

March 13, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
March 13, 2012                      2:00 P.M.**

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

**OTHERS**

**PRESENT:**                County Manager Blaine Williams, County Attorney Virginia Harman, and County Clerk Kathy Arp.

**CALL TO**

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

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

**PLEDGE OF**

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

**PUBLIC**

**PARTICIPATION:**

**Benny Terry, 96 Lewis Barrett Boulevard**, stated he knows they are going to vote to rescind the name for the bypass, but he has a question as to why Chief Vann. He stated he is from somewhere else, and not an important part of what is going on here. He does not feel that they should be naming anything after Chief Vann. He stated more importantly, they feel that the people who died and gave blood for this country should have that bypass named after them as opposed to someone not even from their county.

**Frank W. Hindmon II, P.O. Box 453**, stated when he became aware of this matter, he questioned why any highway would want to be named after Chief Vann with his knowledge of him. He stated growing up in Whitfield County he spent a lot of time in the Chief Vann house before they renovated it. He heard many stories about him. He stated even the good poise of Chief Vann are insignificant compared to what the veterans from Floyd County and Rome, Georgia have contributed, not only to this city and county but to the United States of America as a whole. He feels naming that section of the bypass in honor of the American veterans would be a plus in the covenants of this Board.

**Hartwell Nolan, 680 Avenue F NE**, thanked the Chairman for allowing him to speak to them today on a subject that is very near and dear to the hearts of all of them and the memory of their veterans. He stated he served some fifteen years in Post 5 Honor Guard as Chaplain, and in those fifteen years of serving as Chaplain, the Honor Guard conducted over sixteen hundred military rights funerals. They are continuing to

conduct over one hundred funerals a year. He stated maybe some of those men and women buried were their friends, or even part of their families, and their memories are very important to him. He stated that around a month ago, he read in the Rome News Tribune that the Board had decided that they were going to name the next section of the bypass after Chief Vann. He stated he called Commissioner Mayes, who then referred him to Chairman Bagwell, to voice his disagreement. He explained that when the bypass was first started, both state and county officials, and the veterans of this area had agreed that the entire bypass was to be named Veterans Memorial Highway. He stated Chairman Bagwell told him that he was unaware of that, but that he agreed with him, and they would rescind the naming of it. He stated that last Friday evening he received a phone call telling him that it had not been rescinded, that the Commissioners were to vote on it tonight. He stated in his next call to Chairman Bagwell he was told that it had been turned over to the state to be named Veterans Memorial/Chief Vann Highway. He stated that he made their (*veterans*) thoughts on this known to Chairman Bagwell. He stated after many phone calls, and attempts to smooth ruffled feathers, he received another call from Chairman Bagwell telling him that he spoke with the state legislators asking them not to take action on this. He stated he just wants all of them to know that this is deep seeded to all the veterans. He stated that November 11<sup>th</sup> is a day dedicated to thanking all veterans for their sacrifices, and the veterans themselves stop to take a moment to honor and remember those who did not return. He asked the Board to please forewarn them and give them the opportunity to have input to their decisions when something such as this comes up that is so dear to the veterans. He stated that before he left home, he received a call from Katie Dempsey assuring him that the Board had gotten with her, and that this was going to be stopped. She also told him that she needed another resolution stating that the highway is to be named Veterans Memorial Highway. He stated keep in mind that there are a lot more veterans voting in the State of Georgia and Floyd County than there are Indians. He thanked them for their time. He stated may God bless this county, this state, this nation, and may God bless them in their further dealings with the veterans.

**Robert A. Williams, 8 Oakhill Lane SW**, stated as a twenty-six year retiree from both the Marine Corps and the Air Force, he and his friends admire their veterans. He stated there are many active organizations around here that host many very good activities, such as parades, memorial ceremonies, and so forth. He asked that the Board to let their bypass remain as Veterans Memorial Highway in honor of the veterans in this area.

**Everett Stewart, 421 Mt. Alto Road**, stated he is a member of the Jake Puryear Marine Corps League Detachment, the VFW in Rome, Georgia, and American Legion Post 5. He stated with just those three groups, they represent probably over a thousand veterans, and there are thousands more veterans in Rome and Floyd County that are not represented by the various leagues. He stated that he learned by reading the paper the other day that changing the name of Veterans Memorial Highway was being considered. He stated he was thinking along the lines of them renaming Riverside Parkway, where the Chief Vann house is located, Chief Vann Bypass, or something to that extent. That is very simple to him, but he is a simple person. He stated in closing, remember that the American veteran gave them the freedoms they have today. He thanked the Board.

