

May 9, 2006

**REGULAR MEETING  
FLOYD COUNTY BOARD OF COMMISSIONERS  
May 09, 2006 2:00 P.M.**

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

**OTHERS**

**PRESENT:** County Attorney Tommy Manning, County Clerk Kathy Arp, County Manager Kevin Poe and Assistant County Manager Sammy Rich.

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

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

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Bennett.

**ADOPTION OF MINUTES:**

Chairman Mayes asked if the minutes were in order. County Attorney Tommy Manning stated the minutes had been reviewed and were in order. Commissioner Hufstetler made a MOTION to adopt the minutes of the Regular Meeting of April 11, 2006 as presented. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**PROCLAMATIONS:**

**RECOGNIZE EMPLOYEE OF THE QUARTER:**

The Board recognized Sgt. Michael Long, Floyd County Prison as Employee of the Quarter. Chairman Mayes stated they have something else for him but he does not have it in his possession today. He stated the Commissioner of the

Department of Corrections authorized him to present Sgt. Long with a letter and his coin. He stated the Department of Corrections Commissioner goes throughout the Georgia Correctional System, and he picks out employees like Sgt. Long and gives them a special award, the Commissioner's Coin. Commissioner Mayes stated he will be presenting the coin to Sgt. Long at a later time, but wanted to publicly announce that he has been presented with the Commissioner's Coin.

**COMMUNITY ACTION MONTH:**

Commissioner Jennings presented Katrina Estes, Tallatoona CAP, with a Proclamation recognizing May 2006 as Community Action Month. Ms. Estes accepted the Proclamation and introduced two of their Board Members, Martha Davis and Ruth Hill Carter. She stated they appreciate this very much on behalf of Tallatoona Community Action Partnership, Inc.

(Proclamation/Resolution Book, Page 85)

**RESOLUTIONS:**

**ADOPT RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BETWEEN DEVELOPMENT AUTHORITY OF FLOYD COUNTY AND BERRY COLLEGE:**

County Attorney Tommy Manning stated the Commission has before it for its consideration, a Resolution approving the issuance of Revenue Bonds related to a Berry College project. He stated the Resolution does not bind the county to any commitment with respect to those bonds. He stated this Resolution is intended to satisfy the requirements of the Internal Revenue Code, Section 147 F, which sets forth that there shall be a Resolution of the highest governing authority within the jurisdiction where the bonds are being issued.

Chairman Mayes called for a motion. Commissioner Hufstetler made a MOTION to adopt the Resolution that allows for the issuance of Revenue Bonds between the Development Authority of Floyd County and Berry College. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Bennett  
Chairman Mayes

(Commissioner Jennings Abstained due to his thirty-three years of association with Berry College)

Motion Carried

**ADOPT JOINT RESOLUTION OF THE CITY OF CAVE SPRING, THE CITY OF ROME, AND FLOYD COUNTY TO ADOPT THE COMMUNITY ASSESSMENT AND CITIZEN PARTICIPATION PLAN:**

County Manager Kevin Poe asked Sue Hiller, Planning Department Director, to speak on this Resolution. Ms. Hiller stated in December and January they published a document called the Community Assessment and prior to that, they published a document called the Citizen Participation Plan. She stated these are both related to the comprehensive planning process that they are going through. One describes how they are going to contact the public and let them know what they are doing and give them opportunities to participate. The other one is sort of a base line study that outlines where they are in the city and the county right now. These are parts 1 and 2 of the Comprehensive Plan. However, these are not the meat of the Comprehensive Plan. That will be the community agenda, which will come later. This is the part that citizens are being asked to participate in, and has been on public review twice. This has come before the Board once already, and it was submitted to the state for approval. It has been approved by the state, and no changes have been made. It is now before the Board for Adoption, so that they can move forward with the plan.

Commissioner Bennett made a MOTION to Adopt the Joint Resolution of the City of Cave Spring, City of Rome and Floyd County to adopt the Community Assessment and Citizen Participation Plan. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**FIRST READINGS:  
(SECOND READINGS/PUBLIC HEARINGS  
TO BE HELD MAY 23, 2006 AT 6:00 P.M.)**

County Attorney Manning stated he apologized for interrupting but before all of the First Readings are read, he thought the Commission might want to consider adding to the Agenda by a 4/5 vote a proposed Adult Entertainment Ordinance that they have before them.

