



FLOYD COUNTY BOARD OF COMMISSIONERS

March 8, 2022

County Administration Building

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| Caucus—Suite 204 | 4:00 pm |
| Regular Meeting—Suite 206 | 6:00 pm |

PRESENT: COMMISSIONERS: WRIGHT BAGBY, RHONDA WALLACE, LARRY MAXEY, AND SCOTTY HANCOCK; COUNTY MANAGER JAMIE MCCORD, COUNTY CLERK ERIN ELROD, COUNTY ATTORNEYS VIRGINIA HARMAN & CHRIS JACKSON; HOLLIS BARTON, OLIVIA MORLEY, CHIEF MARK WALLACE, CAPTAIN RON HUNTON, RED SPEED GEORGIA REPRESENTATIVES, AND TODD WOFFORD

NOT PRESENT: COMMISSIONER ALLISON WATTERS

CAUCUS

1. Red Speed Camera Presentation by FCPD

Chair Bagby called the meeting to order. Captain Hunton presented the Red Speed Camera Program to the Commission. Chair Bagby began reviewing the agenda with Mr. McCord. Commissioner Wallace made a motion to enter Executive Session to discuss Property Acquisition and Personnel, seconded by Commissioner Maxey. The motion carried 4-0.

- I. **CALL TO ORDER** — Chair Bagby called the meeting to order.
- II. **INVOCATION AND PLEDGE OF ALLEGIANCE TO FLAG** — Commissioner Wallace led the Commission in the Invocation and the Pledge of Allegiance to the Flag.
- III. **APPROVAL OF THE AGENDA** — Chair Bagby asked for a motion to approve the agenda. Commissioner Maxey made a motion to approve the agenda, seconded by Commissioner Wallace. The motion carried 4-0.

IV. PUBLIC PARTICIPATION

1. **Michael Morgan, 1235 Radio Springs Road, Rome:** Addressed the Commission in regards to the publish date for the agenda and the Consent Order between the State Board of Elections and Floyd County.
2. **David Smith, 2107 Booger Hollow Road, Rome:** Addressed the Commission regarding the Consent Order between the State Board of Elections and Floyd County.

- V. **APPROVAL OF MINUTES** — Chair Bagby asked if there were any additions or corrections to the Minutes. Seeing none, the Minutes were approved by common consent.

1. Adopt minutes of Caucus, Regular Meeting, and Executive Session of February 22, 2022.

VI. SPECIAL RECOGNITION

VII. PROCLAMATION

VIII. FIRST READING — Planning Director Mr. Artagus Newell presented the three requests from the Planning Commission to the Commission.
(PUBLIC HEARING WILL BE HELD MARCH 22, 2022 AT 6PM)

1. File Z22-03-01 requesting rezoning from Community Commercial to Suburban Residential located at 66 Old School Road; Floyd County Tax Parcel J12X048. Both the planning staff and planning commission recommended approval (7-0).
2. File Z22-03-02 requesting rezoning from Suburban Residential to Community Commercial located at 4590 Alabama Highway; Floyd County Tax Parcel F13Y148. Both the planning staff and planning commission recommended approval (7-0).
3. File Z22-03-06 requesting rezoning from Suburban Residential to Agricultural Residential located at 45 Battle Farm Road; Floyd County Tax Parcel J10Y110. Both the planning staff and planning commission recommended approval (7-0) with the following conditions:
 - a. The parcel rezoned to AR must be limited to a small family farm; commercial farming shall be prohibited.
 - b. Farm activities, structures, and animals must be limited to northernmost portion of property with a fifty (50) foot buffer as shown in map to avoid disturbances to the adjacent neighborhood.
 - c. Area for animal must be fenced.

