

October 23, 2012

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
October 23, 2012 6:00 P.M.**

PRESENT: Chairman Irwin Bagwell, Commissioners Garry Fricks, John Mayes, Larry Maxey, and Rhonda Wallace.

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 Maxey led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Mayes.

PUBLIC

PARTICIPATION:

Mark Webb, 11 Hillcroft Drive NE, stated he is pleased and proud to be a citizen of this community. He stated that he would like to speak, if he may, on the issue of the Redmond Trail and the continued pursuit of the \$400,000.00 Redmond Trail grant. He stated what they would seek is that this Board vote today unanimously to fund the \$23,000.00 archeological and ecological assessment necessary for that grant to be pursued. He stated that he learned of this matter on October 15, 2012. He stated he is sorry he had not heard about it before that time. He stated that he is certain that he received some misinformation about what was going on. He stated that he was concerned with what he was reading that perhaps this \$400,000.00 grant was going to slide through the cracks somehow. He stated many of these people in this room are supportive of this trail system so they banded together to try to see what they could find out and what they could do. He stated that what they learned was that this Board was concerned about expending \$150,000.00 to pursue the grant. He stated that he thinks everybody to the person understands that concern of this Board. He stated that he and the supporters with him tonight got together to see what they could do to perhaps lessen the burden on the county. He stated primarily what they did was to raise some money. He stated that they understand that the City of Rome had pledged \$37,500.00 to this project. He stated they are now bringing forth well in excess of \$100,000.00 to this Board. He stated that the money has been pledged and generated by private members of this community, and many businesses of this community. He stated some of the real heavyweights pledged to do whatever they need to do to get this project moving forward. He stated that what he would like, and seek,

and ask each and every one of them to do would be to vote for funding the \$23,000 archeological and ecological assessment so that they can leave today acknowledging that this community gathered together in a time of difficulty and was able to move forward with this project. He stated they would like to leave here united, excited and energized, not divided, divisive and disappointed. On behalf of the rest of the citizens present for the Redmond Trail, he would strongly urge and encourage them to vote for paying for this assessment. He thanked the Board for their time.

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 Maxey made a MOTION to adopt the minutes of the Regular Meeting of October 09, 2012. SECOND by Commissioner Mayes. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Mayes		
" Maxey		
Chairman Bagwell		

Motion Carried

**PUBLIC HEARINGS:
(FIRST READINGS HELD
OCTOBER 09, 2012)**

Chairman Bagwell reviewed the procedures for Public Hearings.

REQUESTS FOR REZONING & SPECIAL USE PERMITS

- 1. FILE #101-2012Z. REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO COMMUNITY COMMERCIAL (C-C) FOR COMMERCIAL USE ON PROPERTY LOCATED ON COKER DRIVE. ZONING MAP H13X PARCELS 345, 346. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7-0]).**

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the request. Ms. Hiller stated the subject property consists of two lots, which front on Coker Drive. She stated there is a car wash zoned Community Commercial

(C-C) to the north of the property. The two lots of the subject property are somewhat residential looking, but they have been used for small retail and office type businesses. She stated to the west, there is a mix of commercial and residential use. The ariel photo indicates that there is an apartment complex to the south. She stated according to the tax records the office building on this property was built in 1998, so it is legal non-conforming. She stated that it does predate the Unified Land Development Code. She stated there is a real estate transaction in the works and it is necessary for the use of the zoning to conform. She stated because of the mixed character of this area, the long-standing commercial use on this property, and the fact that the future land use map designates the property for commercial use, the Planning Commission and staff both recommend unanimously that the property be rezoned to Community Commercial (C-C).

Chairman Bagwell declared the Public Hearing open.

Will Byington, 58 Valleybrook Drive, stated one of the conditions on this property, that they have under contract, was that it be zoned Community Commercial (C-C) before it sold so that it could be used as an office, and possibly have some other uses as in the past. He stated the buyers wanted to make sure that the zoning was adequate for what the use has been and will continue to be. He stated he would be glad to answer any questions the Board may have.

