

August 8, 2006

**REGULAR MEETING
FLOYD COUNTY BOARD OF COMMISSIONERS
August 8, 2006 2:00 P.M.**

PRESENT: Chairman John Mayes, Commissioners 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.

ABSENT: Commissioner Tom Bennett was absent due to death in the family.

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

INVOCATION: County Manager Poe led the Invocation.

PLEDGE OF

ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Hufstetler.

PUBLIC PARTICIPATION:

Teresa Watson, 6 Vassar Drive, stated she was here two months ago this week challenging the Commissioners with some problems which she had discovered while researching the issuance of parking citations here in the Floyd County Courthouse parking lot. She stated at that time she had only three complaints. Her first problem was that contrary to Georgia Law absolutely no local ordinance nor state code is referenced on the citations making them void and non-effective. She stated any law enforcement officer will tell you, if they cite someone for a traffic violation they have to cite either an ordinance or state law, not both but one or the other. She stated her second issue was that both of her attempts to pay her fine here at the courthouse in a timely manner were refused. She stated this has been corrected, but in that first instance she tried to pay with a business check. She was told that they do not accept checks, which is still true. She stated the next day she attempted to pay again but did not have exact change and was told they would not accept her ten-dollar bill because they could not make change. As she said, that has been taken care of now. She stated but she was angry and began to research to try to find some law which addressed the illegality of intentionally creating a hardship of the payment of fines. She stated what she discovered instead became her third problem and that is the fact that the parking lot citations, simply put, are being issued illegally. The Georgia Codes, which are Floyd County Parking Ordinances cite as authority to issue parking lot citations, actually restrict that very process to parking violations on streets and highways, not parking lots. In fact, the Georgia Code expressly prohibits a city or county from expanding on that authority or any other of the numerous state traffic codes. She stated this county parking ordinance exceeds the scope of the O.C.G.A. Despite the fact that she cited these laws and provided copies of those ordinances and laws two full months ago, this commission has refused to address the problem. They have chosen to do nothing and instead continue to collect revenues illegally. In fact, the code actually calls it taxes. She stated she has spoken to several of them regarding this and they tell her that issuing parking tickets is the only way to effectively control the traffic jam which occurs in the parking lot outside. But this has actually resulted in illegal taxation and administration and intimidation of law-abiding citizens in their Magistrate's Court. She stated she has visited Magistrate Court a number of times recently regarding parking issues and has observed the way good citizens, who happen to overstay an illegally imposed parking limit to begin with, are treated like common criminals and even threatened with jail time if they do not snap to in that court. She

stated these are minor parking violations and again, she cannot stress this enough illegally imposed violations and taxes by this Floyd County Commission. She stated Mr. Fricks and Mr. Poe, she told both of them how she saw one little old lady in court several weeks ago who was pleading for mercy with regards to the \$75.60 fine, which is the amount that the \$6.00 fine jumps to if it is not paid within the first 14 days. She stated the lady explained to the judge how she had sold her truck, neglected to remove the license plate and that the citation was issued to the new owner who was probably parked out in this parking lot while he was getting a new tag. She stated she did not even know about the fine until she received the summons from Magistrate Court requiring her to pay \$75.60. She explained that she was on a very limited social security income and that the \$75.60 would cause a hardship for her. She begged the judge for mercy and even offered to pay the original \$6.00 fine, even though she had not incurred it herself, but that fine Nazi would show her no mercy. He said that he had to fine her the full amount of \$75.60 which the state required. She stated this little old lady had to pay a hefty percentage of her monthly income to our Floyd County Magistrate Court. She stated she knows her buzzer has gone off, so she will just skip all of the math. She stated she found in the Georgia Code that the Magistrate Court actually is limited to charging only \$30.00 for assessments of all court costs and fines so she wants to know what is happening to the other \$45.60. She stated she has interviewed Officer Shellnut. She has worked the figures. They all have printouts of various presumptions of that, but the bottom line is for a year of average days worth of citations that he offers, the Magistrate Court should be collecting approximately \$391,759.20 to be split out into their part and the part they return to the county. She sated their part on an average year results in \$155,460.00 to the Magistrate Court and a total of \$236,299.20 back to Floyd County, but they are not realizing. She stated that money is caught in a black hole somewhere and she wants to know where that almost a quarter of a million dollars is going. She wants to know what black hole the money is disappearing into. She stated she wants to know why a little old lady on a very limited fixed social security income cannot get a little mercy when both the Magistrate Court and the county have the potential to be making so much money. She stated this issue of these missing funds needs to be addressed and addressed immediately. She stated it might simply be misidentification of revenues at the courthouse but they are not getting the monies back and until they figure out where the money is going they need to stop assessing these fines. They need to stop writing them. She stated they need to stop writing these tickets anyway because it is an illegal fine, an illegal tax as identified by the Magistrate Code in the Georgia Code. She thanked the Board and stated she has to go move her car now so she does not get another ticket.