Commissioner Hufstetler made a MOTION to place the Ordinance on the Agenda. SECOND by Commissioner Bennett. County Attorney Manning stated the

title of it is an Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses within Floyd County. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

- 1. ORDINANCE ESTABLISHING LICENSING REQUIREMENTS AND REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES WITHIN FLOYD COUNTY.**
- 2. FILE #42-2006Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO C-C (COMMUNITY COMMERCIAL) WITH A SPECIAL USE PERMIT TO CONSTRUCT MINI-WAREHOUSES ON PROPERTY LOCATED AT 1682 OLD CALHOUN ROAD. ZONING MAP K13W – PARCEL 093. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 5 – 3]):**
- 3. FILE #43-2006Z, REQUEST REZONING FROM C-C (COMMUNITY COMMERCIAL) TO H-C (HEAVY COMMERCIAL) FOR EXISTING COMMERCIAL USE OF PROPERTY AND TO OPERATE A FLEA MARKET ON PROPERTY LOCATED AT 2701 OLD CALHOUN ROAD. ZONING MAP L12X – PARCEL 013. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]. WITH CONDITIONS: DOWN LIGHTING, FENCING AND BUFFERS):**
- 4. FILE #50-2006Z, REQUEST REZONING FROM C-C (COMMUNITY COMMERCIAL) TO H-C (HEAVY COMMERCIAL) FOR MOBILE HOMES SALES ON PROPERTY LOCATED ON HIGHWAY 27 SOUTH AT NOWACK ROAD. ZONING MAP I16X – PARCEL 076. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]):**
- 5. FILE #51-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO L-I (LIGHT INDUSTRIAL)**

**TO MARKET FOR COMMERCIAL AND LIGHT INDUSTRIAL USE PROPERTY LOCATED ON HIGHWAY 140. ZONING MAP M09 – PARCEL 042A. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 1]. WITH CONDITIONS: BUFFERS, SETBACKS AND LIGHTING AS REQUIRED BY ULDC):**

- 6. FILE #52-2006Z, REQUEST REZONING FROM H-C (HEAVY COMMERCIAL) TO S-R (SUBURBAN RESIDENTIAL) FOR SINGLE-FAMILY RESIDENTIAL USE OF PROPERTY LOCATED AT 74 LINDSEY DRIVE. ZONING MAP J11X – PART OF PARCEL 352, TRACT #14. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 8 – 0]). WITH CONDITIONS: RECORDED PLAT:**
- 7. FILE #53-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO H-I (HEAVY INDUSTRIAL) TO MARKET FOR COMMERCIAL PURPOSES PROPERTY LOCATED ON 4357 ADAIRSVILLE HWY, 7756 CALHOUN HWY, ROME-CALHOUN HWY, AUTRY ROAD, ADAIRSVILLE ROAD. ZONING MAP N09 – PARCELS 086, 058, 051, 052, 060, 059. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 3 – 5 TO DENY]):**

**ULDC REVISIONS:**

- 1. REVISE OR DELETE ARTICLE 3 CONCERNING THE LOCATION OF MINI-WAREHOUSES AS AN ADAPTIVE RE-USE OF EXISTING BUILDINGS. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 7 – 0 (1 ABSTAINED)]):**

Chairman Mayes stated the Public Hearings would be held Tuesday, May 23, 2006 at 6:00 P.M. for these items on First Readings.

**SECOND READINGS/PUBLIC HEARINGS:  
(FIRST READINGS HELD  
APRIL 11, 2006 AT 2:00 P.M.)**

- 1. FILE #40-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO D-R (DUPLEX RESIDENTIAL) FOR CONSTRUCTION OF A DUPLEX DWELLING ON PROPERTY LOCATED AT 694, 696 OLD SUMMERVILLE ROAD AT HIDDEN GLEN ROAD. ZONING MAP J11Y – PARCEL 311. (PLANNING COMMISSION**

**RECOMMENDATION: APPROVE [VOTE: 9 – 0]).**

Chairman Mayes called for a motion to open the Public Hearing. Commissioner Bennett made a MOTION to open the Public Hearing. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