IX. SECOND READING/PUBLIC HEARING

X. PUBLIC HEARING

XI. RESOLUTIONS

XII. CHAIRMAN'S REPORT

1. **Consider an appointment for Post 2 of the Airport Commission. Brad Roberts second term is expiring June 30, 2021.**
2. **Consider an appointment to the Alcohol Control Commission. This term will expire August 31, 2024.**
3. **Consider an appointment or reappointment to the DFCS Board. Barbara Earle's first term is expiring June 30, 2022.**

- 4. Consider an appointment or reappointment to the Floyd County Library Board. Joyce Mink's first term is expiring June 30, 2022.**
- 5. Consider an appointment or reappointment to the Floyd County Library Board. Bob Kane's first term is expiring June 30, 2022.** — Commissioner Wallace made a motion to reappoint Mr. Kane to the Library Board, seconded by Commissioner Maxey. The motion carried 4-0.
- 6. Consider an appointment or reappointment to the Citizens Advisory Committee. Virginia Gudermuth's first term expired December 31, 2021.**
- 7. Consider an appointment or reappointment to the Citizens Advisory Committee. Sandra Lindsey's second term expired December 31, 2021.** — Commissioner Wallace made a motion to reappoint Mrs. Lindsey to the Library Board, seconded by Commissioner Maxey. The motion carried 4-0.
- 8. Consider an appointment or reappointment to the Citizens Advisory Committee. Jim Howell's third term expired December 31, 2021.** — Commissioner Wallace made a motion to reappoint Mr. Howell to the Library Board, seconded by Commissioner Maxey. The motion carried 4-0.
- 9. Consider an appointment to Rome-Floyd Planning Commission to fill an unexpired term. This term is set to expire August 20, 2022.**
- 10. Consider an appointment to the NWGA Regional Commission to fill an unexpired term. This term is set to expire September 8, 2022.**

XIII. COMMISSIONER'S REPORT

- 1. Administrative Services Committee – Commissioners Watters & Bagby**
 - a. Next Meeting, Thursday, March 24, 2022, 10:00am
- 2. Public Safety Committee – Commissioners Hancock & Wallace**
 - a. Next Meeting, Thursday, March 17, 2022, 9:00am
- 3. Public Utilities & Transportation Committee – Commissioner Maxey & Hancock**
 - a. Next Meeting, Wednesday, April 20, 2022, 9:00am
- 4. Elected Officials Committee – Commissioner Wallace & Maxey**
 - a. Next Meeting, Friday, March 11, 2022, 2:30pm

5. Special Committee Reports — Commissioner Hancock reported on behalf of the DFCS Committee. Stated when he was appointed to the Board about three years ago, there were about 400 children in DFCS custody, and he was happy to report that at their meeting today there were 179 children in DFCS custody. Stated while this number was still high, he was happy to see it decrease. Stated he believed we needed to work hard in our community to support our children and DFCS, and we only have twenty-one homes open for foster parenting and if you felt called to do so, it was a great need in our community.

a. Fire Overview Committee — Commissioners Bagby & Hancock

i. Next Meeting, Tuesday, May 10, 2022, 10:30am

b. Joint Services Committee — Commissioners Watters & Maxey

i. Next Meeting, Tuesday, April 5, 2022, 8:30am

c. Rome-Floyd Planning Commission — Commissioners Maxey & Watters

i. Next Meeting, Thursday, March 3, 2022, 2:30pm

d. Joint Development Oversight Committee — Commissioners Bagby & Watters

i. Next Meeting, Tuesday, May 3, 2022, 10:00am

e. Joint Solid Waste Commission — Commissioner Watters & Maxey

i. Next Meeting, Tuesday, March 22, 2022, 8:30am

f. Transportation Policy Committee — Commissioner Maxey

i. Next Meeting, Wednesday, March 16, 2022, 10:00am

g. Airport Commission — Commissioners Hancock & Wallace

i. Next meeting, Tuesday, March 15, 2022, 4:00pm

h. SPLOST Project Overview Committee — Commissioners Wallace & Hancock

i. Next meeting, Thursday, April 14, 2022, 5:30pm.

i. RFPR Advisory Committee — Commissioner Wallace

i. Next Meeting, Tuesday, March 15, 2022, 12:00pm

j. Floyd County Library Board — Commissioner Watters

i. Next Meeting, Thursday, May 19, 2022, 4:00pm

XIV. MANAGER'S REPORT — NO REPORT

XV. ATTORNEY'S REPORT — NO REPORT

XVI. CONSENT AGENDA — Mrs. Elrod reported that the Consent Agenda was in order. Commissioner Maxey made a motion to approve, seconded by Commissioner Wallace. The motion carried 4-0.

1. Consider recommendation from the Finance Department to approve the expansion of the DebtBook services/contract.
2. Consider recommendation from the Purchasing Department to approve the purchase of one (1) current model 5000 lb Lift Forklift from Octane Forklifts, Inc., in the amount of \$30,888.00 + \$20,500.00 for clamp for the Rome-Floyd Recycling Center. This was budgeted at \$60,000.00 and came in \$8,612.00 under budget.
3. Consider recommendation from the Purchasing Department to approve the purchase of one (1) e GPS 20TL Base Rover or Equal from e GPS Solutions, Inc. in the amount of \$34,530.00 for the Engineering Department. This was budgeted at \$36,000.00 in the Water Account and came in under budget.
4. Consider recommendation from Parks and Recreation to approve a scoreboard contract between Chick-fil-A and Rome-Floyd Parks and Recreation.
5. Consider recommendation from Parks and Recreation to approve an amended sponsorship contract with Brown & Brown Insurance.
6. Consider request from Georgia Power for an underground easement for property located at 405 E 12th St., Rome, GA 30161; Tax Parcel J14K218 in the Land Lot 285 of the 23 District of Floyd County, Georgia.
7. Consider request from the Rome Circuit Mental Health Court to accept a \$4,200.00 emergency subgrant award from the Office of the Governor Criminal Justice Coordinating Council. This grant will be used to purchase drug testing supplies and does not require a local match.

XVII. OLD BUSINESS

XVIII. NEW BUSINESS

1. Consider recommendation from Purchasing to approve the purchase of two (2) 2022 Ford F-150 Super Crew Cab XL Pickup 4x4 or equal from Prater Ford in the amount of \$37,015.00 each for the Public Works Department.

These were budgeted in the 2017 SPLOST and were over budget by \$6,030.00. Savings from the Jetter Trailer will be transferred to make up the budget difference. — Mr. McCord presented the request for approval to the Commission with a delivery date of 54-86 days. Commissioner Wallace made a motion to approve, seconded by Commissioner Maxey. The motion carried 4-0.

2. **Consider recommendation from Purchasing to approve the purchase of one (1) Ford F-150 Extended Cab Pickup 4x4 or equal from Prater Ford in the amount of \$31,195.00 for the Public Works Department. This was budgeted in the 2017 SPLOST at \$32,000.00. The remaining \$810.00 will go toward any upfitting charges the department may incur.** — Mr. McCord presented the request for approval to the Commission with a delivery date of 22-26 weeks. Commissioner Maxey made a motion to approve, seconded by Commissioner Wallace. The motion carried 4-0.
3. **Consider recommendation from Purchasing to approve the purchase of one (1) Ford F-750XL with Grapple Knuckle Boom & Bed or equal from Environmental Products Group in the amount of \$164,885.00 for the Public Works Department. This was budgeted in the 2017 SPLOST at \$175,000.00 and came in under budget by \$10,115.00.** — Mr. McCord presented the request for approval to the Commission. Commissioner Maxey made a motion to approve, seconded by Commissioner Wallace. Commissioner Wallace asked what the delivery date would be, Mr. McCord stated it would be November 2022. The motion carried 4-0.
4. **Consider recommendation from the Floyd County Attorney to approve a consent order between the State Election Board of the State of Georgia and Floyd County Board of Elections and Robert Brady.** — Ms. Harman presented the request to approve the Consent Order.

Ms. Harman: “Thank you Mr. Chairman. For your consideration this evening, I’ve brought before the Commission, a Consent Order which I have been involved in negotiations with the Attorney General’s office concerning SEB action 2020-00194 which is the case that resulted when the Floyd County Elections Board self-reported an undercount of the initial vote tally for the 2020 general election. That undercount was discovered during the course of the self-proving audit conducted state-wide. The agenda item mentions Mr. Brady, the Consent Order that I’ve brought to the Commission has nothing to do with Mr. Brady, he is an additional party to the same case, but his charges before the State Elections Board are being dealt with completely separately, this Consent Order has nothing to do with those charges. I am not privy to the status of those charges he’s represented by his own counsel and I don’t know the status of those charges. This Consent Order deals only with a single finding of fault on behalf of the Attorney General’s office, as a result of its investigation into that initial undercount; that finding of fault is that the Elections Board was found to have failed to request from Mr. Brady a reconciliation of each of the scanner machines used in Early Voting and

during the general election. Which, if it had been conducted by Mr. Brady, and requested by the Board, might have – and again this is just looking back with 20/20 vision at 2020 – but it might have enabled the Board to learn at an earlier point of the undercount and enabled to take corrective action. Nothing in the consent order, nor the investigative findings, indicates any intentional wrongdoing or misconduct on behalf of any member of the Board of Elections, it all focuses on this process of reconciliation requesting that review by the Board of Elections; again, and I think I reported back early on in 2021 as to my investigation, the investigation conducted by the Secretary of State's Investigator at the time, the State Elections Board's investigation, and now the Attorney General's investigation, all are consistent in finding that the Board of Elections engaged in no wrongdoing. The question of how the undercount actually came to be is one that leaves some issues unaddressed. The first issue being, when we had a voter who crumpled her ballot and jammed a scanner in this room, in the Admin during early voting, for some reason, which has not been explained to me and I don't think that anyone has been able to discern, the two memory cards located inside that machine at that time as of that jammed ballot, would no longer communicate with each other, so the ballots from the first ballot cast in early voting, through the time of the jammed ballot, could not be extracted from those two memory cards as would be the normal course of events. When Mr. Brady found out that those memory cards would no longer communicate, the machine at that point was replaced with another scanner and ready and available for that purpose. So from jammed ballot voter forwards, all votes were included in the tally, then we had to deal with ballots number one through the ballot just before the jam. At the direction of the Secretary of State's office, those ballots were all rescanned in the server room on a high-speed scanner. The second issue, for which I do not have an explanation and the investigation has not found one is, for some reason, about half of the ballots from that morning were included in the final tally of votes, and about half were not. Files simply didn't migrate into the final tally. Again, there has been no finding of any intentional wrongdoing, in fact, if you take those votes as a whole and apply the same percentages that you would expect if you simply randomly pulled out a handful of ballots from that machine, about the same number of votes went for Republican candidates, about the same number of votes went for Democratic candidates. In other words, there's no indication that there was a pattern of pulling out any particular votes for those that were migrated and those that were not; but ultimately, the number of charges related to conduct on behalf of Mr. Brady, related to a number of processes that might have corrected that situation and were not followed at the time. This consent order that I bring to you tonight, again reflects, and I would say, from the time that this process began to date that potential fine, and this is not restitution it's a fine, has been greatly reduced by the Attorney General's office and I think that's reflective of their ultimate determination that there was an error in process during the course of the Board of Elections' consideration of the evidence before it at the time, that it initially certified the election results, but that there was no intentional wrongdoing at the time and the fine is de minimis and reflects that. So this consent order comes to you having already been approved by our new Board of Elections and

Registrations. After your approval, if you choose to do that this evening, it will appear on the State Elections Board's consent agenda at its next hearing date, and it does come to you with my recommendation. I'll be glad to answer any questions from the Commission if you have any issues, or would like some additional information."

Commissioner Wallace made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.

5. **Consider recommendation from Purchasing to proceed with the Parker Center Renovation by Multi-Craft Construction Services, LLC in the amount of \$71,690.00. This was budgeted in the 2017 SPLOST at \$75,000.00. and came in under budget by \$3,310.00.** — Mr. McCord presented the request to the Commission for approval. Commissioner Maxey made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.
6. **Consider recommendation from Rome-Floyd Parks & Recreation Authority to name the renovated skate park in honor of Bob Moore. The new name would be the Bob Moore Kick Flip Skate Park.** — Mr. McCord presented the request to the Commission for approval. Commissioner Wallace made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.
7. **Consider recommendation from Facilities to revise the Elections Capital Budget by \$28,170.00, Elections All Other by \$400.00, and Elections Supplies by \$350.00 to continue the move to the Health Department Building.** — Mr. McCord presented the request to the Commission for approval. Commissioner Maxey made a motion to approve, seconded by Commissioner Hancock. The motion carried 4-0.

XIX. OTHER BUSINESS

Chair Bagby stated the Commission entered into Executive Session during Caucus to discuss the acquisition of property and personnel, no action was taken.

Commissioner Wallace announced the ribbon cutting for the Bob Moore Kick Flip Skate Park would be Monday and the public is invited to attend.

XX. ADJOURN — Seeing no other business, the meeting was adjourned.