Commissioner Fricks asked if there was a separate parcel and owner next to the lots, because there are two different buildings right there beside each other. Mr. Byington stated yes, there are two different landowners. He stated the parcel next to the two parcels they have under contract is a beauty shop, which has a different owner. Commissioner Fricks asked how it was zoned. Mr. Byington stated it is also zoned residential. Commissioner Fricks stated those have always been commercial uses as long as he can remember. Mr. Byington stated he believes what happened was that it was missed, which happened occasionally when the county began the zoning process. He stated that is a bit of a tricky area because parts are in the county and parts are in the city, so he thinks it just got lost in the system. He originally thought it was in the city. He stated he is sure that is what happened.

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 Wallace made a MOTION to Adopt the Ordinance to Approve the Rezoning from Suburban Residential (S-R) to Community Commercial (C-C) for commercial use on property located on Coker Drive. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes
" Maxey
Chairman Bagwell

Motion Carried

ULDC TEXT AMENDMENT

1. REVISE OR DELETE ARTICLES 3.4, 4.1.2, 6.8.6, AND 8 CONCERNING AUTO SERVICE BUSINESSES. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8-0]).

Chairman Bagwell asked Ms. Sue Hiller, Planning Department Director to review the proposed text amendment. Ms. Hiller stated the Unified Land Development Code has a table of uses, and those uses are assigned to zoning districts. She stated they have a use for auto repair, a use for auto service that includes pumping gas, but they do not really have a category for an auto service business that would be similar to Quality Tune & Lube, Jiffy Lube, tire stores, or battery stores where they actually sell car parts and install them. She stated we do not really have many gas stations that service cars and pump gas. She stated what they are proposing is to add a use, which would be called Auto Service Business. It would include all the things that a service station used to do, but not pumping gas. She stated it would allow such things as tire stores to be in the community commercial zoning district. She stated they proposed a change to the table in Article 3.4. She stated in Article 4.1, there are development standards for auto repair and auto service. Those include such things as not allowing auto repair, all activities need to be inside the building, including storage, and that inoperable vehicles cannot be stored there for more than a twenty-four hour period. She stated the parking requirements for any other auto repair, or auto services, are three spaces per bay and one for each two hundred square feet of service area, so they added this new use to that category. She stated in Article 8, they had Auto Service (excluding repair), which is very limited to what they are able to do. They are proposing adding Auto Service Business (excluding repair), which would include such things as wiper blades, batteries, oil and filter changes, fluids, tires, and so on.

Chairman Bagwell declared the Public Hearing open, and asked if there is anyone to speak in support or opposition. Seeing none, he declared the public hearing closed.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Ordinance to amend Articles 3, Section 3.4, Table 3-2, Article 4, Section 4.1.2(d), Article 6, Section 6.8.6(c)(2), and Article 8 of the ULDC concerning auto service businesses. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace
" Fricks
" Mayes
" Maxey
Chairman Bagwell

Motion Carried

CHAIRMAN'S REPORT:

No Report.

COMMISSIONER'S REPORT:

1. Administrative/Finance Committee – Commissioner Fricks, Chairman

a. Discuss Pending Bid for HVAC Controls at Library.

Commissioner Fricks asked County Manager Williams to provide details regarding this bid. He stated they are just transferring funds that they had budgeted for another item. County Manager Williams stated this was not necessarily for action. He stated it was rather a heads up that this would be coming before them at the November 13, 2012 meeting. He stated that they are on a tight time line to spend some grant funds. He stated the State of Georgia gave a matching grant of \$75,000.00 toward replacing the HVAC control system at the library. The county had previously budgeted \$65,000.00 for repair and maintenance to the library elevator. He stated that the Library Board has deemed the HVAC controls are more important. He stated they would like to transfer that so it is no net cost to the county. The library would spend about \$16,777.00 of their fund balance to complete the project. He stated if the bid is out now, and they anticipate that those bids would be due in on November 08, 2012. That would be after the agenda setting session has taken place, so they are asking that it placed on the next agenda. He stated that work needs to commence and be complete in order to spend those funds prior to the end of the year.