Chairman Mayes stated the Public Hearing is now open, and asked Sue Hiller, Planning Department Director, to give a brief presentation. Ms. Hiller stated the subject property is a lot located at the end of Hidden Glen, and the entire subdivision on Hidden Glen Drive is a duplex subdivision. She stated each of those lots is developed with a duplex except for the subject lot which has not been developed and the applicant wishes to build a duplex on it. When they came in to get permits it was discovered that it was zoned S-R. She stated prior to adoption of the ULDC in the initial discussions the S-R zoning district was meant to allow duplexes. Later in that process the D-R zoning district was created to allow duplexes on individual lots. Unfortunately, not all of the duplexes that had originally been designated as S-R were caught and re-designated to D-R. She stated this is an area that is surrounded almost entirely by duplexes and single-family dwellings. There is S-R zoning, O-I zoning, and some M-R zoning to the east. Services and utilities are available to this property to accommodate a duplex. She stated this comes to the Board with both a staff recommendation and a Planning Commission recommendation that they approve.

Chairman Mayes asked if there is anyone here to speak in support or opposition of this item. Being none, Chairman Mayes called for a MOTION to close the Public Hearing. Commissioner Hufstetler made a MOTION to close the Public Hearing. SECOND by Commissioner Fricks. VOTING:

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

Motion Carried

Commissioner Fricks made a MOTION to accept the recommendation of the Planning Commission to Approve the rezoning request to D-R (Duplex Residential). SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

- 2. FILE #45-2006Z, REQUEST REZONING FROM O-I (OFFICE INSTITUTIONAL) TO A-R (AGRICULTURE RESIDENTIAL) FOR SINGLE-FAMILY RESIDENTIAL USE OF PROPERTY LOCATED AT 5979 HIGHWAY 27 SOUTH. ZONING MAP H19 – PARCEL 055. (PLANNING COMMISSION RECOMMENDATION: APPROVE [VOTE: 9 – 0]). REQUEST TO WITHDRAW RECEIVED FROM APPLICANT ON MAY 5, 2006.**

Chairman Mayes called for a motion to open the Public Hearing. Commissioner Jennings made a MOTION to open the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

Chairman Mayes asked if there is anyone here wishing to speak in support or opposition of this item. Seeing none, Commissioner Fricks made a MOTION to close the Public Hearing. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings

" Bennett  
Chairman Mayes

Motion Carried

Chairman Mayes called for a motion. Commissioner Jennings made a MOTION to approve the request to withdraw without prejudice. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

#### **CHAIRMAN'S REPORT:**

**1. Appointment of Commissioner to Department of Family and Children Services Board.**

Chairman Mayes appointed Commissioner Fricks to the Department of Family and Children Services.

**2. Appointment to Tallatoona CAP Board of Directors, 4-year term.**

Defer.

Commissioner Fricks stated there are a number of upcoming appointments and they wanted to bring awareness to the public. The Airport Commission, Department of Family and Children Services Board, Rome-Floyd Recreation Authority and Highland Rivers Community Service Board have terms that will be expiring in June. He stated anyone interested in being considered for appointment should contact the County Clerk's Office, or go to the county website [www.floydcountyga.org](http://www.floydcountyga.org).

No action taken.

**3. Appointments to the Firearms Discharge Review Board.**

County Manager Kevin Poe stated they have a request from Chief Bill Shiflett, Floyd County Police Department, for the Chairman to make appointments to the Firearms Discharge Review Board. Based on their regulations the appointments

have to come from different ranks within the police department. Chairman Mayes made the following appointment as recommended Mark Wallace, Administrative Aide, Jerome Poole, Patrol Division, Bill Whitener, Training Division, Major Mike Brock, Patrol Division and Major Tommy Shiflett, Investigative Division.

#### **4. Discuss Adult Entertainment Ordinance.**

County Attorney Manning stated he wanted to mention one other thing to the Commission in connection with the First Reading of the Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses within Floyd County. He stated he has delivered to the Clerk's Office a substantial amount of documentation regarding legislative findings that go to the reasons for the regulation of this type of business. He stated he just wanted to again, as they discussed in Caucus, make them aware of that and ask them to review that material. He stated even though it is a lot of material, he will probably get a copy for each one of them just so they can have that for their review prior to the hearing that will take place at their next meeting.

