

June 19, 2012

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
June 19, 2012 12:00 P.M.**

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

OTHERS

PRESENT: County Manager Blaine Williams, County Attorney Tommy Manning,
County Clerk Kathy Arp, and Assistant County Manager Noah Simon.

**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 Fricks.

**ADOPTION OF
MINUTES:**

Chairman Bagwell asked County Attorney Tommy Manning if the minutes were in order. Mr. Manning stated the minutes had been reviewed and were in order. Commissioner Fricks made a MOTION to adopt the minutes of the Regular Meeting of June 12, 2012. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

PROCLAMATIONS:

**REDMOND REGIONAL MEDICAL
CENTER'S 40th ANNIVERSARY:**

Commissioner Mayes presented a Joint Rome-Floyd County Proclamation, recognizing Redmond Regional Medical Center's 40th Anniversary, to Mr. Carlton Ulmer, Redmond Regional Chief Operating Officer. Mr. Ulmer thanked the Board for their support and recognition.

RESOLUTIONS:

ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION BY CHAIRMAN OF LETTER TO THE GEORGIA DEPARTMENT OF REVENUE RELATED TO LOCAL OPTION SALES TAX (LOST) RENEGOTIATION OF DISTRIBUTION AGREEMENTS:

Chairman Bagwell stated the letters indicate that the renegotiation process scheduled will begin on June 29, 2012. He called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution by the Chairman of a Letter to the Georgia Department of Revenue related to Local Option Sales Tax (LOST) renegotiation of distribution agreements. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
ON JUNE 12, 2012)**

REZONING & SPECIAL USE PERMITS

Chairman Bagwell reviewed the procedures for Public Hearings.

- 1. FILE #61-2012Z. REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO COMMUNITY COMMERCIAL (C-C) FOR PAWN AND GUN RETAIL SALES ON PROPERTY LOCATED ON ROCKMART ROAD. ZONING MAP J15Z PARCEL 100. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE :9-0]).**

Chairman Bagwell asked Phil Helton, Rome-Floyd Planning Department, to review the request. Mr. Helton stated the property is approximately .4 acres in size. He stated surrounding properties to the north, south and east are zoned light industrial and developed with commercial

buildings. To the west is property zoned suburban residential and developed with single-family dwellings. He stated services and utilities are available to the property. Rockmart Road provides the only access, which is classified as arterial. He stated the site plan submitted shows the existing parking, existing buildings, structures and access points. It also shows the landscaping and buffers.

Chairman Bagwell declared the Public Hearing open.

Support: Steve Wright, 590 Harmony Road, Aragon, (*applicant*) stated he had been looking at this property for a while. He stated it was originally built for a pawnshop years ago, that never actually opened up. He stated that it already has all of the security bars and everything on it. He stated he thought it would be a great idea to open a pawnshop in that area. He stated he has been in touch with the Georgia Department of Transportation over the last six months trying to get all of the vegetation cleaned up on the east side of the property. He stated he will probably end up taking care of it himself so people can actually see better from the highway. He believes this would be a good location for a pawnshop.

There being no one else to speak in support or opposition of the request, Chairman Bagwell declared the public hearing closed.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Ordinance Approving Rezoning from Light Industrial (L-I) to Community Commercial (C-C) for pawn and gun retail sales on property located on Rockmart Road. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

CHAIRMAN'S REPORT:

1. Appointments of Commissioners to Firearms Discharge Review Board.

Chairman Bagwell stated whenever there is a shooting involving a police officer, policy requires that the Board appoint members to a Firearms Discharge Review Board. In reference to a shooting that Officer Shea Hovers was involved in on May 31, 2012, Chairman Bagwell appointed Captain John Blalock, Captain Greg Dobbins, Lieutenant Bill Whitener, Major Mark Wallace, and PFC Chris Fincher to the Firearms Discharge Review Board to review this incident.

