

December 11, 2012

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
December 11, 2012                      2:00 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 Mayes led the Invocation.

**PLEDGE OF**

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

**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 November 27, 2012. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

"              Fricks

"              Mayes

"              Maxey

Chairman Bagwell

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE CONGRESSMAN**

**PHIL GINGREY:**

Commissioner Wallace presented Janet Byington with a Proclamation recognizing Congressman Phil Gingrey for his exemplary service to the constituents of Georgia's 11<sup>th</sup> Congressional District. Ms. Byington stated on behalf of Congressman Gingrey that she would like to thank each of the Commissioners for this recognition. She stated that she would be traveling with Congressman Gingrey to the new district. She stated that Linda Lyles, who has been working in their Rome office, will remain in Rome and will work for Congressman Graves in the federal building. She stated Congressman Gingrey leaves here with much regret because he has really enjoyed his time in Floyd County. She thanked the Board again for the recognition.

(Proclamation/Resolution Book, Page 11)

## **RESOLUTIONS:**

### **ADOPT RESOLUTION TO APPOINT ACCG COUNTY LEGISLATIVE COORDINATOR (CLC).**

Chairman Bagwell stated typically the appointment for County Legislative Coordinator falls to the County Manager, but since the County Manager is leaving, they must appoint a replacement. He recommended the appointment of Assistant Manager Noah Simon to be the ACCG County Legislative Coordinator.

Chairman Bagwell made a MOTION to Appoint Assistant Manager Noah Simon as ACCG County Legislative Coordinator (CLC). SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**FIRST READINGS:  
(PUBLIC HEARINGS TO BE  
HELD JANUARY 08, 2013  
AT 2:00 P.M.)**

### **REQUESTS FOR REZONING & SPECIAL USE PERMITS**

#### **1. FILE #121-2012Z. REQUESTS REZONING FROM AGRICULTURE RESIDENTIAL**

**(A-R) TO COMMUNITY COMMERCIAL  
(C-C) FOR MARKETING OF PROPERTY  
LOCATED ON ALABAMA HIGHWAY.  
ZONING MAP A13, PART OF PARCEL  
005A. (PLANNING COMMISSION  
RECOMMENDATION: APPROVE  
CONDITIONED ON PROVISION OF  
LANDSCAPING, BUFFERS, AND  
PARKING THAT CONFORMS TO THE  
REQUIREMENTS OF THE ULDC.  
[VOTE: 8-0]).**

Chairman Bagwell stated that Public Hearings would be held on January 08, 2013 at 2:00 p.m.

**CHAIRMAN'S REPORT:**

**1. Discuss process for replacing County Manager.**

Chairman Bagwell stated the Board discussed the process for hiring a new County Manager during Caucus. He stated he does not believe any action needs to be taken at this time. County Attorney Manning stated the Board discussed that the position would be advertised, but he does not believe any formal action needs to be taken by the Board.

**COMMISSIONER'S REPORT:**

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

No Report.

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

- a. Consider Public Safety Communications System Tower Lease Program.**
- b. Consider Public Safety Communications System Third-Party Manager of Co-location Application and Oversight Process.**

Commissioner Mayes asked County Manager Williams to give a brief explanation. County Manager Williams stated the Board discussed a new Tower Lease Program for the communications system towers to try to gain some cost recovery, and help save some tax dollars. He believes the Commissioners wanted to review that a little further before moving forward. Inextricably linked to that is a Third-Party Manager to the Application Oversight Process. He stated that is a technical field when involved with cell towers and that type of equipment. The staff is advocating that there be a Third-Party Manager hired to help with that process.

He stated he believes the Board would like to defer these two items until January 2013. (DEFER items 2 a. and 2 b.)