### **COMMISSIONER'S REPORT:**

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

##### **a. Reclassification of Juvenile Court Positions. (Deferred March 28, and April 11, 2006).**

- 1) Upgrade Senior Probation Officer (position #403-011, paygrade 116) to Chief Probation Officer (paygrade 118).**
- 2) Upgrade Deputy Clerk Position (position #403-009, paygrade 109) to Chief Clerk of Court (paygrade 111).**

Commissioner Fricks stated they had some items that had been sent to Archer Company, the company that reviews requests for any upgrades of positions. He stated they did sit down with Larry Johnson, Human Resources Director, and discuss it because some of the recommendations came in at a higher paygrade recommendation. He stated they have adjusted down on the recommendation and they are actually looking at a recommendation on both positions to be shifted up two paygrades. Commissioner Fricks asked if anyone had any questions. Commissioner Hufstetler stated he does not know if something has changed over time or not but one thing that concerns him is that the individuals themselves seem to be gathering the information. He does not think the personnel director does that, does he? County Manager Poe stated no, it is up to each employee to fill out the questionnaire form. But the process should be that the questionnaire be reviewed before it goes to the consultant. He thinks Human Resources needs to scrutinize those questionnaires more to make sure that they are accurate. His understanding was that it was reviewed

before it was sent to Archer Company. He stated that is their typical process, the employee fills it out, it is signed off by the supervisor, turned into Human Resources, reviewed and then sent to the consultant for recommendation. Commissioner Hufstetler stated what he is trying to understand is they have, for instance, the Senior Probation Officer going to Chief Probation Officer. They are putting in a layer of management there, and they are saying they are doing that job but that job has not been created in the past so he is a little confused on what happened here. Did somebody say well, they want them to be the Chief Probation Officer and do the job, and they will later look at getting the approval. Then it goes to the Board and they say what are you doing and they say I am doing this job and so then they say they are approved to do this based on the paperwork they sent in. He stated it is an entirely additional layer of management that has been put in this department. It seems like this should be more of a budget hearing process than giving somebody responsibilities and then sending in the paperwork and saying they are doing the responsibilities to see if they deserve the pay. Then that company says if that is what they are doing then this is what they deserve. He stated he just thinks that there is something wrong in the process.

County Manager Poe stated this is kind of a unique case because they are not usually changing what they call the position. Like Commissioner Hufstetler said, during the budget session is when people come in and want re-classifications or create new jobs. He stated the other ones that they dealt with last time and the one with recycling, they are taking the person and basically calling them the same thing but their job responsibilities have changed over a period of time. But in this case, they are requesting that they be not only re-classified in a higher paygrade, but also given a new job title with those responsibilities added to it. Commissioner Hufstetler stated if someone is creating another layer of management it seems like that should come to them during the budget process. They should not just go ahead and create it and then say now they are doing the job and so they deserve this paygrade. He stated he does not think that this is the proper process. County Manager Poe stated typically this is a reactive type situation. He stated he thinks most of the time they would deal with it when it is more proactive. They come to them first and talk about reorganization of their department, and the Board authorizes new positions. He stated the way they kind of explained to us is that this has kind of evolved through the years. He stated they have never really come to the commission asking for new positions, but the different responsibilities that these positions have just evolved through the years and Juvenile Court continues to grow and get busier. Commissioner Bennett asked does it just happen by evolution, or does it happen by planning structure, or it just kind of happens and they try to compensate. County Manager Poe stated in this particular case he thinks they are reacting to something so that would be by evolution. He stated normally they try to do it proactively and talk about reorganization and create new positions and things like that. Commissioner Fricks stated he does not know when this process started, and he thinks that

this was a very slow process even when these got initiated. Commissioner Fricks stated they probably do need to readdress the submission of that if it changes the actual job function because that is what this one has done. Commissioner Jennings stated changing the organizational structure is what it is doing. Commissioner Fricks stated the function has been carried on and done and he thinks it was adaptive based on how the office best functions but this adjustment is pretty substantial. He stated the recommendation came back as a recommendation shifting up four (4) steps which is the highest one and that is what kind of red flagged this thing. It is kind of a difficult scenario because they have in the past, to take the politics out of rating these positions. They have used an outside source to give them recommendations, and they talked about how they submit the definition of the positions. Commissioner Hufstetler stated it is not an outside source gathering the data. It is the individual doing the job saying this is what I do and there is a built in bias in that case.