**Jerry Gatlin, 345 Morrison Campground Road**, stated he has very little to add. He stated he is retired from the Marine Reserve, and he is a member of the Marine Corps League. He and his wife have had many family members to serve in the service. He stated most of them have passed away, but he thinks that anytime they have a chance to honor their veterans they should take the opportunity. He would like to see the promise remain that was made when the bypass was put in, and continue to be only Veterans Memorial Highway.

Commissioner Lumsden stated as far as his understanding is concerned, changing the name of Veterans Memorial Highway, was never part of the consideration. That was never part of his understanding when things were explained to him, nor was it his understanding that the entirety of the bypass was going to be named Veterans Memorial Highway. He stated he has no problem with that. However that was not his understanding in the way it was presented. He stated if a previous Board had made that commitment to them, he was unaware of it. He feels this may be the result of miscommunication, or lack of understanding. He stated he will assure them that this Board has no intention of doing anything that in any way undermines their appreciation for veterans. As he said before, being a veteran himself, he can speak from some degree of a different perspective than maybe someone else could.

Commissioner Whitefield stated that as a point of personal privilege, he would like to thank the veterans for their service and sacrifice to our country. He stated it is because of their sacrifices that men and women like them made, that they have the right to freely assemble today, and be involved in the democratic process that they are involved in right now. It is because of those sacrifices that we enjoy the freedoms that we have. He stated as a son and grandson of not only veterans, but also combat veterans, he has a greater appreciation for the armed forces and the sacrifices made. He stated that he apologizes that they have been inconvenienced today. He stated the roadway was called the southwest bypass when they attended the ribbon cutting ceremony. They (*the Commission*) had no idea that it had been promised by a previous group to be called the Veterans Memorial Highway all the way around, although he thinks that is a wonderful thing. He stated they were asked by a group to consider a name. Once they realized that there had been a promise made to a more deserving group, they quickly took steps to correct that. He stated the resolution that is before the Board today is to name that section the Veterans Memorial Highway. In the process, it is important to view an entire body of work. He stated he has been personally assaulted in this process due to his candidacy for the 52<sup>nd</sup> Senate District. He takes it personal, because his commitment to the veterans is very well documented in this community, whether it is working with Barry Loudermilk to honor Justin Johnson with the naming of the Highway 140 - 53 interchange, or working alongside Phil Gingrey to open the veterans clinic in Rome. He stated he has been involved in a number of activities honoring the veterans throughout this community. He stated there is a time and place for political grandstanding by politicians, especially those who were like the Pharisees and cast stones. He stated when it comes to honoring veterans, they should be more respectful and not deceitful. More honoring and not politicizing, and more concerned with actions

outweighing their words. He thanked the veterans for their service, and for what they have done.

Chairman Bagwell stated he would like to personally thank each of them for their service to their country. He stated it is because of the veterans present, and those that made the ultimate sacrifice, that they enjoy the freedoms of this country, and have the ability to hold a government meeting, a democracy. He stated he cannot express his gratitude, or how much they mean to him personally. If there is anything that the Board of Commissioners can do for them in the future, please let them know. He stated this Board definitely values their veterans.

Chairman Bagwell stated at this time, he would like to take action on the agenda item related to this matter. Chairman Bagwell made a MOTION to change the order of the agenda. SECOND by Commissioner Mayes. VOTING:

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

Motion Carried

## RESOLUTIONS:

**1. ADOPT RESOLUTION TO RESCIND THE PREVIOUS RESOLUTION, ADOPTED ON FEBRUARY 14, 2012, CONCERNING THE NAMING OF THE BYPASS FROM HIGHWAY 27 SOUTH TO BLACKS BLUFF ROAD:**

Chairman Bagwell made a MOTION to Adopt the Resolution to Rescind the Previous Resolution, adopted on February 14, 2012, concerning the naming of the Bypass from Highway 27 South to Blacks Bluff Road. SECOND by Commissioner Whitefield. VOTING:

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

Motion Carried

Chairman Bagwell stated he would like the Board to compose a letter to send to their legislative delegation stating the intent of the community and the Board of Commissioners is that all sections completed, and not yet completed, be named Veterans Memorial Highway. He stated the letter would also be sent to the Georgia Department of Transportation to prevent any further confusion as to what name it shall be. He stated it shall always be Veterans Memorial Highway. He believes in their legislative delegations research, they could not find anything that designated that. He stated he would like to take the opportunity today to ask the fellow Commissioners to join him in doing that, so that twenty-five or thirty years from now when the last section is completed, there is no doubt as to what the new sections name shall be.

