

December 13, 2011

REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
December 13, 2011 2:00 P.M.

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

OTHERS

PRESENT: Interim County Manager Blaine Williams, County Attorney Tommy Manning, and County Clerk Kathy Arp.

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 Fricks.

PUBLIC PARTICIPATION:

Dr. Greg Sumner stated he is representing the Greater Rome Chamber of Commerce. He stated that over the past year we have been very fortunate to have investments, and reinvestments, into our community, which happened only as a result of leadership and hard work. He stated that is here today because of the work that this Commission has done for the community. Dr. Sumner presented an inscribed silver tray to the Board on behalf of the Greater Rome Chamber of Commerce, Board of Directors, and their Members, as a token of their appreciation for the work that the Commission has done for them. Mr. Al Hodge, Executive Director of the Greater Rome Chamber of Commerce, stated it is a pleasure working with the Commission. He stated this is recognition of what the Board did with and for the community on the Lowe's Regional Distribution Center.

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 November 22, 2011, Called Meeting of December 06, 2011, and Called Meeting of December 12, 2011. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

RESOLUTIONS:

**ADOPT RESOLUTION CALLING FOR
AN ELECTION TO IMPOSE A COUNTY
SPECIAL PURPOSE LOCAL OPTION
SALES TAX (SPLOST):**

County Attorney Tommy Manning stated this is a resolution that would call for a vote on the proposed SPLOST, following the entering of an Intergovernmental between Floyd County, the City of Rome, and the City of Cave Spring that was approved at a joint meeting between the governmental bodies on December 12, 2011. He stated the resolution also sets forth the ballot question and a request that the Board of Elections advertise for the election, and that the election be held at the same time as the Presidential preference primary on March 6, 2012.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Adopt the Resolution Calling for an Election of the Voters of Floyd County to Determine the Imposition or Non-Imposition of a County Special Purpose Local Option Sales Tax (SPLOST). SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

**ADOPT RESOLUTION ADOPTING THE
FLOYD COUNTY, GEORGIA FUND
BALANCE POLICY:**

Interim County Manager Blaine Williams stated the General Accounting Standards Board (GASB) has passed new rules for financial accounting, which calls for more definition, and

a Fund Balance Policy for Floyd County. The Finance Director has drafted a policy that defines the different types of governmental funds within the confines of what the General Accounting Standard Board (GASB) is looking for. He recommended adopting the Fund Balance Policy as presented.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Adopt the Resolution Adopting the Floyd County Fund Balance Policy. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
Chairman Lumsden		

Motion Carried

**FIRST READINGS
(PUBLIC HEARINGS TO BE HELD
JANUARY 10, 2012 AT 2:00 P.M.)**

Chairman Lumsden stated there are three (3) items that need to be added to the agenda by 4/5 vote under First Readings for Rezoning and Special Use Permits. Commissioner Mayes made a MOTION to add the three (3) items for Rezoning and Special Use Permits to the agenda. SECOND by Commissioner Bagwell. VOTING:

	YES	NO
Commissioner Bagwell		
" Fricks		
" Mayes		
Chairman Lumsden		

Motion Carried

- 1. ADOPT AN ORDINANCE TO AMEND
CHAPTER 2-9, ARTICLE II. PURCHASING,
OF THE CODE OF ORDINANCES OF FLOYD
COUNTY, GEORGIA. (2012-001A)**

REZONING AND SPECIAL USE PERMITS

- 1. FILE #122-2011Z. REQUESTS REZONING FROM
COMMUNITY COMMERCIAL (C-C) TO
SUBURBAN RESIDENTIAL (S-R) WITH
SPECIAL USE PERMIT FOR MANUFACTURED**

HOME ON PROPERTY LOCATED ON BURR DRIVE. ZONING MAP J11X PARCEL 041. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).