County Manager Poe stated in thinking through the whole thing, he thinks Commissioner Hufstetler is right. He stated this is ending up where they are adding a new classification. They are not changing a paygrade and that is typically done through the budget process. Commissioner Fricks stated he does not know the review. He has never really discussed the process of how they get submitted and everything. He agrees with what Commissioner Hufstetler is saying, that they probably need to have a better review prior to sending the request for review. County Manager Poe stated making sure it is dealing with are they in the proper paygrade, than creating a new job classification. Commissioner Bennett stated it may be just discussing the organization of the department if they can spread the work or assign the work within the paygrades or within job description, not necessarily the paygrade but the job description that they have without creating another spot or another level. Commissioner Jennings asked who do these two report to in the organizational chart of the department? County Manager Poe stated they did give them a revised organizational chart. He stated previously it showed they had the Chief Judge and under the judge they have the Associate Judge which only reports to the judge, and then they have the Court Administrator and everyone else was under the Court Administrator. He stated in this situation they have the Court Administrator, and the Chief Probation Officer. Under them they would have the Probation Officers. The Chief Clerk would report to the Court Administrator, and they have two clerks of court that would report to the Chief Clerk. He stated they have added a layer of supervision there. He stated they had a pretty compelling argument about how they are organizing their department for the better. County Manager Poe stated they could bring them back to the full board and treat it like they would a budget amendment, and have the whole board hear their case and decide if they want to approve reorganization of that department. Commissioner Hufstetler stated when someone is doing their job and they say that it has grown, that is what he sees the review process has been. He stated when somebody is reorganizing the

structure, he thinks that is more for the budget process. He stated that is one of his concerns with it, to him it does not seem like the appropriate route.

Commissioner Fricks stated he thinks the best method of attacking that in the future would be to refer that to Larry Johnson, Human Resources Director, and if there is any kind of restructuring in his review period he should be able to make that judgment and get it back to the Board. Commissioner Fricks stated one of the key factors is in the justification, because they questioned why they jumped it up four paygrades. One of the key factors they were told was supervision over other personnel. Commissioner Hufstetler stated so they have one individual who used to supervise that is not going to anymore, and another individual that now has been promoted up to supervise. So they have got one with more responsibilities and one with less responsibilities is what it sounds like has happened. Commissioner Fricks stated in terms of review they did ask a lot of questions about operation. How the operation changed. They did discuss the points of adjusting it up two paygrades instead of four. Their discussion was at that time granted they might be right in terms of the way it is presented but at this point in time if they did just forget the process and look at the outcome he thinks it justified the two paygrades. Chairman Mayes stated, so to understand, in future situations they are going to let it go through Larry Johnson and he is going to make the recommendation. Commissioner Fricks stated he thinks better review of the request is going to make a difference. Commissioner Hufstetler stated he does not think the consultant should be deciding the management structure. How many layers of management a department is going to have in the county. He stated if they want to say they think this individual is doing this much work and they deserve this much pay, that is one thing, but to rearrange the structure of a department is supposed to be a budget issue. Commissioner Hufstetler stated he cannot support it if that is the amount.

Commissioner Fricks made a MOTION to accept the recommended upgrade of two paygrades on the positions in Juvenile Court. SECOND by Commissioner Jennings. VOTING:

	YES	NO
	Commissioner Fricks	Commissioner
Hufstetler	"	Jennings
		"
Bennett		
	Chairman Mayes	
	Motion Carried	

**Discussion:** Commissioner Jennings stated out of this he would like to come up with a review of the procedures for both position upgrades and/or organizational changes so the department heads need to be clear as far as what the procedure is. He stated to County Manager Poe in that regard he is a little concerned about this being initiated with the employee him or herself. It seems to him that the department head should go to Human Resources and say they want to initiate a review of a particular position. Then Human Resources would interview the person doing the job, interview their supervisor, interview their department head and then put together a packet. He stated so they have an independent party that is putting together the package that eventually goes to Archer. He asked if they see what he is saying, somebody who is outside that particular position? Commissioner Fricks stated that was part of their discussion. They do not want to judge their literary or writing skills, they want to judge the position. Commissioner Jennings stated they need an independent party, and it seems to him that would be the role of Human Resources in this case.

**b. Reclassification of Recycling Center Administrative Assistant (position #475-007, paygrade 109) to paygrade 110.**

Commissioner Fricks stated this is a reclassification at the Recycling Center for the Administrative Assistant position from a paygrade of 109 to a paygrade 110. He made a MOTION to approve. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

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

No report.

**3. Public Works Committee – Commissioner Mayes, Chairman**

No report.

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

No report.