Chairman Bagwell made a MOTION to send a letter on behalf of the Board of Commissioners to the Legislative Delegation and the Georgia Department of Transportation naming the entire section of the bypass Veterans Memorial Highway. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**ADOPTION OF  
MINUTES:**

Chairman Bagwell asked County Attorney Virginia Harman if the minutes were in order. Ms. Harman stated the minutes had been reviewed and were in order. Commissioner Lumsden made a MOTION to adopt the minutes of the Regular Meeting of February 28, 2012. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**PROCLAMATIONS:**

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

Chairman Bagwell stated they are proud of their Finance Department. He stated they have received this certificate for the past twenty-nine years. County Manager Williams stated they have received it for twenty-four consecutive years, and twenty-nine years overall. Commissioner Fricks presented the 2012 Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) to Gary Burkhalter, Finance Director/Comptroller and his staff.

County Manager Blaine Williams stated internally and externally the Floyd County Finance Department is one of their top departments. He stated they have some of the best internal customer service ratings of all their internal departments, despite being what is known as a compliance department. A compliance department is one that tells people they have to follow certain rules, and typically, those types of departments do not get high marks, but the Finance Department is an exception. He stated one of the Floyd County Commission's five strategic commitments to the citizens of Floyd County is an accountable and responsive county government. He feels the Finance Department embodies that and helps them advance that directive. He stated the work that they do is continually above average, as is evidence by this award and successful audits year after year. He has read some sentiment of late that the county is financially mismanaged, or does not manage its funds well. He stated he would hope that the citizens of Floyd County who have any doubts about that recognize that they do have some of the best professional finance staff in local government in the state of Georgia. Chairman Bagwell thanked the Finance Department for the great work that they do for the county. He stated their work does not go unnoticed.

**FIRST READINGS  
(PUBLIC HEARING WILL  
BE HELD ON MARCH 27, 2012)**

**REZONING & SPECIAL USE PERMITS**

- 1. FILE #32-2012SUP. REQUESTS  
SPECIAL USE PERMIT FOR  
MANUFACTURED HOME ON  
SUBDIVISION LOTS IN SUBURBAN  
RESIDENTIAL (S-R) ZONING  
DISTRICT ON PROPERTY LOCATED  
ON HALSTEAD SMITH ROAD. ZONING**

**MAP H14X PARCEL 344 (PLANNING  
COMMISSION RECOMMENDATION:  
DENY [VOTE: 8-0]).**

**AMENDMENTS TO THE CODE OF ORDINANCES OF FLOYD COUNTY**

**1. ADOPT AN ORDINANCE TO  
AMEND SECTION 2-13-16 OF  
THE CODE OF ORDINANCES  
OF FLOYD COUNTY, GEORGIA  
RELATED TO CONSUMPTION OF  
ALCOHOL AT RECREATION  
FACILITIES. (2012-003A)**

Chairman Bagwell asked County Attorney Harman if she had any comments regarding the ordinance amendment. County Attorney Harman stated this is an effort to allow certain flexibility for use of recreational facilities, during times that they are not being used as recreational facilities. County Manager Williams stated this comes as a recommendation from the Rome-Floyd Parks and Recreation Authority as they seek a more innovative use of their facilities in order to raise funds in the wake of the severe budget cuts this past year. He stated they have determined there is a need for rental of these facilities for various private parties. They are currently not allowed to sell alcohol, so they are missing out on some potential revenue. He stated the private rentals that they are contemplating will in no means overlap their regular operating hours.

Chairman Bagwell stated that Public Hearings would be held on March 27, 2012 at 6:00 P.M.

**RESOLUTIONS:**

**1. ADOPT RESOLUTION TO APPROVE  
THE FILING OF AN APPLICATION FOR  
THE 2012 COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) PROGRAM IN  
THE AMOUNT OF \$500,000.00.**

Chairman Bagwell asked County Manager Williams to give a brief overview of the resolution. County Manager Williams stated Floyd County is eligible for regular community development grants from the state. Community Development Block Grants (CDBG) have been used extensively to help better this community. He stated Boys and Girls Club Director J. R. Davis is in attendance. The CDBG was used to help the Boys and Girls Club build their facility a few years ago. He stated this application is to establish a housing rehabilitation program in the unincorporated areas of Floyd County. This will resemble the successful program already being carried out in the City of Rome. He stated it would fund both a minor repair program, or repairs up to five thousand dollars, and a

moderate repair program, or repairs up to twenty-five thousand dollars. The minor repair program will assist very low-income elderly homeowners that need small repairs made to their homes to make them more livable. He stated these repairs include items such as a new roof, heating and air, replacement of flooring, upgrading a bathroom, porch railing, steps, and so on. The Department of Community Affairs does not allow their funds to be made as a grant to private individuals, so there would be a lien placed by a deferred payment loan for a period of five years. He stated at the five-year mark, the lien would be cancelled and forgiven. If the homeowner sells the home, or dies before the loan matures, the homeowner estate will owe a portion of the funds back to the state. He stated twenty percent drops off every year they own their home. The moderate repair program will be used to assist families that are at or below eighty percent of areas meeting income, for repairs up to twenty-five thousand dollars. He stated this loan will also be a deferred payment loan, but will be recorded for ten years, and all of the same conditions apply.