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 July 25, 2006 as presented. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
Chairman Mayes

Motion Carried

PROCLAMATIONS:

RECOGNIZE EMPLOYEE OF THE QUARTER:

The Board recognized Gina Rogers as Employee of the Quarter for the 3rd Quarter of 2006. Commissioner Jennings presented the Award to Ms. Rogers in recognition of her high level of professionalism, exemplary performance and contributions to Floyd County, and thanked her for the work she does at The Forum.

**FIRST READINGS:
(SECOND READINGS/PUBLIC HEARINGS
TO BE HELD AUGUST 22, 2006 AT 6:00 PM)**

1. **FILE #80-2006Z, REQUEST REZONING FROM S-R (SUBURBAN RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) TO CONTINUE COMMERCIAL USE OF PROPERTY LOCATED AT 3669 MARTHA BERRY HIGHWAY. ZONING MAP J11X – PARCEL 088.**
2. **FILE #81-2006Z, REQUEST REZONING FROM D-R (DUPLEX RESIDENTIAL) TO C-C (COMMUNITY COMMERCIAL) FOR MARKETING PURPOSES OF PROPERTY LOCATED AT 3971 MARTHA BERRY HIGHWAY. ZONING MAP J11X – PARCEL 139.**
3. **ORDINANCE TO AMEND FLOYD COUNTY CODE REGARDING JUNKED MOTOR VEHICLES AND RELATED NUISANCES. (2006-005A)**

Chairman Mayes stated the Public Hearings will be held Tuesday, August 22, 2006 at 6:00 P.M. for these items on First Reading.

CHAIRMAN'S REPORT

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

Chairman Mayes appointed Captain Mark Wallace to serve as Chairperson, Major Mike Brock, Captain Tom Ewing, Lieutenant Dana Collum and Patrolman Jerome Poole, to the Firearms Discharge Review Board.

COMMISSIONER'S REPORT:

1. **Administrative/Finance Committee – Commissioner Fricks, Chairman**
 - a. **Recommendation on Health Insurance Renewal.**

Commissioner Fricks stated various proposals had been discussed regarding the Health Insurance renewal.

Chuck Shaw, Garner & Glover, stated he wanted to clarify one thing, going through the numbers and making sure he was on the right page. He stated the numbers are correct, but they had talked about the savings to the county versus the savings to employees in general. He stated if they pass the savings that they show from the current cost and they add the savings to the point of service line that they are looking at, if they pass all those savings on to the employee, there would be no savings to the county. He stated they talked

about a fund, to have that fund set up for offsetting things next year, and that would be something they would need to consider as far as the actual employee deduction. Commissioner Hufstetler stated he thinks what they were looking at was passing their percentage that they pay. Commissioner Fricks stated maintain the same ratio of employee to county expense and taking that ratio and plug in those revenues. Mr. Shaw stated that savings into what they are paying, not the full amount. He stated he just wanted to make sure they were on the same page there. Commissioner Fricks stated and in that discussion they might want to kind of do a little bit further explanation in terms of the pool. He stated what their attempt is is to create an insurance pool, a fund, which will be a designated fund with the difference between what they budgeted in terms of this year's budget and maintaining that difference so they can create a... have actually more flexibility in the future of being able to take in and accept more liability in terms of deductibles and aspects like that. He stated it even gives them more flexibility in case they ever were to shift and move towards an HSA Program and help them partially fund that as well.