## 5. Special Committee Reports

### a. Consolidation Task Force (Fricks/Hufstetler)

No report.

### b. Parking Committee (Fricks/Bennett)

#### 1) Discuss proposals for Parking Deck Agreements between Downtown Development Authority for the City of Rome and Floyd County.

County Manager Poe stated they have been working back and forth with the city and DDA develop agreements for the Fourth Avenue Parking Deck and for the Law Enforcement Parking Deck, related to managing those parking operations. They have discussed a budget that would be associated with these agreements. He stated the version presented by Commissioner Bennett is more of a simplified version where basically in the parking decks they currently have they would continue to retain the ownership of the spaces that they need for county operations. Their employees and jurors are the two main things. He stated the other spaces that are available they simply would turn over to the DDA through a simple lease agreement for a nominal amount per year and let them decide how they want to manage those spaces. The DDA can decide what rates they want to set, and whether they want to control ingress and egress into the parking decks. The county is concerned with making sure they take care of what is needed for city/county operations in those parking decks.

Following discussion, and review of the proposed Agreements which was distinct from what Commissioner Bennett mentioned, Commissioner Jennings made a MOTION to approve the two Agreements at the Law Enforcement Parking Deck and Fourth Avenue Parking Deck with that exclusion of two sentences in paragraph 2.10 of the Law Enforcement Parking Deck Management Agreement, which states “Any deficit in the larger budget in the first two years of this Agreement shall be borne by the City and County equally. During any remaining year of this Agreement, any funds needed from the City and County shall be appropriated in proportion to their respective contributions to the 2006 operating budget.” That motion was made pending attorney’s review.

**Discussion:** Commissioner Fricks asked is he going to max the contributions into the level that they are at this current year at \$8,000 projected even though they have got \$6,000 more in capital this year. He stated next year they could hand them an operational budget if they do not set a deficit. Commissioner Jennings stated they said \$8,000.

Commissioner Hufstetler stated they said \$14,000 max this year and \$8,000 next year. SECOND by Commissioner Hufstetler.

Commissioner Hufstetler stated he has gone back and forth on this, he does not know but he is thinking if they just limit it to what they are currently paying and just see how it works they can always go back. Chairman Mayes stated there is an out in the contract for both parties. County Attorney Manning stated on that out just so they know, they do have to honor any leases that are made, but they put in that they cannot be made for any period longer than a year. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings

Commissioner

Bennett

Chairman Mayes

Motion Carried

**c. SPLOST Committee (Jennings)**

No report.

**d. Alternative Sentencing Committee (Jennings/Fricks/Mayes)**

No report.

**e. Fire Overview Committee (Bennett/Mayes)**

No report.

**CLERK’S REPORT:**

**CONSENT AGENDA**

County Clerk Kathy Arp stated there are seven items on the Clerk’s Consent Agenda, which have been reviewed and are submitted for approval. Commissioner Hufstetler made a MOTION to approve the Clerk’s Consent Agenda as presented. SECOND by Commissioner Jennings.

**Discussion:** County Manager Poe stated the reason Item #7 is coming back to the Board is he had recommended that they not approve one of the paragraphs in the original agreement because it dealt with prior rights or acquiring easements prior to the

road being established. He stated they researched that and found that Georgia Power does have the prior acquisition rights so he is recommending that they keep that paragraph in the agreement. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**1. Tax Refunds.**

- a. Richard L. Bennett, 327 Kellett Road, \$310.52
- b. Dwight Kinzer, 5002 Berry College, \$451.13
- c. Frank and Patricia Davis, 27 Norman Lane, \$180.70
- d. Mary Louise Burk Lever, 4709 Martha Berry Blvd., \$2.26
- e. Kathy and Harry Smallwood, 367 Everett Springs Road, \$681.17

**2. Request from Jim Ford, Tax Commissioner, to relieve Tax Digest for property identified by Tax Map # J130-220 in the amount of \$35.16; Tax Map # J11Y-291 in the amount of \$52.57; and Tax Map # J130-266 in the amount of \$116.84.**

**3. Enter into Minutes Tax Commissioner Policy regarding the sale of Fi-Fa's.**

**4. Malt Beverage Application for Rajesh Agarwal, Diamond Convenience, Inc., 4428 Martha Berry Hwy, Rome (Beer and Wine, Ownership Change).**