He stated since they are allowing higher income families to apply to the moderate repairs portion of the program, the Department of Community Affairs likes to see the homeowner participate in some fashion with upfront money on their part. He stated there is a calculation in place to help with that participation. Based on the current budget, there is an estimate that they will be able to assist twelve homeowners with minor repair assistance, and eleven homeowners with moderate repair assistance. He stated there are additional expenses factored into the budget such as appraisals, legal fees, and inspections. Homeowner rehabilitation is a pretty intensive process. He stated if funded, the City of Rome Community Development Staff would administer the program on behalf of Floyd County with collaboration from the Floyd County Finance Department, and possibly the Floyd County Purchasing Department. They are currently working together with the City of Rome Community Development staff on two open Department of Community Affairs grants. He stated the CHIP Down Payment Assistance program, and the Mercy Senior Care project, which has gotten some press of late. The Rome-Floyd Building Inspection Department will assist with write-ups, cost estimates, lead based paint inspections, and so on, which will require a minimal budget. He stated there would be no financial match required by the county. This is five hundred thousand dollars of federal assistance, which comes through the state, and would be funneled directly into our community. He stated the only funding match would be in-kind staff time of the County Manager, Assistant County Manager, and the Finance Department. He recommended adopting this resolution so that it may be included with the grant application, which is due next month.

Chairman Bagwell called for a motion. Commissioner Whitefield made a MOTION to Adopt the Resolution to Approve the filing of an application for the 2012 Community Development Block Grant (CDBG) Program in the amount of \$500,000.00. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks

" Lumsden

" Mayes

" Whitefield  
Chairman Bagwell

Motion Carried

**CHAIRMAN'S REPORT:**

**1. Consider nomination to fill seat on the Board of the Hospital Authority of Floyd County.**

Chairman Bagwell stated in order to fill a vacancy on the Hospital Authority, the Hospital Authority submits a name to the Board of Commissioners for consideration. He stated if the Board concurs with the nomination, it is sent back to the Hospital Authority to be forwarded to the Grand Jury for final approval. He stated that the nomination before them today is David Newby.

Chairman Bagwell made a MOTION to nominate David Newby to fill the seat on the Board of the Hospital Authority of Floyd County. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**2. Adopt Resolution to Amend the Rules of Procedure Floyd County Commission regarding voting. (Deferred February 24, 2012)**

Chairman Bagwell stated this was deferred at their last meeting. He stated he believes everyone is aware that two of their fellow commissioners will be leaving them at the end of the next meeting. He asked for the majority, the three remaining, to be able to conduct business with two commissioners present. He stated he feels that it is vitally important. Someone could be unable to attend a meeting due to an illness, or could have business to attend to, and so on. He stated there are a number of things that could happen leaving only two commissioners present. He stated that he feels strongly that their procedures need to be changed for when they are down to three commissioners. He stated the procedures would revert back to as they are now once they have five commissioners back on board. They should address changing the procedures now before issues or conflicts have the chance to arise. He stated they owe it to the public to conduct county business as they were elected to do.

Chairman Bagwell made a MOTION to Adopt the Resolution to Amend the Rules of Procedure for Floyd County Commission regarding voting. SECOND by Commissioner Fricks. VOTING:

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

Motion Failed

**COMMISSIONER'S REPORT:**

**1. Administrative/Finance Committee – Commissioner Fricks, Chairman**

**a. Recommendation for Reclassification of Network Communications Analyst, MIS Department, position #533-036, from paygrade 119 to paygrade 121.**

Commissioner Fricks asked County Manager Williams to give an overview of the reclassification of positions. County Manager Williams stated that essentially the current Network Communications Analyst is taking the job at the 800 MHz radio system, which is in essence another network administrator position within the county. He stated those positions are very similar as far as the essential components of the job. The Human Resources Director has recommended to the committee that they raise the paygrade to 121. He stated the job was advertised at a minimum of \$45,000.00, and they have finally found someone willing to take the job, if they can make this change to the recommended paygrade.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Approve the Reclassification of Network Communications Analyst, MIS Department, position #533-036, paygrade 119 to paygrade 121. SECOND by Commissioner Lumsden. VOTING:

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

Motion Carried

**b. Recommendation for Reclassification of Chief Constable, Magistrate Court, position #493-012, from paygrade 109 to paygrade 114.**