- 2. FILE #123-2011Z. REQUESTS REZONING FROM COMMUNITY COMMERCIAL (C-C) TO HIGH DENSITY TRADITIONAL RESIDENTIAL (H-TR) FOR SINGLE-FAMILY DWELLING ON PROPERTY LOCATED ON ALFORD STREET. ZONING MAP K13X PARCELS 269, 270. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**
- 3. FILE #124-2011Z. REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO AGRICULTURE RESIDENTIAL (A-R) FOR SINGLE-FAMILY DWELLING (MANUFACTURED HOME) ON PROPERTY LOCATED ON PLEASANT HOPE ROAD. ZONING MAP K18 PARCEL 113 AND ZONING MAP K18 PART OF PARCEL 092. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9-0]).**

Chairman Lumsden stated that Public Hearings would be held on January 10, 2012 at 2:00 P.M.

PUBLIC HEARINGS

**PUBLIC HEARING HELD
NOVEMBER 22, 2011 –
VOTE ONLY**

AMENDMENT TO FLOYD COUNTY CODE

- 1. ADOPT AN ORDINANCE TO AMEND SECTION 2-5-38 OF THE CODE OF ORDINANCES OF FLOYD COUNTY, GEORGIA, REGARDING DESTRUCTION OF ANIMALS BY THE ANIMAL CONTROL DEPARTMENT. (2011-009A):**

County Attorney Tommy Manning stated he had been asked to review the proposed ordinance to amend Section 2-5-38 of the Code of Ordinances of Floyd County, particularly in light of the questions that were raised regarding the legality of such an amendment at the public hearing held on November 22, 2011. He stated he believes everyone here is concerned, and certainly wants to look out for the welfare of animals. In terms of the strict, legal interpretation, his opinion is that state law does speak to certain types of impoundment, which is found in O.C.G.A. 4-11-9.2. He stated in that code section, state law authorizes the impoundment of animals for the four

reasons: 1) where the animal has not received humane care; 2) where the animal has been subjected to cruelty in violation of Georgia law; 3) where the animal has been used or intended for use in violation of a separate section of Georgia law dealing with animal fighting; or 4) if it is determined that a consent order that is in place concerning an animal has been violated. He stated those are the statutorily prescribed reasons for impounding an animal under the Georgia state law. It does not speak to the issue of strays. He stated he will say that if any animal is impounded pursuant to one of the four reasons he has given, then Animal Control would be required to comply with the euthanasia requirements outlined in state law. However, he does not believe that that prevents Floyd County, if it so desires, to implement an ordinance like the one before them because state law is not speaking to the issue of strays and this proposed ordinance would. He stated he would also point out that O.C.G.A. 4-11-18 states this article (*the state law*) shall be cumulative and shall not prohibit the enactment and enforcement of local ordinances by municipal or county governing authority on the subject, which are not in conflict with this article. In his view, impoundment under the state law for one of those four reasons requires certain requirements be met before an animal be met before an animal can be euthanized. He stated those requirements would be greater than what the local ordinance is requiring for strays, but he believes they are speaking to two different situations. From a legal standpoint, if the Commission desires, the proposed ordinance would be legal.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Adopt an Ordinance to Amend Section 2-5-38 of the Code of Ordinances of Floyd County, Georgia, regarding Destruction of Animals by the Animal Control Department (2011-009A). SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments:

Commissioner Mayes made a MOTION to Approve Appointments as follows:

a. Floyd County Library/Sara Hightower Library Board of Trustees –

Appoint Ansley Saville to succeed Harriett Brock, 3-year term to expire December 31, 2014

Appoint Chip Hood to succeed Robert Kane, 3-year term to expire December 31, 2014

b. Rome-Floyd County Planning Commission –

Appoint Joel Holcombe to succeed Jarrell Cagle, 5-year term to expire August 20, 2016

SECOND by Commissioner Bagwell. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee

No Report.

2. Public Safety Committee

No Report.

3. Public Works Committee

No Report.

4. Water Committee

No Report.