**5. Self-Service Fuel Application, Rajesh Agarwal, Diamond Convenience, Inc., 4428 Martha Berry Hwy, Rome (Ownership Change).**

**6. Accept Kayla Drive, NW and the detention pond on county maintenance.**

**7. Relocation Agreement between Floyd County and Georgia Power Company for Huffaker Road Phase I, from Technology Parkway to Georgia Power Company property.**

**MANAGER'S REPORT**

- 1. MODIFICATION TO AGREEMENT BETWEEN FLOYD COUNTY AND COOSA VALLEY REGIONAL DEVELOPMENT CENTER, AREA AGENCY ON**

**AGING FOR TRANSPORTATION FOR THE ELDERLY:**

Defer.

**2. AWARD OF BIDS:**

- a. In-car Video Systems and Cameras – Floyd County Police Department**
- b. Fluorescent lamps, Ballasts, etc. – Facilities Management Department**
- c. Slip Joint Ductile Pipe – Water Department**
- d. Pipe Fittings and Valves – Water Department**
- e. Leaf collector – Public Works Department**

County Manager Poe stated they have memos from Nancy Lam, Purchasing Director, dated May 2, 2006 that details all of the recommendations of low bids for items a – e. He recommended accepting the recommendation of the Purchasing Director for the purchase of items a – e.

Chairman Mayes called for a motion. Commissioner Hufstetler made a MOTION to accept the Manager’s recommendation to award bids on items a – e per the recommendation of the Purchasing Director. SECOND by Commissioner Jennings. VOTING:

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

Motion Carried

**3. AGREEMENT BETWEEN FLOYD COUNTY AND NORTHWEST GEORGIA LLC REGARDING PROPERTY AROUND STATE MUTUAL STADIUM:**

Defer until Called Meeting on Thursday, May 11, 2006 at 12:00 noon.

**4. APPROVAL OF LAND LEASE AGREEMENT BETWEEN FLOYD COUNTY AND HIGHLAND TRANSPORTATION, LLC, FOR NEW HANGAR AT AIRPORT:**

Assistant Manager Rich stated this is a lease that they at the airport have been cultivating for a long while. He stated this is their standard corporate hangar lease with a 25-year term. It is for a 4,500 square foot building that Highland Transportation

will be constructing. After each 5-year term there would be a 10% increase in the actual fee. In addition, the tenant agrees to base the aircraft in Floyd County, so that would be on the tax rolls here. He stated this comes to the Board as a recommendation for approval from the Airport Commission.

Commissioner Fricks asked what happens in the case that the aircraft does not exist. Is that lease contingent on a continuation of basing it at the Airport. There are corporations that have pretty large favorable land leases that have large hangars, and the big benefit that they are getting out of it is fuel sales and ad valorem taxes generated by the existence of the aircraft, and now what has happened is they have a continuation of that same lease that may take up a very favorable land lease that is cheaper than a mini-warehouse right there. Chairman Mayes stated this contract requires them to have an aircraft. Assistant Manager Rich stated the lease does state aeronautical uses, so they do try to prevent folks from the “mini-warehouse mentality”. The tenant agrees to have at said hangar aircraft based in Floyd County for the term of the lease. Assistant Manager Rich stated it is for aeronautical use, and for any other use there is a provision about airport manager and airport commission approval. He stated he would recommend approval subject to attorney review. Assistant Manager Rich stated he thinks they would be looking at roughly \$20,000 a year in additional tax revenues, based on what they stored there. Commissioner Fricks stated that is a great benefit on fuel sales. Assistant Manager Rich stated obviously fuel sales are a great thing and that is what they would be looking forward to and just a good tenant to have at the airport and hopefully some more momentum to get similar aircraft to come this way.

Commissioner Hufstetler made a MOTION to approve the Lease Agreement subject to attorney’s review. SECOND by Commissioner Bennett. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**5. DISCUSS REQUEST FROM CHAIRMAN OF THE BOARD OF ELECTIONS AND REGISTRATION TO CONSIDER RAISING THE SALARY OF THE SUPERVISOR OF ELECTIONS AND REGISTRATION:**

County Manager Poe stated they have had a request from the Chairman of the Board of Elections and Registration to consider raising the salary of the Supervisor

of Elections and Registration. Following discussion it was the consensus of the Board that this will be addressed at a later time.