County Manager Williams stated Judge Gene Richardson has done an excellent job of modernizing the Magistrate Court. He stated in doing so, he has taken the constables and made them POST certified, which has elevated their capabilities and qualifications. He stated that last August the Board saw fit to increase their paygrade from 108 to 111. He stated the Chief Constable paygrade has not been increased, leaving it at paygrade 109. The Chief Constable is actually making less than those she is supervising. He stated the recommendation from the Administrative/Finance Committee is to raise the Chief Constable in Magistrate Court from paygrade 109 to paygrade 114, and to make the reclassification retroactive to January 1, 2012.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Approve the Reclassification of Chief Constable, Magistrate Court, position #493-012, from paygrade 109 to 114, retroactive to January 1, 2012. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

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

**a. Recommendation to Authorize Execution by Chairman of Customer Design Acceptance Form Agreement, and Change Order 001 and 002, between Floyd County and Harris Corporation for the Public Safety Communications Project. (2009 SPLOST Public Safety Communications Project)**

Commissioner Mayes asked County Manager Williams to give a brief description. County Manager Williams stated this relates to the 800 MHz radio system. He stated they have progressed to the point in the build-out that they are beyond the customer design review. He stated that a number of changes have been made both to the county’s credit, and those that cost a little more. He stated that those are reconciled in Change Order 001. He stated he is pleased to report that they have ended this reconciliation with a credit to the county’s favor of \$37,211.00. Change Order 002 addresses changes made to the Lake Marvin site in the northern

part of the county. He stated they have decreased the height of the tower from three hundred feet to two hundred and sixty feet, and the Public Works crews have also done some work up there, to receive a credit of approximately \$51,000.00. Both change orders are in the county's favor. He stated there has been a lot of work done to this point, and this just sort of cleans the slate to enable them to move forward with the build-out. He stated the recommendation from the Public Safety Committee is to authorize execution by the Chairman of the Customer Design Acceptance Form Agreement, and Change Order 001 and 002.

Chairman Bagwell called for a motion. Commissioner Lumsden made a MOTION to Authorize Execution by the Chairman of the Customer Design Acceptance Form Agreement, and Change Order 001 and 002, between Floyd County and Harris Corporation for the Public Safety Communications Project. (2009 SPLOST) SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**b. Recommendation for Award of Bid for Standby Generator for Work Release Center, and Adopt Resolution to Approve and Authorize Execution of Contract between Floyd County and Clay Electric, Inc. (2009 SPLOST Public Safety Communications Project)**

County Manager Williams stated this is a recommendation for award of bid for a standby generator for the Work Release Center. He stated that when the Work Release Center was initially designed, it was envisioned that the Prison would simply tie on to the communications system as another user. He stated after they began to understand the corrections environments, they realized it is more intensive with a lot more radio traffic that goes on within the walls of a prison or a jail so that it really required that they have their own resident repeater system. A standby generator is needed in case power is lost. He stated they would hate to lose radio communications within a prison. The bid went through the normal channels of the Purchasing Department. He stated the generator and the work involved will cost approximately \$25,000.00, which will be paid for out of the 2009 SPLOST Public Safety Communications Project.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the bid for Standby Generator for the Work Release Center,

and Authorize Execution of Contract with Clay Electric, Inc., in the amount of \$25,295.00. SECOND by Commissioner Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

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

No Report.

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

**a. Recommendation for Award of Bid for Water System Improvements to Chulio Road, Nichols Road, and David Road.**

Commissioner Fricks stated bids were accepted and reviewed for the water system improvements. He stated the Water Committee recommends award of bid to Quarry Utility Systems, which is the low bidder.

Commissioner Fricks made a MOTION to Award the bid for Water System Improvements to Chulio Road, Nichols Road, and David Road to Quarry Utility Systems, LLC., in the amount of \$708,899.80. SECOND by Commissioner Whitefield. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**b. Recommendation for Award of Bid for Water Treatment Chemicals for Shannon Water Treatment Plant (White Oak Trail, Old Mill Spring).**

Commissioner Fricks stated this item relates to the chemicals utilized in their water treatment plant. He stated this is an annual contract bid.