2. Public Safety Committee – Commissioner Mayes, Chairman

a. Adopt Resolution Approving and Authorizing Execution of Change Order 007 to the System Purchase Contract between Floyd County and Harris Corporation through its RF Communications Division, related to signal strength testing. (2009 SPLOST Public Safety Communications Project).

Commissioner Mayes asked County Manager Williams to give a brief overview. County Manager Williams stated we are far along in the process. He stated the sites are complete, and the radios are actually currently operational. He stated one of the tests that were going to be done was a Received Signal Strength

Indicator (RSSI). The test was supposed to be complete prior to August 31, 2012. He stated they had a couple of issues, and it was not completed until October 06, 2012. While they had substantial foliage on the trees on October 06, they did not have full foliage. He stated he thinks it is part of their due diligence to require that the test be conducted under full foliage conditions, which occur between June and August. He stated there are several things covered in this change order. All of it relates to amending the contract language. He stated there are no added costs involved. He stated several things are being affected by the change order. The timing of the RSSI test would be deferred until June 2013. He stated the On-site Project Manager would be released from the project at the end of November 2012, and will be replaced by the Harris Corporation Project Manager who will be here intermittently. All other testing and cut over proceedings are as planned. He stated Floyd County is holding back five percent of the contract price, or \$985,527.00 until the final RSSI testing is complete. The warranty would begin thirty days after cut over begins, which is anticipated to be approximately January 31, 2013. He stated the system acceptance is required on January 01, 2013 unless a Federal Communications Commission (FCC) waiver is granted, in which case acceptance would be deferred until January 31, 2013. He stated those are the substantial changes that are being contemplated in this change order.

County Attorney Manning stated the Commissioners have before them a resolution that would allow the Chairman to execute the version of the document that they reviewed in caucus. He stated the resolution authorizes the Chairman to sign that document with such minor changes, insertions, or omissions as may be required to accomplish the undertakings that they discussed. They discussed the one change they wanted at the end of item 5 on page 4. He stated the last sentence would now read "Seller shall have the system ready for Acceptance no later than January 01, 2013 unless Buyers request for a Narrow Band Frequency Release or waiver [or other similar terminology that it is called for by the Federal Communications Commission (FCC) in order to have extra time] is granted, in which case Seller shall have the system ready for acceptance no later than January 31, 2013." He stated the resolution is before the commissioners to adopt with that suggested change.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Change Order 007 to the System Purchase Contract between Floyd County and Harris Corporation through its RF Communications Division, related to signal strength testing, with the language change or other similar language as presented by the county attorney. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey
Chairman Bagwell

Motion Carried

b. Adopt Resolution Approving and Authorizing Extension of Pre-Storm Contract for Disaster Recovery Services between AshBritt, Inc., and Floyd County for Emergency Debris Removal and Disposal.

County Manager Williams stated this relates to the extension of a debris management contract with AshBritt, Inc., for an additional twelve months. He stated Emergency Management Director Scotty Hancock and his staff continue to do a good job. Floyd County was one of only a couple of counties in Georgia that had completed all of the Georgia Emergency Management Agency (GEMA) requirements to receive a reduction on their grant match for certain grants. He stated one of those items was pre-negotiating in advance of a disaster with a private debris removal company in case their Public Works folks were over extended in the event of a disaster, to prevent trying to negotiate a deal in the middle of chaos. He stated on May 13, 2008 they entered into a three-year contract with AshBritt, Inc., that is set to expire at the end of 2012. He stated that AshBritt performed very well when they did get overwhelmed in the windstorms of April 2011. He stated they had won on price three years ago, they performed well, and they simply do not have time now prior to the end of the year to go through the request for proposal (RFP) process, which is fairly involved. He stated that he, the Purchasing Director, and the Emergency Management Director concur that they would like to extend the contract for twelve months, and to begin a new and fresh request for proposal (RFP) process mid-year 2013. He recommended extending that contract for one year.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Extension of Pre-Storm Contract for Disaster Recovery Services between AshBritt, Inc., and Floyd County for Emergency Debris Removal and Disposal. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

3. Public Works Committee – Chairman Bagwell, Chairman

a. Recommendation to accept the following roads within Edenfield Estates Phase IIB onto county maintenance: Sundance Drive SE, Fullbright Drive SE, and Brady Court SE.