Commissioner Jennings stated he thinks further that fund could be used to help defray any expenses on their Wellness Program. Mr. Shaw stated those monies could be used for anything related to the Floyd County insurance plan. Commissioner Fricks stated that is kind of what they have done in the past. He stated they have created some revenue and set aside some revenue for that. He stated he thinks they discussed those numbers a little bit, and Mr. Shaw might want to review the benefit of those. He stated it was a pretty substantial benefit to the Wellness Program. He stated he thinks it was 17-1 ratio. Mr. Shaw stated he thinks it was actually per dollar spent was \$15 return on an investment through the Wellness Program that they implemented. Commissioner Fricks stated he knows they did not really come out of Administrative & Finance Committee with a recommendation, but after the discussion they narrowed it down to the Open Access POS, Option 3.

Commissioner Fricks made a MOTION that to accept Option 3, Open Access POS Plan. He stated he would also make part of that motion that they maintain a balance in a designated fund with the remainder of the amount that they had budgeted in the '06 Budget. SECOND by Commissioner Jennings.

Discussion: County Manager Poe asked do they need to mention they are keeping the employees percentage contribution the same. Commissioner Fricks stated he thinks it is actually outlined, but he would state that in the motion, that they maintain the same percentage ratio. Commissioner Fricks stated there will be a reduction to the employee's premiums in this case. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
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)

No Report.

c. SPLOST Committee (Jennings)

1) Discuss recommendation of 2006 Citizens SPLOST Advisory Committee.

Commissioner Jennings their intent is to propose the addition of two projects to the existing list recommended by the SPLOST Citizens Advisory Committee. Those two projects would be the Work Release Center and initial work on the Huffaker Road Project, which would bring the SPLOST total from \$49,936,825 to \$52,936,825. Commissioner Jennings stated their intent is to propose this to the Rome City Commission, the Cave Spring City Council and the SPLOST Advisory Committee. He stated assuming that there is an agreement to do so, that this would be the number that they would use to present in a referendum to the public. He stated he thinks that if there is significant disagreement to this that the Board would support the SPLOST Committee recommendations. Commissioner Jennings stated he has communicated with Mayor Wallace (*City of Rome*), Mayor Ware (*City of Cave Spring*), and Larry Atwell (*Citizens SPLOST Committee Chairman*), and all three have been supportive of this proposal. He stated at first Chairman Atwell did not have the benefit of his committee and their responses to this, although they are starting to get some e-mails from committee members and the initial response has been a positive response. Commissioner Jennings added that the Board is very supportive of the proposals from the SPLOST Committee. They are not proposing to adjust those in any way other than adding what in his personal mind, and he thinks his fellow commissioners support this, are two very worthy projects that he thinks will generate support in the community, a Work Release Center, and Huffaker Road Project that will assist this process of passing the SPLOST.

Commissioner Jennings made a MOTION to authorize the Chairman to communicate with the Rome City Commission, Mayor Wallace, Cave Spring City Council, Mayor Ware, and the Chairman of the SPLOST Advisory Committee their intent to execute Intergovernmental Agreements regarding a Special Purpose Local Option Sales Tax at an amount of \$52,936,825 that would include all of the projects recommended by the SPLOST Advisory Committee plus the addition of Work Release Center (\$1.75 million) and Huffaker Road Project Engineering and Right-of-Way (\$1.25 million). SECOND by Commissioner Fricks.

Discussion: County Attorney Manning stated when this agreement is finalized the Board will pass a formal Resolution authorizing the execution of the actual Intergovernmental Agreement. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
Chairman Mayes

Motion Carried

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 four 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 Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
Chairman Mayes

Motion Carried

1. Tax Refunds:

a. Joe Hill Watson, 7 Dogwood St. NE, \$40.92

2. Malt Beverage Application, Kevin Hamrick/Armuchee IGA LLC, 3880 Martha Berry Highway, Rome. (Beer & Wine) (Ownership Change).

3. Authorize execution of Department of Community Affairs Local Assistance Grant in the amount of \$50,000 to fund purchase of SWAT response vehicle. (Grant #306).