Commissioner Fricks made a MOTION to Award the Bid for Water Treatment Chemicals for Shannon Water Treatment Plant (White Oak Trail, Old Mill Spring) to Harcros Chemicals, Inc., in the amount of \$23,698.00, and to Univar USA, Inc., in the amount of \$5,800.00. SECOND by Commissioner Mayes. VOTING:

YES NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**5. Judicial Services Committee (CJIS) – Commissioner Lumsden**

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 six items on the Clerk’s Consent Agenda, which 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 Lumsden. VOTING:

YES NO

Commissioner Fricks  
" Lumsden

" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**1. Tax Refunds:**

- a. Joseph Matthew Spota, 241 Lavender Road NW, \$43.47
- b. D. Christopher Garrett, 1315 Booze Mtn. Road, Lindale, \$137.71

**2. Approve Request from Tax Commissioner to Extinguish Taxes in the amount of \$132.77 for Tax Map M10Y, Parcel 211.**

**3. Authorize Execution by Chairman of 2012-2013 ACCG Safety Discount Verification Form.**

**4. Authorize Execution by Chairman of Floyd Against Drugs/Drug Free Communities Grant Application.**

**5. Approve Alcoholic Beverage License, Islam Ahmed/Reserve Petroleum dba Zip Trip #6, 3264 Fosters Mill Road, Rome, Georgia. (Ownership Change, Beer)**

**6. Approve Self-Service Fuel Dispensing License, Islam Ahmed/Reserve Petroleum dba Zip Trip #6, 3264 Fosters Mill Road, Rome, Georgia. (Ownership Change)**

**MANAGER'S REPORT:**

**1. ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF INDIGENT DEFENSE SERVICES AGREEMENT BETWEEN THE CIRCUIT PUBLIC DEFENDER OFFICE OF THE ROME JUDICIAL CIRCUIT AND FLOYD COUNTY WITH REVISIONS:**

County Manager Blaine Williams stated this is an annual contract for the Public Defender's Office. The contract details the financial contribution the county will provide, and the services the Public Defender's Office will provide. He recommended adopting the resolution approving and authorizing the execution of the agreement.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of the Indigent Defense Services Agreement between the Circuit Public Defender Office of the Rome Judicial Circuit and Floyd County. SECOND by Commissioner Whitefield. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**2. ADOPT RESOLUTION TO APPROVE AND  
AUTHORIZE EXECUTION OF CONTRACT  
OF EMPLOYMENT FOR FLOYD COUNTY  
ASSISTANT MANAGER:**

County Manager Williams stated they conducted two rounds of interviews, and reviewed examples of work product. He stated that background checks have been performed, and extensive references have been checked. He stated that Noah A. Simon is his top choice, based on five key characteristics he was looking for. He stated those characteristics were background, analytical ability, initiative, creativity and stability. He stated that he is expecting that Noah will be a top producer for the county. He stated some of the specifics in the contract before them today are his starting salary will be \$75,065.00, there will be an allowance to continue pursuing professional development to aid in becoming a better manager, and there are some moving expenses involved as well. He recommended adopting the resolution approving the employment contract with Noah A. Simon.

Chairman Bagwell called for a motion. Commissioner Whitefield made a MOTION to Adopt the Resolution to Approve and Authorize Execution of Contract of Employment for Floyd County Assistant Manager with Noah A. Simon. SECOND by Commissioner Lumsden. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**3. ADOPT RESOLUTION APPROVING  
AND AUTHORIZING EXECUTION OF  
AGREEMENT BETWEEN H2U WELLNESS**

**CENTERS, LLC, THE CITY OF ROME, AND  
FLOYD COUNTY:**

County Manager Williams stated at the last regularly scheduled meeting a motion was passed that they bring back a contract for the Board to consider. He stated that since there has been a lot in the press, he would like to give a bit of background and lead up as to where they are, and then share some of the contract specifics. He stated it is their understanding that a lot of county employees do not even see a primary care physician. He stated that we routinely have three to four million dollars in stop loss claims. He stated that means that the county has insurance that will cap out at a hundred thousand dollars. He stated that we have thirty or forty people, out of eleven hundred covered, that routinely hit that mark. Arguably, some of these could be prevented through early identification and prevention. He stated a healthier workforce translates into savings on productivity, and saves both the county and the employee on future health costs. Obviously, costs are something that we are very interested in with the budget challenges that we have. He stated our health care claims are currently in the range of four to five million dollars a year.

He stated that a joint committee of the City of Rome and Floyd County began several years ago to try to address rising health costs, by seeking the provision of access to health care and to improve the health and wellness of its employees and other eligible persons. He stated a request for proposals process was undertaken at that time to search for services related to primary care, evaluation and treatment of work related injuries and illnesses, health assessment, immunizations, injections, exams, screenings, and so on. He stated that there were eight proposals received in June 2010 in response to the request. He stated in a process that was overseen by the City of Rome Purchasing Department, the subject of this contract, H2U, was determined by the evaluation committee to be the most responsive offer. At their last meeting, the City of Rome voted unanimously to enter into the contract with Floyd County and H2U for this joint employee clinic.

