Board could review the information and they will follow up in future meetings.

ATTORNEY'S REPORT:

No report.

OTHER BUSINESS:

Chairman Lumsden recognized Leadership Rome participants in attendance.

ADJOURNMENT:

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

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

EDDIE LUMSDEN, CHAIRMAN