4. Authorize execution of Department of Community Affairs Local Assistance Grant in the amount of \$50,000 to fund renovation of Rome Area History Museum. (Grant #307).

MANAGER'S REPORT:

1. AWARD OF BID FOR PURSUIT VEHICLES FOR SHERIFF'S DEPARTMENT. (DEFERRED JULY 25, 2006).

Defer.

2. AWARD OF BID:

a. PRISON – 15 PASSENGER VAN

b. PUBLIC WORKS:

- 1) 1 – ¾ TON PICKUP TRUCK – 2 WD
- 2) 1 – ¾ TON PICKUP TRUCK – 4 WD
- 3) 1 – 10 TON ROLLER

County Manager Poe recommended award of bids as presented in a memo from Nancy Lam., Purchasing Director, dated August 4, 2006. Commissioner Hufstetler made a MOTION to award the bids per the Manager's recommendation. SECOND by Commissioner Jennings. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
Chairman Mayes

Motion Carried

3. AUTHORIZE SUBMITTAL OF COUNCIL OF JUVENILE COURT JUDGES, PURCHASE OF SERVICES GRANT APPLICATION IN THE AMOUNT OF \$4,800:

County Manager Poe recommended authorizing submittal of a Council of Juvenile Court Judges, Purchase of Services Grant in the amount of \$4,800. Commissioner Hufstetler made a MOTION to approve this submittal of the Council of Juvenile Judges Grant of \$4,800 as stated by the County Manager. SECOND by Commissioner Fricks. VOTING:

YES NO

Commissioner Fricks
" Hufstetler
" Jennings
Chairman Mayes

Motion Carried

4. CONSIDER REQUESTS FOR ADDITIONAL

PERSONNEL FROM VARIOUS DEPARTMENTS:

Defer.

- 5. DISCUSS PARKING DECK PROJECT NEXT TO THE FORUM:**

- 6. DISCUSS ALLOCATING \$600,000 FROM FUND BALANCE TO THE DOWNTOWN REDEVELOPMENT PROJECT:**

County Manager Poe stated item #5 and #6 were requested to be placed on the agenda for possible discussion. He stated he will defer to either Commissioner Fricks or Chairman Mayes. Commissioner Fricks stated this evolved out of a Joint Services meeting that was attended by a number of people, including representatives from the City of Rome, he and Chairman Mayes representing Joint Services and David Doss from Department of Transportation.

Commissioner Fricks stated what the discussion involved is the potential of the Greenspace and the pedestrian bridge and all the factors that are an investment in the downtown area. He stated one of the elements that they have hinging out there is the potential funding from DOT for the pedestrian bridge. DOT Commissioner Doss threw a challenge out to the county. He stated if they recall, they received some funding from General Electric, a number of years ago to help them with some river projects, is what it was designated for, or to help them in some area. He stated they were actually at that time dealing with the Lock and Dam, but they said they could either apply it toward the Lock and Dam or some other project. He stated what has happened is that they did not do the Lock and Dam Project. He stated the request from David (*Doss*) and a number of people there is would they (*the Board*) be willing to commit to he thinks it was \$600,000. Chairman Mayes stated it was \$600,000 and he would match it. Commissioner Fricks stated \$600,000 of that, and he would match it and they would not lose the grants that were already applied from DOT toward this project. He stated kind of further on in the conversation he did ask the city one of the points here is that they have got to jump in this thing enthusiastically together and ask what their commitment was. He stated he did ask a commitment from the city at the end, if they would jump in and commit any funding that might be generated out of the surplus properties of the old police station, the Recreation Department, any revenues generated out of the surplus of those properties and when they were sold if they would designate those funds back toward this project. He did not get an answer at the time, but Commissioner Skidmore said he felt like that was very appropriate. Commissioner Fricks stated he thinks one of the things, if they are going to show that they have support for this project, is that both parties have to join in enthusiastically. He stated what he would like to do is make the recommendation that they contribute that funding, if the process goes on through, with the conditions that the city commit as well and commit this toward that project to see it go forward.

