

July 26, 2011

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
July 26, 2011 6:00 P.M.**

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

OTHERS

PRESENT: County Manager Kevin Poe, County Attorney Virginia Harman, 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 Bagwell.

ADOPTION OF

MINUTES:

Chairman Lumsden asked County Attorney Virginia Harman if the minutes were in order. Ms. Harman stated the minutes had been reviewed and were in order. Commissioner Whitefield made a MOTION to adopt the minutes of the Regular Meeting of July 12, 2011. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

PUBLIC HEARINGS:

(FIRST READINGS

HELD JULY 12, 2011)

**1. CONSIDER CLOSURE OF MCFRY
LANE RAILROAD GRADE**

CROSSING:

Chairman Lumsden declared the Public Hearing open, and asked County Manager Kevin Poe to give an overview of the proposed closing. County Manager Poe stated in order to take advantage of some incentives that the Georgia Department of Transportation (GDOT) and Norfolk Southern Railroad have made available to the county, to install active warning devices at the Pinson Road railroad crossing, we are recommending that the McFry Lane railroad crossing be closed, as requested by GDOT and Norfolk Southern. He stated it is a goal of the Federal Rail Administration to consolidate 25% of the nation's rail crossing, and a goal of the Georgia Department of Transportation (GDOT) to have active warning devices at all railroad crossings that school buses travel. Currently, two county school buses cross over the Pinson Road crossing. He stated Norfolk Southern is willing to provide almost \$20,000.00 to help cover the cost for permanent closing of the McFry Lane crossing, and the Georgia Department of Transportation (GDOT) is willing to install the warning devices at their cost. There is minimal traffic on McFry Lane. He stated staff feels that closure of this railroad crossing would have minimal negative impact on the traveling public. He presented a map showing the Pinson Road crossing that they are looking to keep open to install the active warning devices, and the McFry Lane crossing that they are looking to close. He stated he did speak with Ms. Linda McFry this afternoon. Her preference would be to keep the crossing open. He stated that she does have concerns about some drainage problems when there are heavy rains that flood the road occasionally. He stated that she told him she would hope that they would not put a cul-de-sac at the termination of McFry Lane on either side of the railroad crossing. Mr. Poe stated we do not plan to do that. Our plan is to put sufficient signage at the beginning of the road to notify the traveling public that it is a dead-end with no turn around to help lessen the traffic on the road. He stated Ms. McFry also expressed concern about some dead trees overhanging Gaines Loop Road, which they would have to use more often if McFry Lane is closed. He assured her that he would have the Public Works Department go out to take a look at that, whether they closed the crossing or not. He stated their plan is to make some improvements to the drainage on McFry Lane to try to minimize the impact of flooding.

Opposition: Milton Gaines, 473 Pinson Road, stated McFry Lane runs right down the edge of his property. He stated in fact, his property line is McFry Lane on back to the railroad. He stated the main thing about closing McFry Lane is there are some people living there, that if the creek down below them gets up and that crossing is closed, they cannot get out. He stated even though it does not really affect him personally, he has lived there all of his life, and would like to see it stay open.

Ben McFry, 16 North Terrace Avenue, Lindale, stated his father owns about ten acres of the property on McFry Lane. He stated he stands to inherit that land, and will be the fourth generation to own some of that land. He plans to build a house there someday. He stated that his primary concern is what the closing will look like. He asked would they just put guardrails on both sides of the track, and will the county continue to maintain the road up until the railroad closing. Mr. Poe stated to answer his

first question, they will put up barricades, but first they will have to go in and remove all of the paving. He stated they require them to go so far back past the railroad tracks on either side, and then put in Type 3 barricades that will be built specifically to GDOT standards. To answer his second question, the county will be responsible for maintaining the road as long as it is open. Mr. McFry wanted to confirm that there will not be a cul-de-sac, the road will just end at the railroad track, and the county will maintain it all the way up until the closing. Mr. Poe stated that is correct.