2. Adopt Resolution Authorizing Chairman to request a Peer Review of Floyd County Board of Tax Assessors.

Chairman Bagwell stated this was reviewed with Chief Tax Assessor Bill McWhorter and members of the Board of Tax Assessors during caucus. He stated that three peers of Mr. McWhorter's office from across the state, including one official from the State Tax Revenue office will come in and review procedures that the Tax Assessor's office have undertaken in assessment of properties here in Floyd County.

Discussion: Commissioner Fricks stated that they have heard a lot of concerns and discussion about assessments. He stated he would just like to add that this is not a challenge against the Floyd County Board of Assessors. We feel confident in them. This will review their process and validate that everything was handled properly. He stated since he has been on the Board, they have exercised this twice. He thinks this is a good exercise that will give citizens assurance that they are doing what needs to be done. He stated if there are questions, they will be glad to use the tools they have in place to review it from an objective standpoint.

Commissioner Fricks stated that Mr. McWhorter asked that the Board remind the taxpayers that there is a process in place for reviews of their assessments. He stated that Mr. McWhorter stated that the Tax Assessor's Office had fewer appeals this year than in previous years. Commissioner Fricks encouraged everyone to take advantage of the appeal process if they feel their assessments are incorrect.

Chairman Bagwell stated Mr. McWhorter quoted eighteen hundred appeals at this time last year and five hundred appeals during that same time this year, so it is more than two-thirds less year to date. He stated Mr. McWhorter also mentioned that anytime anyone has a problem with their appraisal that he would be glad to meet with them on their property. Commissioner Fricks stated that a few years ago there was a video produced by ACCG about the assessment process. He stated the assessment process is insulated from the commissioner's influence somewhat. He stated that the video that ACCG provided actually presented a good explanation into the very complicated assessment process to determine property values. He stated at some point in the future, if it is possible, he would like to add the video to the county website so it is accessible by the public. He thinks education to the citizens is important on getting the word out on how they come up with the numbers that they do, and the county is held by the state to be correct as well.

County Manager Williams stated that is a great point, and he thinks they should do that. He stated they did several editions of their GOV101 show several years ago. One of those editions went through the tax assessment process, which is on the website now. He stated they also put out a brochure called 'Paying Your Fair Share'. That is still in publication. He stated mass appraisal is not an exact science. It is somewhat complicated, and the average person is not going to imagine how that works unless they read a little bit further. He stated they would like to make sure that everyone has information so that they understand the basis behind the taxes they are being charged. Chairman Bagwell stated Mr. McWhorter was part of a peer review in Gilmer County just a few months ago. The county is undertaking that same process. County Manager Williams stated it is not abnormal, and it is probably well called for right now.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Authorizing the Chairman to request a Peer Review of Floyd County Board of Tax Assessors. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

No Report.

2. Public Safety Committee – Commissioner Mayes, Chairman

a. Authorize disposal of surplus of weapons as submitted by Floyd County Police Department.

Defer.

b. Recommendation for Award of Bid for Floyd County Jail Roofing Project.

County Manager Williams stated this is to award a bid, and to authorize the Chairman to sign a contract with the contractor for the roofing project. He stated they recently received bids on this project, which came back higher than what they had projected. Jail Administrator Bob Sapp, and Purchasing Director Nancy Lam restyled the bid and sent it back out. He stated they had several respondents to the new bid. He recommended awarding the bid to Precision Roofing at a cost of \$95,900.00 based on the bid results, and recommendations from the Sheriff's Office and Purchasing Department.

County Attorney Manning stated he would add to the motion to authorize the Chairman to sign the contract that was attached to the packet from the bidder with such changes, insertions, or omissions as may be required at the recommendation of the County Attorney to accomplish the undertakings contemplated by the parties and to protect the interest of Floyd County.