**6. DISCUSS PURCHASING CATASTROPHIC INMATE MEDICAL INSURANCE:**

County Manager Poe stated he has received a quote from Hunt Insurance Group related to catastrophic inmate medical insurance. He stated this company was referred to him through ACCG. At this time he is not familiar with anybody else who provides this type of insurance, but this company is a preferred vendor through ACCG. They had completed an application and given them information on what the county is paying for outside health care on inmates. Three plans were presented with the main difference in each plan being the deductible per inmate. He stated the aggregate limit and the limit of coverage per inmate is the same on each plan. He stated the deductible ranges from \$20,000 in Plan 1 to \$30,000 in Plan 3. He stated he has a list of where most of the cases go for treatment, and he is checking with the local providers (both hospitals, Rome Radiology, Harbin Clinic, etc) to see if the County can enter into an agreement to receive a discounted fee. He stated the other thing is if they get in with a network, they have to pay them a fee every time they use their network. His thought is if they can get the top five local medical providers that typically their inmates have to go see and have an agreement directly with them, they will not have to worry about paying any fee on top of that. Commissioner Hufstetler asked what is the fee because do they not also review the charges as part of that fee? County Manager Poe stated they will do some case management along with it also. He stated that could be one advantage and he guesses he could present both proposals to them depending on what kind of discount they work out with the local health care providers.

Commissioner Hufstetler stated he thinks the discount is important, but also the review of the charges. He stated that is such a complicated business, he thinks that is equally as important. County Manager Poe stated he thinks pregnancy should be put back in for the cost quoted, due to the number of female inmates housed at the jail. Commissioner Fricks asked does it cover prenatal care? County Manager Poe stated he will verify that, but he thinks this just includes them going to the hospital for treatment and having the baby. He stated as far as any kind of care for the inmate is just included as regular health care. Commissioner Fricks stated it would probably pay for itself even just for that.

Commissioner Jennings stated there is an exclusion for mental or nervous disorders and substance abuse. He stated probably 80% of the prisoners in the jail have a substance abuse problem. They also have other medical issues that are related to that, and asked does that mean that because substance abuse is the cause of that other un-medical related issue they would not pay for that or is it pure substance abuse? County Manager Poe asked if he means if somebody is having hallucinations or something and ends up having to be taken somewhere to be treated and brought back to the jail. Commissioner Jennings asked what if they have a heart condition as a result of cocaine use? County Manager Poe stated he would think that it is covered. Commissioner

Jennings stated so they are going to look at the pure medical condition and not necessarily exclude it because there is some substance abuse in the guy's history that is causing this. County Manager Poe stated he will get that confirmed.

Chairman Mayes called for a motion. Commissioner Fricks made a MOTION to accept Plan 3 of the Inmate Catastrophic Medical Insurance Quote, to include the buy back option for pregnancy coverage. SECOND by Commissioner Hufstetler.

**Discussion:** Commissioner Jennings stated he thinks that there are a few pieces of clarification that they need and assuming that the answer to the questions they have is affirmative he certainly can support this. County Manager Poe asked can they amend the motion contingent upon clarification of questions. He will get clarification, and definitely come back to the Board if it sounds like they have got some out to where they are not going to hardly pay for anything and he would come back to the Board and recommend they not do that.

Commissioner Fricks amended his MOTION and Commissioner Hufstetler amended his SECOND to include contingent upon clarification of questions. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**7. AWARD BID FOR GEOTECHNICAL SERVICES ON THE HUFFAKER ROAD PROJECT:**

County Manager Poe stated bids have been received to provide geotechnical services for the Huffaker Road project. The low bid was from a local company, Geo-Hydro Engineers, in the amount of \$16,161.50. He recommended that the bid be awarded to Geo-Hydro for geotechnical services on the Huffaker Road project.

Commissioner Bennett made a MOTION to approve the Manager's recommendation. SECOND by Commissioner Hufstetler. VOTING:

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**ATTORNEY'S REPORT:**

No Report.

**OTHER BUSINESS:**

Chairman Mayes recognized Leadership Rome Participants Jennifer Collins and Jill Graves, and thanked them for attending.

**ADJOURNMENT:**

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

YES NO

Commissioner Fricks  
" Hufstetler  
" Jennings  
" Bennett  
Chairman Mayes

Motion Carried

**COMMISSIONERS**                      **FLOYD COUNTY BOARD OF**

**KATHY ARP, COUNTY CLERK**