Chairman Bagwell asked County Manager Williams to give a brief overview of this item. County Manager Williams stated when a developer has completed the construction of roads in a subdivision there is a certain amount of time and tests that have to be passed before the county will accept those roads onto maintenance according to their subdivision regulations. He stated the roads that are being recommended by the County Engineer for the county to accept onto maintenance are in Edenfield Estates Phase IIB. The roads are Sundance Drive SE, Fullbright Drive SE, and Brady Court SE. He stated the developer has met all of the requirements and the required amount of time has passed. He stated that he believes he did note in caucus that they are working with the city on some issues that need repair out there related to the sewer lines, but accepting these roads onto maintenance will allow the county to go ahead and repair those roads which to the county's determination were no fault of the developers.

Chairman Bagwell made a MOTION to Accept Sundance Drive SE, Fullbright Drive SE, and Brady Court SE within Edenfield Estates Phase IIB onto county maintenance. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

b. Adopt Resolution Approving and Authorizing Execution of Agreement between the Georgia Department of Transportation and Floyd County related to the closure of McFry Lane, at its at-grade crossing of the railroad tracks owned by Norfolk Southern Corporation.

Chairman Bagwell asked County Manager Williams to give details relating to the agreement with the Georgia Department of Transportation (GDOT). County Manager Williams stated Norfolk Southern Corporation and the Georgia Department of Transportation (GDOT) approached the county regarding the closure. He stated Norfolk Southern has been seeking to consolidate at-grade rail crossings, particularly those that are not signalized. He stated that the railroad did a study in northwest Georgia and identified a number of crossings that they felt could be closed, in exchange for improving signal and safety equipment at other crossings. He stated the one that they have targeted for closure is McFry Lane up

above the Shannon area, which is very close to another crossing at Pinson Road. He stated that Pinson Road is on the school bus route, and McFry Lane is a scarcely used road with only a couple of houses on it. He stated Norfolk Southern and Georgia Department of Transportation (GDOT) have done a couple of things, one being that they have spent a couple of hundred thousand dollars on signaling Pinson Road, which is a safety improvement for all Floyd County citizens that use that road. Secondly, they contributed \$20,000.00 in incentive funds for the necessary road improvements that would be made to accommodate those signals, as well as closing McFry Lane and improving the McFry Lane road profile to mitigate future flooding. He stated what is before the Board is an agreement from the Georgia Department of Transportation (GDOT). They have also put some incentive money on the table in the amount of \$7,500.00. He stated Floyd County's role in this is \$15,000.00, which has been budgeted in the 2012 Capital Budget. He stated the work will be done in-house through the Public Works Department. He stated that in fact, the work has already begun. He stated this is formalizing their incentive payment and entering into an agreement with the Georgia Department of Transportation (GDOT). He stated he would also mention that in keeping with road closings, the Commission has already held the required Public Hearings for that some time ago, and this is just tying up loose ends concerning this project.

Chairman Bagwell made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Agreement between the Georgia Department of Transportation and Floyd County related to the closure of McFry Lane, at its at-grade crossing of the railroad tracks owned by Norfolk Southern Corporation.
 VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Mayes		
" Maxey		
Chairman Bagwell		

Motion Carried

4. Water Committee – Commissioner Maxey, Chairman

Commissioner Maxey stated they are now accepting bids for engineering services for the water connection from Calhoun to Floyd County on Highway 156. He reported they are working on a contract to purchase from the City of Calhoun.

5. Rome-Floyd Parks & Recreation Authority – Commissioner Maxey

- a. Authorize budget amendment in the amount of \$400.00 for swim center salary item for Rome-Floyd Parks & Recreation Authority.**

Commissioner Maxey stated the Rome-Floyd Parks and Recreation Authority had requested a budget amendment to cover an overage in the salary line item for the \$400.00 for a swim center salary. This was due to paying temporary employees at the North Floyd Swim Center.

