

September 14, 2010

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
September 14, 2010                      2:00 P.M.**

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

**OTHERS**

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

**CALL TO**

**ORDER:**                      Chairman Lumsden called the meeting to order.

**INVOCATION:**              Commissioner Whitefield led the Invocation.

**PLEDGE OF**

**ALLEGIANCE:**              The Pledge of Allegiance was led by Commissioner Fricks.

**PUBLIC PARTICIPATION:**

**Ms. Serpentfoot, 324 Forsyth Street,** stated a little over a year ago this Commission signed a Resolution proclaiming the 175<sup>th</sup> Anniversary of the cornerstones of the old courthouse, our first courthouse that used to be at Livingston. She stated she is here today because they are trying to get an old log cabin that is within sight of the original courthouse on the National Register of Historic Places. She wants to announce it to the public, and certainly to all of the officials of Rome and Floyd County. She stated this is on a main old Indian trail, on Livingston Ridge's highest point, where the Coosa River is on three sides of it. She stated that when there was a flood, all of the humans and animals would come to this spot. She thinks it is very old, and it is on the opposite end of the trail from the Green Cabin in Cave Spring. She stated is used to be called the Evans log cabin. Before that, the first Solicitor General of Cherokee County lived there. She stated that a professor at Berry College is going to do a test on this cabin to find out exactly how old it is. She stated she appreciates how the commissioners are trying to preserve the history of the county, just as Cave Spring is trying to preserve a lot of their history, and that they have recognized the cornerstones of the old courthouse at Livingston. She stated they hope to get this log cabin on the National Register of Historic Places soon. She thanked the Board.

**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 Mayes made a MOTION to adopt the minutes of the Regular Meeting of August 24, 2010. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

## **PROCLAMATIONS:**

### **CONSTITUTION WEEK:**

Enter into Minutes Proclamation recognizing September 17 – 23, 2010, as Constitution Week.

(Proclamation/Resolution Book, Page 169)

### **ROME SHRINE FOOTBALL**

#### **BENEFIT GAME:**

Commissioner Whitefield presented Rome Shrine 1<sup>st</sup> Vice-President Alan Voyles and 2<sup>nd</sup> Vice-President Donnie Penney with a Proclamation recognizing the Rome Shrine Football Benefit Game on September 25, 2010.

Mr. Voyles stated this is an exciting event that is held every year, and they are expecting a big crowd. He invited everyone to come out and enjoy the game. Mr. Voyles and Mr. Penney thanked the Board.

(Proclamation/Resolution Book, Page 170)

## **FIRST READINGS:**

**(PUBLIC HEARINGS TO BE HELD ON  
SEPTEMBER 28, 2010 AT 6:00 P.M.)**

- 1. FILE #92-2010Z, REQUESTS REZONING FROM  
SUBURBAN RESIDENTIAL (S-R) TO HEAVY  
INDUSTRIAL (H-I) TO MARKET PROPERTY  
LOCATED ON NORTH CALHOUN HIGHWAY.  
ZONING MAP N09-PARCELS 055, 056, 057  
(PLANNING COMMISSION RECOMMENDATION:  
APPROVE. [VOTE: 8-0]).**

**ULDC REVISIONS:**

**1. REVISE OR DELETE ARTICLE  
2.10.2.b.3. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE.  
[VOTE: 8-0]).**

**2. REVISE OR DELETE ARTICLE  
2.10.2.c.4. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE.  
[VOTE: 8-0]).**

**2. ORDINANCE TO AMEND THE FLOYD COUNTY  
CODE, §2-6-20, RELATED TO SOIL EROSION AND  
SEDIMENTATION ORDINANCE.**

Chairman Lumsden stated Public Hearings will be held on September 28,  
2010 at 6:00 p.m.

**CHAIRMAN'S REPORT:**

**1. Appointments:**

**a. Northwest Georgia Regional Commission Board of Directors & Work Force  
Task Force.**

Commissioner Bagwell made a MOTION to reappoint Mark Eubanks to the  
Northwest Georgia Regional Commission Board of Directors & Work Force Task  
Force, for a 1-year term expiring September 08, 2011. SECOND by Commissioner  
Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**2. Appoint Voting Delegate for 2010 ACCG Legislative Leadership Conference.**

Chairman Lumsden made a MOTION to appoint Commissioner Irwin Bagwell as Voting Delegate for the 2010 ACCG Legislative Leadership Conference. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

## **COMMISSIONER'S REPORT:**

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

No Report.

### **2. Public Safety Committee – Commissioner Mayes, Chairman**

#### **a. Consider Recommendation from Alcohol Control Commission**

- 1) Kavita R. Agarwal, Yusuf Investment, LLC, High Tech Fuel, 4428 Martha Berry Highway.

Commissioner Mayes made a MOTION to issue High Tech Fuel a letter of warning for sale of alcohol to a minor per the recommendation of the Alcohol Control Commission. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

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

No Report.

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

No Report.

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

No Report.

**6. Special Committee Reports**

- a. Fire Overview Committee**
- b. Joint Services Committee**
- c. Joint Development Oversight Committee**
- d. Joint Solid Waste Oversight Committee**

There were no Special Committee reports.

**CLERK’S REPORT:**

**Consent Agenda**

**4/5 Vote Required to Add Item #2**

County Clerk Kathy Arp stated there is one item on the Clerk’s Consent Agenda, and a request for a 4/5 vote to add item #2. Commissioner Mayes made a MOTION to add Item #2 to the agenda. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

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 Clerk’s Consent Agenda as presented. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

**1. Tax Refunds:**

- a. Samuel Edward Graves, 4 Westbrook Drive SW, \$9.01
- b. Susan C. Peace, 4 Brogdon Court SE, \$42.13

**2. Adopt Resolution Approving and Authorizing Execution by the County Attorney of a Settlement Agreement and Release and Any and All Other Documents Related to the Settlement of a Lawsuit initiated by Deborah Watson.**

**MANAGER'S REPORT:**

**1. AWARD OF BID FOR ONE (1) DUMP TRUCK FOR PUBLIC WORKS DEPARTMENT:**

County Manager Kevin Poe stated a recommendation has been submitted by the Purchasing Director for award of bid for one (1) 6-yard dump truck for Public Works Department. He stated the recommendation is to accept the second low bid from Peach State Ford. The low bid did not meet bid specifications. He stated the bid is within the amount of money that they had allocated for the purchase. He recommended awarding the bid to Peach State Ford in the amount of \$67,760.70.

Commissioner Mayes made a MOTION to Award the bid for one (1) 6-yard dump truck for the Public Works Department to Peach State Ford in the amount of \$67,760.70. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Bagwell  
" Fricks  
" Mayes  
" Whitefield  
Chairman Lumsden

Motion Carried

**2. CONSIDER RECOMMENDATION FOR AUDIT SERVICES:**

County Manager stated proposals were received for auditing services for Floyd County. He stated the proposals were reviewed and screened by a committee consisting of Commissioner Whitefield, Finance Director Gary Burkhalter, Assistant Finance Director Susie Gass, and himself. The recommendation of the committee is to continue auditing services with Mauldin & Jenkins for the next five years.

Commissioner Whitefield made a MOTION to approve the recommendation to continue auditing services with Mauldin & Jenkins for the next five years. SECOND by Commissioner Bagwell.