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 five items on the Clerk’s Consent Agenda, which have been reviewed, and are submitted for approval. Commissioner Bagwell 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. Approve 2012 Alcoholic Beverage License Renewals.**
- 2. Approve 2012 Self-Service Fuel License Renewals.**
- 3. Approve 2012 Precious Metals License Renewals.**
- 4. Tax Refunds:**
 - a. Paul Clayton Sewell Jr., 3824 Cave Spring Road, \$2.36
 - b. Sadguru Sai, Inc., dba Motel 6, 390 Dodd Blvd. SE, \$607.79
 - c. Carter & Melody Harrison, 1 Turnbull Drive, \$18.59
- 5. Accept the Georgia Department of Transportation Revised List of Road for Floyd County, Number 11-01-11.**

MANAGER’S REPORT:

- 1. APPROVE FIRST AMENDMENT TO AGREEMENT TO PROVIDE AN INMATE TELEPHONE SYSTEM AND COUNTYWIDE**

**PUBLIC PAYPHONE SERVICES BETWEEN
FLOYD COUNTY AND GLOBAL TEL*LINK
CORPORATION:**

Interim County Manager Blaine Williams stated this amendment relates to the inmate phone system at both the Jail and Prison, and the public payphone services that Global Tel*Link Corporation provides to the county. He stated the Amendment will extend the contract period to December 31, 2012, and that an increase in commission had been negotiated for the contract from 55.1% to 65.1%. He recommended approval of the first amendment to the existing agreement with Global Tel*Link Corporation.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Approve First Amendment to Agreement to Provide an Inmate Telephone System and Countywide Public Payphone Services between Floyd County and Global Tel* Link Corporation. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**2. AWARD OF BID FOR MERCY
SENIOR CARE PROJECT.
(CDBG GRANT #10p-y-057-1-5229)**

Defer.

**3. DECLARE LIST OF EQUIPMENT
AS SURPLUS AS SUBMITTED AND
AUTHORIZE DISPOSAL OF PROPERTY:**

Interim County Manager Williams stated a list of equipment to be declared surplus has been provided by the Public Works Department. He recommended declaring the list of equipment as surplus as submitted and authorize disposal of that property.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Declare List of Equipment as Surplus as Submitted and Authorize Disposal of Property. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

4. AWARD OF BID FOR ROOFING MATERIAL FOR JAIL:

Interim County Manager Williams stated they received sealed bids for roofing material for the jail. The recommendation is to award the bid to the low bidder, which is within budget.

Chairman Lumsden called for a motion. Commissioner Mayes made a MOTION to Award the Bid for Roofing Material to ABC Roofing Company, in the amount of \$29,120.00. SECOND by Commissioner Bagwell. VOTING:

YES NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

5. AWARD OF BID FOR INMATE HEALTHCARE SERVICES FOR JAIL AND PRISON:

Interim County Manager Williams stated Request for Proposals were received and reviewed by a committee made up of the Warden, the Chief Deputy, the Jail Administrator, and Commissioner Chad Whitefield. He stated the committee individually graded the proposals and interviewed the top two respondents. It was a unanimous recommendation of the committee to award the bid to CorrectHealth Services, LLC, which is the current provider.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Award the Bid for Inmate Healthcare Services for the Jail and Prison to CorrectHealth Services, LLC. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Bagwell

" Fricks
" Mayes
Chairman Lumsden

Motion Carried

**6. AUTHORIZE EXECUTION OF DEPOSIT
ACCOUNT AGREEMENT BETWEEN
THE BANCORP BANK AND FLOYD
COUNTY FOR FLEXIBLE SPENDING
ACCOUNT DEBIT TRANSACTIONS:**

Interim County Manager Williams stated Admin America, the county's third party administrator, allows employees to shelter their own payroll deductions and pay for medical expenses out of that. Admin America is seeking to streamline the way employees are reimbursed for covered medical expenses, whereby employees would be provided a prepaid debit card for their flexible spending account. He recommended execution of the Agreement as presented.

Chairman Lumsden called for a motion. Commissioner Bagwell made a MOTION to Authorize Execution of a Deposit Account Agreement between The Bancorp Bank and Floyd County for Flexible Spending Account Debit Transactions. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Bagwell
" Fricks
" Mayes
Chairman Lumsden

Motion Carried

OTHER BUSINESS:

Chairman Lumsden recognized Leadership Rome participants in attendance.

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES

NO

Commissioner Bagwell

" Fricks

" Mayes

Chairman Lumsden

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

EDDIE LUMSDEN, CHAIRMAN