Commissioner Maxey made a MOTION to Authorize a budget amendment in the amount of \$400.00 for North Floyd Swim Center salary line item for Rome-Floyd Parks & Recreation Authority. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

6. Judicial Services Committee (CJIS) – Commissioner Wallace

No Report.

7. Special Committee Reports

a. Fire Overview Committee – Commissioners Fricks and Mayes

1) Discuss location of New Fire Station. (Deferred October 09, 2012)

Commissioner Fricks stated they are still pending review on the overlay of the new fire station.

b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks

Chairman Bagwell stated they would be meeting in the near future to discuss some items with the City of Rome.

c. Joint Development Oversight Committee – Chairman Bagwell and Commissioner Fricks

Chairman Bagwell stated they have a meeting coming up in a few weeks.

d. Joint Solid Waste Oversight Committee – Chairman Bagwell and Commissioner Fricks

No Report.

CLERK’S REPORT:

Consent Agenda

County Clerk Kathy Arp stated there is one item on the Clerk’s Consent Agenda, which has been reviewed, and is submitted for approval.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Wallace. VOTING:

	YES	NO
Commissioner Wallace		
" Fricks		
" Mayes		
" Maxey		
Chairman Bagwell		

Motion Carried

1. Tax Refunds:

- a. Jeb-Stuart B Arp, 130 B Broad Street, \$145.11
- b. Mac-Gray Services Inc, Attn Tax Dept 404 Wyman St Ste 400, Waltham, MA, \$10.20
- c. Southern Communications Serv Inc, 5555 Glenridge Connector Ste 500, Atlanta, \$1,181.49
- d. William Steven Brook, 975 Turner Rd, \$111.36
- e. Nextel South Corp, PO Box 8430, Kansas City, MO, \$12,711.08
- f. Curtis A Doyle, 37 Lowrey Rd, \$34.73
- g. Accelerated Care Plus Corp, 4850 Joule St Ste A1, Reno, NV, \$6.33
- h. T-Mobile South LLC, Property Tax Dept 12920, SE 8th St, Bellevue, WA, \$21,870.14
- i. Georgia PCS Management Inc, PO Box 12913, Shawnee Missi, KS, \$11,888.36
- j. Marjorie Jeanette Smith, 34 Mathis Rd, \$3.61

MANAGER’S REPORT:

**1. DISCUSS REDMOND TRAIL PROJECT
(TRANSPORTATION ENHANCEMENT**

GRANT). (DEFERRED OCTOBER 09, 2012)

County Manager Williams stated this relates to the authorization of executing an agreement with Edwards-Pittman Environmental, Inc., to provide archeological and ecological consulting services for the Redmond Trail Project. He stated the amount of that scope of work is \$23,983.23. He stated that this was taken up at the last Commission meeting, and the Board deferred until this meeting to see if other sources of funding could be identified. He stated at the Board's direction, he met with some folks from the private sector on October 15, 2012 at Cycle Therapy, and they had a good turnout. He stated as they heard from Mr. Webb on behalf of the citizens in the audience, there has been quite a bit of activity in the last seven days. In the private sector, \$62,500.00 was raised, and the City of Rome pledging \$37,500.00 towards this effort. He stated he believes, as Mr. Webb pointed out, the request is that the county would follow through with funding this study, and that between the city and the private sector that they would pick up additional future costs to make the project a reality.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize Execution of an Agreement with Edwards-Pittman Environmental, Inc., to provide archeological and ecological consulting services for the Redmond Trail Project in the amount of \$23,983.23, with the City of Rome and private sector furnishing the remaining funds for all future costs of the project. SECOND by Commissioner Mayes.