Chairman Bagwell asked if this includes the project and materials, or just the project. County Manager Williams stated this is for the contractor to oversee

the project. He stated they are going to use inmate labor as part of this process for some of the basic skill sets needed on the roof. The contractor would be onsite to oversee that work, to handle the specialty work, and more importantly, their presence is necessary to get the twenty-year roof warranty that Mr. Sapp has worked out with the manufacturer. Chairman Bagwell thanked Mr. Sapp for being so careful in going through this process and saving the county money. This started out with several hundred thousand dollars more projected, and he brought the cost way down. He thanked him again for paying close attention to that.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the Bid for the Floyd County Jail Roofing Project to Precision Roofing in the amount of \$95,900.00, and to Authorize the Chairman to sign the contract presented by Precision Roofing, Inc., with such changes, insertions, or omissions as may be required at the recommendation of the County Attorney. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

c. Recommendation for Award of Bid for Floyd County Jail Roofing Materials.

County Manager Williams stated the reason that action is being taken separately on this item is that in restyling the bid, certain things were taken out of the scope of the contractor. He stated mainly because the county has tax-exempt status and can purchase materials with no mark up involved. This was part of the way that they were able to control costs. He stated this is additional TPO material that was put out to bid through the Purchasing Department in the proper procedures. They were hoping that the bids would come in between thirty and thirty six thousand dollars. He stated they only received one bid from ABC Supply, but they were the low bidder the last time they purchased such material. Their bid came in at \$28,455.74. He recommended awarding the bid to ABC Supply based on the recommendations from the Sheriff's Office and Purchasing Department.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the Bid for Floyd County Jail Roofing Materials to ABC Supply in the amount of \$28,455.74. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Mayes

Chairman Bagwell

Motion Carried

3. Public Works Committee – Chairman Bagwell, Chairman

No Report.

4. Water Committee – Commissioner Fricks, Chairman

No Report.

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 four items on the Clerk’s Consent Agenda, which have been reviewed, and are submitted for approval. Commissioner Fricks made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

1. Tax Refunds:

- a. Pinnacle Towers Acquisition, PMB 353 4017 Washington Rd., McMurray, PA, \$1,770.06
 - b. Wade Alan Hawkins, 1239 Booger Hollow Road, \$29.10
 - c. Lasalle System Leasing, Inc., 1611 N Interstate 35 STE. 428, Carrollton, TX, \$0.68
 - d. PCI Scaffold Concepts, 16400 College Blvd., Lenexa, KS, \$277.98
 - e. Diamond Towers, LLC, 820 Morris Turnpike Ste. 104, STE. 104, Short Hills, NJ, \$71.87
2. **Approve request from Tax Commissioner for removal of bills from the Tax Commissioner's Roll, and that they be relieved from the books, in the amount of \$5,797.22.**
 3. **Authorize Execution of Quit Claim Deed between Floyd County and D. W. Builders, Inc., for property identified as Zoning Map I16W, Parcel 145.**
 4. **Adopt Resolution Authorizing the County Attorney to provide information to the Class Counsel to remain a Class Member of a lawsuit styled City of Rome, Georgia, et al. v. Hotels.com, L.P., et al. pending in the United States District Court for the Northern District of Georgia, Rome Division.**

MANAGER'S REPORT:

1. **ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CHANGE ORDER 003 TO THE SYSTEM PURCHASE CONTRACT BETWEEN FLOYD COUNTY AND HARRIS CORPORATION. (2009 SPLOST PUBLIC SAFETY COMMUNICATIONS PROJECT.**

Defer.

2. **ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CHANGE ORDER 004 TO THE SYSTEM PURCHASE CONTRACT BETWEEN FLOYD COUNTY AND HARRIS CORPORATION. (2009 SPLOST PUBLIC SAFETY COMMUNICATIONS PROJECT.**

Defer.

3. **ADOPT RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN FLOYD COUNTY AND SARA HIGHTOWER**

**REGIONAL LIBRARY FOR INMATE
WORK CREW AT LIBRARY.**

County Manager Williams stated they are trying to reassess the true costs of providing that service. He stated they would like to work with the library a little further. He stated the current contract is set to expire on June 30, 2012. He stated he would recommend that the Board extend that contract as it is currently written for a number of days until they are able to work out a resulting agreement with the library. He stated he does not know if they would like to broadly word that as until a new contract is signed, or if they would like to set a certain timeline, but he is open to any suggestions.