Commissioner Bagwell asked County Manager Poe to explain the safety factor regarding the school buses in that area. County Manager Poe stated there is a goal in the State of Georgia to try to put active warning devices on every railroad crossing that school buses cross. Commissioner Bagwell stated the county will still maintain the road on both sides of the tracks. Commissioner Whitefield asked if the homeowners on the other side have an alternate exit if there is a high water situation, or will they truly be trapped. County Manager Poe stated they have talked about doing some drainage improvements. He stated that in talking with Ms. Linda McFry, she said it has happened twice, where the road has gone underwater. He stated that even if they make drainage improvements, he cannot say that they will never have a flooding condition in that area. He stated they have a lot of good roads in the county that go under water when there are extreme rainfalls that provide challenges. They are familiar with areas where they could potentially have problems, and are prepared to provide assistance to those residents in an emergency such as that. He stated they would attempt to improve the drainage to the point that makes sense.

Commissioner Bagwell asked County Manager Poe is there a time limit for when this needs to be done. County Manager Poe stated it states in the Memorandum of Understanding that once the Department of Transportation puts up the protection devices, the county has six months to close McFry Lane. Commissioner Bagwell stated they have not put it up yet. County Manager Poe stated he will know more when he turns in the Memorandum of Understanding, but it is not going to happen fast because nothing happens fast when they are dealing with the Department of Transportation and the railroad. He stated he might be six months to a year before they get around to doing this. Commissioner Bagwell asked if they could table this to give him and Assistant Manager Williams time to ride out to take a look at it one more time. Commissioner Mayes asked whether that would accomplish anything. He stated they are eventually going to close it anyway. Commissioner Bagwell asked County Manager Poe if they take action today, is he satisfied that he can address the drainage issues without looking at it one more time. County Manager Poe stated yes, but he cannot commit that they will never have a real intense rainfall where they will not see some flooding. He stated he could not do that for any county road, especially with the intensity of the rainfall seemingly getting worse recently, but under normal conditions, they will make the situation a little bit better.

There being no one else to speak in support or opposition to the proposed closing of McFry Lane Railroad Crossing, Chairman Lumsden declared the Public Hearing closed, and called for a motion. Commissioner Mayes made a MOTION to

Approve moving forward with the closure of the McFry Lane Railroad Grade Crossing.
SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

ULDC Text Amendment

- 1. REVISE OR DELETE ARTICLE 4.1.12
CONCERNING TEMPORARY USE OF
MANUFACTURED HOMES IN CASE OF
DECLARED NATURAL OR MANMADE
DISASTER. (PLANNING COMMISSION
RECOMMENDATION: APPROVE WITH
THE CONDITION THAT “NO MORE
THAN 180 DAYS WHICH PERIOD CAN
BE EXTENDED ONE TIME FOR 180
MORE DAYS BY PLANNING
DEPARTMENT STAFF” BE ADDED
TO THE END OF PARAGRAPH.
[VOTE: 6-0]) (2011-007ULDC):**

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed amendment. Ms. Hiller stated this change was actually suggested by members of the Planning Commission, following the storms that occurred this spring. She stated their concern was that when people lost their homes, they would not have the option of putting a manufactured home on their property while they rebuild. She stated there is already a provision in the code that allows a manufactured home under a medical hardship condition where staff can sign off to allow somebody to move a manufactured home in for a parent. She stated that person has to sign a form saying they understand that when the manufactured home for the parent is no longer needed for the parent then it has to go away, and cannot become rental property. This amendment would add a provision that in a declared disaster, whether it is manmade or natural, people can have a manufactured home on their property for a period of no more than 180 days, and may be renewed one time by Planning Department staff. She stated they would have to sign a form acknowledging that it is temporary.

Chairman Lumsden asked if there is anyone wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion.

Discussion: Commissioner Whitefield asked how they would monitor the manufactured homes allowed under this change. He asked whether they would have a manifest of some type where they could keep track of who has applied for a permit, and when that permit expires. He stated he has the same questions about the medical hardship cases. Ms. Hiller stated that the medical hardships are handled by having the person who has the manufactured home be responsible for notifying the Building Inspection Department within 30 of the date that circumstances change so that the manufactured home no longer qualifies for the program. She stated she does not think that it has ever come up that they have actually had to monitor it. They have had one case where the person came back and applied for a special use permit to keep the manufactured home after the medical hardship need was over. She stated the neighbors were interested in that not happening, and it did not. She stated to date, it has not been a problem. They would have the file of affidavits that they would sign. She stated they could go back and review that periodically if need be. Commissioner Whitefield stated he would like to make a suggestion, if this does pass, that they have some sort of mechanism to monitor that.