Discussion: Commissioner Fricks stated he had a question regarding the motion. He asked if the county's expenditures would be contingent on the commitment of the city to go ahead and expend the funds. He stated the motion implied that is all the county would expend, and he would just like to clarify if that was contingent to the fact that they have received a commitment from the city to expend the balance of the funds. He stated if the county expends that amount of money, and the city does not make that agreement in the future, then the county is out that amount of money without the project being completed as well. He stated fortunately, there was a great job done raising money for the project, which is amazing to him. He applauds them for raising those kinds of funds in such a short period to time. He stated years ago, in 1989, he went to Chattanooga and they talked about how they get river development done. He was the first member of the River Development Committee. There were private/public partnerships. He stated he thinks this serves as one of the best examples he has ever seen. That is how Chattanooga got the aquarium, how they got their river planned, and how they got every element of their project. He stated he worked years to raise money for a trails system here, and they could not get that private partnership rolling as they did in Chattanooga. He applauds them all for making those efforts and getting this done. He stated going back to his question on the motion, he would like to be assured that if the county spends those funds that the project would go forward, and that the city has made the commitment to do that. He knows they have pledges, but he wonders if the city is willing to make the commitment to take the balance.

Commissioner Wallace stated she does not know if County Manager Williams has had the opportunity to talk with Rome City Manager John Bennett about that. She stated she knows Mr. Bennett has been out of the office for the past week or so. She does not believe that has been discussed as of yet, but she does know that they have agreed to pledge the \$37,500.00. She stated it is her understanding from Mr. Webb and his group that they are completely aware that this would be the only amount that the county would fund. Mr. Webb stated that would be correct as to obviously obtain the \$400,000.00 grant. He stated it was his understanding that with the counties payment of the archeological and ecological assessment, the city's money, and the private sector's money, that is enough to obtain the grant. He stated the pledges they have include major businesses in this community to do whatever it takes to get this project done, so he could certainly attest to that Commissioner Fricks. Commissioner Fricks stated his concern was that he did not want to get to point where they were \$30,000.00 short. He stated he would just like to make sure. Mr. Webb stated his understanding from County Manager Williams was that he would speak with the city on October 25, 2012. Commissioner Fricks asked so they do have a commitment from the City of Rome. County Manager Williams stated they do have a commitment from the city for the \$37, 500.00. Chairman Bagwell asked County Manager Williams if the city has voted on that yet. County Manager Williams stated he knows that John Bennett had tentatively offered that amount. Mr. Williams stated that Mr. Bennett then came back to him stating that he had secured that commitment from the City of Rome Commissioners. He stated he does not know whether they have taken a formal vote or not.

Chairman Bagwell asked if they could make the motion contingent upon the City of Rome Commission's acceptance vote of their obligation for the \$37,500.00 and completion of the project. He stated they should not extend their \$23,983.23 to the grant until the city formally commits to it because he would like assurance. The trail is a great project with a lot of community support behind it. He stated he wants to see it completed. He does not want to get out there halfway and all of a sudden, the funding drops off. He stated he would like a commitment that the project would be completed. County Manager Williams stated part of the urgency associated with this was the sixty-day deadline given to Assistant Manager Simon back in early September. He stated the next time the city would meet on a regularly scheduled meeting would be November 12, 2012, which would be beyond the sixty-day deadline. He stated that Mr. Simon was told that the county needed to show substantial progress by that time. He stated they would hope that the consultant would be underway and working by the time that date rolls around.

Chairman Bagwell asked Commissioner Wallace to state the motion again. Commissioner Wallace stated the MOTION is to Authorize Execution of an Agreement with Edwards-Pittman Environmental, Inc., to provide archeological and ecological consulting services for the Redmond Trail Project in the amount of \$23,983.23, which will be the only funding provided by the county, with the City of Rome and private sector furnishing the remaining funds for all future costs of the project.