Commissioner Hufstetler stated Commissioner Fricks was stating the GE money designated for river projects. He stated he remembers them saying use it at the baseball stadium if you would like or on whatever. Commissioner Fricks stated he thinks at that time they talked a little bit about trail systems, river development, and different things like that. He stated they went up there and had a lot of discussion about Lock and Dam at the time. He thinks from some perspective they did not want to commit to a very specific project and they kind of left it open. He stated when he says that they probably will not ever find it written anywhere but he felt the intentions of that. Commissioner Hufstetler stated he was at that meeting with King and Spalding too, with their legal attorneys there, and he does not remember the river development ever coming up. Commissioner Fricks stated well, he thinks most of the discussion was around Lock and Dam and he does not think they just generally donated them

\$600,000 to put in their general fund. Commissioner Hufstetler stated well no, he thinks they knew that they had time delays and cost involved in the Lock and Dam due to their PCB's and were attempting to reimburse for those costs. Commissioner Jennings stated they took, or at least he took it, as money that would supplement what they had in federal money, he thinks it was \$400,000, toward the analysis for the Lock and Dam and pretty much all along until that project just did not seem feasible to move forward. He stated that is basically where they were going to apply all that money.

Chairman Mayes stated he basically sees this \$600,000 request from David Doss as a challenge to the county to be involved and show support for the project. He stated they probably could all say that there may be some misunderstanding with others about what that money is really for, but he could support giving that \$600,000 toward this project. Commissioner Hufstetler stated his feeling is that the voters out there would be overwhelmingly against this, and he hates to see that money diverted to this when he does not think that was the intent of it. Chairman Mayes called for a motion.

Commissioner Fricks made a MOTION to provide the \$600,000 in funding toward the Pedestrian Bridge Project under the conditions that were stated before. First of all that the project goes on, that DOT does have the continuation with their funding that they have provided. Commissioner Fricks stated they have taken two grants. They have the original grant, which he thinks was \$1 million, and he thinks they have diverted one of the grants, \$400,000, that was put out for the Lock and Dam back toward this project. so conditions that those continue to move forward. He stated secondly, that they get a like kind support as drawn out before as the support and commitment from the city as well. Commissioner Jennings stated in regards to the sale of West Third properties. Commissioner Fricks stated right. He stated he thinks specifics need to be toward the Greenspace area and the downtown area. SECOND by Commissioner Jennings.

Discussion: Commissioner Fricks stated to be more specific, the kind of plan that was drawn out and submitted by Jordon, Jones and Goulding, which consisted of various projects. The Greenspace area, the parking deck, the pedestrian bridge, and the riverfront development. Commissioner Hufstetler stated he thinks the last SPLOST they had got intermingled with West Third Street and he sees the same thing happening again, and he thinks we will see some reflection of that in November. VOTING:

YES NO

Commissioner Fricks

Commissioner

Hufstetler

" Jennings

Chairman Mayes

Motion Carried

Further Discussion: Commissioner Fricks stated one thing that goes further in that as well, is they did want them to break up some initial conversation about discussion of the parking deck. He stated there were some proposals written out there, some potential funding. He stated he does not know if the city has actually taken any action on this yet, but he wanted to bring everybody up to date on this. He stated one element that is very key to this component, and it is at a very opportune time, working it out with the adjoining property owners is the potential of the parking deck that will support The Forum. He stated there were various proposals about the funding possibilities. He stated he thinks at this stage of the game one thing that they

are looking for is continuation of something here, some kind of commitments. He stated he just wants to bring it up for discussion and hopefully, they will here some discussion among the city to do that as well. He stated time an element, and he thinks it is something that they will try to bring them the information for, they have got to get it more defined but be prepared to think about it. He stated if anybody has got any specific questions or anything, please let them know. County Manager Poe stated they are continuing to work with the adjacent property owner in regards to their participation in the project. Adding, if they go with the original concept of the deck it will be on both county property and what is now Battey, LLC property and they are continuing to discuss the different options and their participation also.

ATTORNEY'S REPORT:

No Report.

ADJOURNMENT:

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

YES

NO

Commissioner Fricks

" Hufstetler

" Jennings

Chairman Mayes

Motion Carried

**FLOYD COUNTY BOARD OF
COMMISSIONERS**

JOHN MAYES, CHAIRMAN