Commissioner Whitefield made a MOTION to Adopt the Ordinance to Amend Article 4.1.12 of the ULDC, concerning temporary use of manufactured homes in case of declared natural or manmade disaster. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

Requests For Rezoning/Special Use Permit

- 1. FILE #74-2011SUP. REQUEST SPECIAL USE PERMIT FOR CONSTRUCTION AND USE OF A COMMUNICATIONS TOWER IN SUBURBAN RESIDENTIAL (S-R) ZONING DISTRICT ON PROPERTY LOCATED ON HILLINDALE DRIVE. ZONING MAP L15, PARCELS 028, 029. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 6-0]):**

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed request. Ms. Hiller stated to the east of the subject property is the Rome International Speedway. To the north is a property that has a communication tower on it. To the west is property owned by the City of Rome, with a water tower on it, and to the south is privately owned property. She stated Hillindale Drive does not go all the way through from Mathis Road to Highway 411. She stated that most of the properties surrounding this are undeveloped. There are houses back toward Mathis Road, and are several lots away from the subject property.

Support: Scotty Hancock, Emergency Management Director, 32 Windmill Drive, Silver Creek, stated he would like to give an overview of the radio system. He stated there is a 95% coverage figure that they need to meet throughout the county, and each one of these sites is critical to enable them to reach that coverage. If they move one of these sites even 100 feet, they have to re-evaluate the whole system, redesign it, and run all of the maps over again. He stated that would cause a continual delay in the project. They are set to have a design review meeting on August 2, 2011, where they nail everything down exactly the way they want so they can begin to build the system out. He stated they are on a time constraint to get these done.

He stated he felt like it was important to give the Commissioners a quick overview of how important these sites are to the project as a whole before speaking on Hillindale Drive site. They are on the tail end of the project. He stated these sites need to be processed and moved through in order to stay on target. They originally looked at putting the communication tower where the water tower is on city property, but due to some future growth that the city was going to have on that property, they had to look at alternate locations. He stated they have a property owner that is willing to sell, and this site seems to be the most effective site to cover this part of Floyd County.

Chairman Lumsden asked if there is anyone else wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Whitefield made a MOTION to Adopt the Ordinance to Approve the Special Use Permit for construction and use of a communications tower in Suburban Residential (S-R) zoning district on property located on Hillindale Drive. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**2. FILE #73-2011SUP. REQUEST SPECIAL
USE PERMIT FOR CONSTRUCTION AND
USE OF A COMMUNICATIONS TOWER
IN AGRICULTURE RESIDENTIAL (A-R)
ZONING DISTRICT ON PROPERTY
LOCATED ON FOUCHE GAP ROAD OFF
LAVENDER TRAIL. ZONING MAP F12,
PARCEL 002. (PLANNING COMMISSION
RECOMMENDATION: APPROVE
[VOTE: 5-1]):**

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed request. Ms. Hiller stated the subject property is owned by Berry College. She stated Boral Bricks, Inc., and General Shale own properties to the south. Some of that property is zoned Heavy Industrial (H-I), and is being used for mining. She stated to the north and west are properties zoned Agriculture Residential (A-R). There is a residential subdivision to the west, and to the east is a combination of Agriculture Residential (A-R) and Heavy Industrial (H-I) property. She stated the ariel photo shows that the subject property is fairly remote and undeveloped. The ariel photo also shows the residential subdivision. She stated she did not count the number of lots within that subdivision, but only seven of the lots are developed with residents at this point.

Support: Scotty Hancock, Emergency Management Director, 32 Windmill Drive, Silver Creek, stated this site is needed to cover the western part of the county. He stated they had a tough time with this site. They moved it and ran the coverage maps several times. He stated each time they moved it they had overlapping coverage problems. This location provides good coverage, and gives Berry College the ability to tie into our radio system. He stated, as they all know, there have been several accidents and fatalities in the last year. He stated this point is readily assessable, and it is adjacent to a platted road. The owner is willing sell the property to the county at this time. He stated they know that this is going to have an impact on views of some of the neighbors there, but they have tried their best on this particular site to move it around, and feel that they have located the best spot for the communication tower.

Opposition: Tiffany Hall, 2015 Fouché Gap Road, stated she is not really opposed to the tower, she understands and appreciates the need for it, but she just has some questions. She asked if there will be big blinking lights on it, and if so, how many. (*Mr. Hancock's response inaudible*). She stated she happens to live in maybe the most awesome place in the world. She does not live on the mountain, she lives on the lower side toward Big Texas Valley Road. She stated right now when she looks out her door she can see where Fouché Gap Road goes over the mountain, and it is spectacular. She always feels like she is on vacation when she goes home because she has such a beautiful view of the mountains. She stated she is just somewhat disappointed that now she will see that giant bright beacon right out her front door. She is not saying that there

is a way around it - she is just saying that it is disappointing to her personally. She stated as happy as she is about the communication tower, she feels like she is diminished by it. She also has some concerns. She stated it looks like they have put gravel in some areas on the part of the road going over the mountain up to the site. It is not so bad if you are in a car, but there are tons of cyclists in that area, and she is afraid of the potential for danger. She wanted to bring that to their attention. She stated they might want to consider a safer alternative to the gravel along the edges of those sharp curves. She thanked the Board.

Commissioner Whitefield stated he completely understands her concerns, and appreciates her taking the time to come share with them. He stated the traffic will be minimal once the communication tower is constructed. They will just go up to do some preventative maintenance every now and then. He stated there will not be a whole lot of traffic, or heavy equipment running back and forth once it is installed.

Chairman Lumsden asked if there is anyone else wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Whitefield made a MOTION to Adopt the Ordinance to Approve the Special Use Permit for construction and use of one (1) new communications tower in Agriculture Residential (A-R) zoning district on property located on Fouche Gap Road off Lavender Trail. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

- 3. FILE #63-2011SUP. REQUEST SPECIAL USE
PERMIT FOR CONSTRUCTION AND USE
OF A COMMUNICATIONS TOWER IN
SUBURBAN RESIDENTIAL (S-R) ZONING
DISTRICT ON PROPERTY LOCATED ON
HILLINDALE DRIVE. ZONING MAP L15,
PARCEL 058. (REFERRED BACK TO
PLANNING COMMISSION JUNE 28, 2011.)
(PLANNING COMMISSION
RECOMMENDATION: APPROVE
[VOTE: 6-0]):**

Assistant Manager Blaine Williams stated since the other site on Hillindale Drive was approved, the county, as the applicant, requests that this item be withdrawn.

**4. FILE #75-2011SUP. REQUEST SPECIAL
USE PERMIT FOR CONSTRUCTION AND
USE OF A COMMUNICATIONS TOWER
IN AGRICULTURE RESIDENTIAL (A-R)
ZONING DISTRICT ON PROPERTY
LOCATED ON ALABAMA HIGHWAY.
ZONING MAP C13, PARCEL 037. (PLANNING
COMMISSION RECOMMENDATION:
APPROVE [VOTE: 6-0]):**

Chairman Lumsden declared the Public Hearing open. He asked Ms. Sue Hiller, Planning Department Director, to give a brief overview of the proposed request. Ms. Hiller stated the subject property is actually on Old River Road, not Alabama Highway. She stated this is a very rural area, and sparsely developed. It should be noted that there is an existing communication tower on the property. She stated there was an adjacent property owner that voiced some concerns about access to the tower at the Planning Commission meeting. That property owner was assured that any necessary easements would be negotiated with the owners, and so on.