Commissioner Maxey asked are they signing the grant with the federal government that they are going to complete the trail. County Manager Williams stated the county has already entered into a Memorandum of Understanding with state government for these funds. Commissioner Maxey asked so they are making a commitment that they are going to furnish \$150,000.00. County Manager Williams stated just to clarify that any action taken tonight is only to authorize the consultant to move forward. He stated the agreement has already been signed with the state, not that they cannot get out of it, but that is not part of this action. Commissioner Fricks asked if that was back in 2007. County Manager Williams stated it was at the meeting of August 12, 2008 on the Consent Agenda. Commissioner Fricks stated he remembers at that time they discussed that they would move it forward and see how it goes, because they were on the down plunge of the economy. He stated that is the reason they are moving as cautious as they are now. He stated that he always uses an example, such as earlier in the meeting, they were faced with fixing the HVAC or the elevator at the library. He stated the Commissioners are scrutinizing over every dime that they expend right now, and they have to unfortunately. He stated that next year's budget is going to be a very challenging budget, which is why they are being cautious about making future commitments. He stated they had questions in 2008 when they considered it. They said that they would take it this step further. He stated at least they did not drop it at that point in time, and they had not committed funds. He stated that now, once they commit money to it, they would like to see the project complete. He stated they do not want to waste the taxpayers' dollars. That is the reason they are asking as many questions as they can to ensure that there are commitments to get this project done before they move forward. *(Mr. Webb's comments were inaudible.)* Commissioner Fricks stated he believes Commissioner Wallace's motion was sufficient since she identified that the \$23,983.23 was the cap on the money that the county would expend toward this project. He stated he would like to have a commitment prior to moving forward, but the timeframe does not allow it, so he thinks they should go ahead and take action.

County Manager Williams stated he understands the concern and accountability in making sure that it is there. He stated he does not know if they might consider that first this is truly a partnership where the community has come forth and he would suggest that they be treated as partners. They should be periodically given updates on the project so they can see the progress and understand if costs seem to be overrunning that they can adjust to raise funds as needed. He stated secondly, the Commission being concerned from a financial risk standpoint, the group had talked about forming a 501C3. It could be that they go ahead and ask for that money to be deposited in a separate fund. He stated it would be kept separate from the General Fund. Any proceeds that were not spent for the project would be returned to that non-profit at the end of the project, but that there would be sort of an escrow account to help assure the Board. He stated that might be one remedy if the group was amenable to that.

Chairman Bagwell asked Commissioner Wallace if she would like to make that part of her motion. Commissioner Wallace stated she does not think that there would be any problem with them doing that. She asked Mr. Webb if they would be in agreement with the Board if they required the money that they have raised toward the

project to be put into a separate account to fund the project. Mr. Webb stated he does not think that would be a problem. He stated he does not see a representative from the large businesses here today, but he has had a number of conversations with them, and he does not suspect that would be a problem. He stated that he thinks County Manager Williams was correct with regard to the periodic updating on the project. He stated he feels confident to say that the private sector will do whatever they can to see this project come to fruition.

Commissioner Wallace amended her MOTION to include that the \$37,500.00 from the city, the \$23,983.23 from the county, and the community involvement for the remaining amount would be placed into a separate non-profit account to move the project forward.

Further discussion: Mr. Webb stated he had a question, particularly with the \$23,983.23 payment for the assessment. He stated his understanding from County Manager Williams was that time was of the essence so that would be the next step to preserve the \$400,000.00 grant. That would need to be done immediately, or reasonably soon. (*Mr. Webb's remaining comments were inaudible.*) County Manager Williams stated he believes what was being proposed tonight is that the county would pay for that, and pending action this evening, tomorrow morning a phone call would be placed to the consultant. He stated actually, as soon as the County Clerk can get with the Chairman to execute the contract, it would be e-mailed to them and ask them to begin as quickly as possible. He would not think that the proceeding of that work is contingent upon this account being created. He stated that what he was suggesting was that within the county budget they have a separate special revenue fund item that this escrow would be put into so that everyone can keep up with it. He stated he would hope that as they (*the Redmond Trail Group*) accepts their donations, they keep track of who they are because hopefully they will come under budget and can return some of those funds.

Chairman Bagwell asked Commissioner Wallace to please restate her motion. County Attorney Manning suggested Commissioner Wallace withdraw her earlier motions. Commissioner Wallace withdrew her previous motions. Commissioner Mayes withdrew his second.