He stated some of the major components of the contract that is before the Board today includes a staffed clinic of a nurse practitioner and a medical assistant, a clinic capacity of twenty-two visits per day or approximately fifty-seven hundred visits per year, and a built out clinic located at 2112 Shorter Avenue. The operating cost is \$13.90 per employee per month, or \$16,680.00 per month, whichever is less. He stated this includes all operating costs, salaries, benefits, routine labs and physicals, annual blood work reports, workers comp, occupational health evaluations, prevention and wellness services, and so on. This contract does not include the provision of prescriptions, although the nurse practitioner will be able to write prescriptions. He stated it does not include variable costs that will be passed through without markup, including but not limited to lab services performed by reference laboratories, respiratory fit testing, immunizations and vaccines, prevention and wellness as far as biometric lab screening handled by a reference laboratory outside the clinic, and strength conditioning, rehab and group activities.

He stated there are build out costs associated with the clinic up to two hundred thousand dollars. He stated that would not be assessed to the city and county unless they pull out of the contract before three years. If they pull out in year one, they will have to reimburse H2U one hundred percent for those build out costs, year two would be sixty five percent, and year three would be thirty percent. He stated a start up cost of \$76,940.00 would be split between the city and the county, or \$38,470.00 per entity. This includes equipment, furniture, software and supplies. He stated this is a onetime cost, and non-reimbursable. The contract is for the capacity of visits first and foremost, therefore allowing the city and county to agree on which employees are able to access these services. He stated to put this into context for the person on the street, the county's share of this plan as listed in this contract is less than two percent of their annual health care cost. They expect that the short-term cost versus benefit will be close to break even, but the real savings that they are looking for will come over the longer term with a healthier workforce. He stated those are the major components of the contract that is before them as requested.

Commissioner Fricks stated he knows he has been very controversial on this issue, but he really appreciates County Manager Williams laying this process out for him in depth with all of the details. He stated he would just like to go on the record to say a couple of things about why he questioned the process, and why he has taken the position that he has. He stated that Commissioner Whitefield has had concerns that he (*Commissioner Fricks*) had brought some embarrassment to the Commission. He stated that is the reason he wants to get all of this straight. He wanted to make sure that he was justified in his movements by bringing in the concept of a secondary proposal for the joint committee to consider. He stated one thing they failed to point out is that the Board actually voted at their retreat to stop this process, and this was after the request for proposals. He is not sure how or where it was reinitiated. He stated at that time their estimated cost was six hundred thousand dollars, according to the minutes of that meeting, so they felt it was unfeasible to do. He stated they are estimating a lower cost even though they are saying the proposal has not changed, and he does not know where the revision on that is.

He stated the second thing was in the original request for proposals the process was to be very well outlined. He does not even know who the city and county representatives were at the time. He asked Commissioner Whitefield if he was involved. Commissioner Whitefield stated he was not. Commissioner Fricks stated he does not believe anyone here was involved in that process. County Manager Williams stated no one here was part of that committee, but he could name the officials if they like. Commissioner Fricks stated he has also asked who were in the top rank, because in the request for proposals it says the successful firm is anticipating being selected within ninety days, and this was done two years ago. He stated it also says that the top three proposals ranked by the review committee will be invited to interview with the review committee, and the selection will be made from the interview process. As far as he knows, Redmond was the only one that they had actually talked to among the top three. County Manager Williams stated he is not aware of any interviews like that. Commissioner Fricks stated he is sorry if he took liberties and embarrassed

Commissioner Whitefield, but the last page of the request for proposals states two governments reserve the right to waive any technicalities and accept or reject any proposal in its entirety, or to accept any proportion thereof if it is to be determined that either method should result in lower cost, better service, final satisfaction, or otherwise determine to be the best interest of the governments. He feels that their job as commissioners has always been to acknowledge what is the best for the citizens of Floyd County. He stated he would like to state that his actions have not been to serve himself, but to better serve the people of Floyd County. He stated that he will probably reject the proposal. He stated it is no reflection on Redmond. He stated his vote is based on the fact that we have not followed the rules of our own proposals. He stated he is not comfortable moving forward today with where they are at.

County Manager Williams stated in following the directive of the Board at the last meeting, he brought this contract forth as the majority of the Commissioners requested. He stated they tried to include in the contract all of the terms required in the previous RFP as best they could. As a manager, it is a policy decision about whether or not to pursue a particular vendor, but he is comfortable with this particular contract as written. Chairman Bagwell stated as they discussed in caucus they will be defining the word “employees” and how they are related to the clinic as they move forward. County Manager Williams stated that is an important distinction to be made from what has been discussed prior. He stated the city and the county are basically engaging H2U to buy a certain number of visits with a nurse practitioner. He, and he does not want to speak for the county attorney, but they did not feel like they needed to necessarily get bogged down in classifications of employees that were eligible to attend the clinic in a contract with H2U. He stated they are only a service provider, and that is policy decisions that they want the flexibility to make on their own outside that contract with the City of Rome.

Chairman Bagwell stated he believes this is the third revision of the contract in the past seven days that they have had. He asked if it passes today, would they be sending it back to the city for another vote at their level. County Manager Williams stated he does not know if how they worded their motion gave them any flexibility for the chairman to negotiate some nuances within the contract, but he would imagine that they would want to take it back up. He stated that is up to their attorney of course. He would suggest that whatever motion they make that it would be contingent on the eventual acceptance by the City of Rome.

Commissioner Fricks stated he is concerned about the intangibles they have in place, and their agreement with the city has a major affect. He stated that in 2010 they said that this thing was unfeasible for them to do because of budgetary items. The budget has not changed, and the proposal has not changed. He stated the only thing that has changed now is the numbers. His opinion is that there is going to be a lot of impact on some of the things that they discussed in caucus regarding the numbers that increase, how to define employees, who gets to participate, and so on. He stated he thinks it would be very important to have this thing coinciding with an intergovernmental agreement with the city. He does not know what the intentions were. County Manager

Williams stated he thinks the intentions were to have a singular contract that enumerated all of those things. He stated there are some policy decisions that they did not think needed to be bogged down in the contract with the vendor, but that need to be decided with the city. He believes the build out would take ninety to hundred and twenty days, but they are probably well served to go ahead and get those things nailed down.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Agreement between H2U Wellness Centers, LLC, the City of Rome, and Floyd County. SECOND by Commissioner Lumsden.

**Further Discussion:** Commissioner Fricks asked would this include the amendments that they discussed during caucus. County Attorney Harman stated there were some affidavits that were executed at the time of the response to the request for proposal. She stated they are actually all anticipated as part of the contract already. There was one affidavit that was not specifically named, but she believes H2U is fine with including that. She stated there is a compliance with the laws provision in the contract that says that H2U will cooperate in guaranteeing that all county, state, and federal rules, regulations, and laws are complied with. All of those affidavits were encompassed, but if to the extent that they may need to add that one specific affidavit, they (*H2U*) are agreeable to do that. Chairman Bagwell asked that was the collusion affidavit. County Attorney Harman stated that was the one that was not specifically named, although county policy was included in the compliance section. She stated again, they (*H2U*) are agreeable to including that as part of the package. VOTING:

YES

NO

Commissioner Lumsden

" Mayes

Commissioner Fricks

Chairman Bagwell

Commissioner Whitefield abstained.

Chairman Bagwell stated he feels that they need further review on this contract. He stated there are many things that they discussed in caucus that need to be ironed out. One being an intergovernmental agreement to ensure if something goes awry, that they do not have to argue about it because they have it spelled out on paper. County Manager Williams asked does the Commission desire moving forward with him working to develop a proposed intergovernmental agreement to circulate, and bring back before their next meeting. Chairman Bagwell stated he thinks it would be productive to run it through Joint Services Committee in order to sit down with the City of Rome to discuss it openly. He thinks a lot of good would come by doing that, and it would be beneficial to everyone. He stated every time they do that they come up with some good ideas. The ultimate goal is a great health clinic for employees and their

health. He stated he wants to have a clinic they can all be proud of, and he thinks they are on the road to doing that if they can get the contract ironed out, along with an intergovernmental agreement.

**OTHER BUSINESS:**

Commissioner Whitefield stated he has two items he would like to address. He stated the first item is regarding the resolution concerning the ability to vote with less than five commissioners. He stated that he knows at one point they had talked about a resolution that dealt with the true incapacitation of a commissioner. He stated he still feels that is a good resolution to review. Chairman Bagwell stated they will review it, and bring up at the next meeting. Commissioner Whitefield stated he would like to request looking at that for cases of true incapacitation.

He stated the second item is that if the health clinic passes through Joint Services again, it will not make it back before this body this month leaving only three commissioners to deal with it. He recommended the County Manager and the City Manager come up with a term sheet. He stated either that, or have Joint Services meet early in order to bring that back to the Board for action at the last meeting of this month. Chairman Bagwell stated they will move the Joint Services Committee meeting up. He stated he is looking forward to sitting down with the city, and letting them hear firsthand what they need. He would like to hear their needs as well. He stated he believes they all have the same common goal and they can iron something out.

Chairman Bagwell stated he knows this is not their last meeting, but he wanted to wish Commissioner Lumsden and Commissioner Whitefield well in the future. He stated he would like to thank Commissioner Lumsden as a veteran for his service to their country. He thanked them both for their service as commissioners.

Chairman Bagwell 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 Lumsden, that the meeting be adjourned. VOTING:

YES

NO

Commissioner Fricks  
" Lumsden  
" Mayes  
" Whitefield  
Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**