Support: Scotty Hancock, Emergency Management Director, 32 Windmill Drive, Silver Creek, stated this is another one of the critical sites. He stated this one also covers the western end of the county. They have negotiated purchase of this site with the property owner, and they are willing to sell. He stated they looked at several different sites for this area, but to get coverage to fill in the narrows to match up with the current Berry site that they have selected, they found no other site that could match that, cover back toward Cave Spring, and the southern end of the county.

Chairman Lumsden asked if there is anyone else wishing to speak in support or opposition of this proposed change. Seeing none, he declared the Public Hearing closed, and called for a motion. Commissioner Whitefield made a MOTION to Adopt the Ordinance to Approve the Special Use Permit for construction and use of one (1) communications tower in Agriculture Residential (A-R) zoning district on property located on Old River Road. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

RESOLUTIONS:

ADOPT RESOLUTION SETTING 2011 MILLAGE RATE FOR FLOYD COUNTY BOARD OF EDUCATION M&O AND FLOYD COUNTY GOVERNMENT M&O, FIRE PROTECTION AND SOLID WASTE:

County Manager Poe stated there are four different millage rates that they will set. He stated the Board of Education has approved their millage rate, and that is included in the resolution. The Resolution includes the Floyd County Government M&O, Fire Protection and Solid Waste millage rates. He stated typically, when they see an increase in the tax digest, they will see an equivalent roll back of the millage rate. This year, same as last year, they have had a decrease in their millage rate. He stated to generate the same amount of taxes that they did the previous year, without a tax increase, the roll back rate is actually an increase in the millage rate. They ran the five-year advertisement in the Rome News-Tribune, which included the roll back rate of 9.009 mills for M&O. He stated the current millage rate is 8.767 mills. The Board can adopt a millage rate up to the roll back rate, which is 9.009, or anything under that. He stated if they were to go above 9.009, they would have to go back through the public notification process and have public hearings related to that increase. They were provided information and had some discussion during Caucus of what the impact on their budget would be if they kept the millage rate the same, or used the roll back rate. He stated they also talked about their special tax districts for fire and solid waste services, which only affect unincorporated residents. The situation is similar, there would be a slight increase in the roll back rate, and they covered what their status is as far as their fund balances in each one of those funds. He stated they are looking to set the millage rate tonight so they can go to Atlanta on Thursday to submit the digest and appropriate documents in order to get the tax bills out to have the majority of their taxes collected by November 15, 2011. He stated he will be glad to answer any questions related to what their options are in regards to adopting the 2011 millage rate.

Commissioner Mayes made a MOTION to Adopt the Resolution Setting 2011 Millage Rate for Floyd County Board of Education M&O and Floyd County Government M&O, Fire Protection and Solid Waste to include all roll back rates. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner
Bagwell

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Fricks

Commissioner Mayes

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Whitef
ield

Chairman
Lumsden

Motion Failed

Commissioner Bagwell made a MOTION to Adopt the Resolution Setting 2011 Millage Rate for Floyd County Board of Education M&O, and keep current Floyd County Government M&O, Fire Protection and Solid Waste rates. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell
" Fricks

Commissioner
Mayes
"

Whitefield

Chairman Lumsden

Motion Carried

**ADOPT RESOLUTION SETTING
STREET LIGHTING ASSESSMENT
FOR 2011 TAX YEAR:**

County Manager Poe stated that each year they set a Street Lighting Assessment. He stated this assessment shows up on individual property owner's tax bills. The assessment is based on the amount of front footage that they have on a public road that is serviced by streetlights. He stated the current street light assessment rate is \$.46 per foot. To set this rate, they determine what the county's cost is from Georgia Power for these lights, and then set the rate to cover those costs. He stated unfortunately, in February they incurred about a 13% increase from Georgia Power on their street lighting. If they look at the amount of money that would need to be collected to cover the annual payments to Georgia Power for street lights, the street lighting assessment would need to be increased from \$.46 per foot to \$.52 per foot. He stated again, that rate just covers the county's costs. Commissioner Bagwell stated County Manager Poe has requested information from Georgia Power on why they increased the rate so much, and he is sure he will continue to pursue that. County Manager Poe stated he has also asked them if there is some kind of audit they can do to make sure they have the right number of street lights, and what all they are including in the bill to make sure it is accurate, particularly with that amount of an increase. He stated he knows earlier in the year Georgia Power did get approval for a rate hike through the Public Service Commission (PSC), but he does not recall it being that high. They have seen increases overall, just not that high. He stated they will continue to follow up on that.

Commissioner Whitefield made a MOTION to Adopt the Resolution Setting Street Lighting Assessment for 2011 Tax Year at a rate of \$.52 per foot. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee

Commissioner Whitefield stated that they are pleased to announce that we will be able to renew our health insurance without additional costs to the county, or to any of the associates. He stated we are thankful for the continued efforts at wellness and holding down the insurance rates.

2. Public Safety Committee

No Report.

3. Public Works Committee

No Report.

4. Water Committee

a. Award of Bid for Engineering Services for Water System Improvements to Chulio Road.

Commissioner Fricks stated he will defer to the County Manager to present this item for consideration. County Manager Poe stated they are recommending moving forward with water system improvements to the Chulio Road, Nichols Road, and David Road area. He stated they accepted proposals for engineering services, as well as construction administration, assuming they move forward with the actual construction project. He stated the best proposal they received was from Williams, Sweitzer &

Barnum, Inc., for a total fee of \$94,000.00 to cover both engineering and construction administrative services. He recommended awarding the bid to Williams, Sweitzer & Barnum, Inc.

Commissioner Fricks made a MOTION to Award the bid for Engineering Services and Construction Administrative Services, for Water System Improvements to Chulio Road, Nichols Road and David Road, to Williams, Sweitzer & Barnum, Inc., in the amount of \$94,000.00. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

b. Award of Bid for Engineering Services for Waterline Extension for North Floyd Industrial Park. (2009 SPLOST)

County Manager Poe stated in efforts to continue to provide infrastructure improvements to the North Floyd Industrial Park, they are recommending moving forward with engineering services for waterline extension along the proposed new entrance road into the park. He stated they accepted proposals for engineering services and construction administration. The best proposal they received was from Southern Engineering & Surveying, Inc., at a cost of \$11,000.00. He recommended awarding the bid for engineering services and construction administration to Southern Engineering & Surveying, Inc.

Commissioner Fricks made a MOTION to Award the bid for Engineering Services and Construction Administrative Services, for waterline extension for the North Floyd Industrial Park, to Southern Engineering & Surveying, Inc., in the amount of \$11,000.00. SECOND by Commissioner Bagwell. 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

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

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

1. Tax Refunds:

- a. Sharon Ramsey Lemons, P.O. Box 894, Shannon, \$44.13
- b. Kim Mehaffey Kilgore, P.O. Box 331, Armuchee, \$9.43

2. Approve request from Tax Commissioner for removal of bills from the Tax Commissioner's Roll and from the books, in the amount of \$7,962.24.

3. Adopt Corrected Resolution to Authorize Floyd County to Impose a 911 Prepaid Wireless Service Charge.

MANAGER'S REPORT:

Chairman Lumsden called for a motion to add item #6 under the Manager's Report to the agenda by 4/5 vote. Commissioner Mayes made a MOTION to add item #6 to the agenda. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

1. ADOPT ORDINANCE REGARDING THE CLOSURE OF MCFRY LANE:

County Manager Poe stated this is related to the item earlier in the meeting regarding the closing of the McFry Lane railroad crossing. He stated now that it has been approved, they need to officially adopt an ordinance regarding the closure of that crossing.

Commissioner Bagwell made a MOTION to Adopt the Ordinance regarding the closure of McFry Lane Railroad Crossing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

2. AWARD OF BID FOR TRASH/SOLID WASTE SERVICE FOR THE FORUM, JAIL, PRISON, AND RICHARD B. RUSSELL REGIONAL AIRPORT:

County Manager Poe stated they recently received sealed bids for trash/solid waste services for The Forum, Jail, Prison, and Richard B. Russell Regional Airport. The recommendation before them from the Purchasing Director is to award

the bid to Allied Waste Services for a term of three years, with two one-year options.. He stated that we are going to see a substantial reduction in their trash/solid waste removal services due to bidding these facilities together on a three-year contract.