**c. Adopt Resolution Approving and Authorizing Execution of Changer Order 008 to the System Purchase Contract between Floyd County and Harris Corporation through its RF Communications Division. (2009 SPLOST Public Safety Communications Project).**

County Manager Williams stated this change order specifically relates to work done earlier this year while building the towers. He stated there were some soil conditions encountered that were not in Harris Corporation's initial bid, and some additional costs involved with getting the equipment up a few of these steep roads. He stated that the third item of note related to this change order is additional equipment that they are not obtaining, thereby gaining a credit. He stated the overall net effect of the proposed change order would reduce the current credit in excess of \$200,000.00 down to around \$15,000.00. He stated that this is still below the original negotiated contract price with Harris Corporation.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Approving and Authorizing Execution of Change Order 008 to the System Purchase Contract between Floyd County and Harris Corporation through its RF Communications Division. (2009 SPLOST Public Safety Communications Project). SECOND by Commissioner Wallace.

**Discussion:** Chairman Bagwell asked County Manager Williams how much do the three items total. County Manager Williams stated that overall the net effect is right at \$195,000.00. He stated they are applying that against about a \$210,000.00 credit, which would leave the county with a credit of around \$15,000.00.

Commissioner Fricks asked if that was adjusted down from when they originally proposed it. County Manager Williams stated yes. He stated that has been a process that was vetted first by staff, and they have seen that number adjust downward when they went through it. The Board has reviewed it, which has shown some subsequent changes as well. Commissioner Fricks stated the original request for a change order was around a \$50,000.00 difference, he believes. County Manager Williams stated he would have to go back and look to give them the absolute correct answer. He stated as they have asked for more detail, that number has been refined.

Commissioner Fricks stated he would like to make a comment because of his position on this. He stated he feels like, unless they are under a time constraint, is there a purpose, or need that they need to move forward with this today. County Manager Williams stated no. They are just getting to the end of the project, but there is no particular urgency today. Commissioner Fricks stated he believes their request back when they first had the change order, was that the Board be given more detail and justification of these expenditures. He stated fortunately that review

has created some of those savings. He stated that he just met with them (*Harris representatives*) this morning and received the information that they had been waiting on for a couple of months. There are quite a few pages of documentation. He stated he would like to look at it further before they take action. He does not want to move forward with it, because he does not feel like he has absorbed the information that they ask for, since it has taken them months to provide it.

Chairman Bagwell stated in particular, they have item number one of \$44,050.00 that they are asking the county to pay. County Manager Williams stated there are six items total. He stated that is the first one related to abnormal soil conditions on four sites for \$44,000.00, and then Lake Marvin was their most problematic site that has a line item of its own.

Commissioner Mayes asked if County Manager Williams foresees them obtaining any more savings by continuing to ask questions. County Manager Williams stated they could further scrutinize it, and perhaps find something. He stated they have been talking about it for quite a while. A little bit longer certainly would not hurt anything, but they have looked at it closely.

Chairman Bagwell stated so they are talking about amounts of \$44,050.00, \$48,438.00, and then \$150,060.00. County Manager Williams stated those are the charges against, and then there are several credits. Chairman Bagwell stated he expressed his feelings in Caucus. He stated everyone is aware of them so he will not go through that again, but he will state that the contract was not followed. He stated they have a process written in the contract that protects both parties of how to resolve a change order, and resolve costs that are going to be overrun. He stated that he just feels that the contract has not been followed.

Commissioner Maxey stated his concern would be if staff was given notification regarding the overages. County Manager Williams stated yes, they were aware that the work was proceeding. He stated they received an e-mail, and talked informally about the fact that they were encountering rock. It is a little bit different in that, say they want to change their order to six radios, which is easily quantified. He stated the options that they faced at the time were they were unable to define how much rock they were talking about for one. Secondly, it would have halted work all together and they would have pulled those crews off. He stated they were unable to bring a defined number to the Board at the time because they were not sure what they were getting into. He stated that they did have a contingency on the owner side due to the way the contract was structured initially. He stated it was only for normal site conditions, and they recognized that they probably were not going to have perfect site conditions. It could have been accounted for either on the vendor side or the owner side. He stated it was not accounted for on the vendor side through the bid process, so they did carve out some funds there. They weighed the cost benefit there. He stated that as it turns out, it is one percent of the total contract budget versus possibly delaying the project for thirty to sixty days. He stated that staff was concerned about the Federal Communications Commission (FCC)

deadline of January 1, 2013 to have the system materially in place. He stated at the time staff was aware that work was going on. They requested additional detail about that, and they did not feel that the initial detail they received was enough detail. He stated this has gone on for several months in iteration of presentation of information, as well as staff asking for additional information.

Commissioner Wallace stated she would like to add that when they met with Harris Corporation today, she did ask if there was any room for fees to be cut, or if any other changes could be made. She stated the comment was that they felt that this was conclusion of what the county owed them as far as the project is concerned. She believes they all agree that there were maybe some communication errors there, or difficulties, but it sounds like it was just a competitive issue on their end, and not really wanting to give out their actual prices. She stated she does know that Emergency Management Director Scotty Hancock did report today that the system was working well. The people that are already on the system are very pleased with it. She stated she feels that they need to move forward even though she thinks there were communication issues between the Board and those facilitating the orders.

VOTING:

YES

NO

Commissioner Wallace

Commissioner

Fricks

" Mayes

" Maxey

Chairman

Bagwell

Motion Carried

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

- a. Authorize Execution by Chairman and County Attorney of Department of Transportation Right of Way Certification Documents related to DOT P. I. No. 011650, for the placement of thermoplastic roadway striping, pavement markings and signage on fourteen (14) Off System Roads in Floyd County.**

Chairman Bagwell asked County Manager Williams to give a brief overview of the document. County Manager Williams stated the Board is being asked to provide various assurances to the Department of Transportation (DOT) to facilitate federal assistance in these improvements, which include higher reflectivity in traffic signs and road markings. He stated that this particular project will impact fourteen roads, and about sixty-three miles. He stated the estimated value of this project is \$450,000.00. Fortunately, the federal government is going

to offer the county this assistance, if the county can provide these various assurances.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to Authorize Execution by Chairman and County Attorney of Department of Transportation Right of Way Certification Documents related to DOT P. I. No. 011650, for the placement of thermoplastic roadway striping, pavement markings and signage on fourteen (14) Off System Roads in Floyd County. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**b. Authorize Submittal of 2013 Local Maintenance Improvement Grant (LMIG) Application and Project List to GDOT for plant mix resurfacing on ten (10) county roads.**

Chairman Bagwell asked County Manager Williams to give a review of the application. County Manager Williams stated the application is for over \$700,000.00 in paving assistance from the State Department of Transportation. They have a number of roads that they Public Works Director identified, and sections of those roads would be paved with this assistance from DOT.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize Submittal of 2013 Local Maintenance Improvement Grant (LMIG) Application and Project List to GDOT for plant mix resurfacing on ten (10) county roads. SECOND by Chairman Bagwell. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

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

**a. Award of Bid for Water System Improvements along S.R. 156 (12” Ductile Iron Waterline).**

Commissioner Maxey asked County Manager Williams to give a brief overview on the award of bid for these improvements. County Manager Williams stated this is the culmination of a process that they put into motion some time ago to connect to the City of Calhoun water supply. He stated they would anticipate that construction would start in January should the Board take action today.

Commissioner Maxey made a MOTION to Award the Bid for Water System Improvements along S.R. 156 (12” Ductile Iron Waterline) to T. J. Lyle & Company, Inc., in the amount of \$345,596.93. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

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

No Report.

**6. Special Committee Reports**

**a. Fire Overview Committee – Commissioners Fricks and Mayes**

**b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks**

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

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

There were no Special Committee Reports.



## **CLERK'S REPORT:**

### **Consent Agenda**

County Clerk Kathy Arp stated there are five items on the Clerk's Consent Agenda, which have been reviewed, and are submitted for approval.

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

- 1. Approve 2013 Alcoholic Beverage License Renewals.**
- 2. Approve 2013 Self-Service Fuel License Renewals.**
- 3. Approve 2013 Precious Metals License Renewals**
- 4. Tax Refunds:**
  - a. Penny & William Farrer, 18 Sagewood Drive NW, \$27.50
- 5. Adopt Resolution Approving and Authorizing Execution of Grantee-Subgrantee Agreement for FY2008 Homeland Security Grant Program/State Homeland Security Grant Program from the Department of Homeland Security, for the Floyd County Police Department, in the amount of \$254,653.00. (FIPS #115-00000-04, GAN #2008-GE-T8-0017, Worksheet #2828).**

## **MANAGER'S REPORT:**

- 1. AUTHORIZE INCREASE IN AIRPORT HANGAR RENTAL FEES FOR 2013, AS RECOMMENDED BY THE AIRPORT COMMISSION:**

County Manager Williams stated this comes as a recommendation from the Airport Commission. He stated the revenues that fund the Airport operations, and in

this case Capital as well, comes from both the sale of fuel and their rental of hangars owned by the Airport and the county. He stated there are formal lease agreements with each of the tenants. He stated it is written within the leases that the county is allowed to increase rental rates annually in congruence with the CPI. The Airport Commission is recommending that the hangar rental rates be increased by 2.8%. He stated that the recommendation would include all of the structures and the monthly tie down fees at the Airport, with the exception of the big hangar. He stated the reason the Airport is not recommending raising the rate on the big hangar is that they have not performed some needed maintenance on the big hangar roof, which is leaking. These fees are not only for the operations, but also for utilities and maintenance of the various structures. He stated improvements to the big hangar roof are included in the Airport proposed Capital budget for 2013.

Chairman Bagwell called for a motion. Commissioner Wallace made a MOTION to Authorize Increase in Airport Hangar Rental Fees for 2013, with the exception of the Big Hangar, as recommended by the Airport Commission. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

## **2. ADOPT RESOLUTION AUTHORIZING TRANSFER OF SURPLUS REAL ESTATE:**

County Manager Williams stated they had a fairly successful land auction. He stated as part of that process, they reviewed the parcels to make sure that they were not selling anything of any strategic importance to the county and some of their public partners. These partners include South Rome Redevelopment Agency, City of Rome, and Rome Housing Authority, and partners of that nature. He stated in doing so, they uncovered some properties that were of potential benefit to those various groups. He stated that he could assure the Board that these properties hold very little value for the county. He stated these were all Sheriff's Deed properties, which are required when people do not pay their taxes. He stated most of them are vacant properties, and are really somewhat of a burden on the county from a maintenance perspective. He stated from the prospect of the auction, they are glad for them to return to the tax rolls, and correspondingly if their partners can use them to their strategic advantage, they are glad to convey the properties to them as well. He stated that this would be twenty-nine surplus properties that would be conveyed to the South Rome Redevelopment

Corporation, the Northwest Georgia Housing Authority, the Rome-Floyd County Development Authority, as well as the Rome-Floyd County Land Bank Authority.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Adopt the Resolution Authorizing Transfer of Surplus Real Estate. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**OTHER BUSINESS:**

The Board of Commissioners recognized County Manager Blaine Williams for his service as County Manager.

**ATTORNEY'S REPORT:**

**1. ENTER INTO EXECUTIVE SESSION  
FOR THE PURPOSE OF DISCUSSING  
PENDING OR POTENTIAL LITIGATION  
AND TO DISCUSS AND DELIBERATE ON  
THE APPOINTMENT OF A COUNTY OFFICER:**

County Attorney Manning stated it is his understanding that the Board may consider entering into Executive Session for the purpose of discussing pending, or potential litigation, and also to discuss and deliberate on the appointment of a county officer.

Chairman Bagwell called for a motion. Commissioner Maxey made a MOTION to enter into Executive Session to discuss pending litigation and personnel. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

The Board entered into Executive Session at 3:08 p.m.

The Meeting reconvened at 4:05 p.m.

County Attorney Manning stated there was discussion during the Executive Session regarding personnel issues. He stated he believes the Board may be inclined to make a motion appointing an Interim County Manager, conditioned upon working out the terms of the contract, which would be effective at midnight on December 31, 2012.

Chairman Bagwell made a MOTION to Appoint Gary Burkhalter Interim County Manager and Authorize Execution of Contract by Chairman. SECOND by Commissioner Mayes.

**Discussion:** Commissioner Wallace stated that before they vote, she would like to add that they are very thankful to have Assistant Manager Noah Simon. She stated this decision was based on Mr. Burkhalter's longevity within the community, and his past experience with the City of Rome. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

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 Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF  
COMMISSIONERS**

**IRWIN BAGWELL, CHAIRMAN**