

March 8, 2011

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
March 08, 2011 2:00 P.M.**

PRESENT: Commissioners Irwin Bagwell, Garry Fricks, Eddie Lumsden, 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.

ABSENT: Commissioner Garry Fricks arrived after the meeting commenced.

**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.

**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 February 22, 2011. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

PROCLAMATIONS:

CHILD ABUSE PREVENTION MONTH:

Commissioner Whitefield presented Mr. Malcolm Smith, Child Abuse Prevention Partnership Co-Chairman, with a Joint Floyd County and City of Rome Proclamation recognizing April as Child Abuse Prevention Month. Mr. Smith stated as they think about Child Abuse Prevention Month, first and foremost they want to remember the 238 children that were abused in 2010. It is certainly a reminder of all the work they still have to do. He stated they also wanted to recognize the work that is being done by many of the parents that work with their programs. This year they collectively served 5,000 families in the Rome-Floyd County area. He stated they would like to thank the Board for all their support. He stated they could not do what they do without their support. He invited the Board, and the community at large, to join them at their events in April. He stated the Pinwheel for Prevention event will be at noon on April 1, 2011. The Dempsey building is once again allowing them to have their display there by donating their property. He stated their Annual Child Abuse Prevention Night with the Rome Braves is on April 27, 2011. He thanked the Board again for their support and recognition.

(Proclamation/Resolution Book, Page 186)

Commissioner Fricks arrived.

RECOGNIZE FINANCE DEPARTMENT STAFF FOR RECEIVING A CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA):

Chairman Lumsden recognized Gary Burkhalter, Finance Director/Comptroller and his staff for receiving a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GOFA). Mr. Burkhalter introduced Pat McConnell, Susie Gass, Brenda Hancock, Sheryl Allen, Pam Shiflett, Jennie Leonard, Adonna Puckett, and Amanda Blackwell. He stated this finance team has put in many hours of work to make this award possible. He knows they understand the importance of this award, as well as what the recognition means to the county as they go to the bond market and other places throughout the year. He thanked the Board for their support and all that they do.

**FIRST READINGS
(PUBLIC HEARINGS TO BE HELD
ON MARCH 22, 2011 AT 6:00 PM)**

- 1. ADOPT AN ORDINANCE TO AMEND AN ORDINANCE TO DEFINE ANTENNA, COMMUNICATIONS TOWER, GOVERNING BODY AND TELECOMMUNICATIONS FACILITY; TO IDENTIFY THE PERMITTED USES FOR TRANSMISSION TOWERS; AND FOR OTHER PURPOSES. (2011-002A)**

ULDC TEXT AMENDMENTS

- 1. REVISE OR DELETE ARTICLE 3.4 LIST OF PERMITTED USES “PERSONAL CARE HOME 1-4 PERSONS” AS A USE BY RIGHT IN THE DUPLEX RESIDENTIAL (D-R) ZONING DISTRICT. (PLANNING COMMISSION RECOMMENDATION: APPROVE. [VOTE: 6-1]). (2011-002ULDC)**

Chairman Lumsden stated the Public Hearings will be held Tuesday, March 22, 2011 at 6:00 p.m.

CHAIRMAN’S REPORT:

No Report.

COMMISSIONER’S REPORT:

- 1. Administrative/Finance Committee**

No Report.

- 2. Public Safety Committee**

No Report.

- 3. Public Works Committee**

No Report.

- 4. Water Committee**

- a. Proposal to change water bills.**

Commissioner Fricks asked County Manager Poe to give an overview of the proposal. County Manager Poe stated that the Water Department staff presented a proposal at the Water Committee meeting held on February 28, 2011, to move from the current postcard type bill to a full-page bill, and include a return envelope with the bill. He stated ultimately, it would save some money, and allow them to provide services that are more efficient. He stated it was the consensus of the Board to support going forward with receiving proposals from outside vendors to do the billing for the Water Department. He stated the next step will be to receive and evaluate proposals, and then bring a recommendation to the Board for approval to enter into a contract with the vendor. He stated this requires no action at this time.

b. Intergovernmental Agreement for Water Distribution between the City of Adairsville and Floyd County.

County Manager Poe stated this agreement is to renew their contract with the City of Adairsville for the purchase of water from their water distribution system. He stated they have been under contract with Adairsville since the early 1990's. Their current 5-year agreement expires this month. He stated they have met with the City of Adairsville and negotiated with the new Mayor and new City Manager. He recommended approval of a new 5-year agreement for the purchase of water from the City of Adairsville. He stated he is recommending a change to the text on page six, Item 7, paragraph (D) to read, "If the County's water requirements necessitate the replacement or upgrade of the pump the City uses to deliver water to the County, then the City and County agree to each pay one half of the cost of such replacement, or upgrade." He recommended approval of the agreement as presented, with the recommended change as stated.

Commissioner Fricks made a MOTION to Adopt a Resolution to Approve the Intergovernmental Agreement for Water Distribution between the City of Adairsville and Floyd County, with the change to the Agreement as presented by the County Manager. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

5. Judicial Services Committee (CJIS)

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 #3

County Clerk Kathy Arp stated there are currently two items on the Clerk's Consent Agenda. She requested that a 4/5 vote be considered to add Item #3, which is a Memorandum of Understanding (MOU) between Floyd Against Drugs Program and the Floyd County Board of Commissioners for a Grant Application. County Manager Poe stated that is to update the current agreement approved in April, 2007. He stated they need an updated MOU for the current grant application.

Commissioner Mayes made a MOTION to add item #3 to the Clerk's Consent Agenda. SECOND by Commissioner Whitefield. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		
Chairman Lumsden		

Motion Carried

County Clerk Kathy Arp stated there are three items on the Clerk's Consent Agenda that have been reviewed, and are submitted for approval. Commissioner Whitefield made a MOTION to approve the Clerk's Consent Agenda as presented. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		
Chairman Lumsden		

Motion Carried

1. Tax Refunds:

- a. Wal-Mart Stores, Inc., P.O. Box 8050 MS 0555, Bentonville, AR, \$26,961.10
- b. Wal-Mart Stores, Inc., P.O. Box 8050 MS 0555, Bentonville, AR, \$1,571.12

- c. Allied Waste Industries, P.O. Box 29246, Phoenix, AZ, \$1,892.27
 - d. Roman Properties, P.O. Box 2936, \$742.89
 - e. James A. Ford, 102 Sequoia Drive, \$177.23
 - f. Bill McCoy, P.O. Box 552, Shannon, \$116.68
 - g. Michael & Sharon Britton, 106 Margo Trail, \$113.38
 - h. Michael Britton, 106 Margo Trail, \$183.68
 - i. Joe Pegg, P.O. Box 446, Silver Creek, \$156.86
 - j. Crews Chemicals, Inc., P.O. Box 2519, \$455.18
 - k. Marut & Bharti Patel, 27 Mountain Crest Drive SW, \$133.23
 - l. Cheri Wade, 4 Blackhawk Circle, \$44.23
 - m. Howard H. Alexander, Jr., 900 North 2nd Avenue, \$19.90
 - n. State Mutual Insurance Co., P.O. Box 153, \$35.19
 - o. Robin Holt, 100 Davis Road, Cave Spring, \$26.07
 - p. Jackson D. Morgan, 436 Broad Street, \$3,878.80
2. **Authorize execution by Chairman of Quit Claim Deed for Mrs. W. H. (Lela) Hicks, Bobby Clifton Hicks and William Henry Hicks.**
 3. **Authorize execution of Memorandum of Understanding between Floyd Against Drugs and Floyd County Board of Commissioners for Grant Application for continuation of Floyd Against Drugs Program.**

MANAGER’S REPORT:

1. RECOMMENDATION FROM AIRPORT COMMISSION TO APPROVE CHANGE ORDER NO. 1 – FINAL, MCCOY GRADING, INC., FOR MIDFIELD TAXIWAY IMPROVEMENTS PROJECT AT RICHARD B. RUSSELL REGIONAL AIRPORT: (GDOT PROJECT NO. AP100-9015-32(115) FLOYD)

County Manager Poe stated the purpose of the change order is to conform to the contract’s original estimated quantities to match the final installed quantities for closeout purposes. The project actually came in under budget by \$11,974.00, and Change Order No. 1 reflects that decrease. He stated this comes to the Board as a recommendation for approval from the Airport Commission.

Commissioner Fricks made a MOTION to Approve Change Order No. 1 – Final, McCoy Grading, Inc., for Midfield Taxiway Improvements Project at Richard B. Russell Regional Airport as presented. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell
" Fricks

" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

2. DISCUSS GEORGIA EMERGENCY MANAGEMENT AGENCY (GEMA) GRANT FOR COMMUNICATIONS SYSTEM PROJECT (FIP#115-00000-12 GAN #2007-GE-T7-2583):

County Manager Poe stated they have received a grant from the Georgia Emergency Management Agency, in the amount of \$123,057.93, in order for them to do some strategic planning related to the Communications System Project. He stated they have before them an Agreement with Tusa Consulting Services, to provide consulting services to put this strategic plan together as outlined in the GEMA Grant. He recommended moving forward with approval of the contract with Tusa, pending completion of contract documents by the County Attorney. County Attorney Manning stated the resolution that Ms. Arp has, that would be adopted if the Board so chooses, authorizes the execution of the contracts in substantially the same form as they have before them, and allows such minor changes, insertions, or omissions as may be required and approved by the Chairman as recommended by the County Attorney.

Commissioner Whitefield made a MOTION to Adopt the Resolution concerning the GEMA grant and the Tusa Consulting Agreement, as stated by the County Attorney. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

4/5 VOTE REQUIRED

3. AUTHORIZE EXECUTION OF PURCHASE AND SALE AGREEMENT BETWEEN FLOYD COUNTY AND COMCAST OF THE SOUTH FOR MT. ALTO COMMUNICATIONS TOWER SITE AS PART OF THE COMMUNICATIONS SYSTEM PROJECT. (2009 SPLOST):

County Manager Poe requested that this item be added to the agenda by 4/5 vote. He stated this is related to the acquisition of some property from Comcast of the South for property on Mt. Alto. County staff has negotiated a purchase amount of \$122,400.00 for this property. He stated this would be for acquiring property for one of their new Public Safety Communication tower sites.

Commissioner Whitefield made a MOTION to add this item to the agenda. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

County Manager Poe recommended approval of the Purchase and Sale Agreement between Floyd County and Comcast of the South for Mt. Alto Communications Tower Site as submitted. County Attorney Manning stated since this was a contract provided by Comcast, and there were several suggested changes, he has prepared a Resolution that allows the ability of the Chairman to make minor changes, insertions, or omissions to carry out the intent of the county as recommended by the County Attorney.

Commissioner Bagwell made a MOTION to Adopt the Resolution authorizing execution of the Purchase and Sale Agreement between Floyd County and Comcast of the South for Mt. Alto Communications Tower Site, as stated by the County Attorney. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
" Whitefield
Chairman Lumsden

Motion Carried

4. CONSIDER CONTRACT FOR AUDIT RELATED TO COMMUNICATION TOWER EVALUATIONS:

County Manager Poe requested they consider a 4/5 vote to add to the agenda approval of a contract for audit services related to communication tower evaluations.

Commissioner Whitefield made a MOTION to add this item to the agenda. SECOND by Commissioner Bagwell. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		
Chairman Lumsden		

Motion Carried

County Attorney Manning stated since this is a new contract as well, he recommended the Board adopt a Resolution to approve the contract, authorize the Chairman to execute the contract, and authorize the County Attorney to suggest minor changes, insertions, or omissions to carry out the intent of the county.

Commissioner Whitefield made a MOTION to Adopt a Resolution to approve the Contract for Audit related to cell tower evaluations, as stated by the County Attorney. SECOND by Commissioner Bagwell.

Discussion: Commissioner Bagwell stated just so they are clear, the intent is to split the expense between the city, county, and the Floyd County Board of Education. County Manager Poe stated they will directly contract with the company, but they will have some type of letter of agreement between the other entities of how they are going to split the cost of the audits. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
" Whitefield		
Chairman Lumsden		

Motion Carried

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 Mayes, SECOND by Commissioner Whitefield, 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