County Attorney Manning stated maybe they could just authorize the county to continue with the agreement between Floyd County and the Sara Hightower Regional Library under the same terms as currently exists until the matter can be taken up at the next regularly scheduled Commission meeting.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to proceed with the current agreement between Floyd County and the Sara Hightower Regional Library under the same terms until the matter can be addressed at the July 10, 2012 meeting. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

**4. AWARD OF BID FOR LAB SERVICES
FOR EMPLOYEE HEALTH FAIR.**

Defer.

**5. ADOPT RESOLUTION APPROVING
A PLAN OF FINANCING FOR THE
ISSUANCE OF REVENUE ANTICIPATION
CERTIFICATES BY HOPITAL AUTHORITY
OF FLOYD COUNTY FOR THE BENEFIT
OF FLOYD HEALTHCARE MANAGEMENT,
INC., d/b/a FLOYD MEDICAL CENTER.**

County Manager Williams stated while this is related to the hospital refinancing and financing of bonds, this is actually not one of the steps taken to accomplish the county's backing of the bonds. He stated rather this is done by virtue

of the county being the highest governing authority in the community. Basically, the Internal Revenue Service (IRS) and the federal government have laid out that whenever they do some tax exempt offerings in a community, that there be several avenues for the public to be put on notice that this was taking place. He stated one of those is for the county to adopt a resolution to approve that plan of financing, and there is a separate public hearing that is required, which in this case was held by the Hospital Authority. This is just a procedural issue of who this governing body is. He recommended adopting the resolution approving that plan of financing.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt the Resolution Approving a Plan of Financing for the Issuance of Revenue Anticipation Certificates by the Hospital Authority of Floyd County for the Benefit of Floyd Healthcare Management, Inc., d/b/a Floyd Medical Center. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

County Manager Williams announced there will be a triathlon June 23 and June 24, 2012 to benefit the Davies Homeless Shelter. The event will be held in the Big Texas Valley/Rocky Mountain area. He believes both of those will be over well before mid-day, and there are no road closings. He stated there will be off-duty police officers that will be paid for by the event to ensure safety and traffic flow.

RECESS MEETING:

Chairman Bagwell called for a motion recess the meeting until 4:00 p.m. today (June 19, 2012), as previously advertised. Commissioner Mayes made a MOTION to Recess the meeting until 4:00 p.m., Tuesday, June 19, 2012. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

RECONVENE MEETING:

Chairman Bagwell reconvened the meeting at 4:00 p.m.

ATTORNEY'S REPORT:

**RESOLUTION TO APPROVE THE
EXECUTION OF A FIRST SUPPLEMENT
TO AN INTERGOVERNMENTAL CONTRACT
WITH THE HOSPITAL AUTHORITY OF FLOYD
COUNTY THE OFFICIAL STATEMENT WITH
RESPECT TO CERTAIN REVENUE ANTICIPATION
CERTIFICATES, A BOND PURCHASER AGREEMENT,
AND FOR OTHER PURPOSES.**

Chairman Bagwell asked County Attorney Manning to review the resolution. County Attorney Manning stated the resolution before the Board is to supplement the previously adopted intergovernmental agreement that was approved by this body on May 08, 2012. He stated this document would also approve the execution of a supplemental intergovernmental contract, which is attached to the resolution. The contract approves the amounts that the county would be obligated to pay under the intergovernmental agreement in the event that the Hospital Authority failed to make its payments. He stated it approves a preliminary official statement that has been prepared, and an official statement. The Chairman, in connection with this bond issue, will be executing some additional documents. He stated there is a continuing disclosure agreement, a bond purchase agreement, and it gives the Chairman the authority to execute any additional documents where they are needed with respect to this bond closing.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution before the Commission which among others things Approves the Execution of a First Supplement to an Intergovernmental Contract with the Hospital Authority of Floyd County, the Official Statement with Respect to Certain Revenue Anticipation Certificates, a Bond Purchaser Agreement, and for Other Purposes. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

ADJOURNMENT:

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

YES

NO

Commissioner Fricks
" Mayes
Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN