

October 9, 2001

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
October 9, 2001                      2:00 P.M.**

**PRESENT:** Chairman John Mayes, Commissioners Chuck Hufstetler, Garry Fricks, Jerry Jennings, and Tim Mahanay.

**OTHERS**

**PRESENT:** County Attorney Wade Hoyt, County Clerk Michele Fountain, and Acting County Manager Tom Tully.

**CALL TO ORDER:** Chairman Mayes called the meeting to order.

**INVOCATION:** Commissioner Mahanay led the Invocation.

**PLEDGE OF**

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

**PUBLIC PARTICIPATION**

**Michael Matlock, 1525 Blacks Bluff Road**, spoke regarding his concerns on the Baseball Stadium. Commissioner Hufstetler stated that during the Caucus Session a meeting had been held and it is a Braves team. The Atlanta Braves are interested in moving their Class A Team from Macon to Rome in April, 2003, if approved by the voters. He stated that they will not require any annual money from the County as far as upkeep of the field, utilities, and cleaning of the stadium. Without knowing all of the contract at this time, the County will receive 35% of the ticket revenue of any season tickets sold over 500, so if there is any infrastructure costs, they will be setting capital funds aside for it. Mr. Matlock asked the location. Commissioner Hufstetler replied that a Site Assessment Committee has worked on the location, and they still do not have the details worked out on that, but should know within a few days. Mr. Matlock expressed concern about adequate parking. Commissioner Hufstetler replied that the stadium will have an approximate seating capacity of 5,000 and designed to have an outfield area which could handle quite a capacity for picnicking. The stadium could also be used for high school and college playoff games, concerts, crusades, and would be available for use by organizations. Commissioner Jennings stated that the stadium sounds like a great idea and asked Mr. Matlock for his opinion. Mr. Matlock replied that will depend on where it is located, seating capacity and parking.

**Randy Davis**, stated that he has been a citizen of Floyd County for over forty years. He stated that he publicly wanted to thank the Commissioners for the hard work they have put into investigating the possibilities of bringing Minor League Baseball to Rome. In 1988 a group of citizen, including himself, worked hard to get Minor League Baseball and it is nice to see that this issue comes our way one more time. This is a quality of life issue which would be wonderful for the community, particularly through the Baseball Club which is interested in coming to Rome. He also thanked the Commissioners, as a citizen of Floyd County, for the opportunity to place this on the ballot, so that people have the opportunity to determine in their own mind if this is something they want to do or not. As evidenced by the group in attendance, there are a lot of people who are supportive of this issue because they do look at it as something which will be a wonderful quality of life issue for the community, and something that only 172 cities in the United States have. This would put us in a very select group. Mr. Davis stated that he personally thinks it is a fabulous opportunity for Rome and he is ready for the Braves to come. He thanked the Commissioners again for the opportunity to vote on this issue.

**Bill Pridgen, 32 Oakmont Drive**, stated that he commended the City and County Commissioners for taking the opportunity to investigate the possibility of bringing Minor League Baseball to the Rome and Floyd County area. He also commended them on how the opportunity had been approached in what he feels is the most fiscally responsible way possible. They had set out additional goals to try to design a lease arrangement with the prospective ball club to insulate the community from situations which they read about in other communities. It is his understanding that they will be looking at a lease proposal which will ensure that they will not be going to the taxpayers for day to day operations of the ball club. It will have to be borne by the ball club itself. Furthermore, where communities had their short term leases, they have been able to negotiate a lease which is 18 years in length with the option for the club to have three four year renewal periods beyond that time. The Commission has also negotiated a revenue sharing arrangement where, if we are successful in putting folks in the stadium to watch baseball, there is an opportunity to generate revenue for the community to defray potential costs for capital expenditures in future years. He also commended the Commissioners on their wisdom in being willing to spend a little money to obtain good information so that the best possible arrangement can be negotiated with the Atlanta Braves baseball organization in terms of being able to evaluate sites and make informed decisions. He noted that this will also give the voters the opportunity to make an informed decision as well. He stated that he is a promoter for baseball in Rome. It would be a feather in our cap. Rome sits in close proximity to the City of Atlanta and one of the things which we will face as a community will be how to get the community to differentiate ourselves and continue to show ourselves as a distinct community. We have a vision of continuing to operate as a hub of northwest Georgia. This is already done in a number of ways, with the medical facilities, our colleges and this gives us also an opportunity to put ourselves in a position of being the recreational center as well, not just for tennis and golf, but for professional sports as well. It is also a great opportunity to build a stadium in a financially responsible way. The SPLOST vote is really the only practical way for us to consider building such a facility. Here, clearly the voters get to decide whether or not we make that investment as a community or not. This is not a property tax issue and, if is successful and if it is the regional draw which they think it will be, a substantial portion of the cost of the stadium will be borne by others who come into the community to spend and pay tax dollars as well. The other aspect is that, at the end of the day, this community will own the facility. It will be available for Minor League Baseball, but it will be available for so many other things within our community. It will give us an outdoor facility with seating capacity of 5,000 or more with adequate parking, which will do a number of things which we can only dream about bringing into our community. He commented that this is an issue that does bring recreational opportunity to all the citizens of our community. We all complain about not enough things to do for our families, for our children, particularly important things. With minor league baseball, it is family fun, it is clean entertainment, it is seemingly affordable, cheaper than almost anything else we can do. Instead of people having to pack their families up and go into Atlanta or Chattanooga, they can stay right here in Rome and do things as a family. He stated that he feels that will be a good thing all the way around. He again commended the Commissioners for agreeing to let the voters decide. Commissioner Jennings thanked Mr. Pridgen for all he has done in this process and stated that was as good a statement has he has heard in terms of the value of this to the community.

#### **ADOPTION OF**

**MINUTES:** Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of September 25, 2001 as presented. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler

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Fricks

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Jennings

"

Mahanay

Chairman Mayes

Motion Carried

**PLACEMENT OF SPLOST FOR  
NEW ROME-FLOYD COLISEUM  
ON BALLOT.**

Chairman Mayes called for a Motion for placement of the SPLOST for a new Rome-Floyd Coliseum on the ballot. Commissioner Hufstetler stated that he had represented the County Commission on the negotiations, along with Acting County Manager Tom Tully, City Manager John Bennett and Commissioner Ronnie Wallace representing the City Commission, as well as several business leaders from the community also working on this. They have been negotiating with the Atlanta Braves, who are interested in moving their Macon Class A team to Rome. The negotiations have taken longer than they had expected, but they felt that to present it to the voters, a long term contract which did not require property tax money be put into the stadium on an annual basis was necessary. The Braves organization has finally agreed to a contract which has them covering all operating expenses including utilities, cleaning and field maintenance so the City and County will not incur any cost. In addition 35% of the season ticket revenue for over 500 tickets will be received. This can be put into a capital fund so that if the stadium needs any infrastructure ten years down the road, the money will be there for that cost. Unlike comparisons to the County Forum and the City Golf Course, the government is not going to be in the business of running the stadium. It will be run by the Braves professional staff, employees will be Braves employees. There are certainly more important issues than baseball in this community; however, this is probably the only time that our community has an opportunity to bring Braves baseball to town. While we do not believe that an issue such as this should be decided solely by Commissioners, we also believe that we have an obligation to present this to the voters and let them decide. Those who don't believe that the SPLOST should be approved should present their case and exercise their right to vote. Those who support this issue should begin their campaign and exercise their right to vote. We have negotiated the best possible deal for our community, the decision is now up to the voters and we, as Commissioners, will respect the decision the voters make.

MOTION was made by Commissioner Fricks to submit the approval of the referendum of the SPLOST on the ballot. SECOND by Commissioner Jennings. VOTING:

County Attorney Wade Hoyt stated that what they are being asked to approve is a Resolution to regulate and provide for a calling of an election to determine the imposition or non-imposition of a one percent (1%) Special Purpose Sales and Use Tax. The language as it will appear on the ballot is: "Shall a one percent(1%) special purpose sales and use tax be imposed in Floyd County for a period of time not to exceed fifteen (15) months for the purpose of raising not more than Fifteen Million Dollars (\$15,000,000) and for the purpose of acquiring property for and the construction of a coliseum for use as a baseball stadium and other community and recreational purposes?"

Commissioner Hufstetler noted that the Braves Organization did want to be here for this announcement, but they are currently in the playoffs in Houston and could not be present.

Acting County Manager Tom Tully read a statement which had been received from Bob Wolfe, Senior Vice President of Administration of the Atlanta Braves Baseball Club, stating they will be active in the community for the next month or so as the date of November 6 approaches. They are excited about the possibility of bringing minor league baseball to the Rome area and they commend the leadership of Rome and Floyd County for their foresight. Given a favorable vote they will welcome the chance to become an important member of the community and an

important part of the fabric of this community. Minor league baseball is a fun, affordable and family oriented activity that lasts all summer long. This is a great opportunity for the Braves, for the development of the players and the Rome community.

Commissioner Jennings stated that he appreciated the letter from Mr. Wolfe and to be able to identify the team. It is exciting for Rome and Floyd County to have this opportunity and he thanked Commissioner Hufstetler for his work on behalf of the Commissioners and Acting County Manager Tom Tully for his efforts on this project. He stated that he could not say it better than how Randy Davis or Bill Pridgen had stated it.

Commissioner Mahanay stated that starting today, and every day from now on until November 6, please get out and let people know what you think. Now is the opportunity for those that are interested in seeing this be successful at the polls. We need to be focused and have a concerted effort to get a positive vote.

Chairman Mayes stated that as Commissioners, their biggest job will be to make sure that accurate and complete information is out for the public so that they can make an informed decision.

Commissioner Fricks stated that this has been one of the hardest decisions he had made since he has been a Commissioner. One of the points when they first discussed implementing this on the ballot was that before they proceeded any further that they would have a contract which they felt would not cost Floyd County any future funding. Until yesterday he did not have the security where he felt he could carry out the trust of the voters for what he said. He was very pleased to see the contract. He wanted to see a baseball team here, but he could not even see it being allowed to be put on the ballot without them carrying out their word that they have a contract.

VOTING:

YES

NO

Commissioner Hufstetler

"

Fricks

"

Jennings

"

Mahanay

Chairman Mayes

Motion Carried

**AUTHORIZE AND APPROVE THE  
RESOLUTION AND AUTHORIZE THE  
CHAIRMAN TO SIGN THE RESOLUTION  
AND LETTER OF INTENT BETWEEN  
FLOYD COUNTY, GEORGIA AND THE  
ATLANTA NATIONAL LEAGUE BASEBALL  
CLUB, INC.  
(4/5 VOTE REQUIRED)**

MOTION was made by Commissioner Hufstetler to place on the Agenda to authorize the Chairman to sign the Resolution and Letter of Intent. SECOND by Commissioner Mahanay.  
VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

MOTION was made by Commissioner Hufstetler to authorize the Chairman to sign the Resolution and also the Letter of Intent between Floyd County, Georgia and the Atlanta National League Baseball Club, Inc. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

#### **FIRST READING**

**FILE #21-2001Z, 4729 ALABAMA ROAD,  
TAX MAP #752, PARCEL 73A, REQUEST  
REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO H-I (HEAVY  
INDUSTRIAL).**

**(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 7 FOR, 2 AGAINST])  
(SECOND READING/ PUBLIC HEARING TO BE  
HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

**FILE #22-2001Z, 3001 ROCKMART ROAD,  
HIGHWAY 101 SOUTH, TAX MAP #262,  
AREA #00, PARCEL 003B, REQUEST  
REZONING FROM S-R (SUBURBAN  
RESIDENTIAL) TO H-I (HEAVY INDUSTRIAL)  
(PLANNING COMMISSION RECOMMENDATION:  
DENY [VOTE – 8 AGAINST, 1 FOR])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

**FILE #23-2001Z, 652 CHULIO ROAD, TAX MAP  
#226, AREA #00, PARCEL 22C & 22E, REQUEST  
REZONING FROM S-R (SUBURBAN RESIDENTIAL)  
TO L-I (LIGHT INDUSTRIAL) ZONING DISTRICT.**

**(PLANNING COMMISSION RECOMMENDATION:  
DENY [VOTE – 6 AGAINST, 3 FOR]).  
(SECOND READING/PUBLIC HEARING TO BE  
HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

**FILE #25-2001Z, 906 HERMITAGE ROAD, TAX  
MAP #126B, AREA #00, PARCEL 002, REQUEST  
REZONING FROM L-I (LIGHT INDUSTRIAL)  
TO H-I (HEAVY INDUSTRIAL) ZONING  
DISTRICT.**

**(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – UNANIMOUS])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

**FILE #27-2001Z, 5808 MARTHA BERRY  
BLVD., TAX MAP #518, PARCEL 12,  
REQUEST REZONING FROM A-R  
(AGRICULTURAL RESIDENTIAL) TO  
C-C (COMMUNITY COMMERCIAL)  
ZONING DISTRICT.**

**(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 8 FOR, 0 AGAINST])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

**FILE #31-2001Z, HIGHWAY 411 EAST,  
TAX MAP #224, PARCELS 001C & 002C,  
REQUEST REZONING FROM S-R  
(SUBURBAN RESIDENTIAL) TO C-C  
(COMMUNITY COMMERCIAL) ZONING  
DISTRICT.**

**(PLANNING COMMISSION RECOMMENDATION:  
APPROVE [VOTE – 8 FOR, 0 AGAINST])  
(SECOND READING/PUBLIC HEARING TO BE  
HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

Chairman Mayes called for a Motion to place these items on First Reading. MOTION  
was made by Commissioner Jennings. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**WELLHEAD PROTECTION ORDINANCE,  
§2-7-91.  
(SECOND READING/PUBLIC HEARING TO  
BE HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

**CITY OF ROME RETIREMENT ASSET  
TRANSFER AMENDMENT.  
(SECOND READING/PUBLIC HEARING TO  
BE HELD OCTOBER 23, 2001 AT 6:00 P.M.)**

This item is to cover the employees who now come under the Floyd County personnel umbrella with HB489 and department changes.

MOTION was made by Commissioner Jennings to place the Wellhead Protection Ordinance and the City of Rome Retirement Asset Transfer Amendment on First Reading. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**SECOND READING/PUBLIC HEARING**

**VOTE ONLY**

**VARIANCE**

**FILE #013-00V, FLOYD COUNTY,  
GEORGIA/SBA, 3285 OLD DALTON  
ROAD (COUNTY WATER TANK),  
VIOLATION OF COMMUNICATION  
TOWER ORDINANCE AND MINIMUM  
SETBACK.**

Acting County Manager Tom Tully stated this is a matter of housekeeping. This matter has been resolved but no action had been taken when brought before the Board. Acting County Manager Tully recommended denial of this request. MOTION was made by Commissioner Mahanay to **deny** the Variance request, File 013-00V, Floyd County Georgia/SBA. SECOND by Commissioner Jennings.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

## CHAIRMAN'S REPORT

### APPOINTMENTS.

MOTION was made by Commissioner Hufstetler to appoint **Jarrell Cagle** to the **Rome/Floyd Planning Commission**. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

MOTION was made by Commissioner Jennings to add **Larry Maxey and Ben Harrison** to the **Board of Appeals and Adjustments for the City of Rome and Floyd County**. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

Chairman Mayes stated that during the Caucus Session it had been discussed that each Commissioner will submit two names for the SPLOST Committee which will be an all inclusive committee and will be working with the City.

## ADMINISTRATIVE/FINANCE COMMITTEE

**REQUEST FROM LARRY JOHNSON TO  
RESUBMIT REQUEST FOR UPGRADE  
OF CHIEF TAX ACCOUNTANT TO  
PAYGRADE 13, APPROVAL FOR  
PAYGRADE 12 WAS MADE AT THE  
JULY 10, 2001 BOARD MEETING.  
(4/5 VOTE REQUIRED)**

Commissioner Hufstetler stated that in July when several upgrades had been approved from DMG Maximus, one had been misstated as Paygrade 12, when their recommendation was Paygrade 13. MOTION was made by Commissioner Hufstetler to place on the Agenda the upgrade of the Chief Tax Accountant to Paygrade 13. SECOND by Commissioner Jennings. VOTING:

YES

NO



Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

MOTION was made by Commissioner Hufstetler to upgrade the Chief Tax Accountant position to Paygrade 13. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

#### **PUBLIC SAFETY COMMITTEE**

Commissioner Mahanay, Committee Chairman, stated that he had visited the previous day with EMS/911 and the CAD system is virtually up and will be totally up and running on the 16<sup>th</sup>. Currently they are training and he did have an opportunity to see some demonstrations. This is exciting and will contribute to the safety of both Fire and Police and the efficiency of time, and is a tremendous step forward for the County. The next Public Safety Committee meeting will be Thursday, October 11, 2001 at 2 p.m.

#### **WATER COMMITTEE**

Commissioner Jennings, Committee Chairman, noted that regarding the Wellhead Protection Ordinance which was placed on First Reading, the property owners have been identified who have property within 500 feet of the two wells and potential third well. Basically, the ordinance is being done because of State requirements and it is good practice that toxic infrastructure not be located adjacent to the well sites. He invited any citizens to attend the next meeting on October 23<sup>rd</sup> and comment during the Public Hearing. They are also working on the Biddy Road site and have done some exploration and have found a significant amount of water, which they think will produce up to 1 million gallons a day. Cost estimates, will hopefully be available at the October 23<sup>rd</sup> meeting, to develop the well sites and improvement of the piping system around the well site and a potential water tank in the general area. Commissioner Hufstetler mentioned that it is rewarding when work is put into a well site and it turns out to be a good site. It was noted that the Old Mill Spring in Cave Spring is permitted up to 4 million gallons a day, but they have not been producing that much especially over the past years with the drought, but the average is 2 ½ to 3 million gallons a day. Acting County Manager Tom Tully noted that geographically, the Armuchee Creek would be more suitable to replace some of the water we are purchasing from Adairsville and the City of Rome. It was noted that further exploration for well sites is being done in the eastern part of the county.

#### **CLERK'S REPORT**

## CONSENT AGENDA.

County Clerk Michele Fountain stated there were two items on the Consent Agenda and if there are no additions or deletions they were submitted for approval. MOTION was made by Commissioner Mahanay. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

### 1. Tax Refunds:

- a. Lakes Recreation, Inc., 2400 Garden Lakes Blvd., \$3.02
- b. Redmond Investments, Inc., 2400 Garden Lakes Blvd., \$34.33
- c. Charles A. Howell, 4257 Cave Spring Road, \$17.23
- d. M. H. & Betty Carpenter, Route 1, Calhoun, \$367.57
- e. Transmontaigne Product Svcs., P.O. Box 5660, Denver, CO, \$20,794.95
- f. J. & Carolyn Grissom, 4460 Blacks Bluff Road, \$81.53
- g. Ruth Thoman, 6989 Big Texas Valley Road, \$1.29
- h. Duggan I. Stewart, 171 Whippoorwill Lane, SW, \$120.94
- i. C. D. May, Jr., 48 McHenry Drive, SW, \$27.71
- j. RBJ Developers, Inc., 7 River Place Drive, \$27.84
- k. Eugene Van Pelt, 116 Burnett Street, \$189.58
- l. Terry V. Kirton, 425 Sierra Drive, SE, Albuquerque, NM, \$47.88
- m. Karen L. Storey, President, Storey Land, Inc., P.O. Box 99, Armuchee, \$137.75
- n. Henry & Louise Mathis, 201 Maplewood Drive, NE, \$10.51
- o. Philip & Randall Murphy, 613 Cedar Avenue, \$24.11
- p. Weyman H. & Ellen H. Mathis, 472 Bells Ferry Road, NE, \$25.91
- q. David R. Pledger, 218 Old Calhoun Road, NE, \$49.31

### 2. Malt Beverage License Application:

- a. Bridget Rounds, Golden Gallon #161, 3070 Cedartown Highway, (convenience store).  
**(4/5 vote required)**

MOTION was made by Commissioner Hufstetler to add the Malt Beverage License Application for Golden Gallon #161 to the Agenda. SECOND by Commissioner Fricks. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay

Chairman Mayes

Motion Carried

MOTION was made by Commissioner Hufstetler to approve the Malt Beverage License Application for Golden Gallon #161. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

## **MANAGER'S REPORT**

### **REQUEST FROM LOCAL MUSEUMS FOR GRANT FUNDING. (DEFERRED FROM SEPTEMBER 25, 2001 MEETING)**

Acting County Manager Tom Tully noted that information was in the Commissioners packet from the three museums requesting grant funds. The total request was \$53,319.50. Commissioner Fricks stated that the understanding he had was that the museums would make their request in August and provide documentation as to how the funds were to be spent and how previous grant funds had been spent. It was noted that due to changes in personnel at these museums, this had not been completely done. Acting County Manager Tully stated that funds are in the budget for the same amount as was funded last year. Commissioner Fricks suggested awarding the same amount to each museum as given the previous year and then a process be set up at budget time to as well as a specific deadline. MOTION was made by Commissioner Hufstetler to award the History Museum (\$15,288), Chieftains Museum (\$8,750) and National Creative Society (\$7,500) an amount equal to last year's funding. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

### **REQUEST FROM DR. MARC WALL FOR EXEMPTION OF NEPOTISM POLICY REGARDING MERRELL WOOD.**

Acting County Manager Tom Tully presented a request from the County Physician for an exemption of the Nepotism Policy, regarding a Jail medical employee. This had been discussed in Caucus. There are three options:

1. Approve the waiver and allow the employee to continue working in the Medical Department.
2. Not grant the exemption, in which case, the new employee who is in violation of the Nepotism Policy would be terminated, under their probationary period.
3. A hybrid option of making it clear to the employee that should the other employee who works in the Administrative Offices, who is a sister of the new employee and the cause for the nepotism issue and is currently out of work on an extended medical leave, come back to work, the new Jail medical employee would then be terminated.

Commissioner Fricks asked if the factor of the medical leave was a consideration when the person was hired. Acting County Manager Tully replied that it was not. It is not known if this is a case where the nepotism was overlooked or the Department Head planned to ask for a waiver. Commissioner Mahanay stated that they need to vote on one of the three options and address this concern at another time. It was noted that we will be setting a precedent if this is approved. Chairman Mayes asked County Attorney Wade Hoyt what will happen in the future if a precedent is set at this time. County Attorney Hoyt replied that a precedent would not be set with Option 3. A precedent would be set if Option 1 is approved and they would have to be very particular about why it is set. It was noted that the employee only worked two days after being hired because of the Nepotism Policy. Acting County Manager Tully recommended that the employee at the Jail Medical Department be allowed to become a Floyd County Employee if and until such time that the current employee comes off of extended medical leave. MOTION was made by Commissioner Hufstetler to allow an exception for this employee, Merrell Wood, up until the time that his sister were to come back to work. SECOND by Commissioner Mahanay.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**REQUEST FROM JIM FORD FOR DATA  
PROCESSING BUDGET AMENDMENT  
IN THE AMOUNT OF \$4,000.**

Acting County Manager Tom Tully stated that Jim Ford, Tax Commissioner, had requested an increase in his Data Processing Budget in the amount of \$4,000. According to his memo, Hewlett Packard is discontinuing service on software on the main computer to the Assessor's and Tax Office. The cost of the upgrade for the new software is approximately \$4,000 and must be completed before January 1 according to the MIS Department. He recommended approval of this request. MOTION was made by Commissioner Hufstetler to approve the request for a Data Processing Budget Amendment in the amount of \$4,000. SECOND by Commissioner Jennings.

VOTING:

YES

NO

Commissioner Hufstetler

" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**REQUEST FROM FACILITIES  
MANAGEMENT TO PURCHASE  
ONE HAND HELD RADIO AT A  
COST OF \$488.**

Acting County Manager Tom Tully stated this request is to add one hand held radio at a cost of \$488 to their Equipment Budget. There are funds in their budget for this item, but approval is needed to purchase the item from their existing Equipment Budget. MOTION was made by Commissioner Jennings to approve the request from Facilities Management to purchase one hand held radio at a cost of \$488. SECOND by Chairman Mayes. VOTING:

	YES	NO
Commissioner Hufstetler		
" Fricks		
" Jennings		
" Mahanay		
Chairman Mayes		

Motion Carried

**ESTABLISH BUDGET LINE ITEM  
FOR NORTHWEST GEORGIA  
INDUSTRIAL PART - \$400,000  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT GRANT.**

Acting County Manager Tom Tully stated that this will be a pass through account. There will be a Revenue Line Item and an Expense Line Item and they will both equal \$400,000. There is no net cost to the General Fund. MOTION was made by Commissioner Hufstetler to establish a Budget Line Item of \$400,000 for pass through on the Department of Community Development grant for Northwest Georgia Industrial Park. SECOND by Commissioner Fricks. VOTING:

	YES	NO
Commissioner Hufstetler		
" Fricks		
" Jennings		
" Mahanay		
Chairman Mayes		

Motion Carried

**RESOLUTION THAT INCLUDES  
ROME-FLOYD DEVELOPMENT  
AUTHORITY AS ECONOMIC**

**DEVELOPMENT PARTNER  
UNDER HB489 AGREEMENT.**

Acting County Manager Tom Tully stated this item is to adopt the Resolution and authorize the Chairman to sign under the existing HB489 Agreement an amendment that would include the Rome-Floyd Development Authority as an economic development partner for the purpose of receiving grant monies. MOTION was made by Commissioner Hufstetler to authorize the Chairman to sign the Resolution including Rome-Floyd Development Authority as an economic development partner under the HB489 Agreement. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**DISCUSS STAFFING AT THE NEW  
PRISON.**

Acting County Manager Tom Tully stated this is a request, which was outlined in Caucus, to hire three new officers and promote three Corporals and one Lieutenant at the County Prison prior to January 1, 2002. This increase of staff is in conjunction with the renovation and construction at the Prison. He recommended authorizing the Prison to hire three new officers, and to promote three Corporals and one Lieutenant between now and January 1. MOTION was made by Commissioner Mahanay to approve Warden Brinkley's request to hire three new officers and promote three Corporals and one Lieutenant prior to January 1. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

**AWARD CONTRACT FOR PROFESSIONAL  
SERVICES FOR HVAC AT 4<sup>TH</sup> AVENUE  
COURTHOUSE.**

Acting County Manager Tom Tully stated this is for HVAC engineering services at the 4<sup>th</sup> Avenue Courthouse building. A number of proposals had been received and the most economical proposal was from Mullinax Solutions, Inc. in the amount of \$13,500. MOTION was made by Commissioner Mahanay to approve the proposal submitted by Mullinax Solutions, Inc.

at a cost of \$13,500 for professional services for HVAC engineering work at the Floyd County 4<sup>th</sup> Avenue Courthouse. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**PROPOSED 2003 LARP LIST.  
(4/5 VOTE REQUIRED)**

Acting County Manager Tom Tully stated that this item requires a 4/5 vote to place on the Agenda the adoption of the Proposed 2003 LARP List to the State Department of Transportation. He requested this item be placed on the Agenda and approved. MOTION was made by Commissioner Fricks to add the Proposed 2003 LARP List to the Agenda. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

Acting County Manager Tully stated that for the record, the LARP request for 2003 consists of 38.05 miles which will be submitted to the Department of Transportation upon the Board's approval. MOTION was made by Commissioner Fricks to approve the Proposed 2003 LARP List. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler  
" Fricks  
" Jennings  
" Mahanay  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT**

**APPROVE PAYMENT OF DEDUCTIBLE  
RECOVERY INVOICE FROM COREGIS  
IN THE AMOUNT OF \$10,000.**

County Attorney Wade Hoyt stated that Floyd County had received an invoice from COREGIS Insurance Company for a 1996 claim they paid on our behalf in a wrongful death settlement. Under the contract we have with COREGIS we have a \$100,000 deductible, they pay the claims and we reimbursement them. This was a claim, which was overlooked and received by us late. He requested that the Board approve the payment of the deductible for coverage for COREGIS in the amount of \$10,000. MOTION was made by Commissioner Hufstetler to approve the payment of \$10,000 to COREGIS for the deductible on the coverage. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Chairman Mayes

Motion Carried

#### **ADJOURNMENT:**

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

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

#### **COMMISSIONERS**

**FLOYD COUNTY BOARD OF**

**JOHN MAYES, CHAIRMAN**