Commissioner Whitefield made a MOTION to Award the bid for Trash/Solid Waste Service for The Forum, Jail, Prison, and Richard B. Russell Regional Airport to Allied Waste Services, as recommended. SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**3. AWARD OF BID FOR TRAFFIC PAINT
AND SIGN MATERIAL FOR PUBLIC
WORKS DEPARTMENT:**

County Manager Poe stated they received sealed bids for their annual one-year price agreement to provide traffic paint and sign material items on an as needed basis. He recommended accepting the recommendation from the Purchasing Director, as outlined in her memo dated July 19, 2011, to award each item to the supplier with the lowest price.

Commissioner Bagwell made a MOTION to Award the bid for Traffic Paint and Sign Material for the Public Works Department as recommended by the Purchasing Director. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**4. AUTHORIZE EXECUTION OF
MEMORANDUM OF UNDERSTANDING
BETWEEN THE GEORGIA DEPARTMENT**

**OF TRANSPORTATION (GDOT) AND FLOYD
COUNTY FOR INSTALLATION OF ACTIVE
WARNING DEVICES AT THE PINSON ROAD
HIGHWAY- RAILROAD CROSSING (GDOT
PI# 0009566 PI#0010308):**

County Manager Poe stated this would be an agreement that would require the county to do certain improvements to Pinson Road to get it ready for the installation of those devices. The Memorandum of Understanding addresses what the Georgia Department of Transportation (GDOT) will do, as far as installing the active warning devices. He stated based on earlier discussion, noted in the agreement, it says that the road improvements shall be completed by the county within one year of the agreement being executed. The closure of McFry Lane shall be completed by the county within six months of those road improvements being completed at Pinson Road. He stated the Georgia Department of Transportation (GDOT) will complete their improvements within nine months of notification that the county has completed the road improvements. The process could take up to two years to complete. He stated he does not see that happening immediately, although those improvements are needed, and they would like to see them as soon as possible. He recommended approving the Memorandum of Understanding with the Georgia Department of Transportation (GDOT) as presented. Commissioner Bagwell stated the overall initiative is to improve the safety of that crossing in that area for the school buses and the children. He stated that is the ultimate goal though it is going to take several months to complete.

Commissioner Bagwell made a MOTION to Authorize Execution of Memorandum of Understanding between the Georgia Department of Transportation (GDOT) and Floyd County for installation of active warning devices at the Pinson Road highway-railroad crossing. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

**5. CONSIDER REQUEST FROM PUBLIC
DEFENDER'S OFFICE FOR BUDGET
AMENDMENT IN THE AMOUNT OF
\$8,223.85:**

Defer.

**6. AUTHORIZE EXECUTION OF
MEMORANDUM OF AGREEMENT
BETWEEN FLOYD COUNTY AND
THE GEORGIA STATE HISTORIC
PRESERVATION OFFICER
RELATED TO THE MERCY
SENIOR CARE PROJECT (CDBG
GRANT #10p-y-057-1-5229):**

County Manager Poe deferred to Assistant Manager Williams for a brief overview. Assistant Manager Williams stated the Mercy Senior Care project is a Community Development Block Grant awarded to Floyd County a couple of years ago. He stated they are working with Mercy Senior Care to rehabilitate the old school on Chatillon Road. Modifications need to be made to the building, but they have to be approved by the State Historic Preservation Office. He stated they tried to do some alternatives to avoid any adverse impacts. The State Historic Preservation Office has asked that they photo document the facility before they make those modifications, and they are presenting a Memorandum of Agreement to have the facility documented at a cost of \$1,200.00. He stated it is a strict protocol to follow. Approving the Memorandum of Agreement will allow this to move forward and check off another box of special conditions that the grant requires.

Commissioner Bagwell made a MOTION to Authorize Execution of Memorandum of Agreement between Floyd County and the Georgia State Historic Preservation Officer related to the Mercy Senior Care Project. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

" Whitefield

Chairman Lumsden

Motion Carried

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Commissioner Whitefield, SECOND by Commissioner Mayes, 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