Commissioner Wallace made a MOTION to Authorize Execution of an Agreement with Edwards-Pittman Environmental, Inc., to provide archeological and ecological consulting services for the Redmond Trail Project in the amount of \$23,983.23, which would be the only funding provided by the county, with the City of Rome funding \$37,500.00, and private sector furnishing the remaining funds for all future costs of the project. She stated a separate non-profit account would be opened for the private sector funds in order for each Commission, as well as the private sector, to have the ability to track the funds. SECOND by Commissioner Mayes.

Further discussion: Commissioner Wallace stated she would like to make one comment before they vote. She stated on behalf of all of the Commissioners, they thank each one of them for being here tonight. She thanked them for their commitment

to this community, and they do appreciate it. She stated it is a tough time. She knows that each one of them know that the economy is at a bad place, the county is at a bad place, and there are so many things that are priorities to them to pay. She stated they appreciate them voicing their concern and the willingness to raise that amount of money in seven days is impressive. Chairman Bagwell stated he would like to echo Commissioner Wallace's sentiments. He appreciates their willingness to come forward and support this. He stated the project is going to be great for the whole community. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Comm
issioner
Maxey

Chairman Bagwell

Motion Carried

2. AUTHORIZE TRANSFER OF SURPLUS VEHICLES:

- a. Transfer 2003 Ford Crown Victoria (VIN 2FAFP71W53X101273) from Sheriff's Department to Juvenile Court, to replace 1994 Ford Crown Victoria (VIN 2FALP71W4RX77093) which will be surplus.**

County Manager Williams stated the Commission has asked for the ability to oversee and approve any surplus vehicle transfers. He stated they have two requests. One request was from Juvenile Court seeking to replace an older vehicle with one of the twelve vehicles surplus when the county purchased twelve Dodge Chargers earlier this year. He stated Juvenile Court utilizes this vehicle for home visits, school visits, transporting clients, and attending meetings. One of the two vehicles they seek to replace is a 1994 Ford Crown Victoria that they acquired in 2002 as a surplus vehicle. He stated it literally has hundreds of thousands of miles on it. They would like to trade up for a 2003 Crown Victoria that has 214,000 miles on it. He stated this is one vehicle in and one vehicle out. It is not a net increase to their fleet. He recommended allowing the transfer of the surplus Crown Victoria.

Commissioner Maxey made a MOTION to Approve the Transfer of a 2003 Ford Crown Victoria (VIN 2FAFP71W53X101273) from Sheriff's Department to Juvenile Court, to replace a 1994 Ford Crown Victoria (VIN 2FALP71W4RX177093) which will be surplus. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

- b. Transfer 2005 Ford Crown Victoria (VIN 2FAHP71W95X120467) from Sheriff's Department to Magistrate court, to replace 1999 Dodge Ram 1500 Pickup (VIN 1B7HC16X4XS246262) which will be surplus.**

County Manager Williams stated the Magistrate Court is the second request for a surplus vehicle. He stated that a couple of years ago the Constables who work for the Chief Magistrate serving civil papers, law suits, and dispossessories, were previously on a mileage reimbursement type situation. He stated Judge Richardson has done an excellent job of modernizing the Magistrate Court office. One of the things he helped to broker was securing three surplus Building Inspection trucks, and get away from the mileage reimbursement, which ended up saving the county some money. He stated unfortunately in August of this year, one of those was in a wreck, which totaled the truck. Magistrate Court is seeking to replace the totaled Dodge Ram 1500 with a 2005 Ford Crown Victoria. He stated again, one of those vehicles used by Public Safety. Obviously, they will not be using the truck, so this is a one vehicle in and one vehicle out. He recommended approval of that transfer.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Approve the Transfer of a 2005 Ford Crown Victoria (VIN 2FAHP71W95X120467) from Sheriff's Department to Magistrate court, to replace 1999 Dodge Ram 1500 Pickup (VIN 1B7HC16X4XS246262) which will be surplus. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

OTHER BUSINESS:

Chairman Bagwell recognized Leadership Rome participants in attendance.

ADJOURNMENT:

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN