

April 9, 2013

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
April 09, 2013 2:00 P.M.**

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

OTHERS

PRESENT: Interim County Manager Gary Burkhalter, County Attorney Tommy Manning, and County Clerk Kathy Arp.

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 Wallace.

REQUEST TO CHANGE

ORDER OF AGENDA:

Chairman Bagwell called for a motion to change the order of the agenda by moving agenda item 7. a., County Manager Search Committee report, up. Commissioner Fricks made a MOTION to move Agenda Item 7. a. County Manager Search Committee Report. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

4/5 VOTE REQUIRED TO ADD ITEM TO AGENDA:

**ENTER INTO EXECUTIVE SESSION
FOR THE PURPOSE OF DISCUSSING
OR DELIBERATING UPON THE**

**APPOINTMENT, EMPLOYMENT,
COMPENSATION, HIRING, DISCIPLINARY
ACTION OR DISMISSAL, OR PERIODIC
EVALUATION OR RATING OF A COUNTY
OFFICER OR EMPLOYEE OR INTERVIEWING
APPLICANTS FOR THE POSITION OF THE
EXECUTIVE HEAD OF AN AGENCY, AS
PROVIDED IN O.C.G.A. §50-14-3(b)(2):**

Chairman Bagwell called for a motion to add this item to the agenda. Commissioner Mayes made a MOTION to add the item to Enter into Executive Session. Commissioner Mayes made a MOTION to Enter into Executive Session for the Purpose of Discussing or Deliberating Upon the Appointment, Employment, Compensation, Hiring, Disciplinary Action or Dismissal, or Periodic Evaluation or Rating of a County Officer or Employee or Interviewing Applicants for the Position of the Executive Head of an Agency, as provided in O.C.G.A. §50-14-3(b)(2) to the agenda. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

Chairman Bagwell called for a motion to enter into Executive Session. Commissioner Mayes made a MOTION to Enter into Executive Session for the Purpose of Discussing or Deliberating Upon the Appointment, Employment, Compensation, Hiring, Disciplinary Action or Dismissal, or Periodic Evaluation or Rating of a County Officer or Employee or Interviewing Applicants for the Position of the Executive Head of an Agency, as provided in O.C.G.A. §50-14-3(b)(2). SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

The Board entered into Executive Session at 2:10 p.m.

Chairman Bagwell reconvened the meeting at 2:43 p.m.

7. County Manager Search Committee – Commissioners Fricks and Mayes

a. Appointment of County Manager.

Chairman Bagwell made a MOTION that Jamie McCord be selected by the Board as the finalist for the County Manager Position, and to Authorize the Chairman and Administrative/Finance Chair to negotiate a contract, in conjunction with Larry Johnson, Human Resources Director, and the County Attorney, which would be voted on at a later time by the Board. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

**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 Wallace made a MOTION to adopt the minutes of the Regular Meeting of March 26, 2013, and Called Meeting of April 01, 2013, April 02, 2013, April 03, 2013, and April 05, 2013. SECOND by Commissioner Maxey. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

" Maxey

Chairman Bagwell

Motion Carried

Commissioner Maxey left the meeting at this point.

PROCLAMATIONS:

DONATE LIFE MONTH:

Commissioner Wallace read a Proclamation recognizing April 2013 as Donate Life Month.

(Proclamation/Resolution Book, Page 19)

CONFEDERATE HERITAGE AND HISTORY MONTH:

Chairman Bagwell presented Mr. Ben Terry with a Proclamation recognizing April 2013 as Confederate Heritage and History Month. Mr. Terry stated he would like everyone to know that this is the month that we honor our Confederate ancestors, as well as honoring the history of Rome and Floyd County. He stated that a part of their history was very turbulent, but it was also full of a lot stories that came out that were positive. He thanked the Board for the recognition.

(Proclamation/Resolution Book, Page 20)

ENTER INTO MINUTES PARKINSON DISEASE AWARENESS MONTH:

Chairman Bagwell stated this Proclamation recognizes April 2013 as Parkinson Disease Awareness Month.

(Proclamation/Resolution Book, Page 21)

NATIONAL CRIME VICTIMS' RIGHTS WEEK:

Commissioner Mayes presented Ms. Beth Dabbs, Victim Witness Assistance Program Director, with a Joint Floyd County and City of Rome Proclamation recognizing April 21 – 27, 2013 as National Crime Victims' Rights Week. Ms. Dabbs stated this year's theme is "New Challenges – New Solutions." She introduced her co-workers, the advocates in her office, Sandy Kunneman and Liz McGill, and District Attorney Leigh Patterson. She stated not only does this month include Crime Victims' Rights Week, but it is also National Child Abuse Prevention Month and Sexual Assault Awareness Month. She stated that pinwheels are on display at the Dempsey, Lord, Smith Building, representing the 215 substantiated local cases of child abuse and neglect. She thanked the Board for their recognition and support.

Ms. Leigh Patterson, District Attorney, stated she appreciates the Floyd County and City of Rome Commission for presenting this proclamation. She stated she feels that both commissions have always acknowledged the victims of crime in this county. She stated that she is proud of the people in her office. She stated they have to deal with

this day in and day out. She stated what the Victim Witness Assistance Program (VWAP) does is important, because most people that are victims of crime did not ask to be there, it just happened to them, and it is the VWAP responsibility to help them through the system. She thanked the Board for all that they do to aid in that assistance.

(Proclamation/Resolution Book, Page 22)

**FIRST READINGS:
(PUBLIC HEARINGS TO BE HELD
APRIL 23, 2013 AT 6:00 P.M.)**

- 1. FILE #41-2013Z, REQUESTS REZONING FROM SUBURBAN RESIDENTIAL (S-R) TO OFFICE INSTITUTIONAL (O-I) FOR EXISTING CHURCH ON PROPERTY LOCATED ON MARTHA BERRY HIGHWAY. TAX MAP J10Y, PARCEL 072A1. (PLANNING COMMISSION RECOMMENDATION: APPROVE CONDITIONED ON MAINTENANCE OF SETBACKS, LANDSCAPING, AND BUFFERS THAT CONFORM TO THE REQUIREMENTS OF THE ULDC FOR EXISTING AND FUTURE DEVELOPMENT [VOTE: 9-0]).**
- 2. FILE #42-2013Z, REQUESTS REZONING FROM LIGHT INDUSTRIAL (L-I) TO COMMUNITY COMMERCIAL (C-C) FOR RETAIL STORE ON PROPERTY LOCATED ON PARK AVENUE AT SOUTH FIRST STREET, LINDALE. TAX MAP J16X, PARCEL 041. (PLANNING COMMISSION RECOMMENDATION: APPROVE CONDITIONED UPON MEETING THE SETBACK, LANDSCAPING, BUFFER, AND PARKING REQUIREMENTS OF THE ULDC. [VOTE: 9-0]).**

ULDC

- 1. READOPT THE OFFICIAL ZONING MAPS AND CONDITIONS FOR THE UNIFIED LAND DEVELOPMENT CODE OF FLOYD COUNTY AND THE CITY OF ROME, GEORGIA (ULDC). (PLANNING COMMISSION RECOMMENDATION:**

APPROVE [VOTE: 9-0]).

Chairman Bagwell stated Public Hearings would be held on these items on April 23, 2013 at 6:00 p.m.

CHAIRMAN'S REPORT:

1. Citizen Appointments:

a. Development Authority of Floyd County.

Chairman Bagwell made a MOTION to Reappoint Mike Mathis to the Development Authority of Floyd County, for a 4-year term to expire on April 01, 2017. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Chairman Bagwell made a MOTION to Reappoint Bryan Shealy to the Development Authority of Floyd County, for a 4-year term to expire on April 28, 2017. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Chairman Bagwell made a MOTION to Appoint Mark Brewster to succeed David Johnson on the Development Authority of Floyd County, for a 4-year term to expire on April 01, 2017. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes
Chairman Bagwell

Motion Carried

Chairman Bagwell made a MOTION to Appoint Tracy Hawkins to succeed Nancy Smith on the Development Authority of Floyd County, for a 4-year term expiring April 28, 2017. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Wallace
" 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. Award of Bid for two (2) Pickup Trucks for Floyd County Police Department.

Commissioner Mayes asked Interim Manager Burkhalter to provide an overview. Interim Manager Burkhalter stated the Police Department has two vehicles budgeted in the 2013 Capital Budget. He recommended awarding the bid for the purchase of two (2) Ford F150 pickup trucks for the Police Department to Allan Vigil Ford. The total amount of the purchase would be \$32,194.00. He stated the budgeted amount was \$35,000.00, and the remainder of the funds would be used to equip the vehicles.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the Bid for two (2) Ford F150 Pickup Trucks for the Floyd County Police Department to Allan Vigil Ford in the amount of \$32,194.00, and that the remainder of the funds budgeted for the purchase be used to equip the vehicles. SECOND by Commissioner Wallace. VOTING:

YES NO

Commissioner Wallace
" Fricks

" Mayes
Chairman Bagwell

Motion Carried

4/5 Vote Required to Add Item to Agenda

- b. Authorize Execution of Memorandum of Agreement between the State of Georgia, Georgia Emergency Management Agency and the Georgia Bureau of Investigation and Floyd County for Homeland Security Grant Program funding for Biometric Fingerprinting (RAPIDID Mobile Fingerprint Identification System).**

Chairman Bagwell called for a motion to add an agreement for grant funding for a RAPIDID fingerprint identification system to the Agenda. Commissioner Mayes made a MOTION to add this item to the agenda. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

Commissioner Mayes made a MOTION to Approve the Execution of a Memorandum of Agreement between the State of Georgia, Georgia Emergency Management Agency, and the Georgia Bureau of Investigation and Floyd County for Homeland Security Grant Program funding for Biometric Fingerprinting (RAPIDID) Mobile Fingerprint Identification System. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

3. Public Works Committee – Chairman Bagwell, Chairman

- a. Award of Bid for a Komatsu D51EX Dozer for Public Works Department.**

Chairman Bagwell asked Interim Manager Burkhalter to provide information. Interim Manager Burkhalter stated the Public Works Department has been using this dozer for quite some time. He stated they have been renting it when they had large projects to do at the Lowe's Distribution Center site, and with the roadwork on Highway 140. He stated bids have accepted for the purchase of a dozer. He stated Tractor & Equipment Company submitted the lowest bid in the amount of \$49,680.00, to purchase the dozer that we have been renting. The company allowed the monthly rental amounts to go against the purchase price. He recommended awarding the bid for a Komatsu D51EX Dozer to Tractor & Equipment Company in the amount of \$49,680.00. He stated \$70,000.00 was budgeted to cover that purchase. Chairman Bagwell stated he believes that bid was well below the second lowest bid. Interim Manager Burkhalter stated the second lowest bid was \$85,000.00.

Chairman Bagwell made a MOTION to Award the Bid for a Komatsu D51EX Dozer for the Public Works Department to Tractor & Equipment Company in the amount of \$49,680.00. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

4. Water Committee – Commissioner Maxey, Chairman

a. Adopt Resolution Approving and Authorizing Execution of an Agreement for Engineering Services between Floyd County and Consolidated Technologies, Inc., dba CTI Engineers, Inc., concerning Fulton Road Well Project.

Chairman Bagwell stated that Commissioner Fricks had been filling in for Commissioner Maxey on this committee. Commissioner Fricks stated this agreement is for the engineering services related to the Fulton Road Well Project. He stated we are developing the membrane system for the Fulton Road Well, and this would be the next step in moving that process forward.

Chairman Bagwell called for a motion. Commissioner Fricks made a MOTION to Adopt a Resolution Approving and Authorizing Execution of an Agreement for Engineering Services between Floyd County and Consolidated Technologies, Inc., dba CTI Engineers, Inc., concerning the Fulton Road Well Project, in the amount of \$209,050.00. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

b. Adopt Resolution Approving and Authorizing Execution of Change Order No. 1 to Contract between Floyd County and T. J. Lyle & Company, Inc. to replace waterline on Glen View Drive.

Commissioner Fricks stated the change order was negotiated with T. J. Lyle & Company, Inc., to replace a two-inch waterline with a four-inch ductile iron pipe waterline. He stated that T. J. Lyle Company is working on another project in that area, and they have agreed to perform this work. He stated the road is scheduled to be resurfaced next year and we would like to get the waterlines in before the resurfacing.

Commissioner Fricks made a MOTION to Adopt a Resolution Approving and Authorizing Execution of Change Order No. 1, in the amount of \$77,052.49, to the Contract between Floyd County and T. J. Lyle & Company, Inc. to replace waterline on Glen View Drive. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

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

No Report.

b. Joint Services Committee – Chairman Bagwell and Commissioner Fricks

1) Consider Agreement between Floyd County, City of Cave Spring and City of Rome, concerning Motor Vehicle Title Tax Split.

Chairman Bagwell asked Interim Manager Burkhalter to give an explanation. Interim Manager Burkhalter stated with the change in the Motor Vehicle Title Tax Law that went into effect March 1, 2013, there was one piece of that law that they still had to address. He stated they worked with the City of Rome and the City of Cave Spring to determine the split of a portion of the revenue generated from this tax. The for the first four months of this new tax going into effect, which would be March, April, May, and June 2013, the split would be Floyd County receiving 63.8%, the City of Cave Spring receiving 1.2%, and the City of Rome receiving 35%. After this time, the split would be based on the current local option sales tax (LOST) split. He stated those percentages are 56.5% for Floyd County, 1.8% for the City of Cave Spring, and 41.7% for the City of Rome. He recommended approval of this agreement to send to the Tax Commissioner in order to complete all of the requirements with this new tax.

Chairman Bagwell stated if memory serves him correct, they are talking about the total revenue from the new car tax. He stated Floyd County and the City of Rome would receive a third. The school system would get a third as well. He stated this agreement would address the final third split. Interim Manager Burkhalter stated yes, this would be the final third split with this intergovernmental agreement. Interim Manager Burkhalter stated the Tax Commissioner, Kevin Payne could make his distribution accordingly once the agreement has been approved by all three entities.

Chairman Bagwell made a MOTION to Approve the Agreement between Floyd County, City of Cave Spring, and City of Rome, concerning the Motor Vehicle Title Tax Split. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

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

No Report.

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

No Report.

e. SPLOST Committee – Commissioner Wallace

1) Discuss procedure for choosing county projects for 2013 SPLOST list.

Commissioner Wallace stated the 2013 SPLOST Committee has a meeting scheduled for April 16, 2013, 5:30 p.m. at the Emergency Operations Center. She stated that meeting would combine the 2013 SPLOST Committee with the 2009 SPLOST Committee for the purpose of reviewing all of the existing 2009 SPLOST projects and to discuss moving forward with the 2013 SPLOST process.

CLERK’S REPORT:

Consent Agenda

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

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

1. Tax Refunds:

- a. SBA Communications, Corp, 5900 Broken Sound Pkwy, Boca Raton, FL, \$4,328.08
- b. Rocco Bowers, 309 Camp St, \$327.56
- c. Conell & Cynthia Allmon, 30 Albion Dr, \$43.45
- d. Barbara Taylor Ward, 25 Pine Valley Rd SW, \$59.78
- e. David & Sandra Norman, 25 Club View Dr. SE, \$38.30
- f. Joseph Monsour III Trustee , 891 County Rd 707, Centre, AL, \$18.42
- g. Susie Ann Dempsey Redden, PO Box 156, Cave Spring, \$2.84

- h. Rajeshkumar & Sheetal Miniyar, 2 Caversham Lane, \$206.24
- i. Shorter Properties Inc, 512 Shorter Ave, \$554.03
- j. Nick Powers Properties Inc, 28 Bale St, \$516.18
- k. Jimmy Parker, 1005 Turner Chapel Rd, \$511.56
- l. Sharon W Lumsden & Wendell Fincher, 46 Southern Grace Pl, \$609.76
- m. North Broad Properties LLC, 1409 N Broad St, \$3.26
- n. OM Sumukh Inc, 2541 Shorter Ave, \$314.53
- o. Rome & Floyd County Habitat for Humanity Inc, 10 Central Plaza, \$8.97
- p. Carl David Shetter, 5579 Cedartown Hwy, Lindale, \$19.91
- q. Nick Powers Properties Inc, 7 Angeo Dr, \$522.53
- r. Mildred L Ortwein (Life Estate), 17 Maplewood Sq, \$157.01
- s. Felipe & Maria Teresa Mata c/o El Zarape, 429 Broad St, \$82.95
- t. Matthew & Pauline Middleton, 8 Seay Dr, \$2.97
- u. Marshall H & Leanne S Mann, 513 E 9th St, \$39.70
- v. Marty A McDonald, PO Box 1111, \$2.00
- w. Carrol Maloof, 219 Longmeadow Dr, \$14.42
- x. S&W Investments LLC, 514 Broad St, \$1,388.51
- y. MSP Investment Group LLC, PO Box 29, \$113.79
- z. Lindsey N & Frances K Preiss, 109 Whippoorwill Lane, \$264.37

2. Adopt Resolution Approving List of Surplus Property and Authorizing Disposal of the Property.

MANAGER'S REPORT:

**1. CONSIDER RECOMMENDATION FROM
ROME-FLOYD PARKS & RECREATION
AUTHORITY FOR THE AWARD OF BID
FOR REFINISHING OF THE GYM FLOORS
AT THE ANTHONY AND GILBREATH
RECREATION CENTERS:**

Interim Manager Burkhalter stated the recommendation from the Rome-Floyd Parks & Recreation Authority is to award the bid to Fuller Floors in the amount of \$9,570.00 for the refinishing of the gym floors at the Anthony Center and the Gilbreath Recreation Center. He recommended awarding the bid as presented.

Chairman Bagwell called for a motion. Commissioner Mayes made a MOTION to Award the Bid for refinishing of the gym floors at the Anthony Center and the Gilbreath Recreation Center to Fuller Floors, in the amount of \$9,570.00. SECOND by Commissioner Wallace. VOTING:

YES

NO

Commissioner Wallace
" Fricks

" Mayes
Chairman Bagwell

Motion Carried

OTHER BUSINESS:

Chairman Bagwell recognized the Leadership Rome participants in attendance.

ADJOURNMENT:

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

YES

NO

Commissioner Wallace

" Fricks

" Mayes

Chairman Bagwell

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

IRWIN BAGWELL, CHAIRMAN