**Discussion:** County Manager Poe stated for clarification purposes that even though they accepted a proposal for five years, they could get out of the Contract at the end of any year, because at the beginning of each year, the commissioners make an appointment of the auditors. Commissioner Fricks asked how many proposals were received. County Manager Poe stated eight. He stated it was very competitive, and they are actually saving about \$20,000.00 over this year. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**3. ADOPT RESOLUTION TO APPROVE THE  
EXECUTION OF AN AGREEMENT FOR  
PROFESSIONAL SERVICES WITH LPA  
GROUP, INC., FOR ENGINEERING SERVICES  
AT RICHARD B. RUSSELL REGIONAL AIRPORT:**

County Manager Poe stated the Airport Commission accepted and reviewed proposals for engineering services for Richard B. Russell Regional Airport. The recommendation from the Airport Commission is to continue with the LPA Group, Inc., as the engineer of record for the Airport. County Attorney Manning stated he has prepared a Resolution Authorizing Execution of that Agreement. He recommended that the action be in the form of a motion to Adopt the Resolution concerning the Agreement for Engineering Services with LPA Group, Inc. He stated the Resolution leaves the Board with room to negotiate a few points in that Agreement if there is a need to do that.

Commissioner Fricks made a MOTION to Adopt the Resolution Authorizing Execution of Agreement with LPA Group, Inc., for Engineering Services

at Richard B. Russell Regional Airport as recommended by the County Attorney.  
SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**4. DISCUSS RENEWAL OF HEALTH INSURANCE:**

No Action.

**5. APPROVE CHANNEL FOUR – GOVERNMENT  
ACCESS MANAGEMENT AGREEMENT BETWEEN  
FLOYD COUNTY, CITY OF ROME, SARA HIGHTOWER  
REGIONAL LIBRARY AND GEORGIA HIGHLANDS  
COLLEGE:**

County Manager Poe stated this relates to the Government Access Channel (*Channel 4*) that the city and county have through their individual franchise Agreements with Comcast. He stated the ownership, management and daily operation of that channel has been overseen by the city, county and the library. However, they never had what the management group would be, and what some of the issues are related to the programming and non-commercialization of that station reduced to writing. He stated they now have that established in writing in this Management Agreement. He recommended approval of the Government Access Management Agreement as submitted.

Commissioner Bagwell made a MOTION to Approve the Channel Four – Government Access Management Agreement between Floyd County, City of Rome, Sara Hightower Regional Library and Georgia Highlands College. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden



Motion Carried

**6. CONSIDER THE FOLLOWING PERSONNEL CHANGES:**

- a. Upgrade E-911 Administrative Clerk, position number 610-032, paygrade 110 to Administrative Clerk/Dispatcher, position number 610-032, paygrade 111.**

County Manager Poe stated they have received a request from the E-911 Director to upgrade E-911 Administrative Clerk, position number 610-032, paygrade 110 to Administrative Clerk/Dispatcher, position number 610-032, paygrade 111.

Commissioner Whitefield made a MOTION to Approve the upgrade of E-911 Administrative Clerk, position number 610-032, paygrade 110 to Administrative Clerk/Dispatcher, position number 610-032, paygrade 111. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

- b. Create Floating Dispatcher Position, position number 610-802, in E-911.**

County Manager Poe stated a request was submitted from the E-911 Director to create a Floating Dispatcher position in E-911 to go into vacated positions (i.e. medical leave) as needed.

Commissioner Whitefield made a MOTION to Approve the request to create a Floating Dispatcher position, position number 610-802, in E-911. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

- c. **Eliminate Court Clerk, position number 493-010, in Magistrate Court and replace with Court Administrator Position, position number 493-022.**

Defer.

- d. **Add Part-time Bailiff, position number 493-021, in Magistrate Court.**

County Manager Poe stated they have a request from the Chief Magistrate Judge to add a Part-time Bailiff position in Magistrate Court. He stated this will be an hourly position.

Commissioner Whitefield made a MOTION to Approve the addition of Part-time Bailiff, position number 493-021, in Magistrate Court. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**ATTORNEY'S REPORT:**

No report.

**OTHER BUSINESS:**

Chairman Lumsden recognized Leadership Rome and Junior Service League participants.

**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

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**EDDIE LUMSDEN